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For the consideration of Türkiye's second Periodic Report

**Pusula Güvenlik Arařtırmaları Topluluęu
(PUGAT)**

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1. PUGAT expresses gratitude to the Human Rights Committee (the Committee) for its continued involvement in civil society and for giving the chance to participate in the discussions around Türkiye's second periodic report during the 142nd session.

2. PUGAT was founded in 2021 as an independent think tank and research organization. PUGAT aims to analyze the factors influencing the security perceptions of individuals, communities, and nations, as well as their concerns, through the lens of past experiences. The organization seeks to contribute to the development of alternative security policies that prioritize peace, equality, justice, human rights, and the rule of law.

3. PUGAT’s report aims to provide to the Committee inputs on;

a. July 15 attempted coup and military student’s situation in Türkiye (Part I)

b. Unlawful and arbitrary detention of the military students, particularly air force academy students (who are sentenced to life imprisonment), amounting the deterioration of civil and political rights recognized by all international mechanisms (Part II; inputs on paras. 4, 6, 10, 11, 12, 18, 19 of the LOIPR)

I. July 15 attempted coup and military student's situation in Türkiye

4. On July 15, 2016, it was stated that a group of soldiers attempted to overthrow the existing Government in Türkiye. In the hours following the coup attempt on July 15, 2016, the Gülen/Hizmet Movement (hereafter the HM) and its real or alleged sympathizers were deemed responsible for scheming the coup, without absolutely no evidence. In the early hours of this attempt, Recep Tayyip Erdoğan said “*Now, this coup activity is Allah’s great blessing for us*”,¹ attributing it to the HM despite the absence of any evidence in his hands. It was explicitly mentioned in the same speech that this situation would lead to wiping out the HM by definitely rendering it a terrorist organization.

5. As soon as this coup attempt was suppressed on the same day, tens of thousands of alleged HM sympathizers/followers were taken into custody and arrested. Convening under the chairmanship of the President, the Cabinet proclaimed a State of Emergency on July 20, 2016. Following the declaration of the State of Emergency, Türkiye sent notifications on July 21 and 22 to the United Nations and the Council of Europe, declaring that it suspended its obligations under the European Convention on Human Rights (ECHR) and the United Nations International Covenant on Civil and Political Rights (the Covenant). The State of Emergency was terminated on July 17, 2018.

6. Under the Decree-Laws issued during the State of Emergency, 116,250 people (including 16,409 cadets in total were purged by decree-law 669) were dismissed from public office. Only a small portion of the dismissed civil servants were returned to office and the dismissal decisions about 114,279 have been in effect as of December 31, 2017, while no military cadet is allowed to return to military schools. In addition to dismissal from the public office, these people were effectively prevented from going abroad as their passports were cancelled and several "de jure" and "de facto" measures made it impossible to find other jobs in the country. As the private businesses that employed the people who were dismissed from public office were stigmatized as pro-terrorists, the dismissed people were effectively turned into living dead.

a. Aspects of pre-coup and its aftermath from the point of view of military students (cadets)

7. Before underlining the incidents and the situation of military students (cadets), particularly Air Force cadets, as victims of the attempted coup d'état, we hereby would like to draw the Committee's attention to the Working Group on Arbitrary Detention's (the Working Group) opinion for one of these cadets, Ahmet Dinçer Sakaoğlu (see [WGAD/2020/67](#)). As an Air Force military student, Mr. Sakaoğlu shared the same obscure fate with his companions at the night of July 15, 2016.

8. Regarding the persecution, torture, ill-treatment, and stigmatization they were subjected to that night simply for obeying the orders of their superiors, the Working Group expressed the following view:

¹ See [here](#).

The deprivation of liberty of Ahmet Dinçer Sakaoğlu, being in contravention of articles 1, 2, 3, 8, 9, 10, and 11 of the Universal Declaration of Human Rights and articles 2 (3), 9, 14, and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I, III and V.

9. In this context, as we mentioned the cadets are only students and obey their superiors' orders, for a better understanding of the matter by the Committee, we will explain the term military students (hereafter cadets).

b. Definition of cadet in Turkish context

10. First of all, we must define some military notions by quoting from the relevant law to better comprehend the situation.

11. A military cadet is universally defined as; a cadet is an officer trainee or candidate. The term is frequently used to refer to those training to become an officer in the military, often a person who is a junior trainee. Its meaning may vary between countries. In Turkish Armed Forces (TAF) internal service law (article 3.4), military cadets are defined as students who attend various schools and universities and wear formal attire to train officers, military officers, or non-commissioned officers.

12. Military service is a service inherently seen in a strict hierarchy of command. The principle of "absolute obedience to the order" is a requirement of this service and the provision of the TAF Internal Service Law. As a matter of fact, the legislator has prevented the inspection of the lawfulness of the order by deciding that the act of "considering the order" will be punished with the penalty of a warning for those who receive military service with Article 15 of the Disciplinary Law of the Turkish Armed Forces. An exchange of opinions can be made before the order is given, but it is prohibited to express opinions after the order is given. In other words, a soldier who receives orders from his superior cannot even make an evaluation about the correctness or wrongness of the order, let alone not obey the order, cannot consider it, and if he does, he will be punished.

13. Article 19 of the same Law stipulated that the act of "disobedience to the order" will be punished with the penalty of "not leaving the place of service". In addition, Article 87 of the Military Criminal Code stipulates that those who "insist on disobedience to orders" will be punished with imprisonment.

14. "Soldiers who do not make the order for service at all, who expressly refuse to fulfill the order by word or deed or who do not fulfill the order despite the repetition are punished with imprisonment from three months to two years."

15. Service term is defined as follows in article 12 of the same Law:

"In the application of this law, what is meant by the term (Service) is the performance of a military duty, which is known and specific and commanded by a superior, by the subordinate."

