

CASE DOCUMENTATION REPORT No. 1

Allegations of Torture and Ill-Treatment - Hasan Bostan

Victim: Hasan Bostan

Place and relevant period: Ankara, August 2016

Primary basis of the report: the victim's statement dated 12 June 2019 and a direct interview with the victim.

The factual account below is based principally on the victim's testimony. Allegations of torture and ill-treatment are presented as allegations unless independently established by a competent authority. Direct quotations reproduce the victim's account as reflected in the source document.

1. Introduction

The source report concerns allegations of torture, ill-treatment, arbitrary detention and inadequate prison conditions following Hasan Bostan's detention on 11 August 2016 by officers of the Ankara Financial Crimes Branch. It was prepared on the basis of the statement he gave on 12 June 2019 and a direct interview conducted with him.

The broader context described in the source report is the state of emergency declared after the attempted coup of 15 July 2016, during which national and international monitoring bodies reported a marked increase in allegations of torture and ill-treatment in police custody and prisons. The purpose of this case report is to preserve the victim's account and identify the human-rights issues that arise from it.

2. Summary of the Alleged Events

According to Mr Bostan's account, he was taken into custody on 11 August 2016 and transferred to the Yenimahalle premises of the Ankara Police Department. He states that he was held there for 17 days and subjected to repeated physical and psychological abuse before being brought before a court and subsequently remanded in custody. He was dismissed from public service by Emergency Decree-Law No. 672 dated 1 September 2016 and remained in detention for approximately 17 months before his release.

3. Allegations of Torture and Ill-Treatment in Police Custody

- His eyes were allegedly covered with a plastic refuse bag and he was repeatedly struck and kicked.
- The bag was allegedly pressed over his mouth in a manner that impeded breathing, causing intense fear of death.
- He alleges that his trousers were removed and pressure was applied to the anal area, together with threats that similar abuse would be inflicted on his wife.
- He states that medication required for his allergies was withheld and that he could use only medication obtained covertly.
- He states that food was severely restricted and that he lost approximately 7-8 kilograms during custody.

“Because the plastic bag was rustling, I could not hear the questions. I did not know where the kicks were coming from; they kept hitting me. Then they covered my mouth with the bag, I could not breathe, and I thought I was going to die...”

4. Court Appearance and Complaint Mechanisms

The source report states that Mr Bostan was brought before a court on 29 August 2016 while in a severely weakened physical and psychological condition. He says that he informed the judge of the alleged torture and was told to address the matter to the prosecution. The report further states that a constitutional complaint filed on 6 October 2016 under application no. 2016/42687 was later declared inadmissible.

“I could not tell my lawyer about the torture in any meaningful way. Even the interview was subject to image and sound recording.”

“I told the court about the torture. The judge said, “That does not concern me; have you applied to the prosecutor?””

5. Prison Conditions

- A cell or ward designed for 14 persons allegedly held approximately 44 detainees.
- Because of insufficient beds, some detainees allegedly slept on the floor and near the wash area.
- Mr Bostan states that security personnel were present during medical consultations, preventing him from speaking freely about the alleged abuse.
- He describes intrusive monitoring of communications with counsel and degrading treatment by some prison staff.

“When a doctor addressed me as “Mr Hasan,” I was surprised. It was the first time I felt I was being treated as a human being.”

The source report also describes a funeral visit during detention, during which Mr Bostan was transported under heavy escort and remained handcuffed for the duration of the day, which he experienced as physically and psychologically distressing.

6. Legal Assessment

The prohibition of torture and inhuman or degrading treatment is absolute. Allegations of suffocation, repeated beatings, sexualized abuse or threats, deliberate deprivation of necessary medication, and coercive conditions of detention require prompt, independent and effective investigation. The presence of law-enforcement officers during medical examinations may also undermine confidentiality and the ability of a detainee to disclose abuse safely.

The source report argues that emergency measures and broad immunity provisions contributed to an environment of impunity. Any such domestic provision must be interpreted consistently with Türkiye’s non-derogable international obligations: emergency legislation cannot lawfully authorize torture, prevent an effective investigation into credible allegations, or shield perpetrators from accountability for acts prohibited by international law.

Where a detainee raises a credible allegation of torture before a court, prosecutor, doctor or other public authority, the allegation should be recorded, evidence preserved, an independent medical examination facilitated, and an effective investigation initiated without placing the burden exclusively on the detainee to secure the investigation.

7. Conclusion and Recommendations

Mr Bostan's account raises serious issues concerning the prohibition of torture, conditions of detention, access to independent medical care, confidentiality of lawyer-client communication and the effectiveness of remedies. The case should be assessed through an independent evidentiary process capable of determining what occurred and identifying any responsible persons.

- Ensure prompt, independent and effective investigation of credible torture allegations;
- Guarantee confidential access to lawyers and independent medical professionals;
- Preserve medical, custody, CCTV, visitor and interrogation records relevant to allegations of abuse;
- Protect complainants, witnesses and legal representatives from retaliation; and
- Provide effective judicial remedies and reparation where violations are established.

The protection of human dignity is a foundational requirement of the rule of law.

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