

OPENNING AN UN INVESTIGATION ABOUT THE INCIDENTS IN AND AFTER 15 JULY 2016 IN TURKEY

Summary

The Turkish government declared state of emergency in Turkey on July 20, 2016. In the ensuing period, oppression spread where anyone that was involved in the 15 July incident or dared to express opinion other than the official discourse was arrested. A newspaper article, an interview or even a slight hint of critic towards the regime in a tweet became grounds for persecution. A very strict social lynching is being applied to those who question the official rhetoric and those who seek their rights.

The regime initially relied on decrees under law to bypass any legal hinderances or nuisances to the oppression practices and later, institutionalized the state of emergency and put it in a permanent form.

In this context, the freedom of expression of millions of citizens, the right to a fair trial, presumption of innocence, the right to live with dignity and humanity, the right to education, the right to travel, the right to protection of personal private data, the right to defense have been taken away.

It also appears that the official discourses about July 15 event during the last 3 years did not reflect the facts. Many aspects of the official rhetoric such as claimed killings by soldiers lacked basic investigation such as autopsy for cause of death. The official rhetoric could not be challenged and persecution of millions were based on that fait accompli.

In this context, the issues identified, and the proceedings considered to be advisable to the Turkish government are presented in the following paragraphs.

Summary of the 15 July Incident

In Turkey, Friday evening, July 15, 2016, a coup attempt took place which is still not fully understood. Within the scope of this event, significant incidents occurred in Istanbul, Ankara, Marmaris and Sakarya. In the rest of the country, there were some simple military movements. In the incident, around 300 citizens lost their life and thousands were injured.

In a suspiciously quick and organized reaction, thousands of members of the judiciary were laid off from their jobs as of 01.00 at that night, even before the military, while the incidents were still unclear. Then respectively, soldiers and civilian citizens were taken into custody at a speed unprecedented in the history of Turkey and were expelled. All these actions were carried out on charges terrorism.

Before and during detention, systematic and mass torture was carried out. Citizens were killed by torture. Tortures were broadcasted on many TV channels, especially the Anadolu Agency, the state's official channel.

20 July 2016 Regime Change

On 20 July 2016, a temporary state of emergency was declared, but then unconstitutionally, the state of emergency was extended many times eventually taking a permanent form. In this context, the contradiction with the Constitution became normal. Thus, a mass violation of human rights in front of the world public opinion became normal.

With the legal and administrative procedures in a period which can be fully defined as the “no-constitutionalism”, around 600,000 were directly exposed to civil / social death directly with this number reaching couple millions with secondary effects on relatives.

In a legal environment where presumption of innocence did not exist and proof of burden was put of the accused, illegally obtained surveillance and social networks were presented as proof of most serious crimes and became the basis for massive purges and arrests.

Conflict of Official Discourse and Facts

Official discourse on the July 15 incident is: “Fethullah Gulen supporters in the Turkish Armed Forces (TAF) attempted a coup against the government and assassinated President Erdoğan in Marmaris during this attempt, Erdoğan survived with a 15-minute early departure and the soldiers used weapons against his own citizens.”

During the hearings, it turned out that the facts were very different from the official discourse, and that the following points were particularly ignored in the proceedings.

- It was revealed that Erdoğan was provided with all information and documents related to the 15 July incident at the Topkapı Palace on 11 June 2016. (Annex 2.1)
- It was revealed that a week ago before 15 July, the information about the coup attempt was given to former soldier and CHP deputy Dursun Cicek. (Annex 2.2)
- During the proceedings of people who attempt to assassinate to Erdogan, it was revealed that there was another team who came to Marmaris two hours ago before the soldiers, a fact that was quickly suppressed in the proceedings (Annex 2.3)
- It turned out that some of the victims or wounded were shot professionally in the eyes and necks with sniper shots or long-barreled weapons. (Annex 2.4)
- It turned out that some of the victims were killed as a result of an adjacent shot (shot from close range of 3 cm). (Annex 2.5)
- It turned out that the military students who surrendered were strangled and beheaded. (Annex 2.6)
- It turned out that some of the surrendered soldiers were shot and killed with 15 bullets. (Annex 2.7)
- That night, especially the commander of the Navy Bulent Bostanoglu and a large number of high-level commanders disappeared and did not take command of their forces. (Annex 2.8)

- It was revealed that armed mobs attacked the military housing compounds where the families of the soldiers lived were carried out, thus forcing the guards to react (Annex-2.9)
- It was revealed that in many killing and wounding cases, autopsy reports were not made, camera recordings were destroyed, flight radar records - medical emergency service records - radio records were changed, the perpetrators of the murders were not detected and it was claimed as if the soldiers committed those actions.
- It was revealed that the governors and the police chiefs kept clearly the law enforcement officers out of the events in Ankara and Sakarya, and directed civilian mobs to military installations, resulting in mass disorder and crime that was blamed on military later on.

Establishment of an International Investigation Commission to Investigate the 15 July Incident

As a result of the above-mentioned findings; it is considered that an international commission should be established and a very detailed investigation should be conducted, in order to illuminate July 15, 2016 incidents in Turkey, conduct judicial proceedings based on those facts and bring justice to millions of citizens who are victims of these incidents.

Recommendations

- As regards the constitutional restrictions of human rights and fundamental freedoms, in particular the right to dignity and humanity, the Turkish government should be urged to:
 - Act in accordance with the principles of the UN Universal Declaration on Human Rights, establish rule of law and practice basic judicial principles such as presumption of innocence and right to a fair trial and thus respect the human, civil and social rights of its citizens.
- As regards the fair trial, the Turkish government should be urged to:
 - Accept the creation of an international delegation to investigate 15 July events, monitor judicial proceedings, review administrative penal actions on citizens, and invite this delegation to the country and to conduct the proceedings in accordance with the principle of transparency.