16. In brief, subordinates in the Turkish Armed Forces are obliged to show full respect to the commandant and his superior per general customs and military procedures, to obey his commandant in absolute terms, and to obey their superiors in cases shown in laws and regulations.

17. Subordinates make the order on time and cannot change the order, they cannot exceed their limits, and the responsibilities arising from execution are at the person who gave the order.

18. All kinds of manifestations, words, writings, and actions that threaten the feeling of obedience are prohibited with penal sanctions.

19. In respect of the cadets accused of overthrowing the constitutional order, they did just only what the law was saying. They obeyed the orders of their commandants on the day of the coup like they were always doing. The only order from the commandants to them was “get on the bus”, this order was neither unlawful order nor the order whose subject constituted a crime. In conclusion, the military cadets just did what they had to do as subordinates who were only obliged to take orders.

c. Cadets before the attempted coup

20. Firstly, when we look at what the students were doing before the night of the coup, we see that they were in the different military training camps, which took place during that summer. The areas in which students were located different places depending on their semesters of training and the type of army that they belonged to. Their trainings were the essential part of their education and had been conducted in this manner for many years.

21. The summer camps of the Air Force Academy students were held in Yalova. And those who wanted to participate in parachute training spent part of the camp in the military training center in Ankara. Every summer, all cadets attend a summer camp in which they practice military training and sports training as well as parasailing, shooting and gliding. In the morning and afternoon periods of the day, they participate in sports activities under the supervision of experienced physical training instructors. Surely, the principal aim here is to contribute to the physical and social development of all cadets and have them prepared for the following academic year.

c. During the attempted coup

22. The day of the coup attempt in July 2016, all military units received dozens of unexpected training orders or secret information of emergency terror attacks that would take place in various places. These were all foreseen incidents and preparations were also seen as an ordinary precaution strategy, especially for the Armed Forces, after the bomb attacks that Türkiye just experienced a couple of months before².

² See [here](#).

23. Air Force Cadets (Cadets) were also at their military base camps in different cities due to different duties and exercises of the army for the summer. They did not have any gadgets of communication on them because carrying that kind of electrical item was not allowed in military zones according to Domestic Service Law.

24. On the 15th of July, by the order of the commanders, cadets left their base camps to confront or if possible, prevent the terror attacks or pass through to prearranged secure zones. In accordance with the orders given, the students left the camp areas to ensure their safety by going to their own troops (i.e. the military school).

25. When the coup was declared on TV channels, President Erdogan called another journalist anchor on FaceTime and invited people to come out from their homes and prevent the coup on the streets. "The CNN news anchor Türk holds her phone in one hand facing the camera. She has an expression on her face when she knows she is in the middle of something crazy but by trying to pretend everything is normal. On the screen of her smartphone, a gray-haired man in a suit and tie, in selfie mode on Facetime, the iPhone's video calling feature, who a priori has no business being there: it's Recep Tayyip Erdogan, the Turkish president"³ He claimed that the coup was planned and carried out by Gulen although there was no evidence on that.

26. With this declaration, all the soldiers who tried to return to their base from military exercise had already declared as people who were accused of supporting Gulen and trying to make a coup. "On Friday night in Istanbul, the muezzins interrupted their prayers to call on the people to get out into the streets to support the government. In fact, these are not personal initiatives. In Türkiye, imams and muezzins are state officials, and Erdogan has strong ties with the Muslim religious community. However, this is the first time that the government has called on religious authorities to relay this type of political message. For Erdogan, it is a way to legitimize himself by leaning on religion.

27. This situation was enough to make all soldiers seem like terrorists in the eyes of the citizens. Although most of the cadets and soldiers were unaware of what was happening on that night and tried to explain themselves in that loud and angry people came out the street after Erdogan's call, they could not avoid being lynched by the mob on the streets. On the night of 15 July, while the cadets did not use force or weapons in the so-called coup, they were trying to calm the crowd and not escalate the tense situation and the cadets, including did not take any action other than to obey simple military orders aimed at providing support against said terrorist attack, such as "get on the bus", "get off the bus", "stop" and "walk". Such orders were given by the military commanders, who had been appointed by their superiors, who had in turn been appointed by the State⁴.

³ See [here](#).

⁴ See the documentary prepared by the cadets who were tortured and ill-treated on July 15 « The Blue Bus | July 15th Facts: Cadets Speak Out » [here](#).



However, the cadets and other military staff were beaten to death, tortured, and some killed on that night. **Murat Tekin and Ragıp Enes Katran (who were also cadets) and Burak Dinler, a private soldier were slaughtered by some unidentified long-bearded persons**⁵. In its report, the forensic center conclusively indicated that **Ragıp Enes Katran was killed by a cutting**

and piercing tool⁶. Murat Tekin's cervical artery was cut (0.8 cm long, one angle narrow, one angle wide sharp piercing wound limited to subcutaneous tissues in the right paravertebral region at the level of the 6th thoracic vertebrae), pressure was applied to the mouth and nose, various beatings were



applied to his head and body, Ragıp Enes Katran had 4 fatal injuries out of 8 stab wounds, one of which occurred in the neck area with his organs exposed (his throat was cut). M. Furkan Yavuz was subjected to harassment by police officers during his hospitalization, had difficulty going to the toilet for months and still suffers from bladder obstruction. (*References for the images⁷)

28. Unfortunately, **no investigation was ever carried out** because of the regime of impunity instated with the executive decree-laws⁸ and with the non-impartial Turkish judiciary (see the latest communication of the Special Rapporteur on the Independence of Judges and Lawyers, June 21, 2024, [AL TUR 3/2024](#)).

29. As reported by the Turkish MP Ömer Faruk Gergerlioğlu, hate and torture was obvious in this case, as can be seen from the testimony of the following cadet:

⁵ See [here](#).

