SECURITY STUDIES AND RULE OF LAW ASSOCIATION

SRL SWISS

REPORT

SEDAT TÜRKMEN

FORMER POLICE OFFICER DISMISSED BY EMERGENCY DECREE (KHK), WHO DIED AFTER BEING SHOT BY POLICE

APRIL 2023 | ENGLISH EDITION

English translation of the Turkish report dated April 2023. The original structure, images, quotations and legal references have been retained; contested characterizations are presented as the report's own assessments.

1. Introduction

On 6 January 2023, former police officer Sedat TÜRKMEN, who had been dismissed under an emergency decree (KHK), died after police opened fire on a vehicle that failed to comply with a stop warning in the Uzunköprü district of Edirne.

After briefly introducing Sedat TÜRKMEN, this report examines the circumstances in which the incident occurred, considers the case under Turkish law and international law, and addresses the responsibility of the State.

2. Who Was Sedat TÜRKMEN?

Sedat TÜRKMEN was born in Adıyaman in 1988. In 2006, he was admitted to the Science Education Department of Samsun 19 Mayıs University and graduated in 2010.

TÜRKMEN passed the police school entrance examination in 2011. Following his training, he was appointed in July 2012 to his first duty station, the Gaziantep Police Department. In 2016, he was dismissed from the profession under Emergency Decree-Law No. 672 without any investigation having been conducted against him.

While serving at his second duty station, the Şanlıurfa Police Department, Sedat Türkmen was detained after 15 July 2016. He remained in Hilvan T-Type Prison for 18 months and was released in January 2018 to stand trial without detention. He was subsequently sentenced to 6 years and 3 months of imprisonment on a charge of membership in a terrorist organization, and his case was pending before the regional appellate court at the time.

3. The Shooting of Sedat TÜRKMEN

The incident occurred on 6 January 2023 near a checkpoint on the Başağıl-Çöpköy road in the Uzunköprü district of Edirne.

According to the statements summarized in the report:

- The driver of the vehicle changed direction after seeing the checkpoint. A patrol vehicle then began following the car. When the vehicles entered an

unpaved road, Police Officer Uğur SEVEN allegedly opened fire on the car without any warning. Two of the bullets struck TÜRKMEN and caused his death.

- Police Officer Uğur SEVEN and Assistant Commissioner İlker ÖZDEMİR, whom the report identifies as the driver of the police vehicle, stated that they pursued the car while wearing police uniforms and using the siren; that they first fired two shots into the air; that they saw an object on the right side of the car; and that they therefore fired at the vehicle's tire in order to stop it. SEVEN also stated that he had been serving at the Uzunköprü District Police Department for seven months and that, on the day of the incident, they were carrying out checks at various points on the road on the basis of intelligence information.
- The occupants of the vehicle stated that they had set out from Istanbul toward Edirne; that, as they approached Uzunköprü, the driver suddenly changed direction; that another vehicle began following them; and that, when they reached an unpaved road, shots were fired at them from the police vehicle, the rear window shattered, and TÜRKMEN was wounded at that point.

The report states that the official records and the statements of the parties contain several inconsistencies and suspicious aspects, including the following:

- The police officers' statements and the official records appear to conflict. In particular, the incident report did not state that shots had been fired at the vehicle and referred only to shots fired into the air. The report argues that the fact that shots were fired at the vehicle is the central issue because those shots caused a person's death.
- The report questions why Assistant Commissioner İlker ÖZDEMİR, a ranking officer, was driving the vehicle. It states that this would be contrary to the customary hierarchy and task distribution within the police organization. According to the report, the duty form would ordinarily identify the police officer as the driver and the assistant commissioner as the supervising officer seated beside him; it therefore treats the assertion that the assistant commissioner was driving as suspicious.
- The report states that radio communications should be examined. It argues that the recordings could clarify whether the incident occurred in an area under gendarmerie jurisdiction, whether backup was requested if the intelligence was considered serious enough to justify the use of firearms, and when an ambulance was notified.

Finally, the report refers to an expression of remorse by a police officer whom it describes in the source account, and questions that statement. It argues that a newly

graduated police officer who continued firing repeatedly after seeing that the shots had struck the vehicle, at a target that was defenseless, whose occupants had not been established to be guilty of any offense, and who were not returning fire, acted consciously. On that basis, the report assesses the expression of remorse as a statement intended to avoid punishment during the judicial proceedings.

4. Assessment under Turkish Law

The incident concerns the use of firearms - described as the last resort within the authority to use force - resulting in the death of a person. The report states that, for firearms to be used against individuals, there must be an element of attack, threat or danger.

It notes that there are many situations in which a person may fail to obey a police stop warning merely because a vehicle is uninsured or because the person panics upon seeing the police. The report states that, for the use of firearms to be lawful, one of the following circumstances must exist:

- Self-defense (Turkish Penal Code [TCK], Article 25/1).
- State of necessity (TCK, Article 25/2).

The principle of proportionality is particularly important because the assessment of grounds excluding unlawfulness depends on it.

