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THE STATE'S DUTY TO INVESTIGATE SUSPICIOUS DEATHS AND IMPUNITY

FINDINGS FROM CASE MONITORING

EUROMED RIGHTS

AUTHOR:
ALI RIZA ÇOBAN

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01 Introduction

One of the fundamental duties of the State is to protect human rights. This is an obligation that has positive legal foundations in both domestic law and international law. Article 5 of the Constitution, titled "Fundamental Aims and Duties of the State," lists among the State's basic duties "to remove the political, economic, and social obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of the social state governed by the rule of law and justice, and to prepare the conditions required for the development of the individual's material and spiritual existence."

The Preamble of the Universal Declaration of Human Rights emphasizes that Member States have pledged, in cooperation with the United Nations, to ensure universal respect for and observance of human rights and fundamental freedoms. Similarly, the Preamble of the International Covenant on Civil and Political Rights, with reference to the Universal Declaration, underscores States' obligation to protect human rights. Article 2 of the Covenant stipulates that States Parties undertake to respect and ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the Covenant without distinction of any kind, and to adopt legislative measures to give effect to those rights. The same article further provides that any person whose rights are violated shall have access to effective legal remedies. Finally, Article 1 of the European Convention on Human Rights provides that the High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in the Convention.

All of these national and international regulations legally guarantee the State's obligations to respect and protect human rights. Within this framework, it may be stated that the State's duty to protect human rights comprises four elements. First, States have the duty to establish a legal framework that secures human rights. Second, public officials must refrain from interventions that would violate human rights. Third, the State has a positive obligation to take adequate protective measures against dangers to human rights arising from third parties or other causes. Finally, if a violation has occurred, the State is obliged to take measures to eliminate the consequences of the violation, to identify those responsible, and to conduct an effective investigation capable of ensuring that those responsible are held accountable and punished.

Failure by the State to fulfill some or all of these obligations results in a situation of impunity. Accordingly, impunity refers to the situation in which, as a result of the systematic violation of the State's obligations to protect human rights, those responsible for human rights violations remain unpunished and continue to commit new violations.

In the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity adopted by the United Nations,[1] impunity is defined as follows:
"Impunity" means the impossibility, de jure or de facto, of bringing the perpetrators of violations to account — whether in criminal, civil, administrative, or disciplinary proceedings — because they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims. [2]

In the same Set of Principles, the first principle concerning the measures States must take to combat impunity emphasizes that impunity arises from the failure of States to fulfill their obligations to: investigate violations; take appropriate measures with respect to perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are investigated, prosecuted, and duly punished; provide victims with effective remedies and ensure that they receive reparation for the injuries suffered; guarantee the inalienable right to know the truth about violations; and take other necessary steps to prevent the recurrence of violations.[3]

The right to life is a fundamental right that enables individuals to enjoy all other human rights. The obligations arising from the State's duty to protect the right to life also require it to effectively combat impunity. In other words, the protection of the right to life is only possible through an effective fight against impunity.

In this report, within the scope of the impunity project carried out by the Human Rights Association, the State's obligation to conduct an effective investigation arising from the right to life will be examined. The report will first analyze the State's obligations arising from the right to life in light of the case-law of the European Court of Human Rights and the Constitutional Court, and within this framework, the scope of the duty to conduct an effective investigation will be set out. Subsequently, observations obtained from 10 cases concerning unnatural deaths monitored within the scope of the Impunity Project conducted by the Human Rights Association will be evaluated.

The monitored cases concern unnatural deaths occurring in various ways and constitute examples of the different obligations arising from the State's duty to protect the right to life. Among the selected cases are deaths resulting from the use of force by public officials, deaths caused by accidents involving public officials, deaths resulting from the intentional acts of third parties, and deaths caused by natural disasters. For this reason, the scope of the report includes not only the State's procedural obligations arising from the right to life, but also its negative and positive obligations. Indeed, it is the scope of these negative and positive obligations that determines the framework of procedural obligations.

02 Scope of the Right to Life

The right to life is a fundamental right that enables the enjoyment of all other rights and, together with the prohibition of torture, constitutes a value that must receive the highest level of respect in a democratic society. The right to life is among the core rights that cannot be suspended even in times of emergency. For this reason, provisions protecting the right to life must be applied strictly.

The right to life is safeguarded under Article 2 of the European Convention on Human Rights. The Article provides as follows:
"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:
(a) in defence of any person from unlawful violence;
(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
(c) in action lawfully taken for the purpose of quelling a riot or insurrection."

Similarly, paragraph 1 of Article 17 of the Constitution provides that "Everyone has the right to life and the right to protect and develop his/her material and spiritual existence." Paragraph 4 further stipulates that "Acts of killing occurring in cases of legitimate self-defence, the execution of arrest and detention orders, the prevention of the escape of a detainee or convict, the suppression of a riot or insurrection, or in cases where the use of weapons is permitted by law as a matter of necessity in the implementation of orders given by a competent authority during a state of emergency, shall not fall within the scope of the first paragraph."

As seen, the Convention states that everyone's right to life shall be protected by law and prohibits intentional killing. The second paragraph provides that deaths resulting from the use of proportionate force in situations where the use of force is absolutely necessary shall not constitute a violation of the right to life.

In interpreting the Convention, the European Court of Human Rights takes into account its aim and purpose and seeks to ensure the effective protection of rights. Within this framework, the Court attaches importance to the application of the rights guaranteed under the Convention not as abstract or theoretical guarantees, but as practical and effective ones. Accordingly, the Court frequently reiterates in its judgments that "the Convention is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective."[4]

> **"EVERYONE'S RIGHT TO LIFE SHALL BE PROTECTED BY LAW"**

When considered in this framework, the scope of the State's duty to protect the right to life may be defined as encompassing all obligations necessary to ensure the effective protection of that right.

By its nature, only natural persons may benefit from the right to life; legal persons cannot be subjects of this right.

The Court has refrained from establishing its own standard regarding when the right to life begins, or whether an embryo or fetus benefits from the right to life. Noting the absence of a consensus or "common European standard" on this issue, the Court has held that States Parties enjoy a margin of appreciation.[5]

Likewise, the Court has held that Article 2 of the Convention cannot be interpreted as conferring a right to die, whether at the hands of a third person or with the assistance of public authorities, nor can it be construed as creating a right to self-determination in the sense of choosing death over life.[6] On the other hand, the Court has taken the view that the Convention does not prevent national authorities from permitting physician-assisted euthanasia, provided that appropriate and adequate safeguards are in place to ensure respect for the right to life and to prevent abuse.[7] Accordingly, whether or not to recognize a right to euthanasia falls within the margin of appreciation of States Parties. However, if euthanasia is recognized under domestic law, the regulatory framework and its implementation must contain safeguards guaranteeing respect for the right to life. Indeed, in the Mortier v. Belgium application, the Court found no violation regarding the adequacy of the legal framework prior to euthanasia and the conditions under which it was carried out, but found a violation due to deficiencies in the post-euthanasia investigation.[8]

