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Pour Chaque Victime (PCV)
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I. INTRODUCTION

1. This report has been prepared by the Military and Lawyer members of Pour Chaque Victime (PCV) who are experts in their fields. The report analyzes the allegations of extrajudicial killings that occurred during the military activity in Türkiye on 15 July 2016 and the systematic weaknesses in the investigation and accountability mechanisms regarding these violations.
2. The report has been prepared in order to present to the United Nations Special Rapporteur on Unlawful, Extrajudicial or Arbitrary Executions the allegations of extrajudicial executions against the soldiers who allegedly participated in the military activity and the investigative weaknesses related to these allegations. The information presented is sufficiently detailed for urgent review under the Rapporteur's terms of reference and to request clarification from the government.
3. The information and evidence presented support the allegations that the events took place in a certain pattern rather than being momentary developments and should be examined within the framework of international human rights standards. In this context, it is considered that the necessary and sufficient sensitivity is not shown to protect the right to life, which must be provided under all circumstances in accordance with international obligations.
4. Moreover, there is a widespread opinion that the issue of paramilitary groups taking to the streets that night, procuring weapons and carrying out extrajudicial executions was not adequately investigated. The legal regulation enacted after the military activity, which states that "persons who act within the scope of the suppression of the July 15 coup attempt and terrorist acts and their continuation will not have any legal, administrative, financial and criminal responsibility"¹ strengthens this opinion.
5. In this context, in accordance with Article 6 of the ICCPR and General Comment No. 36 of the Human Rights Committee, regarding the absolute protection of the right to life; It is considered that it does not adequately fulfill its negative obligations (avoiding direct execution) and positive obligations (preventing life-threatening acts + effective investigation).

II. MILITARY ACTIVITY AND WHAT HAPPENED AFTER IT

6. On July 15-16, 2016, there was a military activity in Türkiye that continues to be a matter of debate even today in terms of its causes, form of occurrence and consequences. In summary;
 - a. On July 15-16, 2016, there was a military activity in Türkiye that continues to be a matter of debate even today in terms of its causes, form of occurrence and consequences. In summary;
 - b. It was claimed that a group of soldiers unilaterally closed the Bosphorus bridge to traffic at around 22:00, and after this incomprehensible move, live broadcasts began to be made for military activity. The events on the bridge have been on the agenda with the images of lynching on it, as well as military activity.
 - c. At the same time, warplanes in Ankara made low flights over the city. While the sonic explosions caused uneasiness in the public, it was reported that some military elements left their barracks and moved to different official and civilian institutions.
 - d. President Erdoğan called on the people to take to the streets by connecting to a television channel, and thousands of people flocked to the Bosphorus Bridge and other areas and streets upon the call. In the meantime, religious chants (salahs) were recited from mosques by the Presidency of Religious Affairs.²

¹ <https://www.bbc.com/turkce/haberler-turkiye-42471577> (Accessed 07 February 2026)

² <https://www.trthaber.com/haber/gundem/15-temmuz-gecesi-istanbulda-neler-yasandi-324556.html> (Accessed 07 February 2026)

- e. On the morning of the same night, on July 16, the soldiers surrendered with their weapons. The General Staff reported that the coup attempts, which started in the evening hours of July 15, 2016, were completely suppressed throughout the country as of 16:00 on July 17, 2016.³
 - f. According to official statements, 251 soldiers-civilians and 34 Turkish Armed Forces (TAF) personnel involved in military mobilization lost their lives and many people were injured in the events that took place that night..⁴
7. As of the date of writing the report, approximately 10 years have passed since the military activity that took place on July 15, 2016. In this context, many lawsuits have been filed and decisions have been made. However, even today, there is no real consensus on the real nature of the initiative in question.
8. The Parliamentary Coup Investigation Commission, which was assigned to investigate the issue, did not complete its report within three months, did not request additional time, and finally the report was entered into the parliamentary records as null and void.⁵ Due to the inconclusive nature of this work at the highest level, trust in the official discourse about that night has decreased considerably.
9. Some segments, including the main opposition party, have claimed that sufficient measures have not been taken despite prior knowledge of the military activity. The party also put forward these claims with a report that is an annotation to the report of the Parliamentary Inquiry Commission. In the report, the military activity in question was described as "a controlled coup that was foreseen, could not be prevented and the consequences were used".⁶ The report also states that at least 105,000 people have been dismissed from public service, while this figure is given as 125,000 people in other sources, it is stated that it exceeds 400 thousand people with the private sector.⁷
10. These allegations are considered to be factors that may profoundly affect the context of the events and the independent, effective and impartial investigation process of the extrajudicial execution allegations that followed.

III. INTERNATIONAL OBLIGATIONS

11. Türkiye is a party to the following international conventions and is obliged to implement them.
- a. International Covenant on Civil and Political Rights (ICCPR / MSHUS) (Türkiye submitted its ratification documents on 15 September 2003 and the Convention started to take effect for Türkiye as of 23 December 2003).⁸
 - b. European Convention on Human Rights (ECHR) (Adopted the right of individual application to the ECHR's review process in 1987 and the compulsory jurisdiction of the ECHR in 1990).⁹
 - c. Convention against Torture (CAT) (Türkiye became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988).¹⁰

³ Anadolu Agency. (2016, July 25). *Statement from the Turkish Armed Forces on the "July 15" coup attempt*. Retrieved <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/tskdan-15-temmuz-darbe-girisimiyle-ilgili-aciklama/611050> (Access date: 26 October 2025)

⁴ <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/fetonun-15-temmuzdaki-darbe-girisiminden-bu-yana-113-bin-837-zanli-tutuklandi/3630249> (Accessed 07 February 2026)

⁵ https://www.tbmm.gov.tr/develop/owa/ARASTIRMA_ONERGESI_GD.sorgu_sonuc?taksim_no=10&kullanici_id=20587035&sonuc_sira=40&bulunan_kayit=150&metin_arama=

⁶ <https://kritdergi.com/siyaset/15-temmuz-darbe-girisimi-davalarinin-seyri> (Accessed 07 February 2026)

⁷ <https://tr.euronews.com/2023/04/05/ohale-bagli-khk-ile-ihrac-edilenler-14-mayis-secimlerinde-kime-oy-verecek> (Accessed 07 February 2026)

⁸ <https://insanhaklarimerkezi.bilgi.edu.tr/tr/content/117-medeni-ve-siyasi-haklara-iliskin-uluslararası-sozlesme/> (Accessed 08 February 2026)

⁹ <https://www.mfa.gov.tr/insan-haklari-ve-avrupa-konseyi.tr.mfa> (Accessed 08 February 2026)

¹⁰ <https://epi-turkiye.net/epi/2024/09/03/iskenceye-karsi-komite-cat/> (Accessed 08 February 2026)

12. The right to life, which is violated by extrajudicial executions, which is the subject of this report, is an absolute value that forms the basis of all other rights and includes the obligations of the state to both refrain from intervention (negative) and provide protection (positive).¹¹ Negative obligation requires that the organs of the state refrain from unlawfully ending the life of the individual; that lethal force is used only in case of absolute necessity and proportionately.¹² Positive obligation, on the other hand, includes the responsibility to take reasonable measures in life-threatening situations and to conduct an independent, impartial and effective investigation in cases of death.¹³

13. After the declaration of the state of emergency, Türkiye made a derogation notification on 21/7/2016 in accordance with Article 4 of the ICCPR and Article 15 of the ECHR.¹⁴ However, the right to life (ICCPR Art. 6 / ECHR Art. 2) cannot be suspended under any circumstances. The state cannot carry out extrajudicial executions even in the state of emergency, it has to prevent life-threatening acts and fulfill its obligation to investigate effectively. It is considered that failure to fulfill these obligations will constitute a direct violation of international human rights law.

IV. THE STATE'S ATTITUDE TOWARDS THE RIGHT TO LIFE AND VIOLATIONS

Police practices that endanger life safety

14. There were practices that went beyond their job descriptions in the police units that took part in the intervention to the July 15 events. The conversations reflected in the police radio announcements confirm this. A few police radio announcements have been brought down to get an idea.

- a. "I am calling out to our police station chiefs. Let the Dispatch take the citizens to the streets by announcing them through the megaphone."
- b. "Be advised, we evacuated the suspect (talking about the soldier) from the armored unit inside this precinct as wounded, but we cannot secure them from the crowd of citizens.", Dispatch: Understood, sir, don't get involved, sir, okay."
- c. "Let's direct our central citizens in front of the soldiers, that's what I want to say."
- d. "If we have a crowd of citizens, let's try to stop these people by getting in front of these tanks together with the citizens, sir."
- e. "If you can provide citizens, let's enter through citizens. Friends, warn them not to be the only target."
- f. "When it was reported that the citizens wanted to enter the General Staff and asked, "What should we do?"; I don't know the situation of those inside the center, I will ask, if there is no obstacle, if it will be in our favor, of course, our citizens should enter."
- g. "Is there a density of citizens next to you?", "There are about 2000, 3000 people, sir. My manager is also there, they are directing you to where you are", "It is true, direct me towards the Gendarmerie Command. Okay, there are 4 tanks here, we surrounded it with 100-150 citizens, we need citizens, send them."
- h. "Dispatch, this is a war of independence, we will overcome them together, God willing. Friends should share the pictures of civilians on these captured tanks on social media. In addition, citizens have seized 3 tanks in Anıtkabir, one of our elements should rush there and take them for our use."

¹¹ See ECtHR (European Court of Human Rights) *Right to Life (Article 2)* Guide.2012 ECtHR Publications.

The Constitutional Court *The Right to Life in the Decisions of the Constitutional Court*, 2016, Constitutional Court Publications.

¹² European Court of Human Rights *Case Law on Article 2 of the European Convention on Human Rights*, 2005 Council of Europe Publishing.

¹³ United Nations. *Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions*. 1993 Office of the High Commissioner for Human Rights.

¹⁴ <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2022/62466> (Accessed 08 February 2026)

- i. "The Headquarter distributes the ammunition that comes as reinforcement without showing ID, the citizens there also take it, let's warn you about this, we made the necessary warning, but they still continue to distribute, the citizens buy the ammunition given from there."
- j. "The station that announces the dispatch is telling the truth. We got 2-3 people out of the way, most of the ammunition goes to civilians, okay."
- k. "I call out to all our stations, they should refer our citizens to the General Staff, the Land Forces Command and the Air Unit in Etimesgut, they should be referred to the Army Aviation School, no matter how many ranks and non-ranks there are, the citizens should neutralize them and inform us."

15. Not all radio conversations were negative, of course. However, there were many announcements showing that the people were deliberately sent in front of the soldiers that night, that citizens were used in dangerous areas, and that this situation was even exploited for social media propaganda. For example, the instruction to put civilians on captured tanks and share their photos suggests that they were used as a propaganda tool while driving citizens into mortal danger. These instructions are contrary to the obligation of the police to ensure the safety of the citizen, which is the primary duty of the police (Article 1 of the Law on the Duties and Powers of the Police).

16. These practices are also not in line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Agencies (1990). These Principles prohibit law enforcement officers from using civilians in a way that puts them in mortal danger and from neglecting their obligation to protect life. The instructions to deliberately dispatch citizens in front of tanks and armed elements seen in police radio announcements mean a violation of these basic principles.

17. The practices within the scope of these announcements show that the state could not fulfill its positive obligation (protecting the lives of citizens) and even increased the danger.

Allegations of distributing weapons to civilians

18. Sedat Peker, known as the leader of the organized crime organization, claimed in a statement that Süleyman Soylu, who was the Minister of Labor and Social Security at the time, went to the TRT building on July 15, 2016, with a group of civilians with Kalashnikov guns in their hands, and that the weapons in the hands of civilians were not registered in the inventories.

19. Peker continued his allegations and stated that after July 15, 2016, Süleyman Soylu, as the Minister of Interior, continued to distribute weapons, especially to the AKP Youth Branches, through dubious channels, and that one of these distributions took place around the Sveti Stefan Church in Balat, Istanbul.¹⁵

20. The person named Ahmet Onay, whose name is mentioned in Sedat Peker's allegations, confirmed that he went near the church in question with the people mentioned by Sedat Peker, but claimed that he did not see what was delivered because he did not get out of the vehicle.¹⁶

¹⁵ Gazete Duvar. (2021, July 8). *Sedat Peker's claim that 'Süleyman Soylu distributed weapons after July 15'*. Retrieved <https://www.gazeteduvar.com.tr/sedat-pekerden-suleyman-soylu-15-temmuzdan-sonra-silah-dagitti-iddiasi-haber-1527997> (Access date: 26 October 2025)

¹⁶ Independent Turkish. (2021, July 9). Statement from Ahmet Onay, whose name was mentioned in Sedat Peker's "arms distribution" post: I went near the church with the people he mentioned. Retrieved <https://www.indyturk.com/node/385251/haber/sedat-pekerin-silah-da%C4%9F%C4%B1t%C4%B1m%C4%B1-payla%C5%9F%C4%B1m%C4%B1nda-ad%C4%B1-ge%C3%A7en-ahmet-onaydan-a%C3%A7%C4%B1klama> (Access date: October 26, 2025)

21. In this process, Selim Temurci, who was the AKP Istanbul Provincial Chairman, confirmed Peker's claim of "missing weapons" and pointed out the existence of such activities by saying, "Unfortunately, I regret to say, we learned that some operations were carried out through the back door at that time."¹⁷

22. There are also allegations that many weapons such as machine guns and pistols were distributed to civilians from the Ankara Security Directorate.¹⁸ After the news appeared in the media, the Ankara Governor's Office had to admit that they only distributed weapons randomly to police officers that night, but without a record of embezzlement (unregistered). There is no record of the weapons distributed and some weapons are still missing in the inventory.¹⁹ No investigation has been carried out on the allegations.²⁰

23. These allegations, if true, show that the state grossly violates its positive obligation (to protect the lives of citizens and to prevent dangerous armament). However, another issue that is at least as important is that these serious allegations have not been officially investigated and clarified. This is a clear violation of the obligation to conduct an effective investigation in terms of international human rights law.

Use of unauthorized non-governmental organizations to manipulate and provoke the public

24. Türkiye's first private military company (PMC) SADAT²¹ is faced with allegations that it acts as a paramilitary force operating outside the official military and security structure both at home and abroad.

25. In this context, in the article of Sinan Ciddi and William Doran from Foreign Policy magazine,²² it was claimed that Türkiye, in addition to its diplomatic and economic presence in Africa, procured weapons through SADAT, and that these weapons (especially UAVs) increased internal conflicts and violated international sanctions.

26. SADAT played an important role in and out of the Armed Forces during military mobility. Retired colonel and SADAT consultant Nevzat Tarhan stated that more than a thousand members of the Justice Defenders Association (ASDER), most of whom are retired soldiers,²³ were at the scene that night to neutralize tanks and armored vehicles.²⁴

¹⁷ Republic. (2022, May 25). *Selim Temurci confirmed Sedat Peker's claim of 'missing weapons'*. Retrieved <https://www.cumhuriyet.com.tr/siyaset/selim-temurci-sedat-pekerin-kayip-silahlar-iddiasini-dogruladi-1939573> (Access date: October 25, 2025)

¹⁸ Universal. (2016, September 29). *Are civilians armed?* Retrieved <https://www.evrensel.net/haber/291606/siviller-silahlandirildi-mi> (Access date: 25 October 2025)

¹⁹ Left. (2017, June 9). *Confession from the Governor's Office: On July 15, we distributed weapons without keeping a record of embezzlement!*. Retrieved <http://haber.sol.org.tr/toplum/valilikten-itaraf-15-temmuzda-zimmet-kaydi-tutmadan-silah-dagittik-199404> (Access date: October 25, 2025)

²⁰ Mustafa Maraş, who killed one person with an MP-5, said in his statement that the Ankara Police gave him the gun during the events that took place on the night of July 15, 2016.

— Benli, M. H. (2017, June 9). *Report confirms rare MP5 used in murder*. *Hürriyet Daily News*. Retrieved <https://www.hurriyetdailynews.com/report-confirms-rare-mp5-used-in-murder--114141> (Access date: October 25, 2025)

²¹ Rights Defenders Initiative. (2025, February). *SADAT International Defense Consultancy Construction Industry and Trade Inc.: Dark Army*, United Nations High Commissioner for Human Rights Retrieved from: <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-use-mercenaries-mercenary-related-actors-and-private-military> (Accessed September 25, 2025).

²² Sinan Ciddi and William Doran (2025, October 28) *How Turkish Arms End Up in African Conflicts*, Foreign Policy <https://foreignpolicy.com/2025/10/28/turkey-africa-drones-sudan-arms-guns-conflict/> (Accessed 16 November 2025)

²³ Justice Supporters Union, in Turkish; Association of Justice Defenders.

²⁴ Tarhan, N. (2016, November 2). *ASDER was on the field on July 15!* [Video]. YouTube. Retrieved <https://www.youtube.com/watch?v=uL9sV-rXTSw> (Access date: 25 October 2025)

27. On the other hand, it is also claimed that SADAT is working to seize military units. Victory Party (ZP) leader Ümit Özdağ explained his conversations on the subject with Adnan Tanrıverdi, the founder of SADAT, during a plane trip. According to this; Tanrıverdi stated that they made preparations with civilians for the capture of military units before the military movement. Adnan Tanrıverdi also admitted that they organized the closing of the gates of the military barracks with buses and trucks on the night of July 15 and stated that they also had plans to stop the armored units.²⁵

28. To the statements of SADAT officials about the position they took on and before the night of July 15 and to emphasize that groups such as SADAT should be subject to independent audit, transparent licensing/registration processes and effective investigation-sanction mechanisms in accordance with the UN OHCHR's framework on mercenary-related actors and private security companies.²⁶ Despite this, it has never been investigated why armed groups such as SADAT or ASDER made preparations before July 15 and what information they had that required preparation.

29. The civilian elements allegedly on the streets that night are not limited to these. For example, journalist Fatih Tezcan claimed in a television program that armed IHH members were assigned during the events.²⁷

30. The images of Levent Çiçek, who was sentenced for leading an organized crime organization, accompanied by an armed group in the media are one of the allegations of intervening in the streets and provoking the civilian population that night.²⁸



Figure 1: Civilians carrying automatic weapons on the night of July 15, stated to be members of an organized crime organization

²⁵ Rights Defenders Initiative. (2025, February). *SADAT International Defense Consultancy Construction Industry and Trade Inc.: Dark Army*, United Nations High Commissioner for Human Rights Retrieved from: <https://www.ohchr.org/en/calls-for-input/2025/call-inputs-use-mercenaries-mercenary-related-actors-and-private-military> (Access date: 18 March 2026).

²⁶ United Nations General Assembly. (2025, August 11). *Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination: Note by the Secretary-General (A/80/329)*. United Nations. Retrieved <https://docs.un.org/en/A/80/329> Retrieved October 31, 2025.

²⁷ Tezcan, F., (2017, April 24). *Fatih Tezcandan IHH[Video]*. Atlantis News Youtube Channel. Retrieved <https://youtu.be/GqOTY7uNDyY> (Access date: 26 October 2025)

²⁸ Left. (2016, Sep 29)ül). *Here are the AKP's 'armed civilians'*. Retrieved <http://haber.sol.org.tr/toplum/iste-akpnin-silahli-sivilleri-170610> (Access date: 25 October 2025)

31. Of course, all of the above-mentioned issues are just allegations. However, the main problem is that these allegations have not been investigated independently and effectively. This situation makes the systemic weakness in the clarification of extrajudicial executions and civilian deaths after military mobility even more evident.

Impunity Provided by Legal Regulations

32. Article 9 of the Emergency Decree-Law (KHK) No. 667 dated July 23, 2016 regulates that the decisions taken and the actions taken within the scope of this Emergency Decree-Law (KHK) will not cause legal, administrative, financial and criminal liability to the persons who perform their duties in any way.

33. Immediately afterwards, Article 37 of the Emergency Decree-Law (KHK) No. 668, adopted on July 27, 2016, further expanded the scope of irresponsibility and stipulated that persons who "take decisions, execute decisions and measures, take part in all kinds of judicial and administrative measures within the scope of the suppression of coup attempts and terrorist acts" and "persons who take decisions and fulfill their duties within the scope of the Emergency Decree-Law (KHK)s issued during the state of emergency" are legally liable for their duties and actions. administrative, financial and criminal liability will not arise". This expression includes all kinds of actions, including actual actions, that is, the use of violence.

34. These provisions were later enacted with Article 9 of Law No. 6749 and Article 37 of Law No. 6755, which came into force with the approval of the State of Emergency Emergency Decree-Law (KHK)s No. 667 and 668 by the Grand National Assembly of Türkiye (TBMM).²⁹

35. Article 121 of Emergency Decree-Law (KHK) No. 696 adds to Article 37 of Law No. 6755 as follows: "(2) Regardless of whether they carry an official title or fulfill an official duty, persons who take decisions, perform duties or act within the framework of the suppression of the coup attempt and terrorist acts carried out on July 15, 2016 and the acts that follow them... does not arise." and includes an unprecedented impunity provision in which civilians who do not perform any public duty are completely exempt from criminal, civil and administrative law responsibility.³⁰

36. The positive obligation, which is framed by the case-law of the European Court of Human Rights (ECtHR), also includes an effective official investigation when a person dies or is injured as a result of the use of force or any other incident.³¹

37. With these regulations, both public officials and civilians have been brought a very wide judicial armor. There are many suspicious deaths and allegations of torture that occurred on July 15, 2016 and in the following days. The fact that the perpetrators of these incidents cannot be prosecuted under domestic law may lead to procedural violations of the right to life and the prohibition of torture due to the lack of effective investigation. As a matter of fact, the criminal complaint filed against the murderers of Murat Tekin, a military school cadet who was lynched and killed on the Bosphorus Bridge the

²⁹ See the Law on the Amendment and Adoption of the Emergency Decree-Law (KHK) on the Measures Taken within the Scope of the State of Emergency, Law No. 6749, Date of Acceptance: 18 October 2016, Official Gazette, Number: 29872 and the Law on the Amendment and Adoption of the Emergency Decree-Law (KHK) on the Measures to be Taken within the Scope of the State of Emergency and the Regulation on Certain Institutions and Organizations, Law No. 6755, Date of Acceptance: 8 November 2016, Official Gazette, Issue: 29898.

³⁰ The addition made by Article 121 of Emergency Decree-Law (KHK) No. 696 to Article 37 of Law No. 6755 is as follows: "The provisions of the first paragraph shall also apply to persons who acted within the scope of the suppression of the coup attempt and terrorist acts carried out on 15/7/2016 and the acts that followed them, regardless of whether they carry an official title or fulfill an official duty."

³¹ Philip Leach, **Taking a Case to the European Court of Human Rights**, 3rd Edition, New York: Oxford University Press, 2011, p.184.

morning after the military mobilization on July 15, was concluded with Decision of Non-Prosecution / Dismissal of Charges on the grounds of the Emergency Decree-Law (KHK).³²

38. The Venice Commission stated that with this "state of irresponsibility and impunity" introduced by the State of Emergency decrees, acts that are considered crimes in Turkish law are directly allowed or implied that those who commit crimes will not be punished, and that this state of irresponsibility may become a permanent feature of the Turkish legal order.³³

39. Similarly, Amnesty International, in its 2016-2017, 2017-2018 and 2019 reports, included the allegations of torture and ill-treatment during the detentions and arrests involving tens of thousands of people after July 15, and the impunity imposed on the perpetrators of these crimes by the State of Emergency decrees. The organization's 2016 report highlighted that the alarming increase in cases of torture in detention centers, including serious beatings, 19 sexual assaults, rape threats, and rape incidents, has been consistently denied by the Turkish authorities.³⁴

40. The images of torture and lynching, which were reflected on the internet after the military activity, were later largely cleared from the internet. The fact that the footage, a few examples of which are given below, cannot be investigated within the scope of the current legal regulations reveals the gravity of the "state of irresponsibility and impunity" brought by the State of Emergency decrees.



Figure 2: Unidentified civilians lynching soldiers on the Bosphorus Bridge

³² <https://haber.sol.org.tr/turkiye/koprude-linc-edilen-askeri-okul-ogrencisinin-sorusturmasinda-karar-verildi-257193> (Accessed March 14, 2026)

³³ European Commission for Democracy through Law (Venice Commission), Opinion on the Duties, Powers and Functioning of Criminal Judgeships of Peace, (Venice, 10-11 March 2017), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)004-tur](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)004-tur) , IET:30/07/2025

³⁴ Amnesty International Report 2016/17: The state of the world's human rights, 22.02.2017, <https://www.amnesty.org/download/Documents/POL1048002017TURKISH.PDF> , IET: 07/09/2025



Figure 3: Unidentified civilians lynching soldiers on the Bosphorus Bridge

41. It is considered that the comprehensive "immunity" introduced by the regulations constitutes an obstacle in terms of identifying those responsible for extrajudicial executions and torture-like incidents and punishing them in a deterrent manner. With this rule, the elimination of the criminal and legal responsibilities of all perpetrators of killing and torture committed against the persons accused of the coup attempt is considered a serious violation in terms of international human rights law.

Systematic violations after military mobility

42. General Akin Öztürk, who served as the Commander of the Turkish Air Force (between 2013 and 2015) and was later appointed as a member of the Supreme Military Council, was accused of being the leader behind the military mobilization on July 15, 2016 and was sentenced to 141 aggravated life imprisonment.³⁵ However, the United Nations Human Rights Council Working Group on Arbitrary Detention issued an opinion on Türkiye's arrest of General Akin Öztürk, stating that the detention was unlawful and devoid of reasonable suspicion.³⁶ This view reveals systematic weaknesses in arrests based on coup attempt allegations and is included in the US State Department's 2017 Human Rights Country Report, "... with their alleged links to terrorism, often based on insufficient evidence and very poor legal process."³⁷

43. According to the 2018 report of the International Commission of Jurists (ICJ) titled "Suspended Justice: State of Emergency and Access to Justice in Turkey", the declaration of the³⁸ state of emergency has led to the systematic unlawful suspension, restriction and limitation of human rights in the country. Emergency Decree-Law (KHK)s, which should have remained in force during the state of emergency and contained legally invalid measures in terms of form and procedure, were enacted by the Grand National Assembly of Türkiye and made the decree regime a permanent element of the new legal system.