⁶ See [here](#) for forensic center's report that Ragıp Enes was slaughtered by with a piercing and cutting tool

⁷ See [here](#) for the first image ; see [here](#) for the second image.

⁸ The Constitutional Court decided that it would not review the constitutionality of these decree-laws, granting de facto full power to the government to modify as many laws as it wished and this without judiciary supervision, including the law on the foundations and rules of procedure of the Constitutional Court, a measure far from qualifying as "strictly required by the exigencies of the situation" or necessitated by the emergency situation. This initial refusal has been transformed into a Constitutional preclusion after the 2017 reform; indeed new article 148 of the Constitution provides that "presidential decrees issued during a state of emergency shall not be brought before the Constitutional Court alleging their unconstitutionality as to form or substance". Administrative Courts also refused to review complaints related to the decree-laws stating that "although emergency decrees were issued by the executive branch, they could not be the subject of judicial review by administrative courts since they were legislative acts by function".

““On the night of July 15, they took us on buses from the camp in Yalova because there was a terrorist attack. We crossed the Osman Gazi Bridge by paying the toll. I fell asleep afterwards. I woke up to a stone hitting the car. They were attacking from everywhere. Stones, sticks... We went out onto the bridge through a small opening to escape from the people attacking us there. It was around two in the night. They decided to punish the cadets, who had the same rank as privates. We are here because we are poor and have no population. Right now, I am waiting for death in a 20 square meter cell, with a death sentence in my hand. Be our voice.” Mehmet Aksoy, Karatepe High Security Closed Prison”⁹

30. As a result of the attempted coup of July 15, 313 Air Force Academy cadets were arrested (aged between 17 and 22). There are a total of 5 cases in which all air cadets were involved in Istanbul; the Bridge case, the Sultanbeyli case, the Orhanli case, the Digiturk case, and lastly the FSM case. **The courts have given the same judgment in all these cases: "life sentence".**

31. As of today, 60 former Air Cadets from the 2017 cycle in the Orhanlı case, 44 from the 2018 cycle in the Boğaziçi case, 15 from the 2019 cycle in the Sultanbeyli case, and 27 former Air Cadets in the Digiturk case, in total 146 cadets, are still being held in prison with life sentences.

32. On July 31, 2016, all military schools and academies were closed by the decree law 669. After the closure of the schools, 16,409 cadets in total were removed without any judicial procedure. They were transferred to different civil universities. However, the arrest process continued and still goes on for former military students in Türkiye on absurd terrorism charges (on witness testimonies and allegedly receiving empty calls from pre-paid phones which to date any criminal activity were not proved)¹⁰.

II. Unlawful and arbitrary detention of the Air Force cadets (sentenced to life imprisonment)

a. Türkiye failed to fulfill the rights to a fair trial, equality before the law, and the prevention of ill-treatment and torture in relation to Air Force cadets

33. The Air Force cadets who were severely beaten by unknown persons were put into buses and then detained by the police on the morning of July 16, 2016, and taken to the police stations. They were tortured and ill-treated, denied legal assistance, were not notified of the reasons for their arrests, and their families were not informed by the police.

34. Although the cadets were accused of acts against the government and acts against the Parliament, the court interpreted Articles 311, 312 and 314 of the Turkish Penal Code (TPC) as merging with and dissolving into Article 309 of the TPC. As a result of this distorted

⁹ See [here](#).

¹⁰ One of the recent polis operations against former cadets dated May 14, 2024, see [here](#).

interpretation, the court sentenced the defendants to aggravated life imprisonment on charges of violating the constitutional order as members of the HM.

Some detailed information on the trial process of the cases:

DIGITÜRK CASE

35. Istanbul 24th High Criminal Court 2017/24 E. The verdict was delivered on 19 January 2018. 37 students were sentenced to aggravated life imprisonment, life imprisonment and 4-16 years of imprisonment.
36. Although the Cadets had no connection to the interception of broadcasts (confirmed by witnesses), they were sentenced for obstructing communication.
37. In Casper Plaza, 14 cadets were sentenced twice for attempted murder, even though it was not established where, when and how the complainants were injured and there was no evidence that the students fired shots.
38. The cadets who handed over their weapons to the police in agreement with the colonel in charge of the police and went to the police station were subjected to swearing, insults and beatings at the police station under inhumane conditions for days, and then, when they sent to Prison No. 9, they were stripped and kicked in the room without cameras. Although they declared this situation in court, no action was taken against those concerned.
39. The Court, which rejected the requests as an attempt to prolong the trial, wrote the reasoned decision 2.5-3 months later (the legal period is 15 days) and sent the file to the Court of Appeal only on 18 June 2018, 6 months later, thus prolonging the trial. It is also understood from the reasoned decision that no favorable issues that took place during the trial phase were taken into consideration and that the indictment was copied.

ORHANLI CASE

40. The trial started on 09 November 2017 and was concluded on 18 May 2018 as a result of the Istanbul 28th Assize Court's file numbered 2017/144 E. In such a short period of time, all the requests of the defendant's defense lawyers were rejected, and the file was decided in a hurry within 6 months.
41. At the end of the trial, all cadets were sentenced to life imprisonment, 5 of them to aggravated imprisonment. All cadets whose empty shell casings were found but could not be linked to the deaths were sentenced for manslaughter and attempted manslaughter.
42. The cadets were beaten, insulted, and sworn at the Orhanlı police station where they were taken and rolled down the stairs. The First Lieutenant in charge was unrecognizable.
43. Again, although the Court rejected the requests as an attempt to prolong the trial, it wrote the reasoned decision 3.5-4 months after the verdict was announced and did not even serve it to the lawyers. Again, the Court prolonged the trial. The reasoned verdict is almost identical to the closing statement and lacks justification.