With regard to persons whose vital functions can only be maintained through artificial life support, the Court has also observed that there is no consensus among Council of Europe member States concerning the scope of the State's duty to continue artificial life support and whether withdrawal of treatment may be permitted. However, the Court has noted that most States allow withdrawal of treatment under certain conditions. Although detailed regulations differ from country to country, there is consensus that the wishes of the patient, however expressed, are of paramount importance in the decision-making process. Accordingly, States must be afforded a margin of appreciation not only as to whether to permit the withdrawal of artificial life-sustaining treatment and the detailed arrangements governing it, but also in striking a balance between the patient's right to life and the right to respect for private life and personal autonomy.[9]

When examining whether the State has fulfilled its positive obligations under Article 2, the Court has referred to the right to respect for private life and the concept of personal autonomy under Article 8. In this context, the following factors must be taken into account:

(i) **The existence in domestic law and practice of a legal framework compatible with the requirements of Article 2 of the Convention.**

(ii) **Whether the previously expressed wishes of the patient and the wishes of the patient's relatives were taken into consideration.**

(iii) **Whether there was the possibility of recourse to the courts in the event of doubts regarding the best decision to be taken in the patient's interests.**[10]

The Court has applied the same principles in cases where the patient concerned was a child.[11]

Another issue that must be addressed regarding the scope of the right to life is whether death must actually occur for the right to be engaged. According to the Court's case-law, it is not necessary for death to have occurred for the right to life to be triggered. In many cases, the Court has held that Article 2 of the Convention may apply even if the person alleging a violation of the right to life did not die.[12]

In particular, in exceptional circumstances, depending on factors such as the degree and type of force used and the nature of the injuries sustained, the use of force by State agents which does not result in death may nonetheless give rise to a violation of Article 2 if, by its very nature, it placed the applicant's life in serious danger, even though the applicant survived.[13] However, if the force used by State agents was not of a potentially lethal nature, complaints of assault or ill-treatment are examined under Article 3 or Article 8 of the Convention, depending on the severity of the force used and its consequences.

The same applies to attacks carried out by non-State actors that may produce lethal consequences. In other words, if, taking into account the seriousness of the attack and the nature and effects of the injuries, the attack was of a potentially lethal character, the right to life will again be engaged.[14]

Similarly, where a person contracts a fatal illness in circumstances capable of engaging State responsibility, the right to life will also come into play. The Court examines such applications under Article 2 of the Convention. For example, the Court examined under Article 2 the application of an applicant who contracted what was then considered a fatal disease, AIDS, as a result of HIV infection transmitted through a blood transfusion provided by the Red Crescent.[15] Likewise, injuries resulting from fatal accidents and environmental disasters occurring in circumstances engaging State responsibility are examined within the scope of the right to life. For instance, in a case where an 11-year-old girl lost a leg due to a landmine explosion while playing in a mined area surrounding a gendarmerie station, the Court examined the application under the right to life.[16]

03 Obligations of the State Arising from the Right to Life

According to the settled case-law of the European Court of Human Rights (ECtHR), the State's duty to protect the right to life manifests itself in three distinct obligations:

THE NEGATIVE OBLIGATION
Which includes the duty not to arbitrarily deprive individuals of their lives;

THE POSITIVE OBLIGATION
Which requires the State to take protective measures against threats to life arising from non-State actors;

THE PROCEDURAL OBLIGATION
Which entails the duty to conduct an effective investigation capable of determining the cause of death and identifying and punishing those responsible when a non-natural death occurs.

These obligations will now be examined in turn.

3.1 Negative Obligations

The State's primary obligation arising from the right to life is not to arbitrarily kill individuals. This obligation primarily concerns members of the armed forces, police officers, and other law enforcement officials who are legally authorized to use firearms. Naturally, even where individuals do not directly possess law enforcement authority, the use of force by persons acting under the orders and control of such forces may also engage the responsibility of the State. However, this obligation does not render the State directly responsible for deaths resulting from acts of third parties entirely unrelated to the State. In such cases, as will be examined below, the State's positive obligations may arise if the relevant conditions are met.

In the original text of the Convention, the death penalty was provided as an exception to the prohibition of intentional killing. It was accepted that, where the death penalty was prescribed by law, a conviction and execution following a judgment delivered by an independent court would not constitute a violation of the right to life. However, this exception was first abolished—except in respect of acts committed in time of war or imminent threat of war—by Protocol No. 6, which entered into force on 1 March 1985, and was subsequently completely abolished by Protocol No. 13, which entered into force on 1 July 2003. The member States of the Council of Europe have recognized that the application of the death penalty violates fundamental human rights. In the Preamble to Protocol No. 13, the States Parties declared that "everyone's right to life is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and for the full recognition of the inherent dignity of all human beings."

Türkiye has also become a party to these Protocols and abolished the death penalty through a constitutional amendment in 2001. Today, among the 46 member States of the Council of Europe, only Azerbaijan has not ratified Protocol No. 13. Therefore, the death penalty is no longer an exception to the right to life in Europe.

The States' obligation not to kill also requires that they refrain from extraditing or deporting individuals to another country where they face a real risk of death. If it is seriously established that a person would face a risk of being killed in the receiving country, that person must not be extradited or expelled. This includes situations where the individual faces the possibility of being sentenced to death. In other words, a person cannot be sent to a country where he or she has been sentenced to death or faces a serious risk of receiving the death penalty.[17]

However, paragraph 2 of Article 2 of the Convention provides that deprivation of life resulting from the use of force shall not be regarded as a violation of the right to life if the use of force was absolutely necessary in certain circumstances. Paragraph 2 reads as follows:

> **"Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:**
> **(a) in defence of any person from unlawful violence;**
> **(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;**
> **(c) in action lawfully taken for the purpose of quelling a riot or insurrection."**

As can be seen, this provision does not grant States a license to intentionally kill. Rather, in the three specified situations, if the use of force becomes absolutely necessary and death occurs despite the use of proportionate force, such deprivation of life will not be considered contrary to the Convention. These exceptions concern situations involving the use of force which may unintentionally result in deprivation of life.

The ECtHR first articulated the principles governing deaths resulting from the use of lethal force by public authorities in the case of McCann and Others v. the United Kingdom[18], concerning the killing of IRA members during a counter-terrorism operation in Gibraltar. These principles were subsequently further developed.

The Court has emphasized that the exceptions set out in Article 2 § 2 of the Convention do not define situations in which intentional killing is permitted; rather, they describe circumstances in which the use of force is allowed, which may as an unintended outcome result in the deprivation of life. In such cases, the force used must not exceed what is "absolutely necessary" for achieving one of the purposes set out in the provision.