³⁵ Anadolu Agency. (2019, June 20). *141 aggravated life sentences for putschist general Akin Öztürk, who led the junta from Akıncı*. Anadolu Agency. Retrieved <https://www.aa.com.tr/tr/15-temmuz-darbe-girisimi/cuntayi-akincidan-yoneten-darbeci-general-akin-ozturke-141-kez-agirlastirilmis-muebbet/1510701> (Access date: 25 October 2025)

³⁶ Human Rights Council, General Assembly. (2024, November 29). Opinion No. 33/2024 concerning Akin Öztürk (Türkiye). United Nations. Retrieved <https://documents.un.org/doc/undoc/gen/g24/208/07/pdf/g2420807.pdf> (Access date: 25 October 2025)

³⁷ U.S. Department of State. (2018). *Country reports on terrorism 2017*. U.S. Department of State. Retrieved <https://www.state.gov/j/ct/rls/crt/> (Access date: 25 October 2025)

³⁸ The International Commission of Jurists (ICJ), (2018). *"Justice Suspended: Access to Justice and the State of Emergency in Turkey"*, Retrieved from: <https://www.icj.org/wp-content/uploads/2018/12/Turkey-Access-to-justice-Publications-Reports-2018-ENG.pdf> (Accessed on 02 November 2025)

44. Religious officials and theologians who have a religious equivalent in society and are influential in forming public opinion have made statements and statements that advocate radical practices or that can legitimize violent practices. For example; The well-known theologian and writer Hayrettin Karaman³⁹, in his article in *Yeni Şafak* between 17-25 December,⁴⁰ argued that individuals could be harmed in the name of the public interest by referring to Article 26 of Mecelle; It has paved the way for the religious legitimization of unlawful practices with the expressions "harm is risked, it is tolerated".

45. Former imam Metin Balkanlıoğlu described the assets of people he thought were responsible for the July 15 coup attempt as "loot"⁴¹ and advocated the confiscation of them with religious references that have no equivalent in the legal system.

46. Theologian and writer Ahmet Akgündüz stated that these people could be sentenced to death according to the Qur'an. Dutch Minister of Education Ingrid van Engelshoven announced that an investigation was launched against Ahmet Akgündüz for these words.⁴²

47. Names such as Halil Konakçı, the preacher of the Presidency of Religious Affairs, and the theologian İhsan Şenocak issued harsh fatwas to the public; On July 21, 2016, Şenocak⁴³ made statements legitimizing the executions with the phrase "traitors are beheaded".

48. It is considered that such discourses and remaining silent to them carry the risk of creating a social legitimacy ground for the allegations of extrajudicial executions in the post-military mobilization period.

49. TV series broadcast on the official media organs of the state (such as TRT) also played a role in the normalization of violent acts in the post-military mobilization period. For example, in the TRT series "Teşkilat"⁴⁴, the execution of targets described as "members of an organization", "agents" or "traitors" without a judicial process was presented as heroism within the framework of "defending the homeland" and "national duty".

50. It is considered that such productions produced with public resources increase the desensitization of society towards practices such as extrajudicial executions and weaken state obligations regarding the protection of the right to life.

V. EXTRAJUDICIAL EXECUTIONS

Evaluation of the Activities of Air Force Academy Cadets

51. On July 15, 2016, the cadets of the Air Force Academy in the military training camp in Yalova were woken up at 22.30 while they were sleeping.⁴⁵ Within the framework of the military hierarchy and

³⁹ Karaman, H. (2013, December 19). *Turkey's friends and enemies. Yeni Şafak*. Retrieved <https://www.yenisafak.com/yazarlar/hayrettin-karaman/turkiyenin-dostlari-ve-dumanlari-44456> (Access date: 25 October 2025)

⁴⁰ Mecelle-i Ahkâm-ı Adliye, with its full name, is one of the first modern legal codifications prepared and put into force in the 19th century in the Ottoman Empire. Mecelle was applied for a long time in the Ottoman Empire by bringing together both sharia and customary law, and remained partially in force in the first years of the Republic.

⁴¹ TR724. (2018, June 20). *Balkanlıoğlu, known for his fatwa 'Loot is booty', has died [News]*. Retrieved <https://www.tr724.com/ganimettir-ganimet-fetvasi-ile-taninan-balkanlioglu-hayatini-kaybetti/> (Access date: 26 October 2025)

⁴² TR724. (2018, December 21). *Akgündüz's death fatwa stirred the Netherlands to its feet*. TR724. Retrieved <https://www.tr724.com/akgunduzun-olum-fetvasi-hollandayi-ayaga-kaldirdi/> (Access date: 26 October 2025)

⁴³ Nordic Monitor. (2020, September 30). *Jihadist Turkish imam promotes Erdoğan's militarised foreign policy agenda*. Retrieved <https://nordicmonitor.com/2020/09/turkeys-radical-jihadist-imam-promotes-erdogans-aggressive-foreign-policy-agenda/> (Access date: October 26, 2025)

⁴⁴ TRT. (2025, July 15). *Altay... | #Teşkilat 148. Section*. YouTube. Retrieved https://youtu.be/_6DyQVmub9k (Access date: 26 October 2025)

⁴⁵ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 3rd minute 30th second, (Access date: 24 June 2026)

order-obedience obligations, with the order to get on the buses⁴⁶, Ragıp Enes Katran, one of the cadets of the Air Force Academy, who was transferred to the Bosphorus Bridge, unaware of the events and without the opportunity to obtain information⁴⁷, was told that "they were taken to the most realistic exercise they will ever see in their lives", and that another group, including Murat Tekin, a second-year cadet at the Air Force Academy, was "taken to the most realistic exercise they will ever see", and that "there were 8 suicide bomb reports" to another group, including Murat Tekin, a second-year cadet at the Air Force Academy.⁴⁸

52. Air Force Academy cadets were taken from Yalova to the Bosphorus Bridge in Istanbul by bus. Along the way, the cadets were isolated from the outside world, the use of phones was restricted, and the lack of information flow completely negatively affected the cadets' situational awareness. This situation caused the cadets to see themselves as a terrorist attack prevention unit even when they reached the Bosphorus Bridge.

53. Air Force Academy cadets reached the bridge at 01:40 on July 16, hours after the Bosphorus Bridge was closed to traffic and at a stage when the public reaction reached its highest level.⁴⁹ Sources and video recordings show that a special lane was opened by unknown individuals (groups alleged to be paramilitary forces linked to the National Intelligence Organization) for the buses carrying the cadets to enter the bridge, but once the vehicles entered the bridge, the return routes were blocked and the cadets were left in the middle of a provocative mass to be lynched.⁵⁰



Figure 4: People Attempting to Lynch Air Force Academy Cadets on the Bosphorus Bridge⁵¹

⁴⁶ TAF Internal Service K.Md.10 ARTICLE 10 (It is strictly forbidden for a subordinate to give an opinion to his superior due to an order he has received. The order received will be made without any record or condition and without any thought. To murmur while receiving or after receiving an order, to act in a way that makes you feel that you do not find it right is punishable)

⁴⁷ <https://askeriokullar.com/sikca-sorulan-sorular> (Are mobile phones prohibited in military academies? The use of payphones and push-button phones without recording feature is allowed for communication.)

⁴⁸ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 5th minute 39th second, (Access date: 24 June 2026)

⁴⁹ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 6th minute 10th second, (Access date: 24 June 2026)

⁵⁰ <https://www.dogruaci1.com/Haberler/harbiyelilere-yonelik-tartismali-gece-beyaz-celik-yelekli-general-iddiasi-606>

⁵¹ The image in Figure-4 <https://haber.sol.org.tr/toplum/ayrintilar-ortaya-cikiyor-6-asker-koprude-linc-edilmis-162373> is taken from the internet address. (Access date: June 24, 2026)

54. When the cadets, who were left in the middle of a provocative crowd, refused to get off the bus, a provocative action was carried out that eliminated the cadets' self-defense and safe evacuation opportunities, and the bus was set on fire by the crowd. Unarmed cadets, who were under the pressure of smoke and fire, were forced out of the vehicle and pushed into a lynch corridor.⁵²



Figure 5: People Attempting to Lynch Soldiers on the Bosphorus Bridge⁵³

55. When they got out of the vehicle, there was no obstacle or distance between them and the crowd surrounding them, and they faced direct physical intervention by the crowd. It has been determined in the sources that a person wearing a white steel vest in the crowd forcibly dragged the cadets towards the other soldiers holding the bridge and thus tried to show them as if they were in the same group with the soldiers alleged to be coup plotters.⁵⁴



Figure 6: Soldiers Killed Due to Lynching Attempt on the Bosphorus Bridge⁵⁵

56. While some of the people at the scene tried to protect the cadets by saying "Don't do it, their magazines are empty, they are cadets", there are sources showing that another group continued to

⁵² <https://www.dogruaci1.com/Haberler/harbiyelilere-yonelik-tartismali-gece-beyaz-celik-yelekli-general-iddiasi-606>

⁵³ The image in Figure-5 is taken from the <https://bianet.org/haber/bogaz-koprusu-nde-teslim-olan-zorunlu-askerlere-linc-176784> website. (Access date: June 24, 2026)

⁵⁴ <https://www.dogruaci1.com/Haberler/harbiyelilere-yonelik-tartismali-gece-beyaz-celik-yelekli-general-iddiasi-606>

⁵⁵ The image in Figure-6 is taken from the <https://haber.sol.org.tr/toplum/ayrintilar-ortaya-cikiyor-6-asker-koprude-linc-edilmis-162373> website. (Access date: June 24, 2026)

attack with belts, stones and cutting tools.⁵⁶ A person in a "white steel vest" (understood to be Major General Yavuz Türkgenci)⁵⁷ and the cadets were pushed into the crowd by the force of people with walkie-talkies. It was determined in the footage that the person in the white steel vest replied "I'm not, never mind" to those who asked him "Are you a police officer?" and pulled the cadets towards the bridge. Despite the public's warnings that "they are cadets, don't do it", the fact that these individuals deliberately left cadets in the middle of the centers of violence not only violates the state's obligation to protect individuals under its detention, but also shows that they directly participated in the extrajudicial execution process.

57. The person who directed the crowd and cadets towards the bridge at the scene and hid his identity by saying "I'm not a police officer, never mind" was stationed on July 15 at the 52nd Brigade in Istanbul. It was understood that the Commander of the Tactical Armored Division was Major General Yavuz Türkgenci. (commander responsibility) The fact that Major General Yavuz Türkgenci was there wearing a vest that was not in the TAF inventory, and that his behaviors that would increase the reaction of the crowd and direct this reaction to the cadets were determined by photographs and video recordings, but were not legally investigated, indicates that the state violated its negative responsibility.^{58, 59}



Figure 7: In the picture on the left, the 52nd Army Brigade stationed in Istanbul. Tactical Armored Division Commander Major General Yavuz Türkgenci (Wearing a White Steel Vest that is not in the TAF inventory), Picture on the right Yavuz Türkgenci⁶⁰



⁵⁶ <https://www.dogruaci1.com/Haberler/sehit-hava-harbiyeli-murat-tek-in-katili-kendisini-ifsa-etti-520>

⁵⁷ Blue Bus Documentary | Internet access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 9th minute 35th second, Access date: 24.06.2026

⁵⁸ <https://www.dogruaci1.com/Haberler/harbiyelilere-yonelik-tartismali-gece-beyaz-celik-yelekli-general-iddiasi-606>

⁵⁹ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 9th minute 40th second, (Access date: 24 June 2026)

⁶⁰ The image in Figure-7 is taken from the <https://www.haberler.com/soguk-haber/yavuz-turkgenci-kimdir-3-uncu-ordu-komutani-16177960-haberi/> website. (Access date: June 24, 2026)

Figure 8: 52. Tactical Armored Division Commander Major General Yavuz Türkgenç (Wearing a White Steel Vest Not in the TAF inventory)

58. The allegations that TÜGVA executive Mehmet Fatih Demirci was involved in the lynching group⁶¹ and the radical "fatwa" rhetoric of some religious officials that "they should have been hanged" show that acts of violence are legitimized on an ideological basis. In addition, the presence of groups alleged to be paramilitary forces linked to the National Intelligence Organization (such as the radio and directing persons) strengthens the suspicion that the attack was carried out within a central planning.

Confessions of Criminal Participation in Public Media and Harassment Against Victims' Relatives

59. A person named Yusuf Tosun, who shared an image on the 'X' social media platform that he was on the Bosphorus bridge during the July 15 events, used the phrase "I personally cut off the soldier's head" and threatened the family of the victim. Another person named Musa Mert Özkaya confessed his criminal complicity by saying, "I was one of those who lynched the soldiers that morning, I could not get my ambition."⁶²



Figure 9: Murder Suspect Making a Political Party Sign on the Head of the Soldier He Killed on the Bosphorus Bridge⁶³

⁶¹ <https://artigercek.com/guncel/acarar-tugva-yetkilisi-fatih-demirci-koprude-askerleri-linc-edenlerin-arasindaydi-182218h> (Access date: 24 June 2026)

⁶² <https://www.dogruaci1.com/Haberler/sehit-hava-harbiyeli-murat-tekin-in-katili-kendisini-ifsa-etti-520>

⁶³ The image in Figure-9 is taken from the https://x.com/Harbiyeli_Murat/status/1270217727039414273 website. (Access date: June 24, 2026)

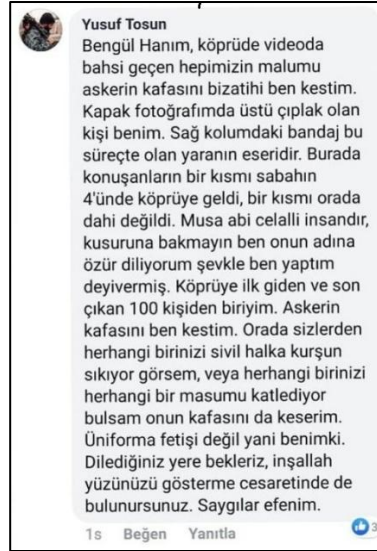


Figure 10: The post of the suspect who confessed to killing Murat Tekin on the X Social Media Platform⁶⁴

The English translation of the above visual is provided below:

Yusuf Tosun

Ms. Bengül, as is known to all of us and as mentioned in the video on the bridge, I cut off the soldier's head myself. The person who is bare-chested in my cover photo is me. The bandage on my right arm is the result of the wound I sustained in this process. Some of those speaking here came to the bridge at 4 in the morning, and some were not even there. Musa is a hot-tempered person; do not hold it against him, I apologize on his behalf—he apparently blurted out "I did it with zeal." I am one of the 100 people who first went to the bridge and left last. I cut off the soldier's head. If I were to see any one of you there firing bullets at the civilian population, or if I were to find any one of you slaughtering any innocent person, I would cut off his head too. Mine is not a uniform fetish, that is. We can meet you wherever you wish; God willing, you will also have the courage to show your face. Respects, madam.

60. The attitude of the Air Force Academy cadets in the spiral of violence on the bridge was recorded as "the will to surrender". The cadets, who did not use weapons and surrendered their weapons as soon as they understood the situation, were made a conscious target by organized radical groups. At this point, the discourse of "suppressing the coup" has been turned into a lynching legitimacy for the murder of personnel whose innocence is confirmed.

Air Force Academy Cadet Murat Tekin, Extrajudicially Executed

61. Murat Tekin is one of the Air Force Academy cadets killed on the Bosphorus Bridge during the July 15 events. Murat Tekin wanted to surrender with his other friends, but he was left behind on his way to the police vehicle and fell to the ground with a kick from someone in the crowd.⁶⁵

⁶⁴ The image in Figure-10 is taken from the <https://www.haberler.com/soguk-haber/yavuz-turkgenci-kimdir-3-uncu-ordu-komutani-16177960-haberi/> website. (Access date: June 24, 2026)

⁶⁵ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> (Time: between 23:30 – 26:00), (Access date: 24 June 2026)



Figure 11: Air Force Academy Cadet Murat Tekin, executed on the Bosphorus Bridge

62. As soon as Murat Tekin fell to the ground, he was lynched by the people around him; he was attacked with knives and other sharp objects.^{66, 67} Murat Tekin; He died as a result of sharp and piercing tool wounds, beating and strangulation.



Figure 12: Murat Tekin's body being carried by the lynching mob

63. Murat Tekin's death is not a coincidental result of a chaotic moment of conflict; *It*⁶⁸ is a case of "extrajudicial killing" that an individual under the protection of the state is subjected to while under control, which should be examined within the framework of the United Nations, Minnesota Protocol. The fact that the victim could only be identified 12 days later from a mark on his left hand nail due to the severe damage to his body⁶⁹ documents the gravity of the treatment he was subjected to within the scope of Article 3 of the ECHR Prohibition of Torture and Ill-Treatment.

64. Murat Tekin's autopsy report⁷⁰ scientifically proves that Murat Tekin's death was systematic torture and an extrajudicial execution. In the conclusion part of the autopsy report;

⁶⁶ <https://www.dogruaci1.com/Haberler/sehit-hava-harbiyeli-murat-tek-in-katili-kendisini-ifs-a-etti-520>

⁶⁷ Blue Bus Documentary | Access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 24th minute, (Access date: 24 June 2026)

⁶⁸ United Nations, *Minnesota Protocol: Revised UN Guidance on the Investigation of Extrajudicial, Arbitrary or Extrajudicial Executions*, 2017

⁶⁹ <https://www.dogruaci1.com/Haberler/sehit-hava-harbiyeli-murat-tek-in-katili-kendisini-ifs-a-etti-520>

⁷⁰ Autopsy Report of the Institute of Forensic Medicine dated 29/07/2016 and numbered 70898959-101.02-16/65776/2966

T.C. ADALET BAKANLIĞI Adli Tıp Kurumu		T.C. ADALET BAKANLIĞI Adli Tıp Kurumu	
Morg İhtisas Dairesi SAYI:70898959-101.02-16/65776/2966 KONU:OTOPSİ RAPORU		Morg İhtisas Dairesi SAYI:70898959-101.02-16/65776/2966 KONU:OTOPSİ RAPORU	
29/07/2016		29/07/2016	
Adı Soyadı :	MURAT TEKİN		
Doğum Tarihi :	15/12/1994		
Cinsiyeti :	Erkek		
T.C. Kimlik No :	199 672 638 78		
Nüfus Kaydı :	İzmir, Bayraklı		
Ölü Bulunduğu Tarih, Saat :	16/07/2016		
Ölü Bulunduğu Yer :	Bakırköy		
Otopsi İsteyen Makam :	Bakırköy Cumhuriyet Başsavcılığı		
Tarih / Sayı :	16/07/2016		
Otopsi Yapılan Yer :	Adli Tıp Kurumu Morg İhtisas Dairesi		
Otopsi Tarihi ve Saati :	16/07/2016		
Cumhuriyet Savcısı :	Fikret Gönen		
Yeminli Doktorlar :	Prof.Dr.S.Koç, Dr.M.N.Arslan, Dr.A.S.Gürler, Dr.H.Dilim		
DİŞ MUAYENE			
20-25 yaşlarında, 168 cm boyunda, 71 kg ağırlığında, kılavereği gözlü, siyah saçlı, beyaz tenli, simetrik erkek cesedinde ölü katliamının devam ettiği, ölü lekelere vücut arka yüz baskı görmeyen yerlerde oluşturu gözlemlendi.			
Her iki göz etrafında yaygın şişlik ve ekimoz, sol kulak heliksinden başlayıp sol kaş üstüne uzanan 13x1,5 cm ebadında yer yer ekimozlu ray şeklinde ekimoz, sağ göz dış kantusta 1,5 cm uzunluğunda yırtık, her iki sklera etrafında kanama, her iki dudakta şişlik kanama, üst dudak sağda laserasyon, boyun ön yüzde adam elması 2 cm altında 3x3 cm ebadında sağlam cilt dokuları içeren ekimoz, mentumda 4x3 cm ekimoz, vertex solda 2 cm uzunluğunda çevresinde 8x5 cm ekimoz bulunan içerisinde doku köprüleri izlenen yırtık, sağ angulus mandibula 2x1 cm sıyrıklı ekimoz, tüm alında yaygın ekimoz görüldü.			
Torakal 6. vertebra seviyesinde sağ paravertebral bölgede cilt ciltaltı dokular ile sınırlı 0,8 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yarası.			
Torakal 4. torakal 9. vertebra arasında 5 adet tümü ray şeklinde en büyüğü 5,5x2 cm en küçüğü 2,5x1 cm boyutunda ekimozlar, sağ kostalomberde 12x1,2 cm ebadında ve bunu caprazlayan 8x0,6 cm ebadında ekimozlar, sol trapezoid kası üst kısmından ense sağ yana uzanan 7x1,3 cm ebadında iç içe geçmiş ray tarzı ekimozlar ve çizik şeklinde sıyrıklar, sol omuz üzerinde 5x5 cm ekimoz, sağ kol üst 1/3 lateralde geniş ekimoz alanı, sağ ön kol ve sol ön kolda ekimoz alanları, sol bacak arkada 5x1 cm boyutunda ray şeklinde ekimoz görüldü. Sol meme başı 8 cm altında ekimoz, sol ayak iç malleolde 2x2 cm, sağ ayak dorsumunda 2x2 cm ve 1 cm ekimoz alanı görüldü.			
İÇ MUAYENE			
BAŞ: Saçlı deri kaldırıldı. Saçlı deri altında yaygın kanama görüldü. Her iki temporal adale grubu kanamalı görüldü. Kafa kubbe kemikleri sağlam bulundu.			
Kafatası açıldı. Beyin, beyincik ve beyin sapı çıkarıldı. 1335 g tartıldı. Beyin, beyincik yüzey ve kesitlerinde her iki frontoparietalde sulkuslarla sınırlı subaraknoid kanama görüldü. Kafa kaide kemikleri sağlam bulundu.			
Orbita burun ağız boşluğunun yapılan incelemede; makroskobik patolojik özellikler görülmedi.			
GÖĞÜS: Pnömotoraks testi bilateral negatif bulundu. Sternal kapak kaldırıldı. Göğüs boşluğunda serbest sıvı ve kan görülmedi. Göğüs dış muayenede tanınan yaralanmaların alı kanamalı bulundu.			
Kalp çıkarıldı. 252g tartıldı. Yüzey ve kesitlerinde makroskobik patolojik özellikler görülmedi. Koroner arterler açık bulundu.			
Akciğerler çıkarıldı. Sağ akciğer 207g, sol akciğer 213g tartıldı. Her iki akciğer soluk ve pembe renkte görüldü. Sol akciğer üst lobda kontüzyon alanı görüldü.			
Boyun organlarının tektikinde;bilateral sternohyoid kasta kanama, sol sternokleidomastoid kasta kanama, sol omohyoid kas venter anteriorunda kanama, mentum ve mandibula altı yumuşak			
dokularda kanama görüldü. Tiroid kartilaj sağ üst boynuzda ekimozlu kırık, etraf yumuşak dokularda kanama görüldü. Hyoid kemik ve boyun omurları sağlam bulundu. Trakea ve özefagusta makroskobik patolojik özellikler görülmedi.			
BATIN: Batın boşluğunda serbest sıvı ve kan görülmedi.			
Bağırsaklarda makroskobik patolojik özellikler görülmedi.			
Karaciğer çıkarıldı. 1238 g tartıldı. Yüzey ve kesitlerinde makroskobik patolojik özellikler görülmedi.			
Dalak 220 g tartıldı. Yüzey ve kesitlerinde makroskobik patolojik özellikler görülmedi.			
Sağ böbrek 115g, sol böbrek 110g tartıldı. Her iki böbrek yüzey ve kesitlerinde makroskobik patolojik özellikler görülmedi.			
Sırtta kesi atıldı. Sol ve sağ skapula üstü kas ve yumuşak dokularda, sağ ve sol paravertebral alanda kanama görüldü. Sol bacak arkada tanınan ekimozun altında kas dokuda kanama görüldü.			
İskelet sistemi sağlam bulundu.			
Gerekliğinde DNA tiplemesi yapılabilmesi amacıyla saklanmak üzere FTA ile kan örneği alındı.			
Kan, idrar, göz içi sıvısı ve safra alınarak alkol, uyutucu ve uyuşturucu aranamak üzere Kimya İhtisas Dairesine gönderildi.			
Kimya İhtisas Dairesinin 22/07/2016 tarih ve 210/16-65776/5726 sayılı raporunda; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı kayıtlıdır.			
S O N U Ç			
15/07/2016 tarihinde meydana gelen darbe girişimi ve devamındaki olaylarda ölen, Bayrampaşa Çevik Kuvvet Polis Merkezinden alınarak otopsi yapılmak üzere gönderilen Sedat oğlu, 15/12/1994 doğumlu MURAT TEKİN 'in cesedine 16/07/2016 tarihinde, Adli Tıp Kurumu Morg İhtisas Dairesince yapılan otopside ve tetkiklerden elde edilerek yukarıya kaydedilen bilgi ve bulgular dikkate alındığında;			
1. Kimya İhtisas Dairesinin raporuna göre; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı.			
2. Vücudunda yaygın kün travmatik lezyonlar ile kesici delici alet yaralanması saptanan kişinin ölümünün boyun basısı ve ağız burun kapamasına bağlı mekanik asfiksi sonucu meydana geliş olduğu kanaatini bildirir rapordur.			
Prof.Dr.Sermet Koç Morg İhtisas Dairesi Başkanı V.		Dr.Ahmet Selçuk Gürler Adli Tıp Uzmanı (Otopside bulundu, imzada bulunmadı)	
Uz.Dr.Murat Nihat Arslan Otopsi Şube Müdür V.		Dr.Hakan Dilim Asistan	
BAKIRKÖY CUMHURİYET BAŞSAVCILIĞINA			
Doç.Dr.Yalçın Büyükbayraktar Başkan			

Figure 13: Autopsy Report of Murat Tekin (Published in Annex A)

- It was reported that the death of the person, who was found to have widespread blunt traumatic lesions and sharp object injuries on his body, occurred as a result of mechanical asphyxia due to neck compression and mouth-nose closure.
- The fact that Murat Tekin's death was caused by methods such as neck compression and mechanical asphyxia proves that the victim was subjected to cruel, inhuman or degrading treatment, escalating to an arbitrary deprivation of life, at a time when his mobility was completely restricted. While this act constitutes the crime of 'killing with monstrous instinct' (canavarca hisle kasten öldürme) under domestic law, it directly violates the absolute prohibition of torture and the right to life under international law. These findings⁷¹ confirm that death was a direct act of execution in an examination carried out under the Minnesota Protocol.