The report states that this principle is expressed more clearly in Article 16/7 of the Police Duties and Powers Law (PVSK). It reproduces the relevant part as follows:

> *"Within the exercise of the right of self-defense; (b) against resistance that cannot be neutralized by bodily force and material force, in order to break that resistance and to the extent necessary to do so; (c) in order to secure the apprehension, and to the extent necessary to secure the apprehension, of persons for whom a detention, custody, compulsory appearance or arrest order has been issued, or of a suspect caught in flagrante delicto. The authority to use firearms is a last resort and the principle of proportionality must be observed."*

The report further explains that Article 16 of the PVSK distinguishes the situation covered by subparagraph (c): a stop warning must first be given; if the person does not comply, a warning shot must first be fired into the air; and if the person still does not stop, firearms may be used in a manner intended to secure apprehension. It argues, however, that there was no evidence before the incident demonstrating the conditions required by subparagraph (c), and therefore that provision could not be applied to the case.

The report emphasizes that the use of firearms must be the final option available to law enforcement and, where firearms are used, there should be no intent to kill. It assesses random firing toward a vehicle at night as indicating the existence of probable intent under the applicable criminal-law provisions.

Even if the result was not desired, the report argues that the police officer who used the firearm should at least be investigated and tried under the provisions on conscious negligence and for aggravated injury by reason of the result, and it states the view that the officer should be punished.

The report states that, throughout the incident, the officers appear to have acted reflexively or intentionally because of inexperience or inadequate training. It refers generally to reports and news coverage in recent years claiming that security forces have not received sufficient and high-quality training and that personnel standards have therefore been inadequate. From this broader perspective, the report attributes responsibility to the State for contributing to the conditions in which the incident occurred.

Was There an Excess of the Limits of a Ground of Justification?

According to the report, an assessment of excess of the limits of a ground of justification would require reliance on self-defense or necessity. It states that neither self-defense nor necessity was present in this case. The only matter referred to in the statements was that an object had been seen in the dark. The report considers the direct firing at the vehicle to have been a reflexive act arising from inexperience and concludes that the case does not concern an excess of the limits of a ground of justification.

The report then makes a broader political assessment. It describes the Erdoğan government as having consolidated legislative, executive and judicial power over the preceding decade and characterizes its treatment of members of the Gülen Movement as including practices "reaching the level of genocide." It argues that this overall approach created an environment in which actions directed against the Gülen Movement were encouraged or supported and in which offenders, both in society and within the bureaucracy, could expect not to be punished. On that basis, the report assesses that the police officer who killed Sedat TÜRKMEN may have acted with a sense of impunity arising from those circumstances.

5. Assessment in Light of a Similar Court of Cassation Decision

The report refers to decision no. 2011/840 of the Criminal General Assembly of the Court of Cassation and states that it involved circumstances similar to the killing of Sedat Türkmen. In the cited case, the police became suspicious of

persons passing on a motorcycle and issued a stop warning. The motorcycle fled; after stopping for a period, the person seated at the rear got off and the motorcycle continued to flee. A police officer then fired at the person who continued after a further stop warning.

> *The report states that the Court held that the use of the firearm was not gradual and did not comply with the principle of proportionality within the limits defined by law. Although the officer did not act with intent to kill, the conduct was held to constitute "aggravated injury by reason of the result."*

The report concludes that similar decisions have been given in cases involving flight or failure to comply with a stop warning where there was no further information indicating a serious threat.

6. Assessment under the European Convention on Human Rights

The report notes that Article 2 of the European Convention on Human Rights (ECHR) provides that everyone's right to life shall be protected by law and that no one shall be intentionally deprived of life, subject to the Convention's stated exceptions. It lists the exceptions as follows:

- To defend a person from unlawful violence;
- To effect a lawful arrest or to prevent the escape of a person lawfully detained;
- In action lawfully taken for the purpose of quelling a riot or insurrection.

It further states that, even in the exceptional circumstances referred to in Article 15 of the ECHR, such as war or a state of emergency, Article 2 is non-derogable to the extent provided by the Convention.

With regard to the killing of Sedat Türkmen, the report argues that the necessity required by Article 2(2) was absent, as is also reflected in its assessment under domestic law. It identifies the State's duties in this context as including the conduct of an effective investigation and adequate training of public officials.

Referring to comparable judgments, the report emphasizes that the persons concerned were unarmed even in cases involving fugitives. In this incident, it states, the issue was merely a vehicle that did not stop, and the vehicle was not in a prohibited area.

The report cites the Court's case-law for the proposition that, even where a lawful arrest is sought, lethal or potentially lethal force cannot be regarded as absolutely necessary where the person to be arrested does not threaten anyone's life or physical integrity and is not suspected of having committed a violent offense, even if failure to use such force could make the arrest impossible. It cites Nachova and Others v. Bulgaria [GC], § 95, and Kakoulli v. Turkey, § 108.

It further states that, in Nachova, the Court found that the use of force by military police against two unarmed Roma fugitives who were shot and killed was not absolutely necessary or proportionate.