The Court has held that the term "absolutely necessary" in Article 2 § 2 requires a stricter and more compelling test of necessity than the concept of "necessary in a democratic society" found in the second paragraphs of Articles 8 to 11 of the Convention.[19] In this context, given the importance of the right to life in a democratic society, the Court must subject instances of deprivation of life to the most careful scrutiny. In particular, where lethal force has been intentionally used, the Court examines not only the actions of the State agents who actually used the force, but also all surrounding circumstances, including the planning and control of the operation in question.[20]

3.1.1 Duty to Establish an Adequate Legal Framework

For this reason, in the context of the use of force by State agents, the State's primary duty to secure the right to life is to establish a legal and administrative framework, consistent with international law, defining the circumstances in which law enforcement officials may use force and firearms.[21] In this regard, the **United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**[22] should serve as guiding standards, and the European Court of Human Rights (ECtHR) frequently refers to this document.[23]

Naturally, the Court does not review, in the abstract, whether a law is compatible with the Convention. However, where a death has occurred as a result of the use of lethal force by law enforcement officers in a specific case, the Court will examine whether the legal framework governing the use of force is compatible with the State's duty to protect the right to life. The Court has emphasized that deaths resulting from actions of law enforcement officers that are not regulated by law and that are arbitrary are incompatible with the obligation to secure effective respect for human rights. Accordingly, domestic law regulating police powers must provide an adequate and effective system of safeguards capable of preventing arbitrary practices, abuse of force, and even avoidable accidents.[24]

The Court has stated that a distinction must be drawn between "routine policing operations" and large-scale counter-terrorism operations. In the latter case, which often involves acute crisis situations requiring "special" interventions, States must be able to resort to solutions appropriate to the circumstances. Nevertheless, in security operations that are primarily aimed at protecting individuals from unlawful violence by third parties, the use of lethal force remains subject to the strict standards of "absolute necessity" set out in Article 2 of the Convention. National regulations must be shaped in accordance with this principle and contain clear provisions in this regard. It is of primary importance that legislation include rules reducing the risk of unnecessary harm and prohibiting the use of weapons and ammunition likely to produce unjustified consequences.[25]

In *Nachova and Others v. Bulgaria*[26], applying these principles, the Court found that Bulgarian legislation authorizing military police to fire directly at deserters who failed to surrender immediately after a verbal warning and warning shot—regardless of the seriousness of the offence—was inadequate because it did not contain clear safeguards to prevent arbitrary interference with the right to life.

Similarly, in *Erdoğan and Others v. Türkiye*[27], concerning a police operation aimed at arresting individuals alleged to be members of Dev-Sol, the Court found deficiencies in the legal framework. It held that Law No. 2559 on the Powers and Duties of the Police (1934) granted broad powers to use firearms and did not contain sufficient safeguards to ensure respect for the right to life.

However, in *Bakan v. Türkiye*[28], the ECtHR noted that the gendarmerie's authority to use firearms was regulated under the Gendarmerie Duties and Powers Regulation. The Court observed that Article 39 of the Regulation exhaustively listed the situations in which firearms could be used, and that Article 40 set out the framework for the use of force, providing that firearms should be used only as a last resort, that warning shots should be fired before shooting, and that, where shooting was necessary, officers should initially aim at non-lethal areas such as the legs. Taking these safeguards into account, the Court found the legal framework sufficient.

Although the Gendarmerie Regulation contains detailed provisions concerning the use of force, it should be noted that Türkiye still lacks a binding, uniform, and comprehensive regulation applicable to all law enforcement bodies.

In a case concerning a person who was fatally injured by shots fired by coast guard officers while travelling by boat with other migrants in an attempt to enter Greece unlawfully, the Court found that, given the uncertainty surrounding the applicable legal framework in such situations, the respondent State had failed to establish an adequate legal and administrative framework governing the potentially lethal use of force in maritime surveillance operations.[29]

Naturally, the only action by law enforcement officers that may pose a risk to life is not the use of firearms. Adequate regulations and clear instructions must exist for all forms of force that may endanger life, in order to avoid life-threatening risks. In a recent judgment, the Court examined whether there were clear regulations in Italy concerning the practice of subduing and handcuffing a person by placing them face down on the ground and applying pressure to the chest, back, or neck. In the case at issue, an individual under the influence of drugs who was causing disturbance and resisting arrest was placed face down on the ground by law enforcement officers, handcuffed behind his back, and kept in that position for approximately twenty minutes. As a result of a combination of factors, the person died from asphyxiation.

When assessing the adequacy of the relevant legal framework, the Court acknowledged that Italian law contained general provisions governing the use of force by law enforcement officers and required proportionality. However, it noted the absence of detailed guidelines concerning restraint techniques involving the face-down position.[30]

The Court observed that the 2008 directive relied upon by the Government included a section on handcuffing techniques and allowed officers, particularly where the person appeared dangerous or resisted, to place the individual face down on the ground. The directive contained instructions and illustrations on how to restrict the person's movements, including placing an officer's knee on the person's neck. However, the document made no reference to the potential risks associated with maintaining a person in that position and contained no guidance on how to minimize those risks. The Court emphasized that, at the relevant time, it was already known that such restraint techniques carried a risk of positional asphyxia.

Accordingly, the Court concluded that it had no choice but to find that the directive in force at the time of the incident failed to provide clear and adequate instructions concerning placing individuals in the prone position in order to minimize risks to their health and life.[31]
In this context, the Court recalled that it had examined prone restraint techniques in other cases as well and had recognized that keeping a person in a face-down position may be dangerous and life-threatening, as it can, in certain circumstances, lead to positional asphyxia.[32]

3.1.2 Duty to Properly Train Law Enforcement Officers

It is a fundamental obligation of States to ensure that law enforcement officers who are authorized to use force when necessary are adequately trained in international human rights standards governing the use of force. Article 2 of the Convention imposes on the Contracting States a positive obligation to train law enforcement officers in a manner that ensures a high level of competence and to prevent any treatment contrary to this provision.[33] As a requirement of the duty to respect the right to life, States must train law enforcement personnel in international legal standards. The Court has expressly recalled this obligation. According to the Court's well-established case-law, law enforcement officers must be trained to assess whether the use of firearms is absolutely necessary, taking into account not only the wording of the relevant legislation but also the primacy of respect for human life as a fundamental value.[34]

In *Kakoulli v. Türkiye*[35], concerning the shooting of a Greek Cypriot applicant by a sentry soldier after he entered the buffer zone between Turkish and Greek Cypriot territories in Cyprus, the Court assessed the issue of training of soldiers guarding the border. While acknowledging that border security presents particular challenges to authorities, such as unlawful crossings or violent demonstrations, the Court recalled that this does not mean that law enforcement officers have unlimited authority to use firearms when confronted with such situations. On the contrary, they must possess the ability to assess all relevant parameters and to carefully organize their actions in order to minimize the risk of loss of life or bodily harm. In this context, the Court reiterated that Contracting States are under an obligation to provide effective training to law enforcement officers serving in border areas regarding international standards on human rights and law enforcement powers, and to provide them with clear and precise instructions on the manner and conditions of the use of firearms. The Court ultimately emphasized that the use of lethal force against civilians cannot be justified solely on the basis that they have violated a border.[36]

Kakoulli v. Türkiye

The Court has reiterated in numerous judgments the necessity of training law enforcement personnel who use force in international standards safeguarding the right to life, particularly regarding the assessment of whether the use of force has become absolutely necessary.[37] Emphasizing that law enforcement authorities play a crucial role in the protection of the right to life, the Court has underlined that officers must have the capacity to evaluate all variables and to organize their operations carefully. According to the Court, Governments must ensure that police forces receive effective training aimed at securing compliance with international standards relating to human rights and policing. Additionally, as stated in many international instruments, police officers must receive clear and precise instructions regarding the conditions and methods for the use of firearms.[38]

DEATHS OF 17 INDIVIDUALS

MARCH 1995

In an application concerning the deaths of 17 individuals resulting from the use of force during street demonstrations that took place in March 1995 in the Gazi District of Istanbul and in Ümraniye, the Court found that during the three days of unrest, law enforcement officers acted with considerable autonomy and, while under panic and pressure, engaged in actions they would not have undertaken had they received proper training and instructions. The Court rejected the Government's argument that the use of force by the police was attributable to the pressure and stress under which they were operating. It further found that the lack of centralized command and control of the operations constituted a shortcoming that increased the risk of police officers firing directly into the crowd.[39]