65. The development of the incident and the public statements of the perpetrators show that the action was not a spontaneous public reaction, but was driven by a paramilitary organization and radical motivation. AA

Air Force Academy Cadet Ragıp Enes Katran, Extrajudicially Executed on the Bosphorus Bridge

66. Another of the Air Force Academy cadets killed on the Bosphorus Bridge in the July 15 events is Ragıp Enes Katran. Ragıp Enes Katran wanted to surrender with his other friends, but he started to be

⁷¹ United Nations, *Minnesota Protocol: Revised UN Guidance on the Investigation of Extrajudicial, Arbitrary or Extrajudicial Executions*, 2017

lynched by the people around him; He was attacked with knives and other sharp objects^{72, 73} and died as a result of sharp tool wounds and beating.



Figure 14: Air Force Academy Cadet Ragıp Enes Katran executed on the Bosphorus Bridge

67. Ragıp Enes Katran is not a coincidental result of a chaotic moment of conflict; ⁷⁴ What needs to be examined within the framework of the Minnesota Protocol is a case of "extrajudicial killing" in which an individual under the protection of the state is subjected while under control.

68. The autopsy report of Ragıp Enes Katran⁷⁵ scientifically proves that the death was systematic torture followed by extrajudicial execution. In the conclusion part of the autopsy report;

⁷² <https://www.dogruaci1.com/Haberler/sehit-hava-harbiyeli-murat-tekin-in-katili-kendisini-ifsa-etti-520>

⁷³ 3. Episode | Video titled RAGIP ENES KATRAN, website: <https://www.youtube.com/watch?v=wNoQejrd8bU> (Access date: 24 June 2026)

⁷⁴ United Nations, *Minnesota Protocol: Revised UN Guidance on the Investigation of Extrajudicial, Arbitrary or Extrajudicial Executions*, 2017

⁷⁵ Autopsy Report of the Institute of Forensic Medicine dated 29/07/2016 and numbered 70898959-101.02-15/65139/2968

T.C. ADALET BAKANLIĞI Adli Tıp Kurumu	T.C. ADALET BAKANLIĞI Adli Tıp Kurumu
Morg İhtisas Dairesi SAYI:70898959-101.02-16/65139/2968 KONU:OTOPSİ RAPORU	Morg İhtisas Dairesi SAYI:70898959-101.02-16/65139/2968 KONU:OTOPSİ RAPORU
29/07/2016	29/07/2016
Adı Soyadı : RAGİB ENES KATRAN Doğum Tarihi : 23/04/1996 Cinsiyeti : Erkek TC Kimlik Numarası : 144 493 49 66 Nüfus Kaydı : Adıyaman, Gölbaşı Ölü Bulunduğu Tarih, Saat : 16/07/2016 Ölü Bulunduğu Yer : Bakırköy Otopsi İsteyen Makam : Bakırköy Cumhuriyet Başsavcılığı Tarih / Sayı : 16/07/2016- Otopsi Yapılan Yer : Adli Tıp Kurumu Morg İhtisas Dairesi Otopsi Tarihi ve Saati : 16/07/2016-11.45 Cumhuriyet Savcısı : Bülent Kalemcı Yeminli Doktorlar : Prof.Dr.S.Koç, Dr.M.N.Arslan, Dr.M.F.Şahin, Dr.B.F.Çetin	için örnek alındı. Kan, idrar, göz içi sıvısı, safra alınarak sistematik toksikolojik analiz, alkol, uyutucu ve uyuşturucu aranmak üzere Kimya İhtisas Dairesine gönderildi. Kimya İhtisas Dairesinin 22/07/2016 tarih ve 02/16-65139/5735 sayılı raporunda; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda sistematikteki maddelerin bulunmadığı tespit edildiği kayıtlıdır.
DIŞ MUAYENE	S O N U Ç
174 cm boyunda, 75 kg ağırlığında, 20-25 yaşlarında, kahverengi gözlü, kahverengi yanlardan kısa kesilmiş kahverengi saçlı, günlük sakal tıraşlı, beyaz tenli, sünnetli erkek cesedinde; ölü katılığının çenede olduğu, kollarında minimal devam ettiği, ölü lekelerinin yeni oluşmaya başladığı görüldü. Anal muayenede postmortem dilatasyon dışında özellik görülmedi. Tüm yüzün ve saçlı derinin yaygın şiş, ödemi oldu, yoğun ekimozların izlendiği görüldü. Sol kaş iç yanda 4 cm ve sol kaş üzerinde 3,5 cm boyutunda aralarında doku köprüleri olan kemik dokunun görünmediği yırtık, sol kulak kepçesi 1 cm üzerinde 0,7 cm aynı vasıfta yırtık, sol temporalde "Y" şeklinde 2,5 cm uzun kolu 2 cm kısa kolu aynı özellikte yırtık, sol paryetalde 2 adet 1,5 cm ve 3 cm uzunluğunda aynı özellikte yırtık, sol paryetalde 3,5 cm uzunluğunda aynı özellikte yırtık görüldü. Sağ omuz, sağ kol, gövde sağ yanda, sağ spina iliaka anterior superior üzerinde, sağ inguinalde, sol spina iliaka anterior superior üzerinde, sol kolda, her iki krus ön ve medial yüzde çok sayıda yeşil mor renk ekimoz, her iki el sırtında yüzeyel çizgisel tarzda ekimozlu sıyrıklar görüldü. 1. Sağ uyluk orta lateralde 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yararı, 2. Sağ krus lateral ortada 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yararı, 3. 2 nolu lezyonun 3 cm altında 2,5 cm'lik bir açısı dar, bir açısı geniş kesici delici alet yararı, 4. Sol uyluk alt medialde bir adet 2 cm'lik bir açısı dar, bir açısı geniş kesici delici alet yararı. 5. Jugulum üzerinde boyun orta hatta 3 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yararı, 6. 5 nolu lezyonun 1,5 cm sol lateralinde bir açısı dar, bir açısı geniş kesici delici alet yararı, 7. 6 nolu lezyonun 1 cm solunda 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yararı, 8. Boyun orta hatta troid kıkırdagın üzerine denk gelen yerde 5, 6, 7 lezyonların üzerinde 6 cm uzunluğunda boyun organlarını açığa çıkaran kesik vasıfta yara görüldü.	15/07/2016 tarihinde meydana gelen darbe girişimi ve devamındaki olaylarda Boğaziçi Köprüsünde darp edilerek ölen Nadir ve Döne oğlu, 23/04/1996 doğumlu RAGİB ENES KATRAN 'ın cesedine 16/07/2016 tarihinde, Adli Tıp Kurumu Morg İhtisas Dairesince yapılan otopside ve tetkiklerden elde edilerek yukarıya kaydedilen bilgi ve bulgular dikkate alındığında; 1. Kimya İhtisas Dairesinin raporuna göre; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı, 2. Kişinin vücudunda 7 (yedi) adet kesici delici alet yaranlanması ve 1 (bir) adet kesik vasıfta yara tespit edilmiş olup, kesik vasıftaki yaranın ve dış muayenede 5, 6 ve 7 numaralarda tarif edilen kesici delici alet yaranlarının tek başına öldürücü nitelikte oldukları, 3. Kesici delici alet yararı kenar ve açılı özelliklerine göre kullanılan aletin bir kenarının keskin diğer kenarının küt olduğu, kesik vasıftaki yaranın da aynı aletin keskin kenarı ile oluşturulmasının mümkün olduğu, 4. Kişinin ölümünün küt kafa travmasına bağlı beyin kanaması, boyun basısına bağlı mekanik asfiksisi ve delici kesici alet yaranlamasına bağlı büyük damar kesisinden gelişen dış kanama sonucu meydana gelmiş olduğu kanaatini bildirir rapordur.
	Prof.Dr.Sermet Koç Morg İhtisas Dairesi Başkanı V. Uz.Dr.Murat Nihat Arslan Otopsi Şube Müdürü V. Dr.M.Feyzi Şahin Adli Tıp Uzmanı (Otopside bulundu, uzada bulunmadı) Dr. Burak Furkan Çetin Asistan BAKIRKÖY CUMHURİYET BAŞSAVCILIĞI'NA Doç.Dr.Yalçın Büyük Başkan Bu belge 5070 sayılı Elektronik İmza Kanunu kapsamında E-İMZA ile imzalanmıştır. FİZİKSEL EVRAK GÖNDERİLMEMEYECİKTİR
1	3

Figure 15: Autopsy Report of Ragıp Enes Katran (Published in Annex B)

- 7 (seven) sharp object injuries and 1 (one) cut wound were detected on the body of the person, and it was stated that the sharp tool wounds were fatal on their own, and the death of the person occurred as a result of cerebral hemorrhage due to head trauma, mechanical asphyxia due to neck compression and external bleeding from a large vessel incision due to piercing sharp object injury.
- The fact that Ragıp Enes Katran's death was caused by methods such as cerebral hemorrhage due to head trauma, external bleeding from a large vessel incision and mechanical asphyxia proves that the victim was subjected to cruel, inhuman or degrading treatment, escalating to an arbitrary deprivation of life, at a time when his mobility was completely restricted. While this act constitutes the crime of 'killing with monstrous instinct' (*canavarca hisle kasten öldürme*) under domestic law, it directly violates the absolute prohibition of torture and the right to life under international law. These findings⁷⁶ confirm that death was a direct act of execution in an examination carried out under the Minnesota Protocol.

69. The development of the incident and the public statements of the perpetrators show that the action was not a spontaneous public reaction, but was driven by a paramilitary organization and radical motivation.

⁷⁶ United Nations, *Minnesota Protocol: Revised UN Guidance on the Investigation of Extrajudicial, Arbitrary or Extrajudicial Executions*, 2017

Violation of the State's Negative Responsibility in the Extrajudicial Executions of Murat Tekin and Ragıp Enes Katran: Judicial Blockage

70. The judicial authorities of the Republic of Türkiye have disabled universal legal principles in the process of seeking the rights of Murat Tekin and Ragıp Enes Katran.

71. Murat Tekin's family, through lawyer Kübra Aydın, filed a criminal complaint with the prosecutor's office against those who murdered Murat Tekin . The Istanbul Chief Public Prosecutor's Office also decided on 07.11.2018 that there was no need for prosecution against the suspects.⁷⁷

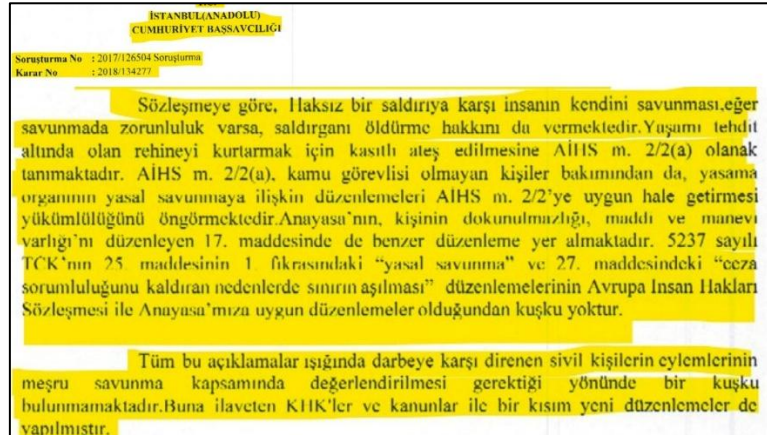


Figure 16: Decision of the Istanbul Chief Public Prosecutor's Office on 07.11.2018 on 'Decision of Non Prosecution / Dismissal of Charges' (Published in Annex C)

72. In the decision of the prosecutor's office, reference was made to the exceptions in paragraph 2 of Article 2 of the European Convention on Human Rights, which regulates the right to life. These exceptions are; protection of a person against illegal violence (legitimate defense), proper arrest and suppression of insurrection. It is seen that there are serious legal disputes between the content of the decision and the concrete events.

- Principle of Proportionality and Manner of Death:** The most basic condition of legitimate defense is "proportionality". However, in the autopsy reports of Murat Tekin and Ragıp Enes Katran, the causes of death were; It was stated that there were widespread beatings, sharp tool wounds, neck pressure and suffocation in the body. From a legal point of view, such severe violence against someone who has surrendered or been neutralized (throat cutting, lynching) is exceeding the limits of legitimate defense.
- End of the Attack and Surrender:** It is seen from the witness records that the lynching attempt that the cadets were subjected to took place when they were about to surrender to the police (or while they had surrendered).⁷⁸ Legally⁷⁹, acts committed after the attack has ended do not fall within the scope of legitimate defense.

73. The prosecutor's decision seems to have accepted the motivation to suppress the coup attempt as an "absolute reason for compliance with the law". However, autopsy reports and eyewitness statements in the sources reveal that the dose of violence (torture and lynching) and timing (after surrender) are outside the limits of legitimate defense and the exceptions recognized by the ECHR.

⁷⁷ Decision of the Istanbul Chief Public Prosecutor's Office dated 07.11.2018 and numbered 2018/134277

⁷⁸ 3. Episode | Video titled RAGIP ENES KATRAN, website: <https://www.youtube.com/watch?v=wNoQeird8bU> (Access date: 24 June 2026)

⁷⁹ Blue Bus Documentary | Internet access address: <https://www.youtube.com/watch?v=7KXe48msKiw> Time: 24th minute, (Access date: June 24, 2026)

74. In the meetings of lawyer Kübra Aydın with the prosecutor's office, prosecutors made statements such as " Do not put us in jeopardy (Başımızı yakmayın), there is nothing we can do", "If they died during the conflict, there is nothing we can do", "The file is being handled according to the decision to be made by Ankara", ⁸⁰ which constitute clear evidence that the lack of judicial independence and structural bias. This situation reveals that the independence of the judiciary in Türkiye has been completely lost. The "Non-Prosecution / Dismissal of Charges" decisions made about the file are aimed at obscuring the material truth and protecting the perpetrators.

The Statutory Impunity: Emergency Decree-Law (KHK) No. 696

75. The Emergency Decree-Law (KHK) No. 696 on Making Certain Arrangements within the Scope of the State of Emergency (Published in Annex D) Published in the Official Gazette dated December 24, 2017⁸¹, and the judicial exemption granted to civilians who carried out any action during the July 15 events function as an absolute "shield of impunity" for the perpetrators who murdered military cadets such as Murat Tekin and Ragıp Enes Katran. This regulation clearly violates the negative and positive obligations of the state by preventing the investigation of violations of the right to life.⁸²

Recourse Action for Damages / Indemnity Claim Cases and Seizure Practices Against the Families of Murat Tekin and Ragıp Enes Katran

76. The families of Murat Tekin and Ragıp Enes Katran were faced with heavy financial sanctions in addition to the loss of life they experienced. The General Directorate of Security filed a lawsuit for compensation against the soldiers, including Murat Tekin and Ragıp Enes Katran, in order to collect the damage, claiming that the vehicles and the Bosphorus bridge were damaged on the night of July 15.⁸³ With its interim decision, the court ruled to impose a prejudgment attachment / conservatory seizure on the movable and immovable properties of the heirs of the cadets who lost their lives, such as Ragıp Enes Katran and Murat Tekin, and on the rights and receivables of third parties.

77. Murat Tekin's older sister, Mehtap Tekin, stated that although her brother was murdered unarmed, fines were imposed against his family for "damaging state property" and that Murat Tekin's personal vehicle had been seized for years.⁸⁴

⁸⁰ <https://www.diken.com.tr/koprude-linc-edilen-askeri-ogrencilerin-avukati-savcilar-basimizi-yakmayin-dedi/> (Access date: 24 June 2026)

⁸¹ Emergency Decree-Law (KHK) No. 696 on Making Certain Arrangements within the Scope of the State of Emergency Published in the Official Gazette dated 24 December 2017

⁸² <https://www.bbc.com/turkce/haberler-turkiye-42471577> (Access date: 24 June 2026)

⁸³ Compensation Case dated 29.05.2019

⁸⁴ <https://www.dogruci1.com/Haberler/sehit-hava-harbiyeli-murat-tekini-katili-kendisini-ifsati-etti-520>

150- MURAT TEKİN - 19967263878 mirasçıları	
ay: 08/2019, 11/2019, 02/2020, 03/2020 - (Tazminat) Mlak: 1992/111 Ml, No: 88/1 - Başvuru: 12/04/18	
ay: 08/2019, 11/2019, 02/2020, 03/2020 - (Tazminat) Mlak: 1992/111 Ml, No: 88/1 - Başvuru: 12/04/18	
151-RAGİB ENES KATRAN -14449342966 mirasçıları	
ay: 08/2019, 11/2019, 02/2020, 03/2020 - (Tazminat) Mlak: 1992/111 Ml, No: 111/1 - Başvuru: 12/04/18	
ay: 08/2019, 11/2019, 02/2020, 03/2020 - (Tazminat) Mlak: 1992/111 Ml, No: 111/1 - Başvuru: 12/04/18	
DAVA	: Tazminat (Kamu Görevleri Kaynaklı Rücu)
DAVA TARİHİ	: 29/05/2019
ARA KARAR TARİHİ	: 31/05/2019
TALEP: Davacı vekili dava dilekçesi ile 15.07.2017 tarihli darbe kalkışmasında, 15 Temmuz Şehitler Köprüsünü trafiğe kapatan davalıların ve darbe kalkışmasını yönetenlerin haksız eylemleri sonucu Emniyet Genel Müdürlüğü-İstanbul Emniyet Müdürlüğü aleyhine meydana gelen; 34 A 43701 (34 A 6399) plakalı araçta 3.113,77 TL, 34 A 43535 (34 A 9148 resmi plaka) plakalı araçta 591,77 TL, 34 A 9538 (Toma 10) plakalı araçta 9.707,20 TL, 34 A 9577 (Toma 85) plaka sayılı araçta 63.817,83 TL değer kaybı ile Şehit Polis Memuru Kemal Tosun'un yakınlarına ödenen 88.596 TL, Şehit Polis Memuru Münir Alkan'ın yakınlarına ödenen toplam 88.596 TL tazminatın haksız fiil tarihinden ve rücu talebine ilişkin bedellerin ise ödeme tarihinden itibaren işlemiş yasal faiziyle davalılardan müştereken ve müteselsilen tahsili ile kurumlarına ödenmesine, davalıların taşınır, taşınmaz malları ile 3.kişilerdeki hak ve alacakları üzerine teminatsız olarak ihtiyati haciz konulmasına, ayrıca soruşturma ve kovuşturma aşamasında davalılar bakımından 3714 sayılı yasanın 20/A maddesi uyarınca taşınmazlarına, kara, deniz yada hava ulaşım araçlarına, yardımlaşma kurum ve sandıklarından olan alacaklarına konulan tedbir kararlarının devamı niteliğinde teminatsız olarak ihtiyati haciz konulmasına karar verilmesini talep etmiştir. Dava dilekçesi, ekinde sunulan belgeler İstanbul 22.Asliye Hukuk Mahkemesinin 2017/20 D.ış sayılı dosyası ile alınan bilirkişi raporu, ödeme belgeleri, tamire ilişkin faturalar birlikte değerlendirildiğinde 2004 sayılı İcra ve İflas Kanunun 117/2.maddesi gözetilerek alınarak ihtiyati haczin şartlarının oluştuğuna dair mahkememizce yaklaşık kanaat oluştuğundan ihtiyati haciz talebinin kabulüne karar verilmesi gerekmektedir.	

Figure 17: Interim Decision of the Compensation Case Filed by the General Directorate of Security (Published in Annex E)

78. This situation, which completely suspends Türkiye's obligations under Article 2 (Right to Life) of the ECHR, is a crisis of the rule of law that requires urgent and effective intervention at the UN and the ECtHR.

Gendarmerie Captain Yasin Özdemir, Extrajudicially Executed at the Gendarmerie General Command Campus

79. On the night of July 15, 2016, the Gendarmerie General Command (JGK) headquarters was one of the other critical points of Ankara, where military procedures and law were suspended and fatal incidents took place. In this process, the summoning of military personnel to their units within the framework of the "terrorist attack" alarm and the increased threat perception was a rational behavior pattern in the context of the TAF disciplinary law and internal service regulations. However, the direct targeting of personnel who had declared their will to surrender beyond doubt is not an operational necessity, but a case of extrajudicial execution, in which the state's obligation to protect the right to life is deliberately violated.

80. Security camera recordings and barracks entry-exit documents belonging to the Gendarmerie General Command (JGK) headquarters confirm that Captain Yasin Özdemir entered the JGK headquarters, his place of duty, on July 15 at 23:13. It⁸⁵ is established that Özdemir did not go out of the boundaries of the guardhouse during the night, did not take any aggressive action against civilians or law enforcement elements outside, and spent his time waiting in the headquarters. This situation documents that he was not involved in events outside the barracks.

⁸⁵ MURDER OF CAPTAIN YASIN ÖZDEMİR AND ITS CONTRADICTIONS Video Available at: https://www.youtube.com/watch?v=Tq_XoR8pWTQ

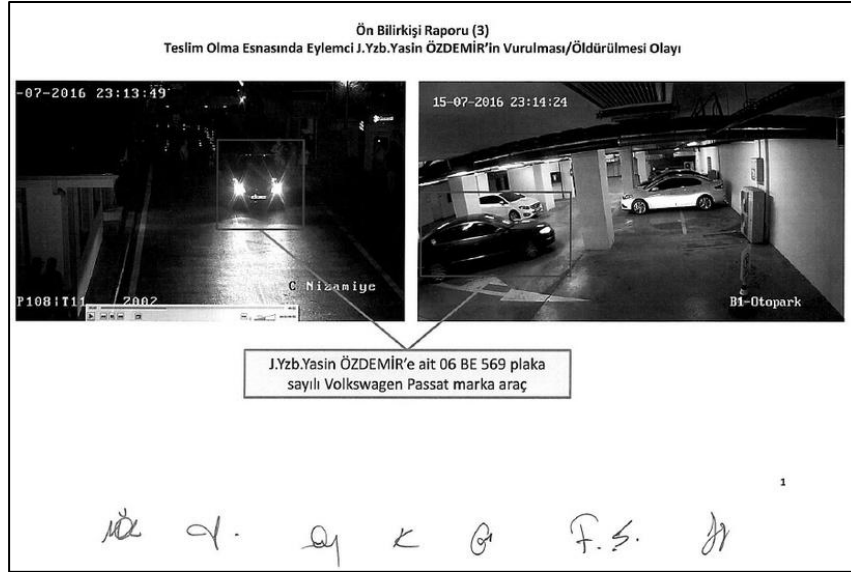


Figure 18: Camera footage of Yasin Özdemir's arrival at the General Command

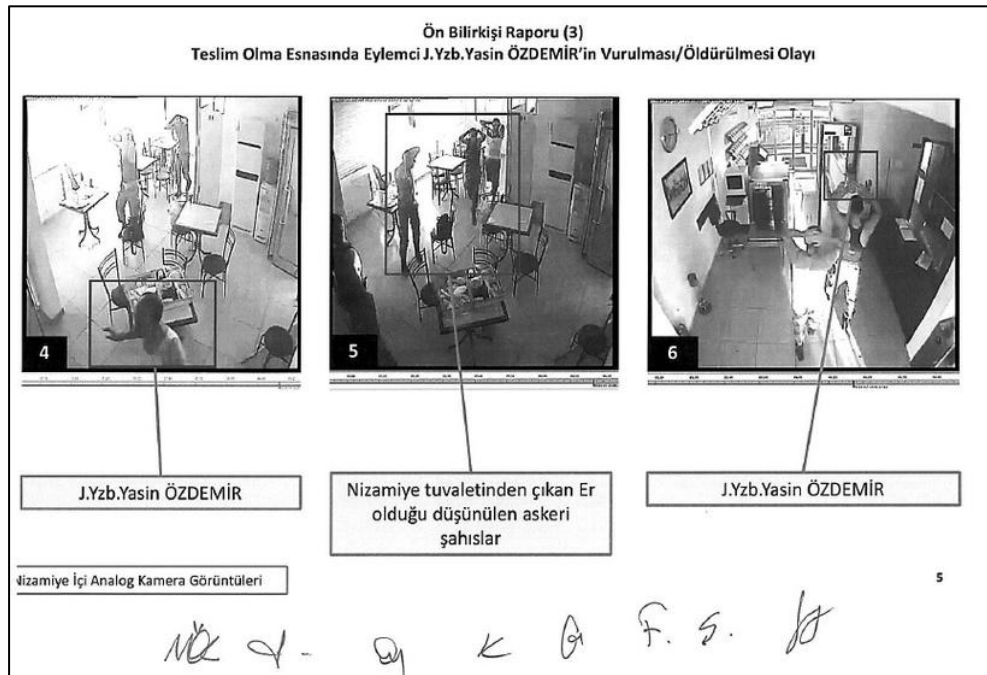


Figure 19: Camera footage of the moment Yasin Özdemir was shot at the guardhouse

81. The footage recorded at around 06:15 on the morning of July 16 shows Captain Yasin Özdemir and a group of soldiers with him moving towards the guardhouse with their hands up, half-naked (wearing only an undershirt) and completely unarmed with the "intention of surrendering". The fact that Yasin Özdemir was found with his hands in the air, half-naked (wearing only an undershirt) and completely unarmed is a clear declaration of his intention to surrender according to the Expert Report. The camera footage of Yasin Özdemir below meets all the criteria accepted as a "clear declaration of intent to surrender" within the framework of the UN Minnesota Protocol. Captain Özdemir was killed as a result

of the fire opened from the area where the armored vehicles of the police were located, while he was leaving the guardhouse with both hands on his head and completely defenseless.^{86, 87}



Figure 20: Camera footage of the moment Yasin Özdemir was shot at the guardhouse

Power Usage Analysis

82. It is impossible for Captain Yasin Özdemir, being in an undershirt with his hands above his head (the possibility of hiding weapons has been eliminated) to pose an "imminent and serious threat" to law enforcement officers. The use of lethal force by law enforcement officers against an individual who had so clearly demonstrated his will to surrender is contrary to the UN Basic Principles on the Use of Force and Firearms⁸⁸ and Article 2 of the ECHR. It is a clear and gross violation of the Right to Life. This proves that Captain Yasin Özdemir's right to surrender was taken away and the principle of "absolute necessity" was violated.