SULTANBEYLİ CASE

44. The Istanbul 28th High Criminal Court's case no. 2017/204 E. started on 09 November 2017 and was finalized on 25 May 2018, again within 6 months. Here, 116 students were sentenced to life imprisonment. Later, 15 of them were sentenced for aiding the coup and the others were turned to the Gülen Movement membership file.
45. Although they helped the police, First Lieutenant A.A. and Captain S.C. were severely beaten in front of military cadets. Their wrists were cut from plastic handcuffs. They had bruises on their faces. Other cadets were subjected to unspeakable abuses.
46. Some of the cadets were kicked and beaten in a room without cameras in Prison No. 9. This was raised in Court, but no action was taken.
47. Again, although the Court Panel rejected the requests as an attempt to prolong the trial, the reasoned decision was written 3.5-4 months after the verdict was announced and was not even served to the lawyers. Again, the Court prolonged the trial. The reasoned verdict is almost identical to the closing statement and lacks justification.

BOĞAZIÇI CASE

48. The indictment announced to the media on 14 July 2017 through the Istanbul 25th High Criminal Court's file no. 2017/237 E. was accepted, and the trials with 143 defendants, which started on 09 October 2017, were brought to a hasty verdict on 12.07.2018. In this case, 44 of the 48 cadets were sentenced to aggravated life imprisonment, and the cadets who never went on the bridge and one student who escaped from the bridge were acquitted. There were 50 cadets on the bus, two of whom were beaten and stabbed to death during the morning lynching. Both the date of the verdict and the announcement of the indictment were timed to coincide with anniversaries, turning the trials into a show.
49. From the first to the last session of the hearing, unspeakable swearing, insults and attacks on the defendants, the defendants' relatives, and the defendants' lawyers by the complainants, the complainants' lawyers, and the spectators continued with increasing frequency. The attacks, which started in the first hearing as swearing inside the courtroom, varied until the last hearing with the throwing of water bottles, chairs, canes and courtroom microphones. Although the cadets repeatedly requested that the hearing be held in secret, the 24th High Criminal Court did not fulfill these requests. During the trial, the spectators (carried by the municipalities affiliated with the acting AKP party) who attacked the families of the defendants by breaking the screens, the complainants (M.E and İ.A) who made threats to the cadets such as "you will not get out of prison, we will finish you inside" and made a throat-slitting sign were not subjected to any action. As the court panel was silent about these incidents, the lawyers of the defendants had to leave the last hearing under the escort of the Gendarmerie.
50. At the beginning of the hearings (on 08 January 2018), one of the cadets, İsmail Kuruçay, was dragged out of the courtroom for standing up during a break in the proceedings and when the audience was leaving, and his friend Kağan Karalürt, who reacted to his removal,

was then taken to the detention room, both of them were beaten by gendarmes in the detention room, Kağan, who was injured in his eye during the lynching on the bridge, was hit in the eye and İsmail Kuruçay's leg was fractured. Kağan Karalürt is still undergoing treatment for this, while İsmail Kuruçay attended the hearings on crutches for a week and his leg did not heal for months. For this reason, the cadets were given solitary confinement by the prison¹¹.

51. Forgetting their lawyer identities, the complainant's attorneys have repeatedly accused and insulted the defendant's lawyers. On 10.10.2017, the defendant's lawyers were even targeted by the newspaper because they filed a complaint against Olçok's attorney, Attorney Uğur Güven, who used the expression "Murderers" referring to the military cadets¹². However, Mr. Güven's client died before the military cadets arrived on the site, but he continued to make accusations about the cadets both on TV and in Court, including the accusation that they were members of the terrorist organization. Lawyer N.K. attacked the cadets' defense counsel, by saying "May God give patience to their wives, they are cowards".
52. There were no incidents or gunfire when the Kuleli unit (a unit of soldiers) arrived at the Bogaziçi bridge first. However, although the Chief of Police and the Commander of the 1st Army arrived at the Bosphorus Bridge, they did not communicate with the soldiers in any way, which led to an escalation of events:
53. The cadets reached the bridge around 02.00 a.m., the driver and Samet Yazgaç, one of the cadets, were shot as a result of the gunfire from outside, the vehicle crashed, and the cadets, frightened, ducked their heads in the bus to hide from the citizens who were stoning and punching their bus, opening the engine cover and trying to stick sticks into the engine. The camera footage shows that Sefa Güzel, one of the cadets who evacuated the bus because they were told that the bus was on fire, was slapped in the face and a wire was tried to be put around his neck. In the meantime, Vahit Samet Yılmaz was stabbed in the face, Resul Ertürk's finger was broken and they were directed to the bridge by the police and some citizens¹³. Camera footage in this regard is also available in the file.
54. As the cadets and private soldiers were still not fully aware of the incident during the surrender in the morning, some of the cadets hugged the police (available in the footage), but the police, who did not get in the way of the public, allowed them to be lynched for about half an hour. Cadets Kağan Karalürt, M.F.Y., A.Ö., E.G., M.A.K., E.P., F. E., and M.A.B. were taken to hospital due to these beatings. M.F.Y. was stabbed, E.P. was subjected to kicks and punches, M.A.K. suffered head trauma due to stick blows to his head and was hospitalized for 4 days as his friend E.P. prevented him from being released by the police officers thinking that he was dead, M.A.B. and F.E. were taken to hospital for these beatings. A.B. and F.E. had around 20 stitches as a result of the blows they received to their heads, E.G. had his ribs broken as a result of being kicked in front of the bus, A.Ö. was

¹¹ See [here](#).

¹² See [here](#).

¹³ See the documentary « The Blue Bus | July 15th Facts: Cadets Speak Out » [here](#).

beaten 4 times and was in a coma for 10 days due to head trauma and had a ruptured eardrum, Kağan Karalürt lost his sight and was declared dead and was put in the morgue, but was later found to be alive.