In another case concerning a reserve police officer who fatally wounded a barman by firing at him at close range at around 3:00 a.m., the Court emphasized that States must establish high professional standards within their law enforcement systems and ensure that individuals serving within those systems meet the necessary criteria. In particular, when firearms are issued to police forces, not only must appropriate technical training be provided, but the selection of officers authorized to carry such weapons must also be subject to special scrutiny.[40]

In an application brought by a relative of a conscript who committed suicide following ill-treatment by a specialist sergeant serving as his superior during compulsory military service, the Court observed that the two specialist sergeants present at the scene were clearly inadequate and far removed from fulfilling the responsibilities of a professional soldier obliged to safeguard the physical and psychological integrity of those under their command. The Court noted that a specialist sergeant who had begun his duties after four months of training and had been imprisoned three times for disciplinary reasons verbally abused a psychologically vulnerable conscript on the pretext that he had brewed tea too late, later beat him until he fainted on the pretext that the tea was too strong, and pointed a weapon at him after he expressed suicidal intent.

The Court held that such conduct was incompatible both with the letter and spirit of Article 17 of Law No. 211 and the relevant regulations, as well as with the rules and instructions designed to protect conscripts under arms. Emphasizing that, in the context of the positive obligation at issue, the conduct in question could not, by reason of its intentional nature, be regarded as mere negligence or an error of judgment tolerable within the framework of military service, the Court concluded that the regulation governing the status of specialist sergeants, as applied in the present case, was inadequate with respect to professional competence, training, and duties and responsibilities in sensitive situations such as the one at hand.[41]

Similarly, in a recent judgment, the Court found that the positive obligation to provide adequate training had not been fulfilled in relation to Italian law enforcement officers who restrained a person under the influence of drugs by placing him face down. The Court held that officers had not been sufficiently trained regarding the conditions under which this technique should be applied, the life-threatening risks it entailed, and the proper methods of its implementation.[42]

3.1.3 Duty to Properly Equip Law Enforcement

The European Court of Human Rights (ECtHR) has recalled that, in situations where the use of force is legitimate under Article 2 § 2 of the Convention, a balance must be struck between the aim pursued and the means employed to achieve that aim. Accordingly, law enforcement authorities must be equipped in such a way that they can accomplish their objectives while interfering with the right to life to the least extent possible.

Principle 2 of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that governments and law enforcement agencies should develop as wide a range of means as possible and equip law enforcement officials with various types of weapons and ammunition that allow for differentiated use of force and firearms. This should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restricting the use of means capable of causing death or injury. For the same purpose, and in order to decrease the need to resort to weapons of any kind, law enforcement officials should also be equipped with self-defensive equipment such as shields, helmets, bulletproof vests, and bulletproof vehicles.

One of the fundamental considerations in this context—particularly where a planned operation is concerned—is that the operation must be planned and executed in a manner that minimizes risks to life as far as possible. In other words, operations must be designed and carried out so as not to endanger the lives of law enforcement officers or the individuals concerned.[43] Depending on the nature of the operation, potential risks must be assessed and measures taken to minimize them. Naturally, such planning must also include ensuring that law enforcement personnel are appropriately equipped.

For example, where there is a possibility of violence during a protest march, measures should be taken to prevent the entry of firearms or sharp and injurious objects into the area; medical personnel and emergency response teams should be prepared for urgent situations; law enforcement officers should be equipped both to protect themselves and to control disorderly demonstrators using the least harmful methods. Furthermore, law enforcement officers should be instructed in advance to avoid sudden and harsh interventions that may provoke demonstrators into violence.

In one application concerning gendarmerie officers sent to intervene in demonstrations in a region under a state of emergency, where officers resorted to very powerful weapons because they lacked batons, shields, water cannons, rubber bullets, or tear gas, the Court criticized the lack of appropriate equipment. The Court observed that, in a region where a state of emergency had been declared, it was foreseeable that unrest and disorder might occur during a demonstration, making the absence of such equipment all the more incomprehensible and unacceptable.[44]

Similarly, the Court has held that while the use of force to quell a riot or insurrection may be legitimate under Article 2 § 2 (c) of the Convention, it is not proportionate for police officers to open direct fire on demonstrators without first resorting to less life-threatening means such as tear gas, water cannons, or rubber bullets.[45] The Court further emphasized that it is the responsibility of security forces to ensure that they are equipped with the necessary means—such as tear gas, rubber bullets, and water cannons—to disperse crowds, and that the absence of such equipment is unacceptable.[46] Consequently, the Court concluded that the use of force which caused the deaths of the applicants' relatives could not be characterized as absolutely necessary and found a violation of the substantive aspect of the right to life.

The Court has also ruled that where potentially lethal force becomes necessary as a result of a series of decisions and measures taken by law enforcement authorities, those decisions engage the responsibility of the State to the same extent as the planning and control of police operations.[47] In this context, recalling that demonstrations in Armenia following the presidential election of 19 February 2008 had continued peacefully for ten days before partially turning violent after a police operation to disperse them on 1 March 2008, the Court observed that the intervention had been carried out without prior warning and involved excessive and disproportionate force, violating the demonstrators' right to freedom of assembly. It also noted that the demonstrations involved a large segment of society and concerned an important public issue, making it foreseeable that a disproportionate use of force would lead to violence. The Court observed that, apart from calling several hundred additional police officers to duty, no other preventive measures had been taken. It found that the police intervention against such a large crowd was neither planned nor professional; that the officers called in as reinforcements lacked sufficient training and experience; that they had very limited equipment other than firearms; and that although they possessed some Soviet-made tear gas grenades, some were expired and malfunctioned. The Court therefore determined that the police were not adequately equipped and concluded that the operation had not been planned and conducted in a manner that minimized risks to life as far as possible.[48]

In conclusion, in situations where law enforcement officers are authorized to use force, States must train them to respect human rights, provide the necessary equipment to protect both officers and third parties, and ensure that they possess sufficient expertise and professionalism to plan and execute operations in a manner that interferes with the right to life to the least extent possible. Force used without due regard to these factors, in light of the specific circumstances of the case, cannot be said to stem from absolute necessity or to be proportionate.