83. Police Duties and Powers Law (PVSK) Article 16 (Published in Annex F)⁸⁹ stipulates that the police must have the aim of "breaking the resistance" or "apprehending" before using a weapon and that the weapon must be used only when there is no other way (as a last resort). According to the security camera recordings, it is seen that Yasin Özdemir did not show any active resistance or attempt to escape, on the contrary, he obeyed all the instructions of law enforcement officers (such as taking off his clothes). This shows that the elements of "breaking the resistance" or "necessity for capture", which are the basic conditions for the use of weapons, were not formed at this stage.

84. Under Warning and Graduated Use of Force, the Law provides that before using a weapon, a verbal warning is given to a person to stop, followed by firing into the air. In the recordings, it is stated that Özdemir was shot with "shots of unknown origin" just as he was leaving the guardhouse. In addition, the expert report and time/location data emphasize the possibility that the fire was fired from a police

⁸⁶ https://x.com/U_Berber/status/1254747654975893508

⁸⁷ https://www.patreon.com/U_Berber/posts/kamera-kayitlari-35401500?utm_medium=social&utm_source=twitter&utm_campaign=postshare

⁸⁸ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>

⁸⁹ No. 2559 (5) Police Duties and Authority Law Article 16

armored vehicle with license plate 06 A 10570 waiting at the guardhouse. The fact that Özdemir was already with his hands in the air and obeying the instructions indicates that the steps of the use of force, such as the "stop" warning or firing into the air, may have been skipped or that these measures were null and void for a person who surrendered.

85. "Self-Defense and Existence of Danger" For the use of weapons, there must be an absolute danger to the officer himself or someone else. Experts who evaluated the expert report and camera recordings clearly state that Özdemir did not pose a threat to anyone at that moment. Since ⁹⁰ the other person is unarmed and surrendering, it is understood that there was no "imminent and grave danger" situation that would justify the use of armed force for law enforcement officers, according to the data in the sources.

86. Within the scope of proportionality and the measure of the use of weapons, the use of weapons should not exceed the extent required to neutralize the person in accordance with Article 16 of the Law on the Duties and Powers of the Police (PVSK). The autopsy report dated 8 September 2016 (Published in Annex I)⁹¹ determined that six bullets hit Yasin Özdemir's body (4 chest/neck, 2 abdomen) and one bullet grazed him. Six shots against a person who clearly showed his intention to surrender, targeting his vital areas, are considered to be an "execution" by going beyond the limits of "proportional force" and "neutralization" sought by the PVSK. Witnesses argue that the shot was fired with a target and with the direct intent to kill.⁹²

87. These gross violations of procedure and principle in the way the incident occurred necessitate the examination of the material findings on Captain Yasin Özdemir's body.

Autopsy Report and Ballistic Findings

88. Forensic data in extrajudicial killing claims go beyond operational narratives, establishing the material truth of the event with scientific precision. Scientific findings have the capacity to document the will to intentionally kill based on the position and shooting distance of the victim.

89. The autopsy report prepared by the Ankara Forensic Medicine Institute⁹³ scientifically proves that the incident was not a "conflict" but an "execution" directly targeting vital organs, by detecting a total of 6 (six) firearm bullet wounds and one grazing on Captain Yasin Özdemir's body. The fact that bullets 3 and 4, especially those mentioned in the autopsy report, broke the sternum bone, directly pierced the right and left ventricles (ventricles) of the heart and ruptured the lung tissue, shows that the shots were fired with the absolute intent to kill, beyond the purpose of neutralizing Yasin Özdemir. The findings determined in the presence of the prosecutor show that Captain Özdemir was executed without any doubt.

90. The fact that Yasin Özdemir was found to be wearing only a white undershirt and camouflage trousers during the autopsy shows a medical consistency with the act of "surrendering unarmed and with his hands in the air" in the camera recordings; This situation creates a strong legal presumption that the victim did not pose an "imminent and grave threat" to law enforcement officers at that moment.

⁹⁰ MURDER OF CAPTAIN YASIN ÖZDEMİR AND ITS CONTRADICTIONS Video Available at:
https://www.youtube.com/watch?v=Tq_XoR8pWTO

⁹¹ Autopsy Report of the Institute of Forensic Medicine dated 08/09/2016 and numbered 37121002/101.02/2016/12890/16721/1186 (Published in ANNEX G)

⁹² https://www.patreon.com/posts/kamera-kayitlari-35401500?utm_medium=social&utm_source=twitter&utm_campaign=postshare

⁹³ Autopsy Report of the Institute of Forensic Medicine dated 08/09/2016 and numbered 37121002/101.02/2016/12890/16721/1186

T.C.
ADLI TIP KURUMU
Ankara Grup Başkanlığı

Ankara Morg İhtisas Dairesi Başkanlığı
Sayı :37121003/101.02/2016/12890/1672/1186 08/09/2016

OTOPSİ RAPORU

Adı ve Soyadı : Yücelİsekiz Nolu Cenaze(Bs-Sekiz Kodlu) - **YASİN ÖZDEMİR**
T.C.Kimlik No: 11362257018
Cinsiyeti : Erkek
Baba Adı : Mehmet
Ana Adı : Ayşe
Doğum Tarihi: 1981
Nüfus kaydı : Ankara , Kızılcahamam, 71 Cilt No, 47 Aile Sıra No, 83 Sıra No'da nüfusa kayıtlı.
Ölüm /Ölü Bulunduğu tarih: 15/07/2016
Ölüm Tarihi : 18/07/2016 Saati:
Ölüm yeri : Ankara
Otopsiyi isteyen makam : Ankara Cumhuriyet Başsavcılığı'nın 18/07/2016 tarih ve 2016/BİLA sayılı yazısı ile
Otopsinin yapıldığı yer : Morg İhtisas Dairesi Otopsi Salonu
Ölüm sebebi : Ateşli silah mermi çekirdeği yaralanmalarına bağlı kemik kırıkları ile karakterli iç organ (akciğer, kalp) delinmelerinden gelişen iç ve dış kanama
Otopsiyi yapanlar : Ankara Cumhuriyet Savcısı Aytekin Çenikil huzurunda Uz.Dr. Bülent DEĞİRMENCI, Uz.Dr. Hanife ALKURT ALKAN, Asistan Dr. Emrah EMİRAL yeminli Tabiplerce Adli Otopsi yapılmıştır.

DİŞ MUAYENE

177 cm boyunda, 30-35 yaşlarında, 80-85 kg ağırlığında, siyah renkte saç, kaş ve kirpikler, saçları frontalde ve vertexten dökülmüş, günlük sakal taşı, buğday tenli, gözlerde korneal opaklaşma olan sınırlı erkek cesedinde, ölü katliğının devam ettiği, ölü lekelerinin sırtta ve belde mutad yerlerde husule geldiği görüldü. Dil dudaklar arasından dışarıda, dil ucu ve dudaklarda parşömenleşme olduğu tespit edildi.

1. Sağ omuz supraklavikular bölgede 0,5 cm çapında ateşli silah mermi çekirdeği giriş yarası.
2. 1 nolu yarannın 2 cm iç yanında 0,5cm ateşli silah mermi çekirdeği giriş yarası.
3. Göğüste sternal hatta 4. kosta seviyesinde 0,5 cm ateşli silah mermi çekirdeği giriş yarası.
4. 3 nolu yarannın 6 cm yukarısında sternal hatta 2. kosta seviyesinde 0,5 cm ateşli silah mermi çekirdeği giriş yarası.
5. Sol koltuk altının 4cm dış yanında 3,5x1,5 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası.
6. 5 nolu yarannın 7,5 cm aşağısında 2,5x2 cm ateşli silah mermi çekirdeği çıkış yarası.
7. Ensede saçlı deri çizgisinin 5cm aşağısında 1x0,5 cm ateşli silah mermi

* Bu belge 5070 sayılı kanun hükümlerine uygun olarak elektronik imza ile imzalanarak

UYAP üzerinden gönderilmiş olup ayrıca fiziki evrak gönderilmeyecektir.

** Futura asılları her ay toplanarak Cumhuriyet Başsavcılığı'na gönderilmektedir.

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T.C.
ADLI TIP KURUMU
Ankara Grup Başkanlığı

Ankara Morg İhtisas Dairesi Başkanlığı
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çekerdeği çıkış yarası.

8. 7 nolu yarannın 0,5 cm iç yanında 1x0,5 cm ateşli silah mermi çekirdeği çıkış yarası.

9. Sol gluteal bölgede ortada 4x2 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası.

10. 9 nolu yarannın 5,5 cm üst dış tarafında 0,5x0,7 cm çaplı ateşli silah mermi çekirdeği geçici ile uyumlu yara.

11. Sol gluteal bölge iç alt kısmında 0,5 cm çaplı ateşli silah mermi çekirdeği giriş yarası.

12. Sağ uyluk arka üst 1/3 te 0,5x1 cm boyutlarında 0,5 cm çaplı ateşli silah mermi çekirdeği giriş yarası.

13. Sağ uyluk önde üst 1/3 iç yanda 2x0,5 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası olduğu görüldü.

Sol diz ön yüzde 10x35 cm boyutlarındaki alanda muhtelif sayı ve ebatlarda bazıları yüzeysel, bir tanesi 0,5 cm olmak üzere penetran yaralar görüldü. Birinin üzerinde cilde penetre sarı metalik cisim saptanarak muhafaza altına alındı.

Vücudunda haricen başka bulguya rastlanmadı.

İÇ MUAYENE

BAS AÇILDI: Saçlı deri kaldırıldı. Cilt altı soluk görünümde olup kanama ve ekimoz saptanmadı. Temporal adaleler ve kafa kubbe kemikleri sağlam olup kafatası açıldı. Beyin ve beyincik çıkarıldı. Frontal alt bölgelerde çürümeye bağlı koyu kırmızı renk değişiklikleri, kesitlerinde ödem ve kıvamında yumuşama görüldü. Dural mesafeler temiz, kafa kaide kemikleri sağlam bulundu.

BOYUN VE GÖĞÜS AÇILDI: Boyun ve göğüs derisi kaldırıldı. Boyun bölgesi cilt altında kanama ve ekimoz saptanmadı. Göğüs bölgesinde haricen tarif edilen ateşli silah mermi çekirdeğine ait giriş ve çıkış yaraları ile uyumlu lokalizasyonlarda cilt altı ve interkostal kas gruplarında kanama ve ekimoz saptandı. Boyun organlarının tetkikinde; Thyroid kemik, tiroid kartilaj ve boyun omurları sağlam olup trakea lümeni boş, mukozada çürümeye bağlı yeşil renk değişikliği ve özefagusta minimal mide içeriği bulundu. Sternal kapak kaldırıldı. Sol göğüs boşluğundan 1000 cc pıhtılı kan boşaltıldı. Sağ göğüs boşluğunda sıvama tarzında kanama olduğu görüldü. Sağ akciğer sağlam bulundu. Kesitlerinde özellik saptanmadı. Kalp çıkarıldı. Açımında ve kesitlerinde giriş ve çıkış yaraları ile uyumlu lokalizasyonlarda sağ ve sol ventrikül duvarı yaygın kanamalı bulundu. Aort normal konum ve yapıda bulundu. Torakal vertebra lar sağlam bulundu.

Haricen 3 no da tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin sternum ortasından sternal kemiği kırarak göğüs boşluğuna girdiği, kalbe sağ ventrikül ön yüzden 2x1 cm boyutlarında doku harabiyeti oluşturarak girdiği, sol ventrikül arka duvarında 4x3 cm boyutlarında kanamalı doku harabiyeti oluşturduğu ve kalbi terk ettiği, sol akciğer alt lobunda kanamalı doku harabiyeti oluşturduğu ve sol göğüs boşluğu arka dış duvarında kanamalı ve ekimozlu doku defekti oluşturarak göğüs boşluğunu, harici muayenede 6 no da tarif edilen yarayı açarak vücuda terk ettiği, öldürücü mahiyette olduğu

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Figure 21: Yasin Özdemir's autopsy report (Published in Annex G)

Contradictions with the Police Report and Evidence Manipulation

91. In the report submitted by the Ankara Security Directorate on February 14, 2017, five months after the autopsy report, it ⁹⁴ was claimed that only 1 (one) bullet core was removed from Captain Yasin Özdemir's body. The radical difference between the 6 bullet entries detected by the Forensic Medicine Institute and the Police's claim of 1 bullet should be considered as an active spoliation of evidence attempt rather than a technical error. This systematic mismatch between material evidence indicates a deliberate violation of the state's obligation to "conduct an effective investigation."

Chain of Command and Operational Responsibility

92. The manner of the intervention and the attitude that followed it reveal that the incident was not an isolated excess, but a command decision. The execution order of Brigadier General Ahmet Hacıoğlu in the radio conversations reflected in the court records, saying "Gebertin O... çocuklarını"⁹⁵ is the most concrete document of his unlawful will to kill. This instruction unlawfully increased the threshold of the use of weapons by the units directed and managed by Eraslan Er and Yaman Ağırlar, who were the operational officers in the field. The fact that a high-ranking officer gave the order to "kill" proves that the operation was not a "capture" but an "annihilation" operation.

⁹⁴ https://www.patreon.com/posts/kamera-kayitlari-35401500?utm_medium=social&utm_source=twitter&utm_campaign=postshare

⁹⁵ Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence p.131 (Published in Annex H)

TANIK İRFAN TÜTEN: Şu anda ben evet. Bir dakika hatırlamaya çalışıyorum. İki sene oldu. Evet. Yanında isyancılardan biri vardı, onu ben şey yapmışım. Aşağıda da acele ile insanlar toplanıyordu. Hatta ben de şey yaptım. Oradan beraber atladık. Kendimde atlardım oradan. İtme olayı yok. Orada beraber şeyle elimde bulunan biri vardı. Benim teslim aldığım onunla beraber o benim önümde idi. Beraber atladık. Yani sadece biri bir insan birini ittiği zaman kendi yukarda kalır, diğer attığı insan da aşağıda kalır. Oradan beraber atladık. Yanlış düşünüyorsun sen.

SANIK ÖZKAN YILMAZ: Başkanım son sorum. Saat 06:15 sıralarında Hisarcıklioğlu camii civarında polisler ve sizinde içinde bulunduğunuz Jandarma Subayları tarafından işkenceye maruz kalırken tuğgenaral Ahmet Hacıoğlunun telsizden gebertin o... çocuklarını diye talimat verdiğini duydunuzmu?

Figure 22: Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence p.131 (Published in Annex H) ⁹⁶

93. There are deep contradictions between Eraslan Er's statements in the Parliamentary Investigation Commission⁹⁷ and the forensic medicine and expert reports on the death of Captain Yasin Özdemir in terms of the will to surrender, the use of weapons and the nature of the fire.

94. Eraslan Er argued that Yasin Özdemir was neutralized while fighting with a gun in his hand in the guardhouse or in the garden. He claimed that the operation started with a focus on "surrender", not "destruction", but was responded with intense fire. Security camera footage and the expert report show that Özdemir went out of the guardhouse with his hands on his head, wearing only an undershirt (proving that he was unarmed) and with the intention of surrendering. It is stated in the footage that Özdemir does not pose any threat.

95. In his statement, Eraslan Er claims that Özdemir had a G-3 infantry rifle and loaded magazines with him, and that he was shot while responding to intense fire from the other side. It was also claimed that the coup plotters in the garden tried to throw grenades at armored vehicles. In the expert reports and videos, it is confirmed that Özdemir did not have a weapon in his hand at the time of the shooting, on the contrary, he obeyed all the instructions of the intervention elements (such as taking off his clothes). It is also emphasized that Özdemir did not leave the barracks that night and that there was no image of an armed action that would constitute evidence against him.

96. In his testimony, Eraslan Er's death was presented as a case of "neutralization" that took place in an uncontrolled conflict environment "resembling the landscape of civil war". The autopsy report dated September 8, 2016 determined that 6 (six) bullets hit Özdemir's body. Four of the bullets hit the chest and neck area directly; broke the sternum bone, shattering the heart and lungs. Sources argue that these medical findings confirm an "execution" with direct intent to kill rather than a conflict.

97. Eraslan Er stated that the coup will that took up arms against its people was responsible for the losses and described the operation as "self-defense". The preliminary report of the court investigation draws attention to the possibility that Özdemir was killed by a shot fired from a police armored vehicle with license plate 06 A 10570, which was waiting at the guardhouse, based on the direction and location data of the shot.

98. While Eraslan Er portrayed the incident as a hot conflict and a legitimate operational intervention, the autopsy report and camera recordings reveal that Özdemir was killed with many bullets at the time of his surrender, while he was unarmed and his vital organs were targeted.

⁹⁶ Ankara 23. High Criminal Court 2017/30 E Statements of the Defendants Taken Against the Evidence were Published in Annex H.

⁹⁷ <https://www.turkiyehukuk.org/wp-content/uploads/2021/05/KOMISYON-RAPOR-2021.pdf>

99. The trial statements of JÖH team commander Lieutenant Colonel İrfan Tüten⁹⁸ admit that snipers were placed in the buildings around the headquarters long before the start of the events.

SANIK MUHARREM DEMİRKALE: Çünkü polis telsizlerinde her yerde geçiyor bu konu, şimdi son bir iki sorum var başkanım müsaadelerinizle, şimdi önemli bir şey daha var, pazartesi çünkü buraya gelecekler o polisleri sevk ve idare edenler, polis özel hareket sizden nasıl hareket edildiği şeklinde net bir talimat almadı, kendi inisiyatifi kullandığı meselesini tekrardan bağlamak istiyorum, seninde istikbalin ile ilgili bir mesel bu, biz keskin nişancıları şuraya yerleştiriyoruz komutanım, biz şuradan şu şekilde ejderle Ateş edeceğiz tarzında senden bir Emir talimat aldılar mı?

TANIK İRFAN TÜTEN: şimdi şöyle Muharrem ben biz oraya gelmeden önce o yüksek binalara herhalde polis Özel hareket'in personeli çıkıp oradan bazı faaliyetler icra etmişti diye düşünüyorum, çünkü biz geldikten sonra o yüksek binalardan aşağıya Ateş edilmedi, biz gelmeden önce olmuştur o, onu da şuradan biliyorum, o bir tane şey vardı kulağından vurulmuş bir komiser vardı, adam psikoloji psikolojisi çok bozuktur yani, mecbur vurulmuş kulağından, üst binalardan da Ateş muhtemelen polisleri Keskin nişancıların gelmeden önce o faaliyetleri icra etmiş olabilir.

Figure 23: Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence p.125 (Published in Annex H)

Systematic Evidence Obfuscation and Deletion of Records

100. It was revealed in court records that the "Crime Scene Investigation" task, *which belongs to the field of duty of the Gendarmerie Criminal Department or the Cyber Department*, was carried out by the Gendarmerie Training Command, which has no judicial or civil duty, with a team established by Brigadier General Ahmet Hacıoğlu.⁹⁹, which ¹⁰⁰ was recorded in the court minutes that the request for camera recordings from the prosecutor's office on July 21 started to be prepared on July 25, 10 days later, and was delivered on the 26th. On July 25, 2016, in the monitoring room of the camera footage at the headquarters, Brigadier General Ahmet Hacıoğlu showed the footage to Petty Officer Fatih Karabağ, who was with him at the time, *and said, "Back up this image, back up that, this is good, this is bad."* It was revealed in the court records that he had a backup process made by order and that he wanted some images not to be backed up. It was claimed that the security cameras overlooking Alpaslan Türkeş Boulevard in front of the headquarters were also disabled, and it was determined that the recordings showing the events in front of the headquarters were deleted. These actions suggest that it is not only a procedural error, but also an organized activity aimed at concealing the crime of extrajudicial execution of Gendarmerie Captain Yasin Özdemir. These interventions of the command echelon show that the incident was a planned extrajudicial execution and that state mechanisms were used to protect those responsible.

⁹⁸ Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence p.125 (Published in Annex H)

⁹⁹ Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence p.439 (Published in Annex H)

¹⁰⁰ <https://www.dogruaci.com/Haberler/tugg-ahmet-hacioglu-su-goruntuyu-yedekle-buna-gerek-yok-260>

kendisini uyardığını söylemiştir. **Fatih KARABAĞ** 13 Aralık 2017 tarihli ifadesinde sistem odasında bulundukları sırada yanında bulunan kişilere Ahmet HACIOĞLU'nun bazı kamera görüntülerini yedeklemelerini bazı kamera görüntülerini de yedeklemeyin şeklinde talimat verdiğine şahit olduğunu söylemiştir. Yine Küçük Muzaffer ALIÇ 19 Aralık 2017 tarihinde mahkeme tarafından kendisine gösterilen görüntüler ile ilgili "Biz bu gönderi karartmıştık" ifadesinde bulunmuştur. Jandarma Genel Komutanlığı'nın Nizamiye kayıtlarını gösteren C5JL6V2C8011008 nolu DVR cihazının 13 Aralık 2016 tarihinde yapılan incelemesinde 29 Temmuz 2016 tarihinden öncesine ait hiçbir görüntü olmadığı tespit edilmesi de üzerinde durulması gereken ayrı bir konudur. Şahıs zaman ve yer vererek belirttiğim tüm bu hususlar başını Ahmet HACIOĞLU ve Özcan ŞAHİN'in çektiği ekibin hem ilk yedeklemeyi yaptığını hem de yedekleme öncesinde kamera kayıtları üzerinde usulsüz bir takım işlemler yaptıkları gerçeğini alenen ortaya koymaktadır. Sayın Başkan bu ekibin yaptığı işlemler hukuksuzdur

Figure 24: Ankara 23. Heavy Penal Court 2017/30 E Statements of the Defendants Taken Against the Evidence-p.439 (Published in Annex H)

Violation of the Right to Life and Disproportionality

101. The killing of Captain Özdemir without a gun, with his hands in the air and with 6 bullets while surrendering, ECHR 2. It is the "violation of the right to life in terms of substance" defined within the scope of the article. The fact that the intervening elements resort to lethal force when they have the opportunity to seize the victim alive invalidates the principle of "absolute necessity".

Impunity and Investigative Flaws

102. After the injuries, 23. The High Criminal Court decided that "a criminal complaint be filed with the Ankara Chief Public Prosecutor's Office regarding the death of Yasin Özdemir for the discretion and execution of the necessary, and that the relevant document samples and camera recording be attached to the document".¹⁰¹ However, the expected progress in the legal process has not been made, and no investigation has been opened by the judicial and law enforcement authorities.

103. Declaring Captain Özdemir a "coup plotter" without any judicial decision, not taking any action to reveal those responsible for the extrajudicial execution within the scope of this decision, and closing the investigation are procedural violations of the right to life. The failure to identify the police/gendarmerie personnel pointed out as murder suspects and the failure to resolve the contradictions in the autopsy reports are a manifestation of the systematic policy of impunity in Türkiye.

104. The case of Yasin Özdemir is an extrajudicial execution and requires immediate and transparent accountability from the authorities of the Republic of Türkiye before the United Nations and relevant human rights mechanisms.

VI. CONCLUSION

105. Despite the many trials and decisions made within the scope of the military activity on July 15, 2016, there was no consensus on what really happened. However, regardless of the true nature of the events, there is a fact that they present images of extrajudicial executions and lynchings that cannot be justified with any justification. What is more serious than the images of extrajudicial executions and lynchings are the regulations aimed at not investigating them and the attempts to legitimize what happened in the conscience of the society.

106. The extrajudicial executions that allegedly took place during and immediately after the military activity in question and the lynching images recorded on the Bosphorus Bridge indicate that the events took place in a certain pattern rather than being isolated incidents that developed spontaneously and

¹⁰¹ Ankara 23. Reasoned Decision of the High Criminal Court dated 26.06.2020 and Decision No. 2020/7, No.2517 (Published in Annex I)

spontaneously. When the information and documents regarding extrajudicial executions and lynching attempts presented within the scope of the report are evaluated together;

- a. The allegations regarding the use of lethal force against soldiers who surrendered or were actually incapacitated were repeated in more than one file,
- b. There are indications that law enforcement officers did not effectively fulfill their obligations to prevent and protect during the lynching attempts and/or that civilian/paramilitary groups were directed in the field,
- c. Similar problems recur in the collection and preservation of evidence (allegations of selection/deletion of records, contradictions in ballistic/autopsy findings, ineffective investigation or failure to conduct an investigation),
- d. Likewise, it is observed that the indications that the regulations introduced by the decree-laws/laws have the effect of de facto immunity/impunity in practice are repeated in different incidents.

107. When the recurring issues are considered together, it is concluded that it is difficult to evaluate the incidents as isolated outbursts, on the contrary, there are serious indications of the possibility of organized manipulation/coordination in some cases that occurred in a predictable and preventable environment of violence.

108. In accordance with the procedural dimension of Article 2 of the ECHR and the Minnesota Protocol, the state is obliged to conduct an independent, fast, comprehensive, open to public scrutiny, effective participation of the victims' relatives, and based on the immediate collection and preservation of evidence.

109. However, in the files examined within the scope of the report; It is seen that there have been delays or no investigations, the identification of the suspects/perpetrators has not been carried out effectively, effective steps have not been taken to eliminate the contradictions between camera recordings, ballistic and autopsy findings and witness/defendant statements, and sufficient evidence to shed light on all aspects of the incident has not been collected/preserved.

110. Despite the attempts of a general in a steel vest (Figures 6 and 7), whose photo was seen during the events on the Bosphorus Bridge, and some people with walkie-talkies to direct the military cadets to the center of the events, serious deficiencies were detected in the fact that the chain of command and possible organizational responsibility were not investigated.

111. When these deficiencies are evaluated together, it is clear that the investigation processes in question do not meet the standards stipulated by Article 2 of the ECHR and the Minnesota Protocol; therefore, it is considered that the right to life has been violated in terms of procedure.

