

REPORT

ZEKİ GÜVEN

FORMER POLICE CHIEF DISMISSED BY EMERGENCY DECREE (KHK), WHO DIED UNDER SUSPICIOUS CIRCUMSTANCES IN PRISON

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"As you can see, people who have never worked with me for even a single minute in their lives, people who do not know me, judge me and make decisions about me based on newspaper lies."¹

English translation of the Turkish report dated November 2023. The original structure, quotations and source references have been retained.

1. Introduction

The report states that former Police Chief Zeki GÜVEN, who had been dismissed under an emergency decree (KHK), died under suspicious circumstances in prison on 1 July 2018. It further states that, because of the absence of an independent judiciary in the country, no transparent investigation into Güven's death could be conducted.

The continuing lack of clarity surrounding the death of a police chief who, according to the report, had been recognized by Recep Tayyip Erdoğan and Abdullah Gül as one of the most successful police chiefs trained in Türkiye constitutes the motivation for this study. Drawing on information obtained from open sources, professional colleagues and his family, this report addresses the period before Zeki GÜVEN's death, the alleged failures and omissions surrounding his death, and the subsequent process.

2. Who Was Zeki GÜVEN?



Zeki GÜVEN graduated first in his class from the Police Academy in 1992 and then served for many years in counterterrorism and intelligence units in Ankara. Following the 17-25 December Corruption Operations, he was removed from his post as Head of the Ankara Intelligence Branch and appointed Head of the Community Policing Branch. In that position, he was ranked first nationwide for his successful work and received an award personally presented by then-President Abdullah GÜL. He was later dismissed from public service while serving as Deputy Provincial Police Chief in Bolu. In June 2018, he was detained together with his wife, and news reports presented the event with headlines such as "Fugitive Zeki Güven captured." In a letter to his wife concerning this coverage, he wrote:

"They wrote the story in such a way... supposedly we changed houses 50 times and kept changing our appearance. I said, we had been living in the same house for two years. The rental contract was there too. If we had changed our appearance, they would not have caught us anyway. We were not running away either. We were out in the open looking like this. The police fed this story to the press to cover up their own incompetence."²

3. The Death of Zeki GÜVEN

Zeki GÜVEN died after suffering a heart attack in Ankara Sincan Prison on 1 July 2018. From the letters he sent to his wife, it appears that from the moment he was detained he was subjected to serious pressure; that he was not given his blood-pressure medication or that his

medication was delayed; and that, although a doctor's report required him to follow a salt-free diet, he was repeatedly served salty food and therefore washed his meals before eating them.

*"Although I submitted a petition about the meals and told the doctor, they are not giving me salt-free food. I found the solution in washing the food. The doctor told me, 'Salt is **POISON** for you.' I am literally being poisoned right now. Let's see if anyone will hear my voice."*

As also stated in his letter, it is not known on what basis Zeki Güven was placed on a list of "dangerous detainees." An explanation is required as to what a person who, only a few years before entering prison, had been directly honored by the then-President as one of the country's best police officers had done to warrant such a designation.

The report further states that the nature of any other torture or ill-treatment to which Güven may have been subjected before his death, beyond the matters described above, is unknown. It also states that, after 15 July, many people died under suspicious circumstances in prisons and police custody. For this reason, the report characterizes Güven's death, at a minimum, as a death resulting from "NEGLECT" and states that it requires a transparent investigation.

4. Legal Dimension of the Case

Article 6(1)(b) of Law No. 5275, under the heading "Principles to be Observed in the Execution of Imprisonment Sentences," provides:

"Convicted persons shall be enabled to lead an orderly life in penal institutions. The deprivation of liberty required by a custodial sentence shall be enforced under material and moral conditions that ensure the protection of respect for human dignity."

The Standard Minimum Rules for the Treatment of Prisoners (1955), the Council of Europe Committee of Ministers' European Prison Rules, Recommendation Rec(2006)2, the European Convention on Human Rights (ECHR), and domestic legislation likewise require that conditions of detention comply with human-rights standards. The report states, however, that reports concerning prisons in Türkiye document hundreds of rights violations.

It further states that hundreds of people in prisons in Türkiye are currently unable to receive adequate medical treatment and that hundreds of them are seriously ill. Despite the clear provisions of the international conventions to which Türkiye is a party, the report maintains that these obligations are not being observed and that prisoners' right to health is being systematically violated.

According to data from the Human Rights Association and the Documentation Center of the Human Rights Foundation of Turkey, at least 61 people died in prisons during the first eleven months of 2022 as a result of illness, suicide, violence, neglect and other causes.

A review of the Constitutional Court's decision dated 22 April 2021 concerning application no. 2021/4587 shows, according to the report, that the decision was written without setting out any concrete reasoning. For example, regarding the alleged violation of the right to life arising from the provision of salty food, the failure to provide the food prescribed by the prison doctor to protect the deceased's health, and the failure to conduct an effective criminal investigation, the decision merely stated that there had been no interference with the fundamental rights and freedoms guaranteed by the Constitution or that any interference did not amount to a violation.