55. Murat Tekin and Ragıp Enes Katran, cadets, and Burak Dinler, a private, died during the lynching. Murat Tekin's cervical artery was cut (0.8 cm long, one angle narrow, one angle wide sharp piercing wound limited to subcutaneous tissues in the right paravertebral region at the level of the 6th thoracic vertebrae), pressure was applied to the mouth and nose, various beatings were applied to his head and body, Ragıp Enes Katran had 4 fatal injuries out of 8 stab wounds, one of which occurred in the neck area with his organs exposed (his throat was cut). M.F.Y. was subjected to harassment by police officers during his hospitalization, had difficulty going to the toilet for months and still suffers from bladder obstruction.
56. While a cadet named H.Ş., who went through exactly the same thing during the bridge climbing phase, was acquitted on the grounds that he was "dragged to the bridge against his will" because he managed to escape from the bridge in shock and panic, the cadets who went to the bridge under the same conditions, who were lying motionless, who were unable to use a weapon because of a broken finger, who was shivering with fever, were not acquitted because they went to the Bogaziçi bridge voluntarily. It is not possible to understand why the cadets were sentenced to life imprisonment, while the privates who arrived before the cadets (they were obeying orders just like the cadets) and even some declared that they fired with fear and the third lieutenants and sergeants, who had more authority than the cadets, were acquitted. It is also proven by their testimony and that of the complainant B.K. that the other 3 acquitted cadets told the police officers "save our friends, they don't know anything either" until the morning.
57. In the concrete event, the President of the 24th Assize Court, who issued these verdicts against the cadets, has been appointed to the Court of Cassation, and the President of the 25th Assize Court has been appointed to the Court of Appeal.

The facts reveal severe violations of the Covenant's obligations

58. In regard the arrest and the detention of the Air Force cadets, there are very serious violations regarding to the rights to liberty and security and the right to a fair trial;
 - a. They were not notified of the reasons for the arrest on 16 July 2016. From 16 to 27 July 2016, they were not able to contact their families or to receive assistance from a lawyer. They were not even allowed to see their lawyers before questioning by the prosecutor. In addition, they could not object to their detention because they were not reminded of that right. (violation of Article 9 (4) of the Covenant)
 - b. They first learned of the charges against them when they were brought before the criminal court of peace and were charged with violating articles 309, 311 and 312 of the Penal Code. They were also charged with being a member of an

armed organization, in violation of article 314 of the Penal Code, although that charge was not written into the record of their first detention examination. The decision to detain them was made without any incriminating evidence or justification for the accusations. While the offense concerning the attempting at the assassin of the President was not reflected in the reasons for their detention (during the seven months of the preparation of the indictment), it was later added among the reasons for their continued detention.

- c. There has been no fair trial for the cadets. The case of Mr. Sakaoğlu (and 94 other defendants) for example, was concluded, despite deficiencies, within a very short period (nine months). The president of the 24th High Criminal Court was then appointed to the Supreme Court and was thus promoted to a higher court. This shows that the president of the court received a reward. The source thus asserts that the sentence of life imprisonment handed to Mr. Sakaoğlu was the result of a biased trial. It is a fact that in Türkiye, on the basis of seventeen Executive decree-law, **125.678 persons public servants from public services, among them 4.662 judges and prosecutors, were dismissed.** New and young prosecutors and judges were then hired. Among them there is a competition for punishment and receiving rewards, and also a fear of making decisions against the government's approach.
- d. The cadets were detained for an action not considered as a crime, contrary to Article 15 (1) of the Covenant. Allegedly, they acted per the orders "on the scope of terrorist activities". Moreover, they were arrested on the grounds of participating in the attempted coup d'état without any proof.
- e. There is a perception in the public that military cadets were part of the Gulen movement and that, for that reason, military cadets were considered guilty¹⁴ from the beginning which is contrary to the presumption of innocence. They were thus treated differently from the private soldiers who had been acquitted¹⁵. In that respect, the principle of equality before the law was not respected, in violation of Article 26 of the Covenant.
- f. Concerning the right to prepare a defense, upon arrest and during custody, the cadets were not allowed to contact a lawyer, nor were they reminded of their right to do so. They were brought before the court without legal assistance. Such conduct undermines the veracity of their statements and is a violation of Article 148 of the Code of Criminal Procedure. In addition, a witness for the defense on the hearing of the 24th Heavy Criminal Court, a former military cadet, who testified in favor of the accused cadets during the trial, was

¹⁴ See [here](#), '

¹⁵ Some private soldiers were acquitted stating that they were young and didn't have the capacity to understand the orders. However, there were some military cadets who are younger than those private soldiers who were acquitted.

subsequently arrested and detained for allegedly being a member of the Fethullah terrorist organization/Parallel State Structure.

- g. Due to the press and social media, which qualified the military cadets as traitors and terrorists, the cadets had difficulty in finding a lawyer to defend them. The lawyers appointed by the Istanbul Bar Association did not talk to them and did not disclose their rights while they were interrogated by the prosecutor. They could not even see these lawyers during the hearings because of the high number of defendants and police officers present in the courtroom. Microphones were placed in the courtroom and used to record the conversations between the defendants and their lawyers, which could not be held in confidentiality.
- h. The cadets were unable to see the whole case file owing to a confidentiality decision and the documents contained in the file were used to indict them. Moreover, they did not have access to a computer for nine months and were thus unable to prepare their defense properly and effectively.
- i. Regarding the right to education, book restriction was introduced for the cadets. Moreover, after being discharged from the Military Academy, students were not allowed to enroll in a new higher education institution for 2 years until the end of the State of Emergency.
- j. The wards were not provided with basic humanitarian conditions, were overcrowded, and unhealthy conditions were created. For example, the cadets were kept in wards with 42 people in a pre-2016 ward suitable for 7 inmates.
- k. Access to health services were restricted. For example, Aykan Perktas¹⁶, who had a brain hemorrhage but was not shown to a doctor; Osman Gültekin¹⁷, who was not hospitalized despite his mental disorders; dozens of patients who were not allowed to receive treatment during the coronavirus crisis.
- l. Repeated physical violence, and beatings were inflicted upon military cadets. Muhammed Ali Taş for example was beaten unconscious by guards in Silivri Prison¹⁸.