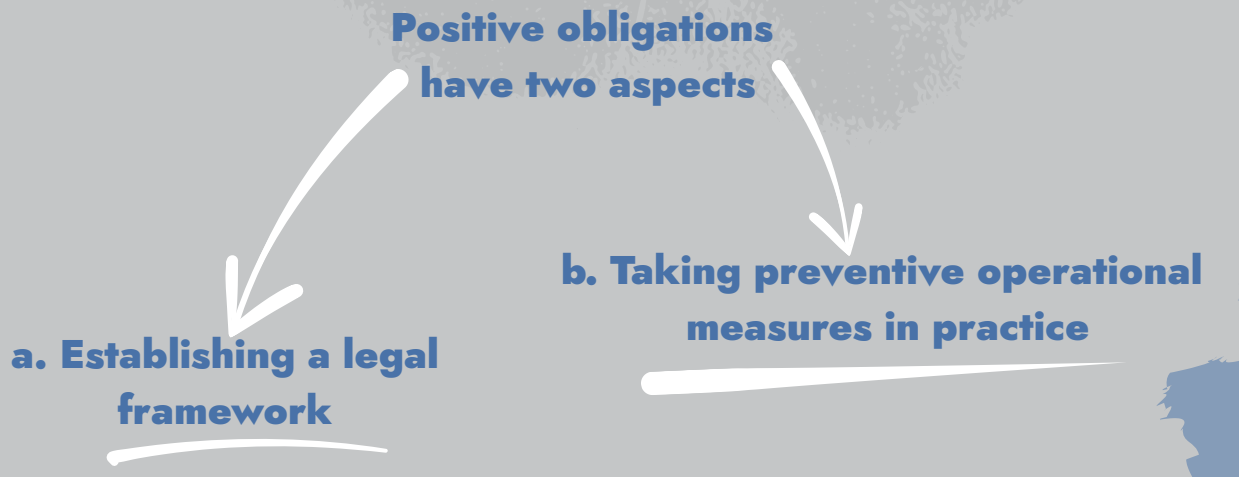
In any event, the force used must be proportionate to the legitimate aim pursued. For instance, the Court has emphasized that the legitimate aim of effecting a lawful arrest can justify endangering human life only in cases of absolute necessity. Therefore, where it is known that the person to be arrested does not pose a threat to life or property and is not suspected of having committed a violent offence, there can, in principle, be no such necessity—even if refraining from lethal force may allow that person to escape.[49]

In order to establish State responsibility in relation to the use of force by law enforcement officers, it must be proven beyond reasonable doubt that the death resulted from the force used by law enforcement authorities.[50] However, where force is used against individuals under the control of the State—such as in police custody, detention, or psychiatric institutions—where control lies entirely in the hands of State agents, the burden of proof shifts. These individuals are in a vulnerable position under the protection of the State, which has a duty to safeguard them. Accordingly, if a person is taken into custody in good health but leaves custody injured or dead, it is presumed, as a rule, that the injury resulted from the use of public authority. It is therefore incumbent upon the public authorities to provide a satisfactory and convincing explanation of how the injuries occurred.[51]

It must also be recalled that the individual criminal responsibility of public officials and the State's responsibility to protect human rights are distinct concepts. The inability to establish the individual criminal liability of a particular public official does not mean that the State cannot be held responsible for the incident. For example, in a situation where multiple law enforcement officers fired their weapons and it cannot be determined which specific officer fired the fatal bullet, if it is established that the death was caused by police gunfire, the State will nevertheless be held responsible for that death.[52]

3.2 Positive Obligations

Threats to the right to life may sometimes originate not from the exercise of State authority, but from third parties, from the individual concerned, or from causes such as hazardous industrial activities or natural disasters. In such cases, the State has a positive duty to take measures to protect the lives of persons within its jurisdiction.



Positive obligations are not obligations of result, but obligations to provide appropriate means. Therefore, they impose a duty to take reasonable measures and cannot be interpreted as guaranteeing an absolute outcome. In this context, where the competent authorities have become aware of a real and immediate risk to life triggering their duty to act, and have taken appropriate measures within their powers to prevent the materialization of that danger, the mere fact that those measures fail to achieve the desired outcome does not in itself justify a finding of a violation under this head.

The Court has stated that the assessment of the nature and level of the risk forms an integral part of the obligation to take preventive operational measures. Accordingly, when assessing whether the State has fulfilled its positive obligations under Article 2, the Court examines both the adequacy of the risk assessment carried out by the domestic authorities and, where a risk triggering the duty to act was identified or ought to have been identified, the adequacy of the measures taken.[53]

Within this framework, the State must first equip its legal system with safeguards designed to protect life. For example, in order to avert threats to life posed by third parties, it is necessary for the law to criminalize homicide and to provide for deterrent penalties. Similarly, legislation regulating activities that may pose risks to human health must include measures capable of eliminating life-threatening risks and must require regular supervision of such activities. Laws must also regulate measures aimed at minimizing risks arising from natural disasters such as fires, earthquakes, landslides, and floods, including urban planning and construction standards designed to reduce such risks.

On the other hand, where the existence of a serious risk to an individual's life—or to human life in general—is known or ought to be known, public authorities are required to take reasonable measures to protect life. In this context, in an application concerning the death of a person who was struck by a falling tree at a health center, the Court held that the State's obligation to protect the right to life includes taking reasonable steps to ensure the safety of individuals in public places.[54]

However, the Court has emphasized that Article 2 of the Convention cannot be interpreted as guaranteeing an absolute level of security in every situation where life may be at risk. In particular, where the person concerned has to some extent placed themselves in a risky situation and bears a degree of responsibility for the accident, the State cannot automatically be held liable.[55] For example, in a case brought by the spouse of a man who slipped on a wet surface while fishing on a pier, fell into the sea, and drowned, the Court noted that the risk of falling into the sea and drowning was obvious, and that an average person, such as the applicant's husband, could be expected to assess and avoid that risk. The Court held that the mere absence of safety equipment or warning signs at the location of the accident was insufficient to engage the State's responsibility under Article 2, as imposing such a requirement would place an excessive burden on the authorities.[56] According to the Court, given, among other things, the unpredictability of human behavior, the positive obligation under Article 2 must not be interpreted in a manner that imposes an excessive burden on the authorities.[57]

The State's positive obligation may arise in a variety of contexts. First, where there is a threat to an individual's life from third parties, the State may, under certain conditions, be required to take protective measures.[58] According to the Court, in light of the difficulties inherent in policing modern societies, the unpredictability of human conduct, and the operational choices that must be made in terms of priorities and resources, such an obligation must be interpreted in a way that does not impose an impossible or disproportionate burden on the authorities. Thus, not every alleged risk to life entails for the authorities a requirement to take operational measures to prevent that risk from materializing.[59]

For a positive obligation to arise, it must be established that the authorities knew or ought to have known, at the time of the events, of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party, and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.[60]

In other words, in order to speak of a positive obligation, there must be a real and immediate threat emanating from a third party, the authorities must have known or ought to have known of that threat, and they must have failed to take the measures within their competence to address it.

In this context, the European Court of Human Rights (ECtHR), in relation to the murder of Hrant Dink, found that Dink had been targeted by nationalist groups since 2004, had received threatening letters, and that certain individuals in Trabzon were preparing an assassination. The Trabzon Police and Gendarmerie were aware of these preparations and had even placed those individuals under surveillance. The Trabzon Police informed the Istanbul Police of the situation; nevertheless, the necessary preventive measures were not taken.