It did not address why Güven had been held in a single cell or what kind of criminal investigation had been conducted into the matter.

5. The Approach of the European Court of Human Rights and State Responsibility

The European Convention on Human Rights imposes duties and obligations on the State in relation to the protection of the right to life. Article 2(1) of the Convention requires the State to protect the lives of persons within its jurisdiction.

According to the established case-law of the European Court of Human Rights (ECtHR):

- The State must ensure that a person is detained in conditions compatible with respect for human dignity and that the manner and method of execution of the measure do not subject the person to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention. This also points to the need for treatment appropriate to the individual circumstances of the person concerned.
- Every detainee has the right to conditions of detention that respect human dignity, in which the methods used to implement the measure do not cause distress or hardship exceeding the unavoidable level of suffering inherent in detention. The Court has added that the health and well-being of a detainee must also be adequately secured in view of the practical demands of imprisonment (*Dzieciak v. Poland*, § 91).
- The Court has accepted that medical treatment provided in prison infirmaries may not always be of the same quality as treatment available to the general public in hospitals. Nevertheless, the State must adequately secure detainees' health and well-being, particularly by providing the necessary medical care. The authorities must also ensure prompt diagnosis, proper monitoring, and, where required by the illness, regular and systematic supervision together with a comprehensive therapeutic strategy aimed at treating the health problem and preventing deterioration (*Pitalev v. Russia*, § 54).
- Because the State is directly responsible for the well-being of persons deprived of their liberty, where one of those persons dies as a result of a health problem, the State must provide explanations concerning the causes of death and the treatment provided to the person while alive (*Slimani v. France*, § 27; *Kats and Others v. Ukraine*, § 104).

In light of the case-law set out above, the report argues that, given Zeki Güven's medical conditions, the basis on which he was placed in a single-person cell and the reasons why necessary precautions were not taken require scrutiny. It concludes that human life was consciously disregarded and that the matter cannot simply be dismissed as a "heart attack."

6. Targeting of Zeki Güven

The report states that Zeki Güven's service as Head of the Intelligence Branch at the Ankara Police Department greatly disturbed the Ergenekon Terrorist Organization and its supporters from the outset. It further states that his professional competence and his service during the period of the Ergenekon operations made him an open target of this group.

According to the report, news sites such as Odatv, which it describes as publishing material close to the Ergenekon Terrorist Organization, provocatively targeted Zeki GÜVEN from the beginning of the events and continued to make unfounded claims even after his death.³

Former Police Chief Hanefi AVCI likewise made a statement to Aydınlık newspaper - described in the report as a media outlet of the Ergenekon Terrorist Organization - saying, "He was involved in the plots. If he talks, he could clarify many things," thereby, in the report's assessment, singling Güven out as a target.⁴



The report also reproduces a post by Abdurrahman ŞİMŞEK that cited no source. It states that this and similar coverage contributed to making Zeki GÜVEN a target of the government.

Translation of the post shown at left: "Zeki Güven, an intelligence police chief described as one of the golden boys of the Fetullahist structure, died of a heart attack shortly after deciding to reveal everything he knew within the FETÖ terrorist organization."

CONCLUSION

The report states that, following what it describes as the "Planned Erdoğan Coup of 15 July," Zeki Güven became one of the police chiefs most heavily targeted. Media reports that he died in a prison cell shortly after his arrest raised serious questions about his death. The report further argues that, because the government continued to maintain an intense repressive regime, there was no opportunity for a sound investigation into Güven's death.

It further states that the case has taken its place in history as an important example of the events before and after 15 July that, in the report's characterization, turned into a full-scale witch hunt in the country and directly affected millions of people.

This report is intended, if not today then in the future, to serve as a source for an investigation concerning Zeki GÜVEN and many others, and to contribute to uncovering the actual cause behind Güven's death. It is hoped that this objective will one day be achieved. The report concludes with Zeki Güven's own words describing the injustices he experienced.

"They had already passed judgment on me/us: Guilty. And deserving of the death penalty..."⁵

Source Notes

1. From a letter written by Zeki Güven to his wife.
2. Zeki Güven, letters to his wife.
3. Odatv article cited in the original report: <https://www.odatv4.com/analiz/zeki-guven-ismi-feto-icin-neden-bu-kadar-onemliydi-03071818-141983#-analiz-zeki-guven-ismi-feto-icin-neden-bu-kadar-onemliydi-03071818-141983>
4. Aydınlık article cited in the original report: <https://www.aydinlik.com.tr/haber/hanefi-avci-onun-icin-boyle-demisti-konusursa-cok-sey-aydinlanir-95914>
5. Zeki Güven, letters to his wife.