112. Strong allegations that lethal force was used against surrendering and/or unarmed persons, without observing the principles of absolute necessity and proportionality, indicate that the state's negative obligation regarding the right to life (not to arbitrary killing) may have been violated.

113. In parallel, the allegations that civilians were directed to risky areas through police announcements, statements about unregistered arms distribution, and findings on the role of paramilitary/civilian groups in the overall incidents, especially the lynching images on the bridge, are considered as violations in terms of the authorities' failure to take reasonable preventive measures in the face of the real and imminent risk of violence that was known or should have been known, and the positive obligations of the state within the scope of protecting life and preventing violence..

114. On the other hand, the evidence presented (police radio announcements, confessions of unregistered arms distribution, allegations of pre-preparation by paramilitary groups (SADAT/ASDER), statements of religious authorities legitimizing violence, normalization of executions through official media, and medical findings such as autopsy reports) show that the state has serious deficiencies in fulfilling its obligation to protect the right to life (ICCPR Article 6, Human Rights Committee General Comment No. 36).

115. In addition to the allegations of the direct or indirect role of state organs in these incidents, the most serious issue is that all these allegations have not been investigated independently, impartially and effectively.

116. The fact that the comprehensive impunity provisions introduced by the Emergency Decree-Law (KHK)s eliminate the legal, administrative and criminal responsibility of the perpetrators, including civilians, shows that the obligation to protect the right to life, which cannot be suspended according to international standards, has been violated.

117. As stated in the content of the report; The interpretation/application of the "exemption from liability" provisions introduced by the relevant legal regulations in a way that eliminates the obligation to investigate and punish effectively in violations of the right to life is incompatible with Article 6 of the ICCPR and Article 2 of the ECHR, and institutionalizes impunity by creating a result in the nature of amnesty/immunity.

118. This situation encourages a culture of impunity in violation of the basic principles of international human rights law. The reports and opinions of international institutions such as the Venice Commission, Amnesty International, the ICJ and the UN Working Group on Arbitrary Detention also confirm this systematic weakness.

119. Although nearly 10 years have passed since the events, the perpetrators of the execution allegations have still not been clarified, and the demands of the victims' families for justice have not been met. Recourse/seizure practices and harassment/threats against victims' relatives have created secondary victimization by effectively preventing access to justice, contradicting the state's obligations to protect victims and provide effective remedies.

VII.DEMANDS

120. The Pour Chaque Victime (PCV) Association requests the following requests from the United Nations Special Rapporteur on Unlawful, Extrajudicial or Arbitrary Executions to be urgently considered:

121. To send an urgent allegation letter to the Government of the Republic of Türkiye regarding the allegations of extrajudicial killings that allegedly took place during and immediately after the military activity on 15 July 2016 (in particular, the allegations of lynching and extrajudicial executions on the Istanbul/Bosphorus Bridge and the Ankara/Beştepe Gendarmerie General Command compound) and to request a detailed explanation of these allegations,

122. In order to ensure that the allegations of execution in question are immediately clarified by an independent, impartial and effective investigation in accordance with international standards, in particular the United Nations Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), the Government should be reminded of the following;

- a. Identification and determination of responsibility of all possible perpetrators, including law enforcement officers, superiors, military personnel, civilians and groups,
- b. Investigating the possible organizational responsibility dimension as well as the individual perpetrators of the incidents, identifying and bringing to justice all persons and organizations that are considered to have played a role in the planning, execution or cover-up of the use of lethal force,
- c. Examining the appropriateness of the measures taken by the law enforcement officers regarding lynching and mass violence, examining the authority in intervening in the incidents, investigating the people who were in the region other than the law enforcement officers and who are alleged to have directed the events,
- d. Keeping all evidence and records to be obtained during the investigation in a complete and unchangeable manner, initiating a separate investigation into the allegations of missing records and identifying those responsible,

- e. Elimination of contradictions between camera recordings, ballistic and autopsy findings, witness statements and suspect/defendant statements, if necessary, by obtaining independent expert opinions,
- f. Re-evaluation of autopsy and ballistic findings, additional examinations in the files with deficiencies,
- g. Directing civilians to risky areas with police announcements, unregistered arms distribution, trainings said to be given to civilians by paramilitary groups, radical religious fatwas and similar allegations, investigating whether there is a connection between these lynchings and deaths,
- h. In terms of allegations regarding the role of paramilitary/civilian groups in the events, financing, communication, organization, management and administration, and possible public official connections should be investigated,
- i. Ensuring the active participation of victims' relatives and attorneys in the files in the investigations requested to be initiated, evaluating access to information, presenting evidence, witness requests, objections and requests for independent expert assignment,

123. Strict implementation of the rules on the use of lethal force by law enforcement and security forces (UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990) and taking the necessary steps to mandate comprehensive human rights training on this issue,

124. Preventing practices that lead to impunity in actual or legal terms, harmonizing norms that may prevent effective investigation and prosecution in violations of the right to life, including decree regulations, with UN standards,

125. In this context, the implementation of permission/procedural mechanisms for the investigation of public officials in a way that does not prevent effective investigation in files, removal of delaying administrative obstacles,

126. If deemed necessary, to pay a country visit to Türkiye and to examine the allegations of extrajudicial executions alleged to have occurred during and after 15 July 2016,

127. These demands are vital for the absolute protection of the right to life, which is a fundamental element of international human rights law, and for the fulfillment of the obligation to investigate deaths in an independent, impartial and effective manner.

VIII. ANNEXES

ANNEX A Murat Tekin Autopsy Report

ANNEX B Ragıp Enes Katran Autopsy Report

ANNEX C Decision of the Prosecutor's Office on Decision of Non-Prosecution / Dismissal of Charges

ANNEX D Emergency Decree-Law (KHK) No. 696 on Making Certain Arrangements within the Scope of the State of Emergency

ANNEX E Interim Decision of the Compensation Case Filed by the General Directorate of Security

ANNEX F Police Duties and Powers Law (PVSK)

ANNEX G Yasin Özdemir Autopsy Report

ANNEX H Ankara 23. High Criminal Court 201730-E Statements of the Defendants Taken Against the Evidence

ANNEX I Ankara 23. Reasoned Decision of the High Criminal Court

REPUBLIC OF TÜRKİYE
MINISTRY OF JUSTICE
Council of Forensic Medicine

Morgue Department
No.: 70898959-101.02-16/65776/2966
SUBJECT: AUTOPSY REPORT

Name and Surname : MURAT TEKİN
Date of Birth : 15 December 1994
Sex : Male
National ID No. : 199 672 638 78
Population Registry : İzmir, Bayraklı
Date and Time Found Dead : 16 July 2016
Place Found Dead : Bakırköy
Authority Requesting the Autopsy : Bakırköy Chief Public Prosecutor's Office
Date / No. : 16 July 2016
Place Where the Autopsy Was Performed : Council of Forensic Medicine, Morgue
Department
Date and Time of the Autopsy : 16 July 2016
Public Prosecutor : Fikret Gönen
Sworn Physicians : Prof. Dr. S. Koç, Dr. M. N. Arslan, Dr. A. S. Gürler, Dr. H. Dilim

EXTERNAL EXAMINATION

On the body of a circumcised male aged 20–25 years, 168 cm in height, 71 kg in weight, with brown eyes, black hair, and white skin, it was observed that rigor mortis was still present and that the livor mortis had formed on the posterior aspects of the body not subject to pressure.

Widespread swelling and ecchymosis around both eyes; a tram-line-shaped ecchymosis measuring 13 x 1.5 cm, ecchymotic in places, extending from the helix of the left ear to above the left eyebrow; a 1.5 cm long tear at the outer canthus of the right eye; hemorrhage around both sclerae; swelling and hemorrhage on both lips; a laceration on the right side of the upper lip; on the anterior aspect of the neck, 2 cm below the Adam's apple, a 3 x 3 cm ecchymosis containing intact skin tissue; a 4 x 3 cm ecchymosis on the mentum; on the left side of the vertex, a 2 cm long tear surrounded by an 8 x 5 cm ecchymosis and displaying tissue bridges within it; a 2 x 1 cm abraded ecchymosis at the right angle of the mandible; and widespread ecchymosis over the entire forehead were observed.

At the level of the 6th thoracic vertebra, in the right paravertebral region, a 0.8 cm long stab wound (sharp-force penetrating instrument wound) with one acute angle and one obtuse angle, confined to the skin and subcutaneous tissues; between the 4th and 9th thoracic vertebrae, 5 ecchymoses, all tram-line-shaped, the largest measuring 5.5 x 2 cm and the smallest 2.5 x 1 cm; in the right costolumbar region, ecchymoses measuring 12 x 1.2 cm and, crossing it, 8 x 0.6 cm; interlocking tram-line-type ecchymoses and scratch-like abrasions measuring 7 x 13 cm, extending from the upper part of the left trapezius muscle to the right side of the nape; a 5 x 5 cm ecchymosis on the left shoulder; a broad area of ecchymosis on the lateral aspect of the upper one-third of the right arm; areas of ecchymosis on the right forearm and the left forearm; and a 5 x 1 cm tram-line-shaped ecchymosis on the posterior aspect of the left leg were observed. An ecchymosis was observed 8 cm below the left nipple; areas of ecchymosis measuring 2 x 2 cm on the medial malleolus of the left foot, and 2 x 2 cm and 1 cm on the dorsum of the right foot, were observed.

INTERNAL EXAMINATION

HEAD: The scalp was reflected. Widespread hemorrhage was observed beneath the scalp. Both temporal muscle groups were observed to be hemorrhagic. The bones of the cranial vault were found to be intact. The skull was opened. The brain, cerebellum, and brainstem were removed. They weighed 1335 g. On the surfaces and sections of the brain and cerebellum, subarachnoid hemorrhage confined to the sulci was observed in both frontoparietal regions. The bones of the base of the skull were found to be intact. On examination of the orbital, nasal, and oral cavities, no macroscopic pathological feature was observed. **CHEST:** The pneumothorax test was found to be negative bilaterally. The sternal plate was removed. No free fluid or blood was observed in the thoracic cavity. The areas underlying the injuries described in the external examination of the chest were found to be hemorrhagic. The heart was removed. It weighed 252 g. No macroscopic pathological feature was observed on its surfaces and sections. The coronary arteries were found to be patent. The lungs were removed. The right lung weighed 207 g and the left lung weighed 213 g. Both lungs were observed to be pale and pink in color. An area of contusion was observed in the upper lobe of the left lung. On examination of the neck organs: hemorrhage in the sternohyoid muscles bilaterally, hemorrhage in the left sternocleidomastoid muscle, hemorrhage in the anterior belly of the left omohyoid muscle, and hemorrhage in the soft tissues beneath the mentum and mandible were observed. An ecchymotic fracture was found at the right superior horn of the thyroid cartilage, with hemorrhage in the surrounding soft tissues. The hyoid bone and cervical vertebrae were found to be intact. No macroscopic pathological feature was observed in the trachea and esophagus. **ABDOMEN:** No free fluid or blood was observed in the abdominal cavity. No macroscopic pathological feature was observed in the intestines. The liver was removed. It weighed 1238 g. No macroscopic pathological feature was observed on its surfaces and sections. The spleen weighed 220 g. No

macroscopic pathological feature was observed on its surfaces and sections. The right kidney weighed 115 g and the left kidney weighed 110 g. No macroscopic pathological feature was observed on the surfaces and sections of either kidney. An incision was made in the back. Hemorrhage was observed in the muscles and soft tissues above the left and right scapulae and in the right and left paravertebral regions. Hemorrhage was observed in the muscle tissue beneath the ecchymosis described on the posterior aspect of the left leg. The skeletal system was found to be intact. A blood sample was taken on FTA to be preserved so that DNA typing may be performed if necessary. Blood, urine, vitreous humor, and bile were taken and sent to the Chemistry Department to be tested for alcohol, sedatives, and narcotic substances. The report of the Chemistry Department, dated 22 July 2016 and numbered 210/16-65776/5726, records that no alcohol (ethanol or methanol) was found in the blood and that the substances tested for in the blood and urine (including sedatives and narcotic substances) were not found.

CONCLUSION

Taking into account the information and findings obtained from the autopsy and examinations performed on 16 July 2016 by the Morgue Department of the Council of Forensic Medicine on the body of MURAT TEKİN, son of Sedat, born on 15 December 1994, who died in the coup attempt of 15 July 2016 and the ensuing events, and who was taken from the Bayrampaşa Rapid Response (Riot) Police Center and sent for autopsy, as recorded above:

1. According to the report of the Chemistry Department, no alcohol (ethanol or methanol) was found in the blood, and the substances tested for in the blood and urine (including sedatives and narcotic substances) were not found;
2. This report sets forth the opinion that the death of the person, in whom widespread blunt traumatic lesions together with a sharp-force penetrating instrument (stab) injury were determined, occurred as a result of mechanical asphyxia due to compression of the neck and obstruction of the mouth and nose.

Acting Head of the Morgue Department Prof. Dr. Sermet Koç,

Acting Head of the Autopsy Branch Specialist Dr. Murat Nihat Arslan

Forensic Medicine Specialist Resident Dr. Ahmet Selçuk Gürlü (Present at the autopsy, unavailable for signature)

Dr. Hakan Dilim

TO THE BAKIRKÖY CHIEF PUBLIC PROSECUTOR'S OFFICE

Assoc. Prof. Dr. Yalçın Büyük, President

[Source Text of ANNEX A]

T.C.
ADALET BAKANLIĞI
Adli Tıp Kurumu

Morg İhtisas Dairesi

SAYI:70898959-101.02-16/65776/2966

KONU:OTOPSİ RAPORU

Adı Soyadı : **MURAT TEKİN**
Doğum Tarihi : 15/12/1994
Cinsiyeti : Erkek
T.C. Kimlik No : 199 672 638 78
Nüfus Kaydı : İzmir, Bayraklı
Ölü Bulunduğu tarih, Saat : 16/07/2016
Ölü Bulunduğu Yer : Bakırköy
Otopsi İsteyen Makam : Bakırköy Cumhuriyet Başsavcılığı
Tarih / Sayı : 16/07/2016-
Otopsi Yapılan Yer : Adli Tıp Kurumu Morg İhtisas Dairesi
Otopsi Tarihi ve Saati : 16/07/2016
Cumhuriyet Savcısı : Fikret Gönen
Yeminli Doktorlar : Prof.Dr.S.Koç, Dr.M.N.Arslan, Dr.A.S.Gürler, Dr.H.Dilim

DIŞ MUAYENE

20-25 yaşlarında, 168 cm boyunda, 71 kg ağırlığında, kahverengi gözlü, siyah saçlı, beyaz tenli, sünnetli erkek cesedinde; ölü katılığının devam ettiği, ölü lekelerini vücut arka yüz bası görmeyen yerlerde olduğu gözlemlendi.

Her iki göz etrafında yaygın şişlik ve ekimoz, sol kulak heliksinden başlayıp sol kaş üstüne uzanan 13x1,5 cm ebadında yer yer ekimozlu ray şeklinde ekimoz, sağ göz dış kantusta 1,5 cm uzunluğunda yırtık, her iki sklera etrafında kanama, her iki dudakta şişlik kanama, üst dudak sağda laserasyon, boyun ön yüzde adem elması 2 cm altında 3x3 cm ebadında sağlam cilt dokuları içeren ekimoz, mentumda 4x3 cm ekimoz, verteks solda 2 cm uzunluğunda çevresinde 8x5 cm ekimoz bulunan içerisinde doku köprüleri izlenen yırtık, sağ angulus mandibula 2x1 cm sıyrıklı ekimoz, tüm alında yaygın ekimoz görüldü.

Torakal 6. vertebra seviyesinde sağ paravertebral bölgede cilt ciltaltı dokular ile sınırlı 0,8 cm uzunlukta bir açısı dar, bir açısı geniş kesici delici alet yarası,

Torakal 4- torakal 9. vertebra arasında 5 adet tümü ray şeklinde en büyüğü 5,5x2 cm en küçüğü 2.5x1 cm boyutunda ekimozlar, sağ kostalomberde 12x1,2 cm ebadında ve bunu çaprazlayan 8x0,6 cm ebadında ekimozlar, sol trapezius kası üst kısımdan ense sağ yana uzanan 7x13 cm ebadında iç içe geçmiş ray tarzı ekimozlar ve çizik şeklinde sıyrıklar, sol omuz üzerinde 5x5 cm ekimoz, sağ kol üst 1/3 lateralde geniş ekimoz alanı, sağ ön kol ve sol ön kolda ekimoz alanları, sol bacak arkada 5x1 cm boyutunda ray şeklinde ekimoz görüldü. Sol meme başı 8 cm altında ekimoz, sol ayak iç malleolde 2x2 cm, sağ ayak dorsumunda 2x2 cm ve 1 cm ekimoz alanı görüldü.

İÇ MUAYENE

BAŞ: Saçlı deri kaldırıldı. Saçlı deri altında yaygın kanama görüldü. Her iki temporal adale grubu kanamalı görüldü. Kafa kubbe kemikleri sağlam bulundu.

Kafatası açıldı. Beyin, beyincik ve beyin sapı çıkartıldı. 1335 g tartıldı. Beyin, beyincik yüzey ve kesitlerinde her iki frontoparietalde sulkuslarla sınırlı subaraknoid kanama görüldü. Kafa kaide kemikleri sağlam bulundu.

Orbita burun ağız boşluğunun yapılan incelemede; makroskopik patolojik özellik görülmedi.

GÖĞÜS: Pnömotoraks testi bilateral negatif bulundu. Sternal kapak kaldırıldı. Göğüs boşluğunda serbest sıvı ve kan görülmedi. Göğüs dış muayenede tanımlanan yaralanmaların altı kanamalı bulundu.

Kalp çıkartıldı. 252g tartıldı. Yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi. Koroner arterler açık bulundu.

Akciğerler çıkartıldı. Sağ akciğer 207g, sol akciğer 213g tartıldı. Her iki akciğer soluk ve pembe renkte görüldü. Sol akciğer üst lobda kontüzyon alanı görüldü.

Boyun organlarının tetkikinde; bilateral sternohyoid kasta kanama, sol sternokleidomastoid kasta kanama, sol omohyoid kas venter anteriorda kanama, mentum ve mandibula alt yumuşak dokularda kanama görüldü. Tiroid kartilaj sağ üst boynuzda ekimozlu kırık, etraf yumuşak dokularda kanama görüldü. Hyoid kemik ve boyun omurları sağlam bulundu. Trakea ve özefagusta makroskopik patolojik özellik görülmedi.

BATIN: Batın boşluğunda serbest sıvı ve kan görülmedi.

Bağırsaklarda makroskopik patolojik özellik görülmedi.

Karaciğer çıkarıldı. 1238 g tartıldı. Yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Dalak 220 g tartıldı. Yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Sağ böbrek 115g, sol böbrek 110g tartıldı. Her iki böbrek yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Sırt kesi atıldı. Sol ve sağ skapula üstü kas ve yumuşak dokularda, sağ ve sol paravertebral alanda kanama görüldü. Sol bacak arkada tanımlanan ekimozun altında kas dokuda kanama görüldü.

İskelet sistemi sağlam bulundu.

Gerektiğinde DNA tipleme yapılabilmesi amacıyla saklanmak üzere FTA ile kan örneği

alındı.

Kan, idrar, göz içi sıvısı ve safra alınarak alkol, uyutucu ve uyuşturucu aranmak üzere Kimya İhtisas Dairesine gönderildi.

Kimya İhtisas Dairesinin 22/07/2016 tarih ve 210/16-65776/5726 sayılı raporunda; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı kayıtlıdır.

S O N U Ç

15/07/2016 tarihinde meydana gelen darbe girişimi ve devamındaki olaylarda ölen, Bayrampaşa Çevik Kuvvet Polis Merkezinden alınarak otopsi yapılmak üzere gönderilen Sedat oğlu, 15/12/1994 doğumlu **MURAT TEKİN**'in cesedine 16/07/2016 tarihinde, Adli Tıp Kurumu Morg İhtisas Dairesince yapılan otopsiden ve tetkiklerden elde edilerek yukarıya kaydedilen bilgi ve bulgular dikkate alındığında;

1. Kimya İhtisas Dairesinin raporuna göre; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı,

2. Vücudunda yaygın künt travmatik lezyonlar ile kesici delici alet yaralanması saptanan kişinin ölümünün boyun basısı ve ağız burun kapamasına bağlı mekanik asfiksi sonucu meydana gelmiş olduğu kanaatini bildirir rapordur.

Prof.Dr.Sermet Koç
Morg İhtisas Dairesi Başkan V.

Uz.Dr.Murat Nihat Arslan

Dr.Ahmet Selçuk Gürler

Dr.Hakan Dilim

Otopsi Şube Müdür V.

Adli Tıp Uzmanı

Asistan

(Otopside bulundu, imzada
bulunamadı)

BAKIRKÖY CUMHURİYET BAŞSAVCILIĞINA

Doç.Dr.Yalçın Büyük Başkan

ANNEX B Ragıp Enes Katran Autopsy Report

T.C.

MINISTRY OF JUSTICE

Council of Forensic Medicine

Morgue Department

REF: 70898959-101.02-16/65139/2968 29 July 2016

SUBJECT: AUTOPSY REPORT

Name and Surname : RAGIB ENES KATRAN

Date of Birth : 23 April 1996

Sex : Male

Turkish ID Number : 144 493 49 66

Civil Registry : Adıyaman, Gölbaşı

Date and Time Found Dead : 16 July 2016

Place Found Dead : Bakırköy

Authority Requesting the Autopsy : Bakırköy Chief Public Prosecutor's Office

Date / Ref. : 16 July 2016-

Place of Autopsy : Council of Forensic Medicine, Morgue Department

Date and Time of Autopsy : 16 July 2016-11.45

Public Prosecutor : Bülent Kalemci

Sworn Physicians : Prof. Dr. S. Koç, Dr. M. N. Arslan, Dr. M. F. Şahin, Dr. B. F. Çetin

EXTERNAL EXAMINATION

On the body of a male, 174 cm in height, weighing 75 kg, aged approximately 20-25 years, with brown eyes, brown hair cut short at the sides, a day's stubble, fair complexion, and circumcised, it was observed that rigor mortis had formed in the jaw and persisted minimally in the arms, and that livor mortis had newly begun to form. On anal examination, no findings were observed other than postmortem dilatation. The entire face and the scalp were found to be diffusely swollen and edematous, with dense ecchymoses observed. The following were observed: a laceration measuring 4 cm at the inner end of the left eyebrow and one measuring 3.5 cm above the left eyebrow, between which there were tissue bridges and in which the bone tissue was not visible; a laceration of the same character measuring 0.7 cm located 1 cm above the left auricle; a "Y"-shaped laceration of the same character in the left temporal region, with a long arm of 2.5 cm and a short arm of 2 cm; 2 lacerations of the same character measuring 1.5 cm and 3 cm in length in the left parietal region; and a laceration of the same character measuring 3.5 cm in length in the left parietal region. Numerous green-purple ecchymoses were observed on the right shoulder, the right arm, the right side of the chest, over the right anterior superior iliac spine, in the right inguinal region, over the left anterior superior iliac spine, on the left arm, and on the anterior and medial surfaces of

both legs, and oozing-type ecchymotic abrasions were observed on the dorsum of both hands.

1. A sharp-force stab wound measuring 2.5 cm in length, with one angle acute and one angle obtuse, on the mid-lateral aspect of the right thigh,
2. A sharp-force stab wound measuring 2.5 cm in length, with one angle acute and one angle obtuse, in the middle of the lateral aspect of the right leg,
3. A sharp-force stab wound measuring 2.5 cm, with one angle acute and one angle obtuse, 3 cm below lesion No. 2,
4. One sharp-force stab wound measuring 2 cm, with one angle acute and one angle obtuse, on the lower medial aspect of the left thigh,
5. A sharp-force stab wound measuring 3 cm in length, with one angle acute and one angle obtuse, on the midline of the neck over the jugular notch,
6. A sharp-force stab wound, with one angle acute and one angle obtuse, 1.5 cm to the left lateral of lesion No. 5,
7. A sharp-force stab wound measuring 2.5 cm in length, with one angle acute and one angle obtuse, 1 cm to the left of lesion No. 6,
8. On the midline of the neck, at the point corresponding to over the thyroid cartilage and over lesions 5, 6, and 7, an incised wound measuring 6 cm in length exposing the neck organs was observed.

INTERNAL EXAMINATION

HEAD: The scalp was reflected. The subgaleal tissue and both temporal muscle groups were found to be diffusely hemorrhagic. The vault bones of the skull were found to be intact.

The skull was opened. The brain, cerebellum, and brainstem were removed. They weighed 1,467 g. On surface examination of the brain and cerebellum, subarachnoid hemorrhage filling the sulci was observed in both temporal regions—more pronounced on the right side—and in the occipital region in the interhemispheric area. No macroscopic pathological findings were observed on section. The base bones of the skull were found to be intact.

On examination of the orbital, nasal, and oral cavities, diffuse ecchymosis and lacerations in places were observed at the lower ends of both lips.

CHEST: The pneumothorax test was found to be negative on both sides. The sternal plate was removed. No free fluid or blood was observed in the chest cavity. Fluid of physiological character and amount was observed in the pericardial cavity.

The heart was removed. It weighed 262 g. No macroscopic pathological findings were observed on the surfaces of the heart. Sparse fatty streaks were observed in the aorta. The coronary arteries were found to be patent. The left ventricular wall thickness was measured as 1.2 cm and the right as 0.3 cm. No macroscopic pathological findings were

observed on section of the cardiac chambers, valves, or myocardium.

The lungs were removed. The right lung weighed 360 g and the left lung 280 g. Pallor and aspiration findings were observed on the surface of both lungs. On section, aspiration findings were observed in the lower lobes. Aspiration findings were observed in the main bronchi.

On examination of the neck organs, hemorrhage was observed in the soft tissues along the tracts of the sharp-force instrument in the soft tissues of the neck. A fracture surrounded by hemorrhage was observed at the junction of the left horn and the body of the hyoid bone. An incision was observed on the right side of the thyroid cartilage. The incision was found to communicate with the tracheal lumen. Incisions were found in both internal jugular veins. The cervical vertebrae were found to be intact.