The Court held that the authorities were aware of the seriousness of the threat. It further emphasized that Dink's failure to request personal protection could not be accepted as a sufficient excuse, since it was not possible for him to know the details of the assassination plan, whereas the authorities did. The Court concluded that, even in the absence of a request for protection, the authorities were under an obligation to act in a manner capable of protecting Dink's life. In the circumstances of the case, the Court found that the authorities had failed to take reasonable steps to avert the real and immediate risk to Dink's life.[61]

Risks to life arising from third parties also include domestic violence.[62] In a recent case concerning domestic violence, the Court examined the killing of a woman by her husband, from whom she had been living separately for three years and who had been harassing her for nine months. The Court found that, except in one instance, the authorities had not responded promptly to the victim's complaints and had failed to conduct a proactive, autonomous, and comprehensive risk assessment taking into account the domestic violence context. The Court held that, had such a risk assessment been carried out, the authorities could have recognized that the woman's life was at real and immediate risk and could have taken various measures to prevent the danger to her life, including ensuring appropriate coordination among themselves. The only preventive measure taken by the authorities—protection orders—had no concrete effect. Accordingly, given the specific circumstances of the case, the Court concluded that the authorities had failed to take sufficient preventive measures to protect the woman's life.[63]

The State's positive obligation to protect life also includes protection of individuals against themselves. In particular, where persons in a vulnerable position under State control—such as prisoners, conscripts, boarding school students, or individuals in psychiatric clinics—display suicidal tendencies, and the authorities knew or ought to have known of the risk, they must take the necessary measures to minimize the risk of suicide.[64] In order for the State to be held responsible in such cases, it must be reasonably demonstrated that the authorities knew or ought to have known of the suicide risk and that, had they taken the necessary measures within their powers, the suicide could have been prevented.[65]

Especially in cases where individuals with mental illness are voluntarily or involuntarily admitted to psychiatric institutions, the assessment of whether preventive measures were taken must consider factors such as the person's prior mental health problems, current psychological condition, previous suicide attempts or acts of self-harm, the presence of suicidal ideation, and any physical or psychological signs of stress.[66]

Another situation giving rise to positive obligations concerns industrial activities inherently capable of causing harm to human health, as well as natural disasters. In the context of hazardous industrial activities, the Court attaches particular importance to legal regulations required by the specific nature of the activity, especially regarding the potential level of risk to human life. The Court has held that such regulations must comprehensively govern the licensing, construction, operation, safety, and supervision of the activity, and must require all those involved to take effective and practical measures necessary to eliminate risks to human life. If harm to life occurs as a result of deficiencies in regulation or supervision of such activities, the State's positive responsibility will arise. However, where there is no deficiency in regulation or control, and the harm results from individual negligence or an unfortunate combination of events, the State cannot be held responsible.[67]

When a State undertakes, regulates, or authorizes hazardous activities, it must ensure that the risk is reduced to a reasonable level through a system of rules and adequate supervision.[68]

Among the preventive measures required, particular importance must be attached to the public's right to information. Relevant regulations must also provide appropriate procedures for identifying shortcomings in the processes concerned and errors committed by those responsible at different levels, taking into account the technical aspects of the activity.[69]

In Öneryıldız v. Türkiye, brought by relatives of a family who died in a gecekondu dwelling buried under garbage following a methane gas explosion at a former landfill site, the Court held the State responsible for the deaths.[70] In reaching this conclusion, the Court relied on several key facts. The area had been used as a solid waste disposal site since the 1970s, and the risk of explosion had been identified in various reports. Despite this, municipal authorities failed to take preventive measures. Meanwhile, the applicants' relatives had built their gecekondu unlawfully on the former landfill site in 1988. Although the structure was illegal, it was not demolished by the authorities until the accident occurred in 1993; no attempt at demolition was made. On the contrary, electricity and water services were connected. In these circumstances, the Court held that the authorities knew of the existence of a serious and immediate risk to human life but failed to take appropriate measures to protect life.

The State's positive obligation may also arise in the context of the provision of healthcare services. It should first be noted that the State is not under an obligation in every case to ensure that individuals receive treatment. In the context of healthcare, positive obligations require States to adopt regulations compelling both private and public hospitals to take appropriate measures to safeguard patients' lives.[71]

The Court, in an application concerning a pregnant woman who urgently presented herself to the emergency department of a university hospital, found that the State had failed to fulfill its obligation to organize and operate healthcare services in a manner consistent with respect for the right to life. In that case, although it was determined that the baby had died and that immediate surgery was required, the woman was referred to another hospital because the social security institution did not cover treatment at the university hospital and she lacked the means to pay for the operation. She subsequently died on the way. The Court held that there had been a violation of the substantive aspect of the right to life. In reaching this conclusion, the Court did not base its reasoning on negligent conduct by individual doctors, but rather on the malfunctioning of the healthcare system as a whole.[72]

When determining whether the State has breached its positive obligations in a given case, the Court does not make an abstract assessment. Instead, it evaluates whether the State's obligations to protect life have been violated in the specific circumstances of the case, taking into account all relevant aspects of the particular facts.

3.3 Procedural Obligations (The Obligation to Conduct an Effective Investigation)

Within the scope of its positive obligations under the right to life, the State is also required to establish an effective judicial system capable of ensuring the proper implementation of the legal and administrative framework designed to protect life, and of ensuring that violations of this right are halted and punished. This procedural obligation requires the conduct of an effective investigation capable of identifying those responsible for every suspicious death and, where appropriate, ensuring their punishment.[73]

The purpose of procedural obligations is to ensure that the State's negative and positive obligations have been fulfilled. In this context, the investigation must secure the effective implementation of domestic laws protecting the right to life and ensure accountability for deaths resulting from the intervention of State agents, from events occurring under their responsibility, or from the acts of other individuals. If this procedural obligation is not properly fulfilled, it becomes impossible to determine whether the State has genuinely complied with its negative and positive obligations. In other words, the guarantee of the State's compliance with its substantive obligations under this Article lies in the obligation to conduct an investigation.

The obligation to investigate applies not only to deaths resulting from the use of force by public officials, but also to deaths caused by third parties, suspicious disappearances, suicides in institutions under State control, industrial or other accidents, natural disasters, and similar causes. In such cases, the Court has stated that Article 2 of the Convention requires the State to have in place an effective and independent judicial system capable of determining the cause of death and identifying those responsible, ensuring that offenders are appropriately punished, and providing suitable redress to victims.[74]

The ECtHR emphasizes that, in cases alleging a violation of the procedural aspect of Articles 2 and 3 of the Convention, the subject matter of criminal proceedings before domestic courts differs from the State's responsibility under the Convention. Responsibility under the Convention is based on the provisions of the Convention as interpreted in light of its object and purpose and the relevant rules and principles of international law. A State's responsibility under the Convention for the acts of its organs, agents, and officials must not be confused with issues of individual criminal liability examined by domestic criminal courts. In this sense, the Court is not concerned with reaching any conclusion as to guilt or innocence.[75]

On the other hand, the type of investigation required in the event of a suspicious death and the manner in which the intended objectives are to be achieved will vary according to the circumstances.[76] In cases involving deaths resulting from intentional acts, assaults, or ill-treatment, Article 2 of the Convention requires the State to conduct criminal investigations capable of leading to the identification and punishment of those responsible for the lethal attack. In such cases, administrative or civil proceedings resulting merely in compensation are not sufficient to remedy a violation of the right to life or to remove victim status.[77]

Where a suspicious death results from the actions of State officials, a criminal investigation must be initiated and conducted with particular diligence and care.[78] In cases involving allegations of enforced disappearance, where the whereabouts and fate of the individual remain unknown—and especially where information has been deliberately concealed—a continuing violation exists, and the obligation to investigate likewise continues. If a contract killer has been used, identifying the triggermen alone is insufficient; careful and thorough efforts must also be made to identify the instigators and planners.[79]

In cases of death resulting from negligence, it may not always be necessary to initiate criminal proceedings. It may be sufficient that legal, administrative, or even disciplinary remedies are available to victims. In this context, in cases of deaths resulting from medical error, effective remedies are generally considered to lie in administrative or civil compensation proceedings. In other words, in such cases, the remedy of compensation must be exhausted before lodging an individual application before the Constitutional Court (AYM) or the ECtHR.

