

DEATH IN CUSTODY: THE CASE OF MUSTAFA KABAKÇIOĞLU

A Human-Rights Case Documentation Report

“The image of a man left to die on a chair came to symbolize one of the darkest faces of the period.”

This report distinguishes between established facts, the account contained in the source document, statements by relatives and advocates, and the official account published by the Gümüşhane Chief Public Prosecutor’s Office. It does not determine individual criminal responsibility.

1. Background: Emergency Decree-Laws and Rule-of-Law Concerns

Following the attempted coup of 15 July 2016, Türkiye entered a state of emergency during which large numbers of public servants were dismissed by emergency decree-laws (KHKs). The source report places Mustafa Kabakçioğlu’s case within this wider context and presents his death in prison as a case raising questions about access to health care, detention conditions and the State’s duty to protect life.

2. Who Was Mustafa Kabakçioğlu?

Mustafa Kabakçioğlu was a police officer who had served in Gümüşhane and other assignments. The source report describes him as a person known by those around him for honesty, calmness and commitment to his profession. After July 2016 he was dismissed from the police service under an emergency decree and detained in proceedings concerning alleged membership of an organization.



Mustafa Kabakçioğlu - image reproduced from the source document.

3. Detention, Health and Prison Conditions

The source report states that Mr Kabakçioğlu suffered from serious chronic respiratory illness and that his health deteriorated during detention. It alleges that, during the COVID-19 period, he was kept alone in a quarantine room, had difficulty obtaining medication, and repeatedly sought medical assistance and hospital referral.

“Doctor, I am having great difficulty breathing. I do not know how much longer I can endure these conditions. It feels as though I may die here at any moment. My illness is progressing; if I am not treated, I will not survive.”

The Gümüşhane Chief Public Prosecutor’s Office later published a materially different account. According to that statement, emergency medical teams and the prison doctor attended Mr Kabakçioğlu on several occasions, and he declined hospital transfer on multiple dates. The source report and statements from relatives and advocates dispute whether the care provided was adequate and whether the circumstances were compatible with the State’s duty to protect his life. A publication-ready legal assessment should therefore record both accounts and focus on the adequacy, timeliness and effectiveness of the medical response.

4. Death on 29 August 2020 and the Evidentiary Importance of the Photographs

Mustafa Kabakçioğlu died in Gümüşhane Prison on 29 August 2020. Photographs taken in the room where he was found showed him seated on a chair in visibly poor physical circumstances. The images became central to public debate because they provided a visual record of the conditions in which he spent his final period of detention.



Photograph reproduced from the source document. The face is blurred in the original image.



A wider view of the room, reproduced from the source document.

The source report also reproduces a later statement by Mr Kabakçioğlu's brother criticizing the official explanation of the conditions in which he had been held. That statement should be understood as the family's account and not as an independently adjudicated factual finding.

5. Legal Assessment

Article 17 of the Constitution of Türkiye protects the right to life and physical integrity. At the international level, Article 2 of the European Convention on Human Rights imposes both negative and positive obligations on the State. Where a person is deprived of liberty, the authorities assume heightened responsibility for that person's health and safety, including access to necessary medical care and an effective response to known or reasonably foreseeable risks to life.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) likewise require equivalence of health care, clinical independence and timely access to necessary treatment. Domestic prison law also requires detention conditions compatible with human dignity.

In this case, the legally relevant questions include whether the authorities adequately assessed the seriousness of Mr Kabakçioğlu's symptoms; whether any refusal of hospital transfer was informed, voluntary and compatible with his condition; whether appropriate monitoring and treatment were provided; whether quarantine arrangements contributed to risk; and whether the investigation following his death was prompt, independent and capable of establishing responsibility where appropriate.

6. Social Significance and Public Advocacy

The photograph of Mr Kabakçioğlu on the chair became a powerful symbol in public discussion about sick prisoners, prison health care and the treatment of public servants dismissed under KHKs. The source report refers to subsequent civil-society advocacy, including "white chair" demonstrations, as an effort to preserve the memory of the case and call for accountability.

7. Conclusion and Recommendations

Mustafa Kabakçioğlu's death raises serious questions that cannot be resolved solely by competing public statements. A credible assessment requires full access to medical records, prison logs, referral and refusal forms, emergency-service records, witness evidence, photographic material and the complete investigation file.

- Review the situation of seriously ill prisoners through timely and independent medical assessment;
- Ensure immediate access to appropriate hospital care where clinically indicated;
- Conduct effective and independent investigations into deaths in custody, including scrutiny of medical decision-making and detention conditions;
- Provide transparent findings to the family, subject to legitimate confidentiality requirements; and
- Establish effective review and remedy mechanisms for rights violations connected with emergency-decree measures.

Justice requires the protection of every person's dignity and life, including while in State custody.

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Selected Sources and Verification Materials

- Source report supplied to SRL Swiss, including photographs and family statements.
- Public statement attributed to the Gümüşhane Chief Public Prosecutor's Office concerning the medical contacts and hospital-transfer issue following Mr Kabakçioğlu's death.
- Public parliamentary records and civil-society reporting concerning the case.