59. As stated in the Working Group's opinion for Mr. Sakaoğlu's claims, one of the cadets detained that day (see [WGAD/2020/67](#));

“Mr. Sakaoğlu and his colleagues were brought to Gayrettepe police station and held there for four days. They were not told why they had been detained and were prevented from benefiting from any legal assistance (...) Mr. Sakaoğlu was subjected to unjustified unlawful treatment at Gayrettepe police station. He was allegedly insulted and beaten and his belongings were forcibly taken away. He was deprived of food and water for a certain period of time. Dozens of military cadets were crammed into a very small and

¹⁶ See [here](#).

¹⁷ See [here](#).

¹⁸ See [here](#).

unsanitary police cell. During his detention, Mr. Sakaoğlu could not contact his family or a lawyer (...) Mr. Sakaoğlu was taken for medical examinations but that the psychological, verbal and physical violence he endured were not taken into account. The doctor was reportedly afraid, as he examined Mr. Sakaoğlu under the surveillance of police officers.”

and

On 19 July 2016, at 4 p.m., Mr. Sakaoğlu was taken to a courthouse in Istanbul. The following day, he was taken to a criminal court of peace to give a statement. He did not have a lawyer, but a young and inexperienced lawyer was instead appointed by the Istanbul Bar Association at the last moment. The source adds that that lawyer was not able to defend Mr. Sakaoğlu, as he had not had the opportunity to see or talk to him before the questioning by the prosecutor.

The detention of Mr. Sakaoğlu was decided on the basis of that questioning, without Mr. Sakaoğlu having been allowed to inform his relatives, to choose his lawyer or to prepare a defence. In that sense, Mr. Sakaoğlu was deprived of legal assistance. Mr. Sakaoğlu was reportedly not told why he was detained and a record of the hearing was not given to him. His detention was then extended on the same grounds as those given for his initial arrest, in other words without a new reason being given for his detention. Seven months after Mr. Sakaoğlu's arrest, an indictment was issued. The first hearing in his trial took place after nine months. However, the source reports that none of the military cadets were provided with the technical and physical facilities to prepare for their defence and that the interviews with their lawyers were limited to once a week and were recorded. For these reasons, Mr. Sakaoğlu was not able to prepare an effective defence.

All the witnesses and other defendants allegedly testified in favour of the military cadets (...) On 19 January 2018, **however, the twenty-fourth Heavy Penal Court of Istanbul sentenced Mr. Sakaoğlu and other military cadets to life imprisonment (...)** this demonstrates that **the court had lost its independence and impartiality.**

Mr. Sakaoğlu was not afforded a fair and public trial. The court did not consider any exculpatory evidence in the reasoning for its decision and did not examine the records of the investigations, witness statements or requests made by Mr. Sakaoğlu and his lawyer. Mr. Sakaoğlu's claims were rejected without any justification (...) but **no single piece of evidence was found linking him to the attempted coup d'état of 15 July 2016.** During the trial, Mr. Sakaoğlu was not given sufficient time and facilities to prepare his defence. From the very beginning of the trial, he was not given the opportunity to see or examine any of the files and the records of the proceedings. The source thus considers that the trial was unfair, that the military cadets were considered guilty from the beginning of the trial, that the Court held a hearing only to give the impression of a trial and that the guilt of the accused had already been decided before the trial had taken place.

on 4 August 2016, Mr. Sakaoğlu was taken to the prosecutor's office, where his statement was taken. He was not allowed to see his lawyer before questioning. When he entered the prosecutor's office, the assigned lawyer and the prosecutor were talking to each other, and his statement was taken without him being informed that the person in the office was a lawyer. At the beginning of giving his statement, military personnel stood next to him and Mr. Sakaoğlu was allegedly subjected to pressure by the prosecutor. The prosecutor reportedly called him a sympathizer of the Fethullah terrorist organization/Parallel State Structure. To the source, this shows that the principle of presumption of innocence was not respected. Moreover, the lawyer did not defend him and did not object to the prosecutor's use of such statements. After the statement was given, the transcript of the statement was read to him hastily. Although Mr. Sakaoğlu notified the prosecutor of inaccuracies in the transcript and asked him to correct them, the prosecutor did not allow this and forcibly made him sign that statement.

The rights of Mr. Sakaoğlu to correspond through letters were not implemented for two years. Only after the state of emergency was lifted was he allowed by the Council of Higher Education to enroll in an educational institution. The source argues that this is a violation of Article 26 of the Universal Declaration of Human Rights. Moreover, Mr. Sakaoğlu was not able to explain the conditions of his detention to a research commission that was sent in 2017 to carry out an inspection, as he was accompanied by executive officers who had tortured and mistreated him.

60. Here is the extract of one of the cadets' testimony from his defense, still in prison:

“In the morning, we laid down our weapons on the ground on the order of the commander and then we were subjected to a lynching attempt. When I was lying on the ground on the order of the police, one of the police officers kicked me 2-3 times in the head, breaking my tooth and splitting my eyebrow. There was a deep gash in my eyebrow, deep enough for a fingertip to enter. Then we started running towards the European side; hundreds of people with guns, sticks, and stones were coming from behind us. After a while, I saw a police bus picking us up, but I couldn't get on immediately because of the crowd at the door, during this process, which lasted about 3-5 minutes, I was hit on the head, neck and face with sticks; my head was split open. When I got on the bus, there were people on the ground, it was full, but I took refuge in the upper luggage compartment. Meanwhile, blood was pouring from my head and mouth.

