

II. SUMMARY of THE REPORT of ANKARA BAR ASSOCIATION



4) A panel comprising members of Penal Institutions Board, Center for Human Rights, and Center for Attorney Rights who visit the Investigation Department of Financial Crimes held a meeting in a closed room with the six persons whose names had been reported regarding the claims of ill-treatment and torture, and statements were officially recorded and signed in the company of the persons who suffered ill-treatment and torture. (The names of the persons interviewed are kept confidential in this report.)

5) Established by the written statements and as a result of the interviews, the findings regarding the claims of ill-treatment and torture are as follows:

a. All the **six persons** who were interviewed stated that they had been taken to meetings under the pretext of “*interviews*” where they were forced to become informants and suffered threats and insults. **All the six persons** who were interviewed stated that they were taken out for an interview more than once, they were put under psychological stress during the interview, and they could identify the persons who carried out the interviews if they saw them.

b. 5 of the 6 persons who were interviewed stated that they suffered ill-treatment and torture outside the interviews. **One person** with whom an interview was held stated that he did not personally suffer ill-treatment and torture but heard about the claims of ill-treatment and torture from the persons with whom he shared a cell and from other persons when they were taken together to the Criminal Judgeship of Peace during the time extension procedures. No discrepancy was found between the names of persons whom this person heard to have suffered ill-treatment and torture and the names of the persons who declared that they suffered ill-treatment and torture.

c. According to the common statements of **the five persons** who stated that they had suffered ill-treatment and torture; these persons were taken out of their cells where they were held in custody (one on Saturday night, another the night between Saturday and Sunday, and the other three Sunday night), they were taken to the section on the ground floor of Ankara Provincial Police Headquarters Investigation Department of Financial Crimes (one person said he was taken without handcuffs, while four said they were handcuffed in the back), they were put in through a door with the sign “*No Entrance*” on it on the narrow hallway at the entrance of the department, the persons who put them in the dark room left, the persons whose faces they could not identify because of the dark first forced them against the wall, blindfolded them (The

uncuffed person stated that he was the first to be handcuffed in this room), then forced them to kneel, made them crawl for a while, hit them on the head with truncheons, threatened that they would be raped unless they talked, and the persons in the dark room brushed truncheons on their bodies.

d) After these events, **the three** persons said they were stripped completely naked, **one said** he was stripped waist down, **one said** his trousers were stripped half down; and then four persons, **the completely and waist-down naked ones, were handcuffed in the back, put in fetus position, had truncheons brush their anal areas;** they were subjected to threats and insults all the while; they were given one to two minutes after which they were told as follows:

“We now move into the next stage” and a substance which they thought to be oil or lubricant was poured on their anal areas and truncheons were brushed around their anal areas. In addition, 1 person stated that they tried to take his trousers off, which they managed to lower halfway, he forced them back up, and he was tortured by having the truncheon brushed over his body and clothes.”

e) **The five persons** who said they had been subjected to ill-treatment and torture were asked whether the persons who performed the ill-treatment and torture were one of the persons whose face they saw and voice they heard in the Investigation Department of Financial Crimes and they replied that these were different persons. When asked if they used any expression that might reveal their identity, four of the persons said no such expression was used but one stated that he heard them say, *“We came from outside; we’re a professional team.”*

f) **The five persons** who said they had been subjected to ill-treatment and torture stated that they were accompanied by a police officer during the daily examination of the doctor and they could not tell the doctor about what they experienced because they feared for and were worried about their safety of life.

g) **One person** who said he was subjected to ill-treatment and torture stated that before the ill-treatment and torture defined as the second stage one person asked him whether he was married and when he said he was he was told *“Look, you won’t be able to sleep with your wife and you’ll wake up at night and cry.”*

h) **One person** who said he was subjected to ill-treatment and torture stated that he got bruises on his knees due to the crawling (the bruises were seen and photographed by the visiting commission) and declared to the doctor on his first examination the day after the torture, but when the doctor verbally declared that he had written in the report as bruises the female officer who was present during the examination panicked, got hold of her mobile phone, and wrote something to someone, and he was then taken out of the room and he was not shown the completed version of the report and they were later transferred to the Criminal Judgeship of Peace for procedures of extending detention time, and the same

doctor wrote in the report that there was no mark of battery or coercion in the examination they were taken after the extension decision, and he had no idea about the fate of the other report.

i) One person who said he was subjected to ill-treatment and torture stated that he was told before they started ill-treatment and torture that “*We rape with truncheons here; you must’ve heard about it. It’s all true,*” and then he was subjected to the ill-treatment and torture explained above.

k) One person who said he was subjected to ill-treatment and torture stated that he did not say anything to his friends when he returned to the cell after the experience; all he could say was that there was torture, and then he went to sleep; when he wanted to go to the toilet when he woke up he passed out; 112 medical team came in, checked his blood pressure and then left; he also passed out in the morning after the events; and he had not slept for 48 hours.

l) One person who said he was subjected to ill-treatment and torture stated that when they were taken before the Criminal Judgeship of Peace he said to the Criminal Judge of Peace that he had been subjected to ill-treatment; the judge answered, “*Is it just you? Why doesn’t anyone else have it;*” whereupon another person who stated that he had been subjected to ill-treatment and torture said, “*I’ve subjected to torture too.*” Two persons in the same trial stated that the judge said, “*I’m not a doctor; this isn’t my job; Go tell it to the doctor.*”

RECOMMENDATIONS of ANKARA BAR ASSOCIATION (Summary)

6) Ankara Bar Associations madfethe recommendations as follows:

a. The law enforcement officers who carried out the investigation into the detainees should be suspended from the investigation so that torture and ill-treatment against the detainees can be prevented;

b. Necessary instructions must be submitted for examination procedures to be conducted in accordance with the Istanbul Protocol;

c. All the suspects kept in custody in Ankara Provincial Police Headquarters Investigation Department of Financial Crimes must be brought before the prosecutor’s office immediately without getting their statements completed at the police headquarters;

d. An investigation must be launched ex-officio for the identification of the persons who committed the crime of torture; an effective investigation must be conducted so that material facts can be revealed and any spoliation of evidence can be forestalled; units and members of Provincial Gendarmerie must be used as per Articles 160/2 and 164 of the CMK no. 5271, and units and members of the police must not be appointed directly in this investigation;

e. All the raw camera footages must be collected immediately starting with those of the different places of detention where the suspects were kept at Ankara Provincial Police Headquarters, the camera footages that show the entrances and exits of the Investigation Department of Financial Crimes as well as all the camera footages inside the Investigation Department of Financial Crimes, and the moments when the detained suspects were being taken away for interviews and torture so that the suspect law enforcement officers can be identified; because it is known that camera recordings were previously erased after their preservation for 30 days in similar applications due to claims of law enforcement officers' battery and torture against both attorneys and suspects, legal obligations must be fulfilled for all pieces of evidence to be collected and protected;

f. the staff who were assigned to the said operations must be suspended until the investigation into claims of torture and ill-treatment is completed;

g. Considering the fact that a judge who learns about a claim of torture and ill-treatment is obliged to act and that the Criminal Judge of Peace did not take any action although the persons declared to him that they were subjected to torture, the Criminal Judge of Peace who issued an extension on detention period must be identified and necessary legal action must be taken against him.