The report summarizes the significance of that example by stating that, even if Sedat Türkmen had been guilty of an offense, the police officer had no right to kill him. It emphasizes that Türkmen was shot before the officers even knew who he was and concludes, as the report's legal assessment, that Police Officer Uğur SEVEN committed an offense.

7. State Responsibility

In light of the ECtHR case-law discussed above, the report concludes that the State bears responsibility in the Sedat Türkmen case. It identifies that responsibility as arising from:

- Failure to conduct an effective investigation into the incident;
- Failure to provide personnel with adequate training;
- Failure to punish public officials who committed offenses in earlier similar incidents, thereby, in the report's assessment, creating a sense of impunity and room for further misconduct.

The report states that, after the events of 15 July, the Erdoğan government dismissed experienced personnel through emergency decrees that the report describes as lacking justification, and then sought to fill the resulting gap by recruiting new personnel from groups close to the government without sufficient regard to qualifications. It characterizes this new cadre as inadequately qualified and alleges that, after 15 July, some of its members became involved in serious and irreversible violations, including incidents such as the Sedat TÜRKMEN case.

The report argues that State responsibility arises precisely at this point: personnel were armed and sent into public service without being given high-quality training, thereby creating a potential threat.

At the time of the report, the judicial proceedings concerning the incident were still ongoing and had not reached a final conclusion. Based on what it describes as the conduct of the authorities in earlier similar cases, the report expresses concern that the authorities could adopt an approach aimed at protecting their personnel in the Sedat TÜRKMEN case. It further argues that, in light of what it characterizes as government-supported practices against members of the Gülen Movement reaching the level of genocide, it would not be reasonable to expect a fully effective investigation of an offense committed against a person associated with that group.

CONCLUSION

The report states that this incident offers a different perspective on investigations concerning the Gülen Movement and on the emergency-decree measures introduced during the state of emergency in Türkiye.

Because the investigation had not yet been concluded, the report was prepared solely on the basis of the incident and the information then available. It argues that even those materials provide an assessment capable of shedding light on the direction of the investigation and that the approach of media outlets described by the report as pro-government provides relevant indications.

As an example, the report states that certain news websites and newspapers described the incident with the headline: "FETÖ suspect eliminated after shots were fired at a vehicle that failed to obey a stop warning." It argues that such coverage disregarded the presumption of innocence in advance and, without naming him, praised the police officer whose conduct was at issue. The report considers that the incident was thereby presented as legitimate by media and other centers of influence.

Media posts reproduced in the original Turkish report.

English Translation of the Reproduced Media Posts

> *Left-hand post: "In Edirne, the driver of a vehicle carrying former police officers dismissed in connection with FETÖ failed to obey the police "Stop" warning and shots were fired. FETÖ member Sedat Türkmen, who was trying to escape to Greece, was eliminated as a result of the shots. Former police officers Ö.Y., Ö.Y., B.G. and M.A.A. in the vehicle were detained."*
>
> *Right-hand post: "The tweet is mine. A FETÖ-linked police officer with a finalized prison sentence takes other FETÖ-linked police officers with him in his car and tries to escape to Greece with a fugitive in the vehicle. The police say stop; they do not stop; shots are fired. What else should have been written?" The post shown above it states: "Well done, brother."*

The report argues that unlawful conduct against persons believed to be connected or affiliated with the Gülen Movement has come to be regarded as acceptable and as unlikely to result in criminal sanctions. It assesses the ease with which respect for the right to life - an obligation framed in clear terms - can be violated as a consequence of what it describes as the normalization of unlawfulness throughout the State apparatus.

The report further states that unlawful acts have increased since the 15 July process and alleges that, as those governing the State also brought the legal system under their control, corruption spread throughout the system. It refers to a period in which abductions by State organs or torture in police departments were, in its characterization, normalized, and states that the killing of former police officer Sedat Türkmen, who had been dismissed under an emergency decree, should be considered within that broader context.

According to the report, the police officer's willingness and arbitrariness in using his firearm drew strength from that unlawful environment; otherwise, it argues, it would not have been possible for an officer who had been serving for only seven months to act in such a manner so readily.

The report concludes that Sedat TÜRKMEN, a former police officer dismissed under an emergency decree, lost his life while innocent of any offense established in relation to this incident, creating an irreparable consequence both legally and in terms of the trauma suffered by his family.

It emphasizes the importance of an effective and impartial investigation, free from an approach aimed at protecting the person responsible, in order to prevent similar incidents from recurring. The report considers that a lawful investigation would both contribute to the establishment of justice and set an example for preventing comparable acts in the future.

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Source and revision note - 26 October 2026
The April 2023 report is retained as a historical case assessment. Article 25/2 is the correct necessity provision; the inconsistent second officer name has been removed without assigning a new identity. The report contains conflicting accounts of the pursuit and shooting. Ballistic reports, complete witness statements and the final case outcome are not supplied in this publication; criminal responsibility and the current procedural outcome cannot be established from this text alone.
Legal source: Turkish Penal Code, Law no. 5237, Article 25 (Ministry of Justice legislation database).