When we arrived at Bayrampaşa Riot Squad, 120 of us were taken out of a vehicle with 20 people in it. The police formed a corridor, swearing, beating and some of them were putting out cigarettes on the soldiers. I was then taken to Samatya State Hospital, where I received stitches on my head and eyebrows. During our stay in Bayrampaşa, I was subjected to verbal abuse from the police. We were not allowed to sit on the seats; we were handcuffed behind our backs for 3-4 days, and wounded on the floor. Then we were taken to the courthouse and the same bad conditions continued there. I was taken directly to the Criminal Judgeship of Peace without giving a statement to the prosecutor. When my statement was taken; I had 27 stitches in my head, and I had severe headaches. I hadn't eaten for 3-4 days because of a broken tooth; I was weak and exhausted. I had

to lie on the floor handcuffed behind my back for 4 days. I couldn't put my head anywhere so that my wounds wouldn't get infected, so I couldn't sleep for days and I was taken to court in the middle of the night. During the trial, I was subjected to verbal pressure from the police. After my arrest, similar pressures continued in prison. At the entrance to the prison, a chief officer slapped me saying "Are you the dog on the bridge?" and other guards continued to verbally harass me.

What I went through in this process has left me physically and psychologically scarred, and I believe that I have not been able to have a fair judicial process due to the ill-treatment I have been subjected to."

Summary of Concerns

61. Violation of the Right to Fair Trial and Due Process:

- a. The Air Force cadets, particularly those sentenced to life imprisonment, were subjected to arbitrary detention without proper notification of the charges or access to legal representation. They were arrested without being informed of the reasons for his detention. They were held for four days in poor conditions at a police station, deprived of legal assistance, communication with his family, food, and water. They were subjected to intimidation to blame his commanders for the coup attempt. This constitutes a violation of their right to a fair trial as enshrined in international human rights law, specifically the **Covenant, Articles 9 and 14**.

Even though, the Working Group found *violation of articles 1, 2, 3, 8, 9, 10 and 11 of the Universal Declaration and articles 2 (3), 9, 14 and 26 of the Covenant (that opinion concerns all the cadets considering this is not an individual case)*, to the date Türkiye has not acted on this opinion and has failed to meet its obligations under international law (see para. 8. for the opinion).

In addition, concerning there is no fair and impartial trial in Türkiye, (see para SR the independence of judges and lawyers "systematic impact on the right to a fair trial for anyone accused of alleged links with the Hizmet/Gülen Movement", para. 6 above).

- b. Cadets were detained without evidence, deprived of the opportunity to prepare a defense, and were not allowed to contact their families or lawyers. This undermines the principle of **equality before the law** and the **presumption of innocence**, and right to a fair trial violating **Articles 14 and 26** of the Covenant.

62. Torture, Ill-Treatment, and Deprivation of Basic Rights:

- a. The cadets experienced ill-treatment, including being beaten, deprived of food and water, and subjected to psychological and physical violence during their detention. The lack of medical attention and failure to address these allegations points to violations of **Article 7** of the Covenant and international prohibitions against torture.

63. Arbitrary and Unlawful Detention:

- a. The detention of the cadets lacked legal justification, with charges added retroactively and no incriminating evidence presented. This violates **Article 9** (prohibition of arbitrary detention) and **Article 15** (no punishment without law) of the Covenant.

- b. The prolonged pre-trial detention, restrictions on seeing legal counsel, and the delayed indictment further eroded their right to challenge the legality of their detention.

64. Lack of Judicial Independence and Impartiality:

- a. The court proceedings reflected political interference, with judges allegedly rewarded for biased verdicts. This undermines the independence and impartiality of the judiciary, contrary to **Article 14** of the Covenant.
- b. Key defense witnesses were arrested, and lawyers faced difficulties in defending the cadets due to harassment, media bias, and inadequate legal support.
- c. The cadets were not given access to critical case files or adequate time to prepare their defense. Conversations between cadets and lawyers were monitored, and there was a lack of confidentiality, infringing on **Article 2 in conjunction with 14(3)(b)** of the Covenant regarding the right to proper defense.

65. Discrimination and Presumption of Innocence:

- a. The cadets were subjected to discrimination, presumed guilty from the start, accused of membership in the HM without concrete evidence. They were collectively labeled terrorists and traitors, with receiving a life sentence despite their subordinate position and lack of personal involvement in planning the coup. This contrasted with the treatment of private soldiers, who were acquitted.

Suggested Questions for the Dialogue

- a. Will Türkiye fully recognize the Working Group's opinion on Ahmet Dinçer Sakaoğlu and ensure justice for all Air Force cadets including Mr. Sakaoğlu? ([WGAD/2020/67](#))
- b. How does the government of Türkiye address the allegations that the Air Force cadets were denied a fair trial, as they were detained without charges, denied legal representation, and subjected to a rushed and biased judicial process?
- c. What steps is Türkiye taking to ensure that military personnel, including the detained cadets, are guaranteed their rights under the Covenant Articles 9 and 14, particularly the right to be informed of charges and the right to defend themselves with the assistance of legal counsel?
- d. What measures are being taken to investigate the claims of torture and ill-treatment of the cadets during their detention, and to hold those responsible accountable?
- e. Can the State provide evidence that allegations of torture, ill-treatment and deprivation of necessities (food, water, medical care) were properly investigated and addressed by the authorities under article 7 of the Covenant?
- f. What safeguards exist to ensure the independence of the judiciary, especially in politically sensitive cases, given the allegations of political influence and reward-based promotions for judges involved in convicting the cadets?
- g. What reforms are being implemented to ensure that detainees have proper access to legal representation and confidential communication with their lawyers in accordance with the Covenant Article 14(3)(b)?
- h. How does the State address the concerns that media portrayals and public perceptions of the cadets as terrorists influenced the trial outcome and violated the principle of presumption of innocence?