However, in cases of death caused by negligence, where the conduct of State officials or institutions goes beyond mere error of judgment or carelessness—namely, where they were aware of the likely consequences yet disregarded the powers entrusted to them and failed to take the necessary and sufficient measures to avert risks arising from a dangerous activity—then, regardless of which domestic remedies individuals have pursued on their own initiative, the failure to conduct an effective criminal investigation, to bring charges, or to prosecute those responsible for endangering human life may result in a violation of Article 2 of the Convention.

The ECtHR systematically set out, in Hugh Jordan v. the United Kingdom[80], the criteria that a criminal investigation must meet in order to be regarded as effective under Article 2 of the Convention. According to the Court, the investigative authorities must act of their own motion and secure all evidence capable of elucidating the circumstances of the death and identifying those responsible; they must be independent from those implicated in the events; the investigation must be conducted with reasonable promptness and diligence; the investigation or its results must be open to public scrutiny to the extent necessary; and the next of kin of the deceased must be involved in the procedure to the extent necessary to safeguard their legitimate interests. Furthermore, the decision adopted at the conclusion of the investigation must be based on a comprehensive, objective, and impartial analysis of all findings obtained during the investigation and must include an assessment of the necessity and proportionality of the force used.

Accordingly, in order to speak of an effective investigation:

a

The authorities must act of their own motion once matters concerning the right to life come to their attention
(Hugh Jordan v. the United Kingdom, § 105)

b

The investigative authorities must be independent
(§ 106)

c

The investigation must be capable of leading to the identification and punishment of those responsible, and all evidence capable of elucidating the events must be collected
(§ 107)

d

The investigation must be conducted with reasonable promptness
(§ 108)

e

The investigation and its results must be open to public scrutiny to the extent necessary, and in every case the next of kin must be involved in the procedure to the extent necessary to safeguard their legitimate interests
(§ 109)

Considering these principles in turn, first of all, once the authorities become aware of a non-natural death, they must initiate an investigation on their own initiative. It cannot be expected that the deceased's relatives lodge a formal complaint or assume responsibility for triggering the investigation.[81]

Those conducting the investigation must be independent from persons who may bear responsibility for the death. In particular, where unlawful killing by State agents is alleged, for the investigation to be effective, those responsible for carrying out and supervising it must be independent from those implicated in the events. This means not only the absence of hierarchical or institutional links, but also practical independence. What is at stake here is public confidence in the State's monopoly on the use of force.[82]

Whether the investigative authorities are independent cannot be determined through an abstract assessment; rather, it must be established, by examining the case as a whole, whether those conducting the investigation were influenced by persons involved in the incident.[83] The degree and sufficiency of independence will depend on whether, in the specific circumstances of the case, the lack of independence had a practical impact on clarifying the events or on identifying and punishing those responsible.

In this context, the Court has found investigations to be lacking independence depending on whether the investigating law enforcement officers were suspected perpetrators[84], colleagues[85], or hierarchical superiors[86]. Likewise, the Court has interpreted persistent failure by investigative authorities to collect evidence[87], undue reliance on statements by suspects[88], or reluctance to carry out certain investigative measures[89] as indications that those authorities did not act independently.

For an investigation to be considered effective, all evidence capable of elucidating the death must be collected promptly and appropriately and properly preserved. In this regard, the investigative authorities must take all reasonable steps available to them to secure evidence concerning the incident, including obtaining eyewitness testimony, forensic evidence, and, where appropriate, conducting an autopsy capable of providing a complete and accurate record of injuries and an objective analysis of clinical findings, including the cause of death.[90]

If the death occurred as a result of the use of force by law enforcement officers, the investigation must be conducted in sufficient depth to determine whether the force used was lawful and proportionate.[91] To that end, the scene must be secured as soon as possible and thoroughly examined; the positions of the parties alleged to have been involved in the confrontation must be determined; weapons and cartridge cases and their locations must be identified; bullets that struck the deceased must, where possible, be recovered; evidence capable of determining shooting distance and angles must be collected; gunshot residue tests must be conducted on the hands of the victim and suspects; clothing must be seized and preserved for examination; a sketch of the scene must be prepared; statements from suspects and any witnesses must be taken promptly; and a post-mortem examination and autopsy must be carried out. In addition, all other evidence capable of clarifying the incident must be gathered.

In this context, the Court has held that, in certain circumstances, exhumation of the deceased's body may be necessary for the purposes of an effective investigation, even against the wishes of the family.[92] Any deficiency in the investigation that undermines its ability to determine the cause of death or identify those responsible risks falling short of the required standard.[93]

With regard to the manner in which investigations into unlawful killings should be conducted, compliance with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)—updated under the auspices of the United Nations High Commissioner for Human Rights—is required.[94] The ECtHR has referred to the Minnesota Protocol in numerous judgments.[95] The Protocol sets out in detail the legal framework of the duty to investigate, the governing principles of investigations, the ethical obligations of those involved, the principles to be observed in death examinations and autopsies, the management of crime scenes, the collection, preservation and storage of evidence, and the participation of victims' relatives. Accordingly, the principles of the Minnesota Protocol serve as guidance in assessing whether an investigation has been adequate.

For example, in a case concerning the killing of a fugitive during an arrest operation, the Court found the investigation inadequate because no gunshot residue tests had been conducted on the police officers; no reconstruction of the incident had been carried out; the officers' weapons and ammunition had not been examined; the wound causing death had not been sufficiently analyzed; and the suspect officers had not been separated from one another before giving their statements.[96] Similarly, the Court has found investigations inadequate where forensic examinations were insufficient[97]; where only the suspects' statements were taken and a decision of non-prosecution was issued without hearing other witnesses[98]; where excessive weight was given to reports prepared by suspects[99]; or where, in a case alleging that a village had been bombed by aircraft, flight records were not obtained and the authorities relied solely on official statements asserting that no military flights had occurred in the area on the relevant date.[100]

For an investigation to be considered effective, it must be initiated promptly and conducted expeditiously. While the ECtHR acknowledges that obstacles or difficulties may impede the progress of an investigation in certain cases, it has emphasized that, particularly in cases involving the use of lethal force, the prompt initiation of an investigation is generally essential for maintaining public confidence in adherence to the rule of law and for preventing any appearance of tolerance of or collusion in unlawful acts.[101]

In several cases, the Court has concluded that investigations were ineffective because they were not initiated immediately or were not concluded within a reasonable time. For example, it found unacceptable the initiation of an investigation eight years after the deaths of individuals killed during a security operation.[102] Likewise, it held that an investigation into a death in police custody that had lasted fifteen years had not been conducted with reasonable promptness.[103] In another case, the Court concluded that an investigation into the responsibility of a high-ranking public official for deaths and injuries resulting from an explosion at a weapons dismantling facility—still ongoing fourteen years after the incident—had not been conducted within a reasonable time.[104]

Another element of effectiveness is that the investigation must be open to public scrutiny and must allow the relatives of the deceased to participate in the proceedings. There must be a sufficient element of public oversight, both in theory and in practice, to ensure accountability. However, this does not mean that every aspect of the investigative process into a violent death must be made public. The disclosure or publication of police reports and investigative materials could prejudice individuals or jeopardize other investigations. Therefore, the degree of necessary public scrutiny may vary from case to case.[105]