ABDOMEN: No free fluid or blood was observed in the abdominal cavity. 50 ml of food content was observed in the stomach. No macroscopic pathological findings were observed in the intestines.

The liver was removed. It weighed 1,360 g. No macroscopic pathological findings were observed on its surface or on section.

The spleen weighed 127 g. No macroscopic pathological findings were observed on its surface or on section.

The right kidney weighed 93 g and the left kidney 103 g. No macroscopic pathological findings were observed on the surface or on section of either kidney.

On examination of the pelvic wall and soft tissues, the soft tissue surrounding the right anterior superior iliac spine was observed to be hemorrhagic.

The skeletal system was found to be intact.

The sharp-force instrument entering at the site described as No. 5 in the external examination was found to have cut the right sternocleidomastoid muscle and the thyroid cartilage and to have terminated in the tracheal lumen.

The sharp-force instrument entering at the site described as No. 6 in the external examination was found to have cut the left sternocleidomastoid muscle and the thyroid cartilage and to have terminated in the tracheal lumen.

The sharp-force instrument entering at the site described as No. 7 in the external examination was found to have created an incision in the left omohyoid muscle and the left jugular vein and to have terminated there.

The cutting instrument creating the wound described as No. 8 in the external examination was found to have created incisions in the right thyroid cartilage and the right jugular vein.

A blood sample was taken on an FTA (card) to be preserved so that DNA typing could be performed if necessary.

Samples were taken from the heart, lung, liver, kidney, cerebellum, brainstem, and brain for histopathological examination.

Blood, urine, vitreous humor, and bile were taken and sent to the Chemistry Department for systematic toxicological analysis and screening for alcohol and sedative and

narcotic substances.

It is recorded in the report of the Chemistry Department dated 22 July 2016 and numbered 02/16-65139/5735 that no alcohol (ethanol and methanol) was found in the blood, and that no substances included in the systematic screening were found in the blood or urine.

CONCLUSION

When the information and findings recorded above, obtained from the autopsy and examinations performed on 16 July 2016 by the Morgue Department of the Council of Forensic Medicine on the body of RAGIB ENES KATRAN, son of Nadir and Döne, born on 23 April 1996, who died after being beaten on the Bosphorus Bridge during the coup attempt of 15 July 2016 and the ensuing events, are taken into consideration;

1. According to the report of the Chemistry Department, no alcohol (ethanol and methanol) was found in the blood, and no substances screened for in the blood or urine (including sedative and narcotic substances) were found,
2. Seven (7) sharp-force stab wounds and one (1) incised wound were identified on the person's body, and the incised wound and the sharp-force stab wounds described as Nos. 5, 6, and 7 in the external examination were individually fatal in nature,
3. According to the edge and angle characteristics of the sharp-force stab wounds, the instrument used had one sharp edge and one blunt edge, and it is possible that the incised wound was also produced with the sharp edge of the same instrument,
4. It is the opinion of this report that the person's death occurred as a result of cerebral hemorrhage due to blunt head trauma, mechanical asphyxia due to neck compression, and external hemorrhage developing from an incision of a major vessel due to sharp-force stab injury.

Acting Head of the Morgue Department Prof. Dr. Sermet Koç

Acting Head of the Autopsy Division Specialist Dr. Murat Nihat Arslan

Forensic Medicine Specialist Dr. M. Feyzi Şahin (present at the autopsy, not present for signature)

Resident Dr. Burak Furkan Çetin

TO THE BAKIRKÖY CHIEF PUBLIC PROSECUTOR'S OFFICE

Assoc. Prof. Dr. Yalçın Büyük

President

T.C.
ADALET BAKANLIĞI
Adli Tıp Kurumu

Morg İhtisas Dairesi
SAYI:70898959-101.02-16/65139/2968
KONU:OTOPSİ RAPORU

29/07/2016

Adı Soyadı : RAGIB ENES KATRAN
Doğum Tarihi : 23/04/1996
Cinsiyeti : Erkek
TC Kimlik Numarası : 144 493 49 66
Nüfus Kaydı : Adıyaman, Gölbaşı
Ölü Bulunduğu tarih, Saat : 16/07/2016
Ölü Bulunduğu Yer : Bakırköy
Otopsi İsteyen Makam : Bakırköy Cumhuriyet Başsavcılığı
Tarih / Sayı : 16/07/2016-
Otopsi Yapılan Yer : Adli Tıp Kurumu Morg İhtisas Dairesi
Otopsi Tarihi ve Saati : 16/07/2016-11.45
Cumhuriyet Savcısı : Bülent Kalemci
Yeminli Doktorlar : Prof.Dr.S.Koç, Dr.M.N.Arslan, Dr.M.F.Şahin, Dr.B.F.Çetin

DIŞ MUAYENE

174 cm boyunda, 75 kg ağırlığında, 20-25 yaşlarında, kahverengi gözlü, kahverengi yanlardan kısa kesilmiş kahverengi saçlı, günlük sakal tıraşlı, beyaz tenli, sünnetli erkek cesedinde; ölü katılığının çenede olduğu, kollarda minimal devam ettiği, ölü lekelerinin yeni oluşmaya başladığı görüldü.

Anal muayenede postmortem dilatasyon dışında özellik görülmedi.

Tüm yüzün ve saçlı derinin yaygın şiş, ödemli oldu, yoğun ekimozların izlendiği görüldü. Sol kaş iç yanda 4 cm ve sol kaş üzerinde 3,5 cm boyutunda aralarında doku köprüleri olan kemik dokunun görünmediği yırtık, sol kulak kepçesi 1 cm üzerinde 0,7 cm aynı vasıfta yırtık, sol temporalde "Y" şeklinde 2,5 cm uzun kolu 2 cm kısa kolu aynı özellikte yırtık, sol paryetalde 2 adet 1,5 cm ve 3 cm uzunluğunda aynı özellikte yırtık, sol paryetalde 3,5 cm uzunluğunda aynı özellikte yırtık görüldü. Sağ omuz, sağ kol, gövde sağ yanda, sağ spina iliaka anterior superior üzerinde, sağ inguinalde, sol spina iliaka anterior superior üzerinde, sol kolda, her iki krus ön ve medial yüzde çok sayıda yeşil mor renk ekimoz, her iki el sırtında yüzeysel çizgisel tarzda ekimozlu sıyrıklar görüldü.

1. Sağ uyluk orta lateralde 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yarası,
2. Sağ krus lateral ortada 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yarası,
3. 2 nolu lezyonun 3 cm altında 2,5 cm'lik bir açısı dar, bir açısı geniş kesici delici alet yarası,
4. Sol uyluk alt medialde bir adet 2 cm'lik bir açısı dar, bir açısı geniş kesici delici alet yarası,
5. Jugulum üzerinde boyun orta hatta 3 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yarası,
6. 5 nolu lezyonun 1,5 cm sol lateralinde bir açısı dar, bir açısı geniş kesici delici alet yarası,
7. 6 nolu lezyonun 1 cm solunda 2,5 cm uzunluğunda bir açısı dar, bir açısı geniş kesici delici alet yarası,
8. Boyun orta hatta troid kıkırdagın üzerine denk gelen yerde 5, 6, 7 lezyonların üzerinde 6 cm uzunluğunda boyun organlarını açığa çıkaran kesik vasıfta yara görüldü.

T.C.
ADALET BAKANLIĞI
Adli Tıp Kurumu

Morg İhtisas Dairesi
SAYI:70898959-101.02-16/65139/2968
KONU:OTOPSİ RAPORU

29/07/2016

İÇ MUAYENE

BAŞ: Saçlı deri kaldırıldı. Saçlı deri altı ve her iki temporal kas grubu yaygın kanamalı olarak bulundu. Kafatası kubbe kemikleri sağlam bulundu.

Kafatası açıldı. Beyin, beyincik ve beyin sapı çıkartıldı.1467 g tartıldı. Beyin, beyincik yüzey incelenmesinde sağ tarafta daha belirgin olmak üzere her iki temporal bölgede ve oksipitalde interhemisferik bölgede sulkusları dolduran subaraknoidal kanama izlendi. Kesitlerinde makroskopik patolojik özellik görülmedi. Kafa kaide kemikleri sağlam bulundu.

Orbita burun ağız boşluğunun yapılan incelemede; her iki dudak alt ucunda yaygın ekimoz ve yer yer yırtıklar görüldü.

GÖĞÜS: Pnömotoraks testi her iki tarafta negatif bulundu. Sternal kapak kaldırıldı. Göğüs boşluğunda serbest sıvı ve kan görülmedi. Perikard boşluğunda fizyolojik vasıfta ve miktarda sıvı görüldü.

Kalp çıkartıldı. 262 g tartıldı. Kalp yüzeylerinde makroskopik patolojik özellik görülmedi. Aorta tek tük yağlı çizgilenmeler izlendi. Koroner arterler açık bulundu. Sol ventrikül duvar kalınlığı 1,2 sağ 0,3 cm olarak ölçüldü. Kalp boşluk, kapak ve myokard kesitlerinde makroskopik patolojik özellik görülmedi.

Akciğerler çıkartıldı. Sağ akciğer 360 g, sol akciğer 280 g tartıldı. Her iki akciğer yüzeyinde solukluk ve aspirasyon bulguları görüldü. Kesitlerinde alt loblarda aspirasyon bulguları görüldü. Ana bronşlarda aspirasyon bulguları görüldü.

Boyun organlarının tetkikinde; boyun yumuşak dokularında delici kesici alet traselerindeki yumuşak dokularda kanama görüldü. Hyoid kemik sol boynuz corpus birleşim yerinde etrafı kanamalı kırık görüldü. Tiroid kartilaj sağ tarafında kesi görüldü. Kesinin trakea boşluğuna ile iştirakli olduğu görüldü. Her iki internal juguler venlerde kesi olduğu görüldü. Boyun omurları sağlam bulundu.

BATIN : Batın boşluğunda serbest sıvı ve kan görülmedi. Mide içinde 50 ml gıda içerik görüldü. Bağırsaklarda makroskopik patolojik özellik görülmedi.

Karaciğer çıkarıldı. 1360g tartıldı. Yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Dalak 127 g tartıldı. Yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Sağ böbrek 93g, sol böbrek 103g tartıldı. Her iki böbrek yüzey ve kesitlerinde makroskopik patolojik özellik görülmedi.

Pelvis duvarı ve yumuşak doku incelemelerinde sağ spina iliaka anterior süperior çevre yumuşak doku kanamalı görüldü.

İskelet sistemi sağlam bulundu.

Dış muayenede 5 noda tarif edilen yerden giren delici kesici aletin sağ sternokleidomastoid kasını ve troid kıkırdığı keserek trakea boşluğunda sonlandığı görüldü.

Dış muayenede 6 noda tarif edilen yerden giren delici kesici aletin sol sternokleidomastoid kasını ve troid kıkırdığı keserek trakea boşluğunda sonlandığı görüldü.

Dış muayenede 7 noda tarif edilen yerden giren delici kesici aletin sol omohyoid kasta ve sol juguler vende kesi oluşturarak sonlandığı,

Dış muayenede 8 noda tarif edilen yarayı oluşturan kesici aletin sağ troid kıkırdak ve sağ juguler vende kesi oluşturduğu tespit edildi.

Gerektiğinde DNA tipleme yapılabilmesi amacıyla saklanmak üzere FTA ile kan örneği alındı.

Kalp, akciğer, karaciğer, böbrek, beyincik, beyin sapı ve beyinden histopatolojik tetkik

T.C.
ADALET BAKANLIĞI
Adli Tıp Kurumu

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için örnek alındı.

Kan, idrar, göz içi sıvısı, safra alınarak sistematik toksikolojik analiz, alkol, uyutucu ve uyuşturucu aranmak üzere Kimya İhtisas Dairesine gönderildi.

Kimya İhtisas Dairesinin 22/07/2016 tarih ve 02/16-65139/5735 sayılı raporunda; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda sistematikteki maddelerin bulunmadığı tespit edildiği kayıtlıdır.

S O N U Ç

15/07/2016 tarihinde meydana gelen darbe girişimi ve devamındaki olaylarda Boğaziçi Köprüsünde darp edilerek ölen Nadir ve Döne oğlu, 23/04/1996 doğumlu **RAGİB ENES KATRAN**'ın cesedine 16/07/2016 tarihinde, Adli Tıp Kurumu Morg İhtisas Dairesince yapılan otopside ve tetkiklerden elde edilerek yukarıya kaydedilen bilgi ve bulgular dikkate alındığında;

1. Kimya İhtisas Dairesinin raporuna göre; kanda alkol (etanol ve metanol) bulunmadığı, kanda ve idrarda aranan maddelerin (uyutucu, uyuşturucu maddeler dahil) bulunmadığı,

2. Kişinin vücudunda 7 (yedi) adet kesici delici alet yaralanması ve 1 (bir) adet kesik vasıfta yara tespit edilmiş olup, kesik vasıftaki yaranın ve dış muayenede 5, 6 ve 7 numaralarda tarif edilen kesici delici alet yaralanmasının tek başına öldürücü nitelikte oldukları,

3. Kesici delici alet yarası kenar ve açılı özelliklerine göre kullanılan aletin bir kenarının keskin diğer kenarının künt olduğu, kesik vasıftaki yaranın da aynı aletin keskin kenarı ile oluşturulmasının mümkün olduğu,

4. Kişinin ölümünün künt kafa travmasına bağlı beyin kanaması, boyun basısına bağlı mekanik asfiksi ve delici kesici alet yaralanmasına bağlı büyük damar kesisinden gelişen dış kanama sonucu meydana gelmiş olduğu kanaatini bildirir rapordur.

Prof.Dr.Sermet Koç
Morg İhtisas Dairesi Başkan V.

Uz.Dr.Murat Nihat Arslan
Otopsi Şube Müdür V.

Dr.M.Feyzi Şahin
Adli Tıp Uzmanı
(Otopside bulundu, imzada bulunmadı)

Dr. Burak Furkan Çetin
Asistan

BAKIRKÖY CUMHURİYET BAŞSAVCILIĞI'NA

Doç.Dr.Yalçın Büyük
Başkan



Bu belge 5070 sayılı Elektronik İmza Kanunu kapsamında **E-İMZA** ile imzalanmıştır. **FİZİKSEL EVRAK GÖNDERİLMEMEYECİTİR**



ANNEX C Decision of the Prosecutor's Office on Decision of Non-Prosecution / Dismissal of Charges

Article 2 § 1 of the (Convention for the Protection of Human Rights and Fundamental Freedoms) regulates the "right to life." Paragraph 2 of the same Article sets out three exceptions to the right to life. These are:

- a) the protection of any person from unlawful violence (self-defense),
- b) the prevention of the escape of a person lawfully arrested or lawfully detained,
- c) the lawful suppression of a riot or insurrection.

According to the Convention, a person's defense of himself against an unlawful attack, where there is a necessity for such defense, also confers the right to kill the aggressor. It recognizes the intentional use of lethal fire in order to rescue a hostage whose life is under threat as falling within Article 2 § 2 (a) of the ECHR. Article 2 § 2 (a) of the ECHR, likewise with respect to persons who are not public officials, provides for the obligation of the legislature to bring the provisions relating to defense into conformity with Article 2 § 2 of the ECHR. A more similar provision is found in Article 17 of the Constitution, which regulates the inviolability of the person and his corporeal and spiritual existence. There is no doubt as to the compatibility of the provisions on "self-defense" set out in Article 25 § 1 of the Turkish Criminal Code (Law No. 5237) and on "exceeding the limit in the grounds excluding criminal responsibility" set out in Article 27 thereof with the corresponding provisions in the European Convention on Human Rights and in the Constitution.

In light of all these explanations, there is no doubt that the acts of the civilians who resisted the coup should be assessed within the scope of self-defense. In addition, certain new arrangements have also been made by means of Decree-Laws and statutes.

By its Decision No. 2016/9064, published in the Official Gazette No. 29777 dated 21 July 2016, the Council of Ministers "decided to declare a State of Emergency throughout the country for a period of ninety days as of 01:00 on Thursday, 21/7/2016, pursuant to Article 120 of the Constitution and subparagraph (b) of the first paragraph of Article 3 of the State of Emergency Law No. 2935"; upon the expiry of the respective periods, decisions were taken to continue the State of Emergency, and it was most recently decided to extend it for a further 3 months as of 19/04/2018.

Pursuant to Article 121 of the Constitution and Article 4 of the State of Emergency Law No. 2935 dated 25/10/1983, concerning the taking of certain measures within the scope of the state of emergency and the making of regulations concerning certain institutions and organizations, by Article 37/1 of Decree-Law No. 668 dated 25/07/2018 ON THE

MAKING OF REGULATIONS CONCERNING CERTAIN INSTITUTIONS AND ORGANIZATIONS AND ON THE MEASURES TO BE TAKEN WITHIN THE SCOPE OF THE STATE OF EMERGENCY, adopted by the Council of Ministers convened under the chairmanship of the President and published in the Official Gazette (2nd Repeated) dated 27/07/2016, "

ARTICLE 37 - (1) The coup attempt carried out on 15/7/2016 and terror

(Information at the bottom of the page: You may access this document in the UYAP Information System at <http://vatandas.uyap.gov.tr> with rHbutnq - vCcsUgp - /pKsMRq - 0UAJys=.)

[Source Text of ANNEX C]

(İnsan Hakları ve Temel Özgürlüklerinin Korunmasına İlişkin Sözleşmesi)'nin 2. maddesinin 1. fıkrası "yaşama hakkını" düzenlemektedir. Aynı maddenin 2. fıkrası ise yaşama hakkının üç istisnasına yer vermektedir. Bunlar;

a) Bir kimsenin yasadışı şiddete karşı korunması, (yasal savunma)

b) Usulüne uygun olarak yakalama veya usulüne uygun olarak tutuklu bulunan bir kişinin kaçmasının önlenmesi

c) Ayaklanma veya isyanın, yasaya uygun olarak bastırılmasıdır.

Sözleşmeye göre, Haksız bir saldırıya karşı insanın kendini savunması, eğer savunmada zorunluluk varsa, saldırıyı öldürme hakkını da vermektedir. Yaşamı tehdit altında olan rehineyi kurtarmak için kasıtlı ateş edilmesine AIHS m. 2/2(a) olarak tanımlanmaktadır. AIHS m. 2/2(a), kamu görevlisi olmayan kişiler bakımından da, yasama organının yasal savunmaya ilişkin düzenlemeleri AIHS m. 2/2'ye uygun hale getirmesi yükümlülüğünü öngörmektedir. Anayasa'nın, kişinin dokunulmazlığı, maddi ve manevi varlığını düzenleyen 17. maddesinde de benzer düzenleme yer almaktadır. 5237 sayılı TCK'nın 25. maddesinin 1. fıkrasındaki "yasal savunma" ve 27. maddesindeki "ceza sorumluluğunu kaldıran nedenlerde sınıraşılması" düzenlemelerinin Avrupa İnsan Hakları Sözleşmesi ile Anayasa'mıza uygun düzenlemeler olduğundan kuşku yoktur.

Tüm bu açıklamalar ışığında darbeye karşı direnen sivil kişilerin eylemlerinin meşru savunma kapsamında değerlendirilmesi gerektiği yönünde bir kuşku bulunmamaktadır. Buna ilaveten KHK'ler ve kanunlar ile bir kısım yeni düzenlemeler de yapılmıştır.

Bakanlar Kurulu'nun 21 Temmuz 2016 Tarihli ve 29777 Sayılı Resmî Gazete yayımlanan 2016/9064 sayılı kararıyla "Anayasanın 120 nci Maddesi ile 2935 Sayılı Olağanüstü Hal Kanununun 3 üncü Maddesinin Birinci Fıkrasının (b) Bendine Göre, Ülke Genelinde 21/7/2016 Perşembe Günü Saat 01.00'dan itibaren Doksan Gün Süreyle Olağanüstü Hal İlan Edilmesi"ne karar verilmiş, süre bitimlerinde de Olağanüstü Hal'in devamı yönünde karar alınmış ve son olarak 19/04/2018 tarihinden itibaren 3 ay daha uzatılmasına karar verilmiştir.

Olağanüstü hal kapsamında bazı tedbirler alınması ile bazı kurum ve kuruluşlara dair düzenleme yapılması; Anayasanın 121 inci maddesi ile 25/10/1983 tarihli ve 2935 sayılı Olağanüstü Hal Kanununun 4 üncü maddesine göre, Cumhurbaşkanının başkanlığında toplanan Bakanlar Kurulu'na 27/07/2016 tarih 29783 (2. Mükerrer) sayılı Resmi Gazetede yayımlanan 25/07/2018 tarihli 668 sayılı OLAĞANÜSTÜ HAL KAPSAMINDA ALINMASI GEREKEN TEDBİRLER İLE BAZI KURUM VE KURULUŞLARA DAİR DÜZENLEME YAPILMASI HAKKINDA KANUN İÜKMÜNDE KARARNAMENİN 37/1 maddesi ile "

MADDE 37- (1) 15/7/2016 tarihinde gerçekleştirilen darbe teşebbüsü ve terör



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ANNEX D Emergency Decree-Law (KHK) No. 696 on Making Certain Arrangements within the Scope of the State of Emergency

ARTICLE 121- The following paragraph is added to Article 37 of Law No. 6755 of 8 November 2016 on the Adoption, with Amendments, of the Decree-Law on the Measures Required to Be Taken within the Scope of the State of Emergency and on Making Regulations Concerning Certain Institutions and Organizations.

"(2) The provisions of the first paragraph shall likewise apply to persons who, irrespective of whether they hold an official title or perform an official duty, acted within the scope of suppressing the coup attempt and the terrorist acts carried out on 15 July 2016, as well as acts of the same nature."

ARTICLE 122- The seventh paragraph of Article 107 of Law No. 6756 of 9 November 2016 on the Adoption, with Amendments, of the Decree-Law on Taking Certain Measures within the Scope of the State of Emergency, on the Establishment of the National Defense University, and on Making Amendments to Certain Laws is amended as follows.

"(7) Among those who have acquired the right to pursue specialty and subspecialty training at the Gülhane Military Medical Academy but who have not yet been able to commence their specialty training, personnel in the branches for which there is a need shall, on condition that they have actually completed at least two years of service in units, institutions, and headquarters, pursue their specialty and subspecialty training at the University of Health Sciences in the name and on behalf of the Ministry of National Defense or the Ministry of Interior. Personnel in branches for which there is no need shall be appointed to research assistant positions at the University of Health Sciences within the scope of the envisaged personnel. Students pursuing postgraduate education at the Gülhane Military Medical Academy (including foreign students), together with those who have acquired this right, shall continue their education at the University."

ARTICLE 123- The phrase "or the Savings Deposit Insurance Fund" is added to the fourth sentence of the third paragraph of Law No. 6758 of 10 November 2016 on the Adoption, with Amendments, of the Decree-Law on Making Certain Regulations within the Scope of the State of Emergency, to come after the phrase "the board of directors of the company".

ARTICLE 124- The phrase "and contracted pilots serving in the Gendarmerie General Command and the Coast Guard Command" is added to the first paragraph of Article 45 of Law No. 6758, to come after the phrase "pilots who are present".

[Source Text of ANNEX D]

MADDE 121- 8/11/2016 tarihli ve 6755 sayılı Olağanüstü Hal Kapsamında Alınması Gereken Tedbirler ile Bazı Kurum ve Kuruluşlara Dair Düzenleme Yapılması Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesine Dair Kanunun 37 nci maddesine aşağıdaki fıkra eklenmiştir.

“(2) Resmi bir sıfat taşıyıp taşımadıklarına veya resmi bir görevi yerine getirip getirmediğine bakılmaksızın 15/7/2016 tarihinde gerçekleştirilen darbe teşebbüsü ve terör eylemleri ile bunların devamı niteliğindeki eylemlerin bastırılması kapsamında hareket eden kişiler hakkında da birinci fıkra hükümleri uygulanır.”

MADDE 122- 9/11/2016 tarihli ve 6756 sayılı Olağanüstü Hal Kapsamında Bazı Tedbirler Alınması ve Milli Savunma Üniversitesi Kurulması ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesi Hakkında Kanunun 107 nci maddesinin yedinci fıkrası aşağıdaki şekilde değiştirilmiştir.

“(7) Gülhane Askeri Tıp Akademisinde uzmanlık ve yan dal uzmanlık eğitimi yapma hakkı kazanmış olup henüz uzmanlık eğitimine başlamamış olanlardan ihtiyaç duyulan branşlardaki personel; kıta, kurum ve karargâhlarda fiilen en az iki yıllık hizmeti tamamlamak kaydıyla Sağlık Bilimleri Üniversitesinde Milli Savunma Bakanlığı veya İçişleri Bakanlığı nam ve hesabına tıpta uzmanlık ve yan dal uzmanlık eğitimi yapar. İhtiyaç duyulmayan branşlardaki personel, devredilen personel kapsamında Sağlık Bilimleri Üniversitesinde araştırma görevlisi kadrolarına atanır. Gülhane Askeri Tıp Akademisinde lisansüstü eğitim yapmakta olan öğrenciler (yabancı öğrenciler dahil) ile bu hakkı kazanmış olanlar eğitimlerine Üniversitede devam eder.”

MADDE 123- 10/11/2016 tarihli ve 6758 sayılı Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararnamenin Değiştirilerek Kabul Edilmesine Dair Kanunun 19 uncu maddesinin üçüncü fıkrasının dördüncü cümlesine “şirketin yönetim kurulu” ibaresinden sonra gelmek üzere “veya Tasarruf Mevduatı Sigorta Fonu” ibaresi eklenmiştir.

MADDE 124- 6758 sayılı Kanunun 45 inci maddesinin birinci fıkrasına “bulunan pilotlar” ibaresinden sonra gelmek üzere “ile Jandarma Genel Komutanlığında ve Sahil Güvenlik Komutanlığında görevli sözleşmeli pilotlar” ibaresi eklenmiştir.