b. Türkiye violated the right to life in positive and negative obligations and is responsible for the deaths of Murat Tekin, Ragıp Enes Katran, and Burak Dinler

i. Violation of the obligation to protect the right to life of cadets

66. This article is violated when States fail to take the positive measures necessary to protect the right to life. The police, the organ of the State responsible for ensuring security, must act effectively in preventing any interference with citizens' security of life.
67. The Turkish State is responsible for the killing of these cadets, who did not even know about the coup, on the night of July 15, 2016. This is primarily because on the night of the coup, President Recep Tayyip Erdoğan, in a FaceTime broadcast on the night of the coup, called the people to the streets and told them to “give the necessary answer to the coup plotters”. Furthermore, President Erdoğan's assertion that the coup did not take place within the chain of command and that low-ranking soldiers attempted the coup in spite of high-ranking soldiers aggravates the responsibility of Türkiye for the deaths of Murat Tekin, Ragıp Enes, and Burak Dinler.
68. In response to the President's call, some members of the public felt authorized to take guns, knives and sticks and beat, lynch and even kill anyone who they thought was a coup plotter and who looked like a soldier, regardless of whether they were students or not. The President is responsible for this call, has acted against the presumption of innocence and has caused a violation of the right to life. The President's words are legally binding on the State, therefore Türkiye is responsible for the death of these two cadets.
69. The positive obligations of States are more highly appreciated to the extent of the vulnerability of the population under their custody. For example, states may be held responsible for the deaths of citizens in detention, whereas the death of a free citizen may lead to the conclusion that the state is not responsible.
70. Murat Tekin and Ragıp Enes Katran were 2nd-year cadets at the Air Force Academy, and Burak Dinler was just a private soldier, the lowest rank in the military hierarchy. As they were students and private soldiers and still in training, they had no command authority. The State's responsibility for the damages incurred by these cadets, who would be punished by law if they disobeyed the orders of their commanders, should be assessed more severely.
71. In addition, the lynching deaths of **Murat Tekin, Ragıp Enes Katran, and Burak Dinler took place after they had surrendered to the police after dropping their weapons**. Although it is the **State's responsibility to protect the right to life and bodily integrity of students who surrendered and were taken into custody**, the State failed to fulfill this responsibility. Students were murdered in front of the police.
72. Furthermore, even if the circumstances described above had not occurred, the State would have been responsible for the deaths of Ragıp Enes Katran, Murat Tekin, and Burak Dinler. When the police see an interference with the right to life, they are obliged to prevent it within the framework of the power and authority given to them, to detain the

responsible, and if they delay in preventing the interference with the right to life, to ensure that first aid reaches dying or injured citizens as soon as possible.

73. As the CCTV footage clearly shows¹⁹, the police made no intervention to protect the students who had surrendered and laid down their weapons, and did not prevent the crowd from lynching the students, shouting “We killed 4 of them, now it's the fifth one's turn”. No one from this crowd was detained or held responsible. The injured students were also not given first aid.
74. The state is responsible for the deaths of Murat Tekin, Ragıp Enes Katran, and Burak Dinler has violated the right to life.

ii. Lack on investigation regarding violations of the right to life

75. The obligation of States to protect the right to life is not only to prevent physical interference with human life but also to ensure that there is an effective investigation and prosecution for the posthumous loss of life of their citizens. Türkiye also violated the negative obligations of the right to life against Murat Tekin, Ragıp Enes Katran, and Burak Dinler.
76. After July 15, 2016, President Erdoğan and his cabinet issued three decrees with the force of law stipulating that state officials and civilians would not be subject to any administrative, criminal, or financial investigation and would not be punished for crimes committed on the night of July 15 and thereafter in order to prevent the coup²⁰.
77. Because of this decree law, the courts have not conducted any investigation into the deaths of Murat Tekin, Ragıp Enes Katran, and Burak Dinler. While those who videotaped and shared how they murdered the students are still living their lives freely, the cadets they lynched there, who knew nothing about it, were sentenced to life imprisonment.
78. This is a clear example of a negative violation of the right to life.

Summary of Concerns

79. Türkiye is responsible for the deaths of Ragıp Enes Katran, Murat Tekin, and Burak Dinler due to the call of President Erdoğan and the lack of intervention by the Police.
80. In addition, with the emergency decrees issued, the State has provided for absolute impunity for the people who murdered these persons and has not conducted any investigation into the deaths of the cadets and the soldiers. The State has therefore also violated the negative obligations of the right to life.
81. The lack of investigation into these killings, despite video evidence and eyewitness accounts, represents a violation of the State's negative obligation to ensure that deaths are investigated and that those responsible are held accountable. This breaches **Article 6** of the Covenant, which mandates a proper inquiry into any arbitrary deprivation of life.

¹⁹ See [here](#).

²⁰ See Article 121 of the Decree Law No. 696 [here](#).

Suggested Questions for the Dialogue

- a. Why have there been no investigations or prosecutions into the lynching of **Tekin, Dinler, and Katran**, despite video evidence and witness testimonies documenting the violence against them? How does Türkiye justify the legal impunity granted to civilians and state officials involved in the events of July 15 through the emergency decrees?
- b. What measures is Türkiye taking to ensure that the killings are investigated and that those responsible for the deaths are held accountable, in line with its negative obligation under **Article 6** of the Covenant?
- c. Can Türkiye explain how the emergency decrees issued after July 15, which grant immunity to civilians and officials for crimes committed during the coup attempt, align with its obligations under international human rights law, particularly regarding the **right to life** and the duty to investigate unlawful killings?
- d. Does the State plan to amend or repeal these decrees to restore accountability and the rule of law, ensuring justice for the families of **Tekin, Dinler** and **Katran**?
- e. What is Türkiye's response to the documented inaction of the police during the lynching of the cadets, as seen in CCTV footage? Why were the police unable or unwilling to protect the cadets after they had surrendered, and what measures are being taken to prevent such failures in the future?