ANNEX E Interim Decision of the Compensation Case Filed by the General Directorate of Security

149- VEDAT YILDIZ - 27472494076 – his heirs

150- MURAT TEKİN - 19967263878 – his heirs

151- RAGIB ENES KATRAN - 14449342966 – his heirs

CASE: Compensation (Recourse Arising from Public Service)

DATE OF ACTION: 29 May 2019

DATE OF INTERLOCUTORY DECISION: 31 May 2019

CLAIM: By the statement of claim, counsel for the plaintiff requested that, as a result of the wrongful acts of the defendants who closed the 15 July Martyrs' Bridge to traffic during the coup attempt of 15 July 2017 and of those who directed the coup attempt, the following damages incurred to the detriment of the General Directorate of Security – Istanbul Security Directorate — namely, loss of value in the amount of TRY 3,113.77 to the vehicle bearing plate number 34 A 43701 (34 A 6399), TRY 591.77 to the vehicle bearing plate number 34 A 43535 (34 A 9148 official plate), TRY 9,707.20 to the vehicle bearing plate number 34 A 9538 (Toma 10), and TRY 63,817.83 to the vehicle bearing plate number 34 A 9577 (Toma 85), together with the compensation of TRY 88,596 paid to the relatives of Martyred Police Officer Kemal Tosun and the total compensation of TRY 88,596 paid to the relatives of Martyred Police Officer Münür Alkan — be collected from the defendants jointly and severally, together with the statutory interest accrued from the date of the tort and, as regards the amounts pertaining to the recourse claim, from the date of payment, and be paid to their institution; that a precautionary attachment be imposed, without security, on the defendants' movable and immovable property and on their rights and receivables held by third parties; and, furthermore, that a precautionary attachment be imposed, without security, as a continuation of the injunctive measures imposed during the investigation and prosecution stage pursuant to Article 20/A of Law No. 3714 on the defendants' immovable property, their land, sea or air transport vehicles, and their receivables from mutual aid institutions and funds.

When the statement of claim, the documents submitted in its annex, the expert report obtained in connection with file No. 2017/20 (Miscellaneous File) of the Istanbul 22nd Civil Court of First Instance, the payment documents, and the invoices relating to the repairs are assessed together, and having regard to Article 117/2 of the Enforcement and Bankruptcy Law No. 2004, since a prima facie conviction has been formed before our court that the conditions for precautionary attachment have been met, it has been deemed necessary to decide that the request for precautionary attachment be granted.

149- VEDAT YILDIZ - 27472494076 mirasçıları

(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL

150- MURAT TEKİN - 19967263878 mirasçıları

(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL

151-RAGİB ENES KATRAN -14449342966 mirasçıları

(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL
(Mirasli alacak ve ödenen) : 3.113,77 TL

DAVA : Tazminat (Kamu Görevleri Kaynaklı Rücuen)
DAVA TARİHİ : 29/05/2019
ARA KARAR TARİHİ : 31/05/2019

TALEP: Davacı vekili dava dilekçesi ile 15.07.2017 tarihli darbe kalkışmasında, 15 Temmuz Şehitler Köprüsünü trafiğe kapatan davalıların ve darbe kalkışmasını yönetenlerin haksız eylemleri sonucu Emniyet Genel Müdürlüğü-İstanbul Emniyet Müdürlüğü aleyhine meydana gelen; 34 A 43701 (34 A 6399) plakalı araçta 3.113,77 TL, , 34 A 43535 (34 A 9148 resmi plaka) plakalı araçta 591,77 TL, 34 A 9538 (Toma 10) plakalı araçta 9.707,20 TL, 34 A 9577 (Toma 85) plaka sayılı araçta 63.817,83 TL değer kaybı ile Şehit Polis Memuru Kemal Tosun'un yakınlarına ödenen 88.596 TL, Şehit Polis Memuru Münür Alkan'ın yakınlarına ödenen toplam 88.596 TL tazminatın haksız fiil tarihinden ve rücu talebine ilişkin bedellerin ise ödeme tarihinden itibaren işlemiş yasal faiziyle davalılardan müştereken ve müteselsilen tahsili ile kurumlarına ödenmesine, davalıların taşınır, taşınmaz malları ile 3.kişilerdeki hak ve alacakları üzerine teminatsız olarak ihtiyati haciz konulmasına, ayrıca soruşturma ve kovuşturma aşamasında davalılar bakımından 3714 sayılı yasanın 20/A maddesi uyarınca taşınmazlarına, kara, deniz yada hava ulaşım araçlarına, yardımlaşma kurum ve sandıklarından olan alacaklarına konulan tedbir kararlarının devamı niteliğinde teminatsız olarak ihtiyati haciz konulmasına karar verilmesini talep etmiştir.

Dava dilekçesi, ekinde sunulan belgeler İstanbul 22.Asliye Hukuk Mahkemesinin 2017/20 D.İş sayılı dosyası ile alınan bilirkişi raporu, ödeme belgeleri, tamire ilişkin faturalar bilirlikte değerlendirildiğinde 2004 sayılı İcra ve İflas Kanunun 117/2.maddesi gözönüne alınarak ihtiyati haczin şartlarının oluştuğuna dair mahkememizde yaklaşık kanaat oluştuğundan ihtiyati haciz talebinin kabulüne karar verilmesi gerekmiştir.

LAW ON THE DUTIES AND POWERS OF THE POLICE¹²³

Law No. : 2559

Date of Adoption : 4/7/1934

Published in the Official Gazette: Date: 14/7/1934 No.: 2751

Published in the Düstur : Series: 3 Volume: 15 Page: 575

...

Use of force and firearms

Article 16 – (Amended: 2/6/2007 – Law No. 5681, Article 4)

The police, where they encounter resistance in the performance of their duties, are empowered to use force for the purpose of, and to the extent necessary for, overcoming that resistance.

Within the scope of the power to use force, and depending on the nature and degree of the resistance and in such a manner as to render those resisting ineffective, physical force, material force, and — where the conditions laid down by law are met — firearms may be used, in gradually increasing proportion.

For the purposes of the second paragraph:

a) Physical force means the bodily strength directly applied by the police against resisting persons or upon property;

b) Material force means the means employed by the police against resisting persons or upon property other than physical force, namely handcuffs, batons, pressurized and/or dyed water, tear gases or powders, physical barriers, police dogs and horses, and other service equipment.¹³

Prior to the use of force, a warning shall be issued to the persons concerned that force will be used directly against them should they continue to resist. However, having regard to the nature and degree of the resistance, force may also be used without any warning.

The police shall themselves assess and determine, within the scope of the power to use force, the means and equipment to be used for the purpose of neutralizing the resistance and the degree of force to be applied. However, in situations where intervention is carried out as a collective force, the degree of the use of force and the means and equipment to be employed shall be determined and established by the commander of the intervening force.

The police shall, in the face of an attack directed against themselves or against another person, act in self-defense within the framework of the provisions of Turkish Criminal

Code No. 5237 concerning self-defense, without being bound by the conditions relating to the use of force.

The police are empowered to use firearms:

- a) Within the scope of the exercise of the right of self-defense;
- b) In the face of resistance that they have been unable to render ineffective by the use of physical force and material force, for the purpose of, and to the extent necessary for, overcoming that resistance;
- c) For the purpose of, and to the extent necessary for, securing the apprehension of persons in respect of whom a decision for detention, taking into custody, or compulsory bringing before the authorities, or an arrest warrant, has been issued, or of the suspect in cases of flagrante delicto;
- d) (Added: 27/3/2015 – Law No. 6638, Article 4) Against those who attack, or attempt to attack, themselves or others, workplaces, dwellings, public buildings, schools, dormitories, places of worship, vehicles, and open or enclosed areas in which persons are present individually or collectively, with Molotov cocktails, explosive, flammable, incendiary, asphyxiating, injurious, and similar weapons, for the purpose of, and to the extent necessary for, neutralizing the attack.

Before using firearms within the scope of subparagraph (c) of the seventh paragraph, the police shall issue a call of "halt" to the person in such a manner that it can be heard by them. Should the person fail to comply with this call and continue to flee, a firearm may first be discharged for the purpose of warning. Should the person nonetheless persist in fleeing, thereby rendering it impossible to apprehend them, a firearm may be discharged for the purpose of, and to the extent necessary for, securing the apprehension of the person.

Where the police, in exercising the power to use force or firearms for the purpose of overcoming resistance or effecting an apprehension, are subjected to an attempted armed attack against themselves, they may, without hesitation, discharge a firearm against the person attempting the armed attack, to the extent necessary to neutralize the danger of the attack.

¹³ By Article 4 of Law No. 6638 of 27/3/2015, the phrase "and/or dyed" was inserted after the phrase "pressurized" in this subparagraph.

[Source of Text ANNEX F]

POLİS VAZİFE VE SALÂHİYET KANUNU¹²³

Kanun Numarası

2559

Kabul Tarihi

: 4/7/1934

Yayımlandığı Resmî Gazete: Tarih: 14/7/1934 Sayı: 2751

Yayımlandığı Düstur

: Tertip: 3 Cilt: 15 Sayfa: 575

...

Zor ve silah kullanma

Madde 16- (Değişik: 2/6/2007-5681/4 md.)

Polis, görevini yaparken direnişle karşılaşması halinde, bu direniş kırıma amacıyla ve kırarak ölçüde zor kullanmaya yetkilidir.

Zor kullanma yetkisi kapsamında, direnmenin mahiyetine ve derecesine göre ve direnenleri etkisiz hale getirecek şekilde kademeli olarak artan nispette bedenî kuvvet, maddî güç ve kanunî şartları gerçekleştiğinde silah kullanılabilir.

İkinci fıkrada yer alan;

a) Bedenî kuvvet; polisin direnen kişilere karşı veya eşya üzerinde doğrudan doğruya kullandığı bedenî gücü,

b) Maddî güç; polisin direnen kişilere karşı veya eşya üzerinde bedenî kuvvetin dışında kullandığı kelepçe, cop, basınçlı ve/veya boyalı su, göz yaşartıcı gazlar veya tozlar, fizikî engeller, polis köpekleri ve atları ile sair hizmet araçlarını,¹³ ifade eder.

Zor kullanmadan önce, ilgililere direnmeye devam etmeleri halinde doğrudan doğruya zor kullanılacağı ihtar yapılır. Ancak, direnmenin mahiyeti ve derecesi göz önünde bulundurularak, ihtar yapılmadan da zor kullanılabilir.

Polis, zor kullanma yetkisi kapsamında direnmeyi etkisiz kılmak amacıyla kullanacağı araç ve gereç ile kullanacağı zorun derecesini kendisi takdir ve tayin eder. Ancak, toplu kuvvet olarak müdahale edilen durumlarda, zor kullanmanın derecesi ile kullanılacak araç ve gereçler müdahale eden kuvvetin amiri tarafından tayin ve tespit edilir.

Polis, kendisine veya başkasına yönelik bir saldırı karşısında, zor kullanmaya ilişkin koşullara bağlı kalmaksızın, 5237 sayılı Türk Ceza Kanununun meşru savunmaya ilişkin hükümleri çerçevesinde savunmada bulunur.

Polis;

a) Meşru savunma hakkının kullanılması kapsamında,

b) Bedenî kuvvet ve maddî güç kullanarak etkisiz hale getiremediği direniş karşısında, bu

¹³ 27/3/2015 tarihli ve 6638 sayılı Kanunun 4 üncü maddesiyle, bu bentte yer alan “basınçlı” ibaresinden sonra gelmek üzere “ve/veya boyalı” ibaresi eklenmiştir

direnışı kırmak amacıyla ve kıracak ölçüde,

c) Hakkında tutuklama, gözaltına alma, zorla getirme kararı veya yakalama emri verilmiş olan kişilerin ya da suçüstü halinde şüphelinin yakalanmasını sağlamak amacıyla ve sağlayacak ölçüde,

d) **(Ek: 27/3/2015-6638/4 md.)** Kendisine veya başkalarına, işyerlerine, konutlara, kamu binalarına, okullara, yurtlara, ibadethanelere, araçlara ve kişilerin tek tek veya toplu halde bulunduğu açık veya kapalı alanlara molotof, patlayıcı, yanıcı, yakıcı, boğucu, yaralayıcı ve benzeri silahlarla saldıran veya saldırıya teşebbüs edenlere karşı, saldırıyı etkisiz kılmak amacıyla ve etkisiz kılacak ölçüde, silah kullanmaya yetkilidir.

Polis, yedinci fıkranın (c) bendi kapsamında silah kullanmadan önce kişiye duyabileceği şekilde "dur" çağrısında bulunur. Kişinin bu çağrıya uymayarak kaçmaya devam etmesi halinde, önce uyarı amacıyla silahla ateş edilebilir. Buna rağmen kaçmakta ısrar etmesi .dolayısıyla ele geçirilmesinin mümkün olmaması halinde ise kişinin yakalanmasını sağlamak amacıyla ve sağlayacak ölçüde silahla ateş edilebilir.

Polis, direnışı kırmak ya da yakalamak amacıyla zor veya silah kullanma yetkisini kullanırken, kendisine karşı silahla saldırıya teşebbüs edilmesi halinde, silahla saldırıya teşebbüs eden kişiye karşı saldırı tehlikesini etkisiz kılacak ölçüde duraksamadan silahla ateş edebilir.

REPUBLIC OF TÜRKİYE
COUNCIL OF FORENSIC MEDICINE
Ankara Group Directorate
Ankara Morgue Department

Reference No.: 37121003/101.02/2016/12890/1672/1186 8 September 2016

AUTOPSY REPORT

Name and Surname : Body No. One Hundred Fifty-Eight (Coded Bs-Eight) – YASİN
ÖZDEMİR

Turkish ID No. : 11362257018

Sex : Male

Father's Name : Mehmet

Mother's Name : Ayşe

Date of Birth : 1981

Civil Registry : Registered in the civil registry at Ankara, Kızılcahamam, Volume No. 71,
Family Order No. 47, Order No. 83.

Date of Death / Date Found Dead : 15 July 2016

Date of Autopsy : 18 July 2016 Time: —

Place of Death : Ankara

Authority Requesting the Autopsy : By letter of the Ankara Chief Public Prosecutor's
Office dated 18 July 2016 and numbered 2016/BİLA

Place Where the Autopsy Was Performed : Autopsy Hall of the Morgue Department

Cause of Death : Internal and external hemorrhage developing from perforations of the
internal organs (lungs, heart) characterized by bone fractures resulting from firearm
projectile injuries

Persons Performing the Autopsy : A forensic autopsy was performed by the sworn
physicians Specialist Dr. Bülent DEĞİRMENCİ, Specialist Dr. Hanife ALKURT ALKAN, and
Assistant Dr. Emrah EMİRAL, in the presence of Ankara Public Prosecutor Aytekin
Cenikli.

EXTERNAL EXAMINATION

On the corpse of a circumcised male, 177 cm in height, approximately 30–35 years of
age, weighing 80–85 kg, with black hair, eyebrows, and eyelashes, the hair having
receded at the frontal region and vertex, with a day's stubble, wheat-colored
complexion, and corneal opacification of the eyes, it was observed that rigor mortis
persisted and that livor mortis had formed in the usual locations on the back and lumbar
region. It was determined that the tongue protruded from between the lips and that
there was parchmentization of the tip of the tongue and of the lips.

1. A firearm projectile entry wound 0.5 cm in diameter in the right shoulder supraclavicular region,
2. A firearm projectile entry wound 0.5 cm, located 2 cm medial to wound No. 1,
3. A firearm projectile entry wound 0.5 cm on the sternal line of the chest at the level of the 4th rib,
4. A firearm projectile entry wound 0.5 cm on the sternal line at the level of the 2nd rib, located 6 cm above wound No. 3,
5. A firearm projectile exit wound measuring 3.5 x 1.5 cm, located 4 cm lateral to the left armpit,
6. A firearm projectile exit wound measuring 2.5 x 2 cm, located 7.5 cm below wound No. 5,
7. A firearm projectile exit wound measuring 1 x 0.5 cm on the nape, 5 cm below the hairline,
8. A firearm projectile exit wound measuring 1 x 0.5 cm, located 0.5 cm medial to wound No. 7,
9. A firearm projectile exit wound measuring 4 x 2 cm in the middle of the left gluteal region,
10. A wound consistent with the passage of a firearm projectile, 0.5 x 0.7 cm in diameter, located 5.5 cm to the upper lateral side of wound No. 9,
11. A firearm projectile entry wound 0.5 cm in diameter in the inner lower part of the left gluteal region,
12. A firearm projectile entry wound measuring 0.5 x 1 cm, 0.5 cm in diameter, in the upper posterior 1/3 of the right thigh,
13. A firearm projectile exit wound measuring 2 x 0.5 cm on the medial side of the upper anterior 1/3 of the right thigh were observed.

On the anterior surface of the left knee, within an area measuring 10 x 35 cm, penetrating wounds of various numbers and dimensions were observed, some of them superficial and one measuring 0.5 cm. On one of them, a yellow metallic object penetrating the skin was identified and taken into safekeeping.

No other findings were encountered externally on the body.

INTERNAL EXAMINATION

THE HEAD WAS OPENED: The scalp was reflected. The subcutaneous tissue was pale in appearance, and no hemorrhage or ecchymosis was identified. The temporal muscles and the cranial vault bones were intact, with no hemorrhage, and corneal opacification of the eyes was observed. The brain and cerebellum were removed. Dark red

discoloration due to decomposition was observed in the lower frontal regions, and edema and softening of consistency were observed on section. The dural spaces were clean, and the cranial base bones were found to be intact.

THE NECK AND CHEST WERE OPENED: The skin of the neck and chest was reflected. No hemorrhage or ecchymosis was identified in the subcutaneous tissue of the neck region. In the chest region, hemorrhage and ecchymosis were identified in the subcutaneous tissue and intercostal muscle groups at locations consistent with the firearm projectile entry and exit wounds described externally. On examination of the neck organs: the hyoid bone, thyroid cartilage, and cervical vertebrae were intact, the tracheal lumen was empty, green discoloration due to decomposition was present in the mucosa, and minimal gastric content was present in the esophagus. The sternal plate was removed. 1000 cc of clotted blood was drained from the right thoracic cavity. Coating-type hemorrhage was observed in the right thoracic cavity. The right lung was found to be intact. No particular feature was identified on section. The heart was removed. On opening and on section, the right and left ventricular walls were found to be extensively hemorrhagic at locations consistent with the entry and exit wounds. The thoracic vertebrae were found to be intact.

Upon opening the wound described externally as No. 3, it was determined that the firearm projectile which entered the body broke the sternal bone at the middle of the sternum and entered the thoracic cavity, entered the heart from the anterior surface of the right ventricle creating tissue destruction measuring 2 x 1 cm, created hemorrhagic tissue destruction measuring 4 x 3 cm in the posterior wall of the left ventricle and left the heart, created hemorrhagic tissue destruction in the lower lobe of the left lung, and left the body by exiting the thoracic cavity, creating a hemorrhagic and ecchymotic tissue defect in its posterior outer wall, through the wound described externally as No. 6, and that it was of a fatal nature.

Upon opening the wound described externally as No. 4, it was determined that the firearm projectile which entered the body broke the bone at the upper edge of the sternum and entered the thoracic cavity, created hemorrhagic tissue destruction in the lower lobe of the left lung, and left the body by exiting the thoracic cavity, creating a hemorrhagic and ecchymotic tissue defect in the left outer wall, through the wound described externally as No. 5, and that it was of a fatal nature.

Upon opening the wound described externally as No. 1, it was determined that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, and soft tissue from right to left and from front to back and left the body through the wound described externally as No. 7, and that the injury it created was not of a fatal nature.

Upon opening the wound described externally as No. 2, it was determined that the firearm projectile which entered the body coursed through the skin, subcutaneous

tissue, and soft tissue from right to left and from front to back and left the body through the wound described externally as No. 8, and that the injury it created was not of a fatal nature.

THE ABDOMEN WAS OPENED: No free blood fluid was identified in the abdominal cavity. The liver, kidneys, and other intra-abdominal organs were found to be pale in appearance and on section. Content mixed with fluid was identified within the stomach.

Incisions were made in the posterior parts of both thighs and legs and in the back. No hemorrhage or ecchymosis was identified.

Upon opening the wound described externally as No. 12, it was determined that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, soft tissue, and muscle and left the body through the wound described externally as No. 13, and that the injury it created was not of a fatal nature.

Upon opening the wound described externally as No. 11, it was determined that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, and soft tissue from back to front and from right to left and left the body through the wound described externally as No. 9, and that the injury it created was not of a fatal nature.

It was determined that the wound described externally as No. 10 was formed during the passage of a firearm projectile, that it was superficial, and that the injury it created was not of a fatal nature.

Urine was sent to the Chemistry Department to test for alcohol and stimulants/narcotics and for systematic toxicological analysis and to test for stimulants and narcotics; and vitreous fluid was sent for testing, where necessary, for alcohol, stimulants, and narcotics and for systematic toxicological analysis. A tube of blood was taken and sent to the Biology Department to be used, where necessary, for identity determination.

CONCLUSION

The corpse coded with the number BS-8, one of the corpses of soldiers of unclear identity who died at the scene, who — in the evening hours of 15 July 2016 — in connection with an armed attack directed by an armed group of soldiers, using vehicles and equipment employed in warfare such as helicopters, tanks, and aircraft, against the Presidential Residence, the Government, the Grand National Assembly of Türkiye, and public institutions and organizations, engaged in a coup attempt, was sent to our institution. On the basis of the requirement, pursuant to Additional Article 2/1 of the Military Internal Service Act No. 211, that the procedure be performed in the presence of a lawyer, and accompanied by Attorney Özgür YILDIZ KIZILIRMAK (registration no. 24959), one of the Ankara Bar Association attorneys under the Code of Criminal

Procedure assigned to the post-mortem examination procedure, this report is drawn up according to the information and findings recorded above, obtained from the autopsy performed on 18 July 2016 in the autopsy hall of the Morgue Department of the Ankara Group Directorate of the Council of Forensic Medicine and from the chemical analysis of the blood and urine samples taken during the autopsy, stating that:

1. The person's death occurred as a result of internal and external hemorrhage developing from perforations of the internal organs (lungs, heart) characterized by bone fractures resulting from firearm projectile injuries;
2. A total of 6 (six) firearm projectile entry wounds described in the external examination as Nos. 1, 2, 3, 4, 11, and 12, and 1 (one) wound formed by the passage of a firearm projectile described in the external examination as No. 10, were identified on the person's body; and

Upon opening the wound described externally as No. 3, that the firearm projectile which entered the body broke the sternal bone at the middle of the sternum and entered the thoracic cavity, entered the heart from the anterior surface of the right ventricle creating tissue destruction measuring 2 x 1 cm, created hemorrhagic tissue destruction measuring 4 x 3 cm in the posterior wall of the left ventricle and left the heart, created hemorrhagic tissue destruction in the lower lobe of the left lung, and left the body by exiting the thoracic cavity, creating a hemorrhagic and ecchymotic tissue defect in the posterior outer wall of the left thoracic cavity, through the wound described externally as No. 6, was of a fatal nature;

Upon opening the wound described externally as No. 4, that the firearm projectile which entered the body broke the bone at the upper edge of the sternum and entered the thoracic cavity, created hemorrhagic tissue destruction in the lower lobe of the left lung, and left the body by exiting the thoracic cavity, creating a hemorrhagic and ecchymotic tissue defect in the left outer wall of the chest, through the wound described externally as No. 5, was of a fatal nature;

Upon opening the wound described externally as No. 1, that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, and soft tissue from right to left and from front to back and left the body through the wound described externally as No. 7, and that the injury it created was not of a fatal nature;

Upon opening the wound described externally as No. 2, that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, and soft tissue from right to left and from front to back and left the body through the wound described externally as No. 8, and that the injury it created was not of a fatal nature;

Upon opening the wound described externally as No. 12, that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, soft tissue, and

muscle and left the body through the wound described externally as No. 13, and that the injury it created was not of a fatal nature;

Upon opening the wound described externally as No. 11, that the firearm projectile which entered the body coursed through the skin, subcutaneous tissue, and soft tissue from back to front and from right to left and left the body through the wound described externally as No. 9, and that the injury it created was not of a fatal nature;

3. That the wound described externally as No. 10 was formed during the passage of a firearm projectile, was superficial, and that the injury it created was not of a fatal nature; that, since the firearm projectile entry wounds described in the external examination as Nos. 1, 2, 3, 4, 11, and 12 and the wound formed by the passage of a firearm projectile described in the external examination as No. 10 are located in a clothed region, if a definitive determination of the firing distance is desired, examination of the person's clothing bearing the holes, which was on his person at the time of the incident, would be required;
4. One (1) yellow metallic object was obtained from the corpse during the autopsy and was delivered, in a prosecutor's evidence pouch, to the Ankara Public Prosecutor on duty at the morgue to be forwarded to the investigating Public Prosecutor;
5. This report states that no substances subject to systematic screening were found in the person's blood content, that no stimulant/narcotic substances subject to systematic screening were found in the urine, and that no alcohol was found in the blood.

Forensic Medicine Specialist Dr. Bülent DEĞİRMENÇİ

Forensic Medicine Specialist Dr. Hanife ALKURT ALKAN

Forensic Medicine Assistant Dr. Emrah EMİRAL

ACTING HEAD OF THE MORGUE DEPARTMENT Specialist Dr. Saffet ÜNER

TO THE ANKARA CHIEF PUBLIC PROSECUTOR'S OFFICE

Assoc. Prof. Dr. Bora ÖZDEMİR

GROUP DIRECTOR

Investigating Prosecutor

Ankara Public Prosecutor

Serdar COŞKUN

Dr.B.D.

H.K.

This document has been signed with an electronic signature in accordance with the provisions of Law No. 5070 and sent via UYAP; no physical document will additionally be sent.

The originals of the invoices are sent collectively to your Chief Public Prosecutor's Office each month.

[Source of Text ANNEX G]

T.C
ADLİ TIP KURUMU
Ankara Grup Başkanlığı

Ankara Morg İhtisas Dairesi Başkanlığı
Sayı :37121003/101.02/2016/12890/1672/1186

08/09/2016

OTOPSİ RAPORU

Adı ve Soyadı : Yüzellisekiz Nolu Cenaze(Bs-Sekiz Kodlu) - YASİN ÖZDEMİR

T.C.Kimlik No: 11362257018

Cinsiyeti : Erkek

Baba Adı : Mehmet

Ana Adı : Ayşe

Doğum Tarihi: 1981

Nüfus kaydı : Ankara , Kızılcahamam, 71 Cilt No, 47 Aile Sıra No, 83 Sıra No'da nüfusa kayıtlı.

Ölüm /Ölü Bulunduğu tarih: 15/07/2016

Otopsi Tarihi : 18/07/2016 **Saati:**

Ölüm yeri : Ankara

Otopsiyi isteyen makam : Ankara Cumhuriyet Başsavcılığı'nın 18/07/2016 tarih ve 2016/BİLA sayılı yazısı ile

Otopsinin yapıldığı yer : Morg İhtisas Dairesi Otopsi Salonu

Ölüm sebebi : Ateşli silah mermi çekirdeği yaralanmalarına bağlı kemik kırıkları ile karakterli iç organ (akciğer, kalp) delinmelerinden gelişen iç ve dış kanama

Otopsiyi yapanlar :Ankara Cumhuriyet Savcısı Aytekin Cenikli huzurunda Uz.Dr. Bülent DEĞİRMENCİ, Uz.Dr. Hanife ALKURT ALKAN, Asistan Dr. Emrah EMİRAL yeminli Tabiplerce Adli Otopsi yapılmıştır.

DIŞ MUAYENE

177 cm boyunda, 30-35 yaşlarında, 80-85 kg ağırlığında, siyah renkte saç, kaş ve kirpikli, saçları frontalde ve vertexten dökülmüş, günlük sakal traşlı, buğday tenli, gözlerde korneal opaklaşma olan sünnetli erkek cesedinde, ölü katılığının devam ettiği, ölü lekelerinin sırtta ve belde mutad yerlerde husule geldiği görüldü. Dil dudaklar arasından dışarıda, dil ucu ve dudaklarda parşömenleşme olduğu tespit edildi.

1. Sağ omuz supraklavikular bölgede 0,5 cm çapında ateşli silah mermi çekirdeği giriş yarası,

2. 1 nolu yaranın 2 cm iç yanında 0,5cm ateşli silah mermi çekirdeği giriş yarası,

3. Göğüste sternal hatta 4. kosta seviyesinde 0,5 cm ateşli silah mermi çekirdeği giriş yarası,

4. 3 nolu yaranın 6 cm yukarısında sternal hatta 2. kosta seviyesinde 0,5 cm ateşli silah mermi çekirdeği giriş yarası,

5. Sol koltuk altının 4cm dış yanında 3,5x1,5 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası,

6. 5 nolu yaranın 7,5 cm aşağısında 2,5x2 cm ateşli silah mermi çekirdeği çıkış yarası,

7. Ense de saçlı deri çizgisinin 5cm aşağısında 1x0,5 cm ateşli silah mermi

** Bu belge 5070 sayılı kanun hükümlerine uygun olarak elektronik imza ile imzalanarak UYAP üzerinden gönderilmiş olup ayrıca fiziki evrak gönderilmeyecektir.*

*** Fatura asılları her ay toplu olarak Cumhuriyet Başsavcılığı'na gönderilmektedir.*

T.C
ADLİ TIP KURUMU
Ankara Grup Başkanlığı

Ankara Morg İhtisas Dairesi Başkanlığı
Sayı :37121003/101.02/2016/12890/1672/1186
çekirdeği çıkış yarası,

08/09/2016

8. 7 nolu yaranın 0,5 cm iç yanında 1x0,5 cm ateşli silah mermi çekirdeği çıkış yarası,

9. Sol gluteal bölgede ortada 4x2 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası,

10. 9 nolu yaranın 5,5 cm üst dış tarafında 0,5x0,7 cm çaplı ateşli silah mermi çekirdeği geçişi ile uyumlu yara,

11. Sol gluteal bölge iç alt kısımda 0,5 cm çaplı ateşli silah mermi çekirdeği giriş yarası,

12. Sağ uyluk arka üst 1/3 te 0,5x1 cm boyutlarında 0,5 cm çaplı ateşli silah mermi çekirdeği giriş yarası,

13. Sağ uyluk önde üst 1/3 iç yanda 2x0,5 cm boyutlarında ateşli silah mermi çekirdeği çıkış yarası olduğu görüldü.

Sol diz ön yüzde 10x35 cm boyutlarındaki alanda muhtelif sayı ve ebatlarda bazıları yüzeysel, bir tanesi 0,5 cm olmak üzere penetran yaralar görüldü. Birinin üzerinde cilde penetre sarı metalik cisim saptanarak muhafaza altına alındı.

Vücudunda haricen başkaca bulguya rastlanmadı.

İÇ MUAYENE

BAŞ AÇILDI: Saçlı deri kaldırıldı. Cilt altı soluk görünümde olup kanama ve ekimoz saptanmadı. Temporal adaleler ve kafa kubbe kemikleri sağlam olup kafatası açıldı. Beyin ve beyincik çıkarıldı. Frontal alt bölgelerde çürümeye bağlı koyu kırmızı renk değişiklikleri, kesitlerinde ödem ve kıvamında yumuşama görüldü. Dural mesafeler temiz, kafa kaide kemikleri sağlam bulundu.

BOYUN VE GÖĞÜS AÇILDI: Boyun ve göğüs derisi kaldırıldı. Boyun bölgesi cilt altında kanama ve ekimoz saptanmadı. Göğüs bölgesinde haricen tarif edilen ateşli silah mermi çekirdeğine ait giriş ve çıkış yaraları ile uyumlu lokalizasyonlarda cilt altı ve interkostal kas gruplarında kanama ve ekimoz saptandı. Boyun organlarının tetkikinde; Hyoid kemik, tiroid kartilaj ve boyun omurları sağlam olup trakea lümeni boş, mukozada çürümeye bağlı yeşil renk değişikliği ve özefagusta minimal mide içeriği bulundu. Sternal kapak kaldırıldı. Sol göğüs boşluğundan 1000 cc pıhtılı kan boşaltıldı. Sağ göğüs boşluğunda sıvama tarzında kanama olduğu görüldü. Sağ akciğer sağlam bulundu. Kesitlerinde özellik saptanmadı. Kalp çıkarıldı. Açımında ve kesitlerinde giriş ve çıkış yaraları ile uyumlu lokalizasyonlarda sağ ve sol ventrikül duvarı yaygın kanamalı bulundu. Aort normal konum ve yapıda bulundu. Torakal vertebralar sağlam bulundu.

Haricen 3 no da tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin sternum ortasından sternal kemiği kırarak göğüs boşluğuna girdiği, kalbe sağ ventrikül ön yüzden 2x1 cm boyutlarında doku harabiyeti oluşturarak girdiği, sol ventrikül arka duvarında 4x3 cm boyutlarında kanamalı doku harabiyeti oluşturduğu ve kalbi terk ettiği, sol akciğer alt lobunda kanamalı doku harabiyeti oluşturduğu ve sol göğüs boşluğu arka dış duvarında kanamalı ve ekimozlu doku defekti oluşturarak göğüs boşluğunu, harici muayenede 6 no da tarif edilen yarayı açarak vücudu terk ettiği, öldürücü mahiyette olduğu

** Bu belge 5070 sayılı kanun hükümlerine uygun olarak elektronik imza ile imzalanarak*

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tespit edildi.

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Haricen 4 no da tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin sternum üst kenarından kemiği kırarak göğüs boşluğuna girdiği, sol akciğer alt lobunda kanamalı doku harabiyeti oluşturduğu, göğüs sol dış yan duvarında kanamalı ve ekimozlu doku defekti oluşturarak göğüs boşluğunu, harici muayenede 5 no da tarif edilen yarayı oluşturarak terk ettiği, öldürücü mahiyette olduğu tespit edildi.

Haricen 1 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta sağdan sola önden arkaya cilt ciltaltı yumuşak doku seyirle harici muayenede 7 noda tarif edilen yarayı açarak vücutu terk ettiğini, oluşturduğu yaralanmanın öldürücü mahiyette olmadığı tespit edildi.

Haricen 2 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta sağdan sola önden arkaya cilt ciltaltı yumuşak dokuda seyirle harici muayenede tarif edilen 8 nolu yarayı açarak vücutu terk ettiği, oluşturduğu yaralanmanın öldürücü mahiyette olmadığı tespit edildi.

BATIN AÇILDI: Batın boşluğunda serbest kan mayi saptanmadı. Karaciğer, böbrek ve diğer batın içi organlar görünüm ve kesitlerinde soluk bulundu. Mide içerisinde sıvı ile karışık halde muhteva saptandı.

Her iki uyluk ve bacak arka kısımlarına, sırta insizyonlar yapıldı. Herhangi bir kanama yada ekimoz saptanmadı.

Haricen 12 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin cilt ciltaltı yumuşak doku ve kas seyirle harici muayenede tarif edilen 13 nolu yarayı açarak vücutu terk ettiği, oluşturduğu yaralanmanın öldürücü mahiyette olmadığı tespit edildi.

Haricen 11 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta arkadan öne sağdan sola cilt ciltaltı yumuşak dokuda seyirle harici muayenede tarif edilen 9 nolu yarayı açarak vücutu terk ettiği, oluşturduğu yaralanmanın öldürücü mahiyette olmadığı tespit edildi.

Haricen 10 noda tarif edilen yaranın ateşli silah mermi çekirdeği geçişi sırasında olduğu, yüzeysel olduğu, oluşturduğu yaralanmanın öldürücü mahiyette olmadığı tespit edildi.

Cesetten alkol, uyarıcı-uyuşturucu aranmak ve sistematik toksikolojik, uyarıcı uyuşturucu aranmak üzere idrar, gerektiğinde alkol uyarıcı ve uyuşturucu aranmak ve sistematik toksikolojik analiz yapılmak üzere göz içi sıvısı Kimya İhtisas Dairesi'ne gönderildi. Gerektiğinde kimlik tespiti için kullanılmak üzere bir tüp kan alınarak Biyoloji İhtisas Dairesi'ne gönderildi.

SONUÇ

15/07/2016 günü akşam saatlerinde silahlı bir grup asker tarafından; helikopter, tank, uçak gibi savaşta kullanılan araç ve gereçlerle, Cumhurbaşkanlığı konutuna, Hükümete, Türkiye Büyük Millet Meclisine, kamu kurum ve kuruluşlarına yönelik silahlı saldırılara bağlı olarak darbe girişiminde bulunan ve olay yerinde ölen açık kimlikleri belirsiz asker cesetlerinden BS - 8 numarası ile kodlanan ceset yazımız ekinde kurumumuza bırakılmış

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olup, Ceset üzerinde 211 sayılı Askeri İç Hizmet Kanunu Ek Madde 2/1 gereğince avukat huzurunda yapılması gerekliliğine istinaden, ölü muayene işleminde görevlendirilen Ankara Barosu CMK avukatlarından Av. Özgür YILDIZ KIZILIRMAK (sic no:24959) refakatinde; 18.07.2016 günü Adli Tıp Kurumu Ankara Grup Başkanlığı Morg İhtisas Dairesi otopsi salonunda yapılan otopside, otopsi sırasında alınan kan, idrar örneklerinin kimyasal incelemelerinden elde edilerek yukarıya kaydedilen bilgi ve bulgulara göre;

1) Kişinin ölümünün ateşli silah mermi çekirdeği yaralanmalarına bağlı kemik kırıkları ile karakterli iç organ (akciğer, kalp) delinmelerinden gelişen iç ve dış kanama sonucu meydana gelmiş olduğu,

2) Kişinin vücudunda harici muayenede 1,2,3, 4, 11 ve 12 noda tarif edilen toplam 6(altı) adet ateşli silah mermi çekirdeği giriş yarası ile harici muayenede 10 noda tarif edilen 1(bir) adet ateşli silah mermi çekirdeği geçişi ile oluşmuş yara tespit edilmiş olup;

Haricen 3 no da tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin sternum ortasından sternal kemiği kırarak göğüs boşluğuna girdiği, kalbe sağ ventrikül ön yüzden 2x1 cm boyutlarında doku harabiyeti oluşturarak girdiği, sol ventrikül arka duvarında 4x3 cm boyutlarında kanamalı doku harabiyeti oluşturduğu ve kalbi terk ettiği, sol akciğer alt lobunda kanamalı doku harabiyeti oluşturduğu ve sol göğüs boşluğu arka dış duvarında kanamalı ve ekimozlu doku defekti oluşturarak göğüs boşluğunu, harici muayenede 6 no da tarif edilen yarayı açarak vücudu terk ettiği, öldürücü mahiyette olduğunu,

Haricen 4 no da tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin sternum üst kenarından kemiği kırarak göğüs boşluğuna girdiği, sol akciğer alt lobunda kanamalı doku harabiyeti oluşturduğu, göğüs sol dış yan duvarında kanamalı ve ekimozlu doku defekti oluşturarak göğüs boşluğunu, harici muayenede 5 no da tarif edilen yarayı oluşturarak terk ettiği, öldürücü mahiyette olduğunu,

Haricen 1 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta sağdan sola önden arkaya cilt ciltaltı yumuşak doku seyirle harici muayenede 7 noda tarif edilen yarayı açarak vücudu terk ettiğini, oluşturduğu yaralanmanın öldürücü mahiyette olmadığını,

Haricen 2 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta sağdan sola önden arkaya cilt ciltaltı yumuşak dokuda seyirle harici muayenede tarif edilen 8 nolu yarayı açarak vücudu terk ettiğini, oluşturduğu yaralanmanın öldürücü mahiyette olmadığını,

Haricen 12 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin cilt ciltaltı yumuşak doku ve kas seyirle harici muayenede tarif edilen 13 nolu yarayı açarak vücudu terk ettiğini, oluşturduğu yaralanmanın öldürücü mahiyette olmadığını,

Haricen 11 noda tarif edilen yarayı açarak vücuda giren ateşli silah mermi çekirdeğinin vücutta arkadan öne sağdan sola cilt ciltaltı yumuşak dokuda seyirle harici muayenede tarif edilen 9 nolu yarayı açarak vücudu terk ettiğini, oluşturduğu yaralanmanın öldürücü mahiyette olmadığını,

Haricen 10 noda tarif edilen yaranın ateşli silah mermi çekirdeği geçişi sırasında oluştuğu, yüzeysel olduğu, oluşturduğu yaralanmanın öldürücü mahiyette olmadığını,

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3) Kişinin vücudunda harici muayenede 1,2,3, 4, 11 ve 12 noda tarif edilen ateşli silah mermi çekirdeği giriş yaraları ve harici muayenede 10 noda tarif edilen adet ateşli silah mermi çekirdeği geçişi ile oluşmuş yaranın, elbiseli bölgede bulunduğundan eğer kesin atış mesafesi tespiti isteniyorsa kişinin olay sırasında üzerinde bulunan ve delik içeren elbiselerinin incelenmesinin gerekeceğini,

4) Cesetten otopsi sırasında bir (1) adet sarı metalik cisim elde edilmiş olup savcılık delil poşeti içerisinde tahkikat C. Savcısı'na iletmek üzere morgda görevli Ankara C. Savcısı'na teslim edildiği,

5) Kişiye ait kan içeriğinde sistematik olarak aranan maddelerin bulunmadığı, idrarda sistematik olarak aranan uyarıcı-uyuşturucu maddelerin bulunmadığı, kanda alkol bulunmadığını bildirir rapordur.

Uz.Dr. Bülent DEĞİRMENCİ
Adli Tıp Uzmanı

Uz.Dr.Hanife ALKURT ALKAN
Adli Tıp Uzmanı

Dr.Emrah EMİRAL
Adli Tıp Asistanı

Uz.Dr. Saffet ÜNER
MORG İHTİSAS DAİRE BAŞKAN V.

ANKARA CUMHURİYET BAŞSAVCILIĞI'NA

Doç.Dr. Bora ÖZDEMİR
GRUP BAŞKANI

Tahkikat Savcısı
Ankara C.Savcısı
Serdar COŞKUN
Dr.B.D.
H.K.

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WITNESS İRFAN TÜTEN: Right now, I— yes. One moment, I am trying to remember. It has been two years. Yes. There was one of the rebels beside me; I had done the thing to him. Down below, meanwhile, people were gathering in haste. In fact, I too did the thing. From there, we jumped together. I too jumped, together with him, and there, together, with the— there was someone I had in my hands. The one I had taken into custody— together with him, he was in front of me. We jumped together. That is, only one— for the sake of one person, one stays up above for a time, and the other person, the one he throws, stays down below. From there, we jumped together. If you are thinking wrong, there is.

DEFENDANT ÖZKAN YILMAZ: Mr. President, I have a question. At around 06:15, in the vicinity of the Hisarcıkloğlu Mosque, while you were being subjected to torture by the Gendarmerie Officers beside whom you too were, did you hear Brigadier General Ahmet Hacıoğlu give the instruction over the radio, saying, "slaughter those ... children"?

[Source of Text]

TANIK İRFAN TÜTEN: Şu anda ben evet. Bir dakika hatırlamaya çalışıyorum. İki sene oldu. Evet. Yanında isyancılardan biri vardı, onu ben şey yapmıştım. Aşağıda da acele ile insanlar toplanıyordu. Hatta ben de şey yaptım. Oradan beraber atladık. Kendimde atladım oradan. İtme olayı yok. Orada beraber şeyle elimde bulunan biri vardı. Benim teslim aldığım onunla beraber o benim önümde idi. Beraber atladık. Yani sadece biri bir insan birini ittiği zaman kendi yukarda kalır, diğer attığı insan da aşağıda kalır. Oradan beraber atladık. Yanlış düşünüyorsun sen.

SANIK ÖZKAN YILMAZ: Başkanım son sorum. Saat 06:15 sıralarında Hisarcıkloğlu cami civarında polisler ve sizinde içinde bulunduğunuz Jandarma Subayları tarafından işkenceye maruz kalırken tuğgenaral Ahmet Hacıoğlunun telsizden gebertin o... çocuklarını diye talimat verdiğini duydunuzmu?

DEFENDANT MUHARREM DEMİRKALE: Because this matter comes up constantly over the police radios. Now, with your permission, Mr. President, I have one or two final questions. There is another important point: on Monday, those who commanded and directed those police officers will be coming here. I wish to return once again to the issue that the special operations police did not receive any clear instruction from you as to how to proceed, and that they acted on their own initiative. This is a matter that concerns your own future as well. Did they receive any order or instruction from you to the effect of, "Look, commander, we are positioning the snipers here; we are going to open fire from there in such-and-such a manner"?

WITNESS İRFAN TÜTEN: Now, it is like this, Muharrem: I believe that, before we arrived there, personnel of the special operations police had probably gone up onto those tall buildings and carried out certain activities from there, because after we arrived no fire was directed downward from those tall buildings. That must have occurred before we

arrived. I know this from the following: there was one thing that stuck in my mind — there was a commissioner, and the man's mental state was very disturbed; that is, he must have been shot in the ear. As for fire from the upper buildings as well, those activities were probably carried out by the police snipers before they arrived — those activities may have been carried out beforehand.

[Source of Text]

SANIK MUHARREM DEMİRKALE: Çünkü polis telsizlerinde her yerde geçiyor bu konu, şimdi son bir iki sorum var başkanım müsaadelerinizle, şimdi önemli bir şey daha var, pazartesi çünkü buraya gelecekler o polisleri sevk ve idare edenler, polis özel hareket sizden nasıl hareket edildiği şeklinde net bir talimat almadı, kendi inisiyatifi kullandığı meselesini tekrardan bağlamak istiyorum, seninde istikbalin ile ilgili bir mesel bu, biz keskin nişancıları şuraya yerleştiriyoruz komutanım, biz şuradan şu şekilde ejderle Ateş edeceğiz tarzında senden bir Emir talimat aldılar mı?

TANIK İRFAN TÜTEN: şimdi şöyle Muharrem ben biz oraya gelmeden önce o yüksek binalara herhalde polis Özel hareket'in personeli çıkıp oradan bazı faaliyetler icra etmişti diye düşünüyorum, çünkü biz geldikten sonra o yüksek binalardan aşağıya Ateş edilmedi, biz gelmeden önce olmuştur o, onu da şuradan biliyorum, o bir tane şey vardı kulağından vurulmuş bir komiser vardı, adam psikoloji psikolojisi çok bozuktur yani, mecbur vurulmuş kulağından, üst binalardan da Ateş muhtemelen polisleri Keskin nişancıların gelmeden önce o faaliyetleri icra etmiş olabilir.

[...] stated that he had warned him. In his statement dated 13 December 2017, Fatih KARABAĞ stated that, while they were in the server room, he had witnessed Ahmet HACIOĞLU instruct the persons present with him to back up certain camera footage and not to back up certain other camera footage. Likewise, on 19 December 2017, Küçük Muzaffer ALIÇ, in relation to the footage shown to him by the court, made the statement "We had darkened this footage." A further matter that warrants attention is that, in the examination conducted on 13 December 2016 of the DVR device numbered CSJL6V2C8011008, which shows the main-gate (Nizamiye) records of the Gendarmerie General Command, it was established that there was no footage whatsoever pertaining to the period prior to 29 July 2016. All of these matters, which I have set out by providing the person, time, and place, openly reveal the fact that the team led by Ahmet HACIOĞLU and Özcan ŞAHİN both carried out the initial backup and, prior to the backup, performed certain irregular operations on the camera recordings. Mr. President, the operations carried out by this team are unlawful.

[Source of Text]

kendisini uyardığını söylemiştir. **Fatih KARABAG** 13 Aralık 2017 tarihli ifadesinde sistem odasında bulundukları sırada yanında bulunan kişilere Ahmet HACIOĞLU'nun bazı kamera görüntülerini yedeklemelerini bazı kamera görüntülerini de yedeklemeyin şeklinde talimat verdiğine şahit olduğunu söylemiştir. Yine Küçük Muzaffer ALIÇ 19 Aralık 2017 tarihinde mahkeme tarafından kendisine gösterilen görüntüler ile ilgili "Biz bu gönderi karartmıştık" ifadesinde bulunmuştur. Jandarma Genel Komutanlığı'nın Nizamiye kayıtlarını gösteren C5JL6V2C8011008 nolu DVR cihazının 13 Aralık 2016 tarihinde yapılan incelemesinde 29 Temmuz 2016 tarihinden öncesine ait hiçbir görüntü olmadığı tespit edilmesi de üzerinde durulması gereken ayrı bir konudur. Şahıs zaman ve yer vererek belirttiğim tüm bu hususlar başını Ahmet HACIOĞLU ve Özcan ŞAHİN'in çektiği ekibin hem ilk yedeklemeyi yaptığını hem de yedekleme öncesinde kamera kayıtları üzerinde usulsüz bir takım işlemler yaptıkları gerçeğini alenen ortaya koymaktadır. Sayın Başkan bu ekibin yaptığı işlemler hukuksuzdur

ANNEX I Ankara 23. Reasoned Decision of the High Criminal Court

REPUBLIC OF TÜRKİYE, ANKARA 23rd ASSIZE COURT

Case–Decision No.: 2017/30 Merits – 2020/7

that a criminal complaint be filed with the Ankara Chief Public Prosecutor's Office for the assessment and performance of any necessary action, if warranted, in respect of the offenses of Aggravated Fraud and Forgery of Official Documents, concerning the defendants in our case file, Mustafa YİVLİ and Şuayip TURNA, who are alleged to have been provided with the examination questions; and that copies of the relevant documents be added to the file;

5. It having been understood that the defendant Beytullah ÖZDEMİR, in his statement given during the investigation stage, declared that "the questions of the examination for transition from specialist to non-commissioned officer status held in November 2015 were provided to him by the organization's covert military imam," that a criminal complaint be filed with the Ankara Chief Public Prosecutor's Office for the assessment and performance of any necessary action, if warranted, in respect of the offenses of Aggravated Fraud and Forgery of Official Documents concerning Beytullah ÖZDEMİR; and that copies of the relevant documents be added to the file;
6. That a criminal complaint be filed with the Ankara Chief Public Prosecutor's Office for the assessment and performance of any necessary action in connection with the incident of the death of Yasin Özdemir; and that copies of the relevant documents and the camera footage be added to the file;
7. That, taking into account the camera recordings and the reports as well, a criminal complaint be filed with the Ankara Chief Public Prosecutor's Office against the persons concerned in relation to the allegations of theft regarding the

taking of the belongings of certain defendants and military personnel at the headquarters of the Gendarmerie General Command on 16 July 2016;

[Source of Text I]

T.C. ANKARA 23. AĞIR CEZA MAHKEMESİ

Dosya-Karar No: 2017/30 Esas - 2020/7

sınavların sorularının kendilerine verildiği iddia olunan dosyamız sanıkları Mustafa YİVLİ ve Şuayip TURNA hakkında Nitelikli Dolandırıcılık ve Resmi Belgede Sahtecilik suçlarından varsa gereğinin takdir ve ifası için Ankara Cumhuriyet Başsavcılığına **suç duyurusunda bulunulmasına**, İlgili belge örneklerinin evraka eklenilmesine,

5) Sanık Beytullah ÖZDEMİR'in soruşturma aşamasındaki ifadesinde, "2015 yılı Kasım ayı içerisinde yapılan uzmanlıktan astsubaylığa geçiş sınavının sorularının örgütün asker mahrem imamı tarafından kendisine verildiğini" beyan ettiği anlaşılmakla, Beytullah ÖZDEMİR hakkında Nitelikli Dolandırıcılık ve Resmi Belgede Sahtecilik suçları açısından, varsa gereğinin takdir ve ifası için Ankara Cumhuriyet Başsavcılığına **suç duyurusunda bulunulmasına**, İlgili belge örneklerinin evraka eklenilmesine,

6) Yasin Özdemir'in ölümü olayı ile ilgili Ankara Cumhuriyet Başsavcılığına gereğinin takdir ve ifası için **suç duyurusunda bulunulmasına**, İlgili belge örneklerinin ve kamera kaydının evraka eklenilmesine,

7) Kamera kayıtları ve raporlar da dikkate alınarak, 16 Temmuz 2016 tarihinde bir kısım sanıkların ve askeri personelin Jandarma Genel Komutanlığı karagahındaki eşyalarının alınmasına yönelik hırsızlık iddialarına ilişkin Ankara Cumhuriyet Başsavcılığına ilgililer hakkında **suç duyurusunda bulunulmasına**,