Nevertheless, the relatives of the deceased must not be prevented from accessing the investigation file and contributing to the process. This does not mean that every request made by relatives must be granted. However, they must be able to access documents capable of influencing the course of the investigation and, where appropriate, challenge them. Documents withheld from the public during the investigative stage must be made accessible during the judicial phase to ensure public scrutiny of the prosecution process. In this regard, the ECtHR has found that refusing the family access to the investigation file[106]; failing to inform the deceased's spouse of developments in the case or to allow access to the file[107]; failing to notify the deceased's father of a decision of non-prosecution[108]; the prosecutor's refusal to provide investigation documents to relatives[109]; or failure to inform them of significant developments adversely affected the effectiveness of the investigation.[110]

Where an investigation proceeds to prosecution, a fair trial must be conducted before an impartial and independent court, and those found guilty must be sentenced to proportionate penalties. The Court grants national courts a significant margin of appreciation in determining the amount of punishment and the choice of appropriate sanctions in cases concerning deaths resulting from the use of force or negligence by public officials. However, where there is a manifest disproportion between the offence committed and the sanction imposed, the Court may find that the State has failed in its obligation to protect the right to life.[111]

In Öneryıldız v. Türkiye, concerning the explosion at the Ümraniye landfill, the Court observed that two mayors found negligent were sentenced to fines of less than 10 euros at the time, and that those fines were suspended. The Court held that the response of the Turkish criminal justice system to the tragedy could not be said to have ensured that State officials were held fully accountable for their roles in the incident, nor that the provisions of domestic law guaranteeing respect for the right to life—particularly the deterrent function of criminal law—had been effectively applied. Consequently, the Court found a violation of Article 2 of the Convention in its procedural aspect, on account of the lack of adequate protection under "law" capable of safeguarding the right to life and deterring similar life-endangering conduct in the future.[112]

Similarly, in cases where deaths resulted from ill-treatment by public officials, the Court has held that the suspension of prison sentences imposed on convicted police officers resembled a partial amnesty and was unacceptable, as it resulted in the officials effectively enjoying impunity despite their convictions.[113]

Finally, the effectiveness of punishment is not solely a matter of the severity of the sentence imposed. Impunity resulting from amnesty measures or sentence enforcement arrangements may likewise give rise to a violation of the procedural aspect of the right to life.[114]

04 Monitored Cases

Within the scope of the Impunity Project, a number of cases were monitored by the Human Rights Association. While the majority of these cases concerned freedom of expression and freedom of assembly, and were brought against human rights defenders, ten cases involved allegations of homicide. This report includes cases concerning deaths occurring in various circumstances. Two cases relate directly to deaths resulting from the actions of public officials. The remaining eight concern deaths resulting from the intentional acts or negligence of third parties who were not public officials. One case concerns the death of 72 people in a hotel that collapsed during an earthquake. Two cases concern deaths resulting from terrorist attacks.

10 CASES

Two cases relate directly to deaths resulting from the actions of public officials.

The remaining eight concern deaths resulting from the intentional acts or negligence of third parties who were not public officials.

1 case concerns the death of 72 people in a hotel that collapsed during an earthquake.

2 cases concern deaths resulting from terrorist attacks.

4.1 The Case of Afghan Worker Vezir Mohammad Nourtani (Zonguldak 1st High Criminal Court)

This case concerns the prosecution arising from the death of an undocumented Afghan worker employed in an illegal mine and the subsequent burning of his body.[115] According to the allegations, the undocumented worker became ill in the mine and died shortly thereafter. Instead of notifying law enforcement authorities or medical services, the mine owners allegedly transported the body to a forested area and burned it in order to dispose of it.

In the present case, the public authorities promptly initiated an investigation. Evidence was collected to the extent possible, and no major deficiencies in evidence collection were identified. CCTV footage from the scene was obtained, autopsy and forensic reports were secured, and upon the request of the intervening party, an additional forensic report was commissioned. A report obtained by the intervening party from Koç University's Department of Forensic Medicine was also included in the case file.

However, it appears that crucial witness statements capable of clarifying the incident were not obtained. In particular, Afghan workers who had been working in the same mine on the day of the incident were deported without their statements being taken. Furthermore, the Court rejected the request to hear these individuals as witnesses during the hearing held on 20 December 2024, stating in its reasoning that their testimony would not contribute to the case file.

At the conclusion of the proceedings, it was understood that the exact cause and time of death could not be fully determined. Although the defendants consistently maintained that the deceased had died of a heart attack, these statements did not correspond with the forensic findings. The forensic report noted the presence of blood in the deceased's mouth and nose and fractures of the jaw and clavicle, findings that clearly cannot be associated with a heart attack.

The deceased's wife participated in the proceedings as an intervening party, attended all hearings, and was provided with an interpreter. She also benefited from legal assistance. However, the requests of the Zonguldak Bar Association and a migration association to intervene in the case were rejected.

Although the precise time and cause of death could not be determined due to the burning of the body, forensic findings indicate that the deceased had died prior to the burning.

The Court characterized the incident as a workplace accident and sentenced the two mine-owner defendants to 5 years and 8 months' imprisonment each for negligent homicide. One defendant who participated in burning the body was sentenced to 4 years and 6 months' imprisonment for destruction of evidence, and three other defendants were sentenced to 2 years' imprisonment each for aiding in the destruction of evidence.

It appears that counsel for the intervening party had focused their allegations on claims that the deceased's kidney had previously been requested and that the killing had been committed for the purpose of organ removal.

The Court assessed the incident solely as a workplace accident and characterized the burning of the body as destruction of evidence.

The fundamental issue in this case concerns the absence of a legal and administrative framework capable of safeguarding the right to life. The mine was unlicensed; the worker had entered the country irregularly, had no work permit, and was uninsured. Consequently, when he experienced a health emergency due to a workplace accident or illness, no immediate recourse was made to medical services. Instead, in order to avoid legal consequences, the mine owners did not call an ambulance and, following the death, chose to destroy the body by burning it. Moreover, it appears that no inspection was conducted as to whether occupational safety measures had been implemented in the unlicensed mine. Under these circumstances, it is not possible to conclude that a legal and administrative framework respectful of the right to life had been established.

4.2 Ankara Train Station Massacre Case (Severed file – Fugitive defendants, Ankara 4th High Criminal Court)

This case concerns the trial in absentia of 16 fugitive defendants in relation to the terrorist bombing carried out on 10 October 2015 during a large-scale peace rally, which resulted in the deaths of 103 people.[116]

103 DEATHS

16 FUGITIVES

Counsel for the intervening parties argued that their requests to secure the return to Türkiye of fugitive defendants—whose presence in Syria was reflected in official State records and communicated in various case files—had been explicitly rejected. They further contended that their criminal complaints seeking the preparation of indictments against certain perpetrators who, although they should have been suspects in the file, had not been formally charged, were also rejected.

Although counsel for the intervening parties requested, pursuant to Article 163 of the Criminal Procedure Code (CMK), the lifting of the confidentiality order imposed on the Ankara Chief Public Prosecutor's Office file concerning permanently wanted suspects, the Court rejected these requests, finding them unjustified.

Additionally, counsel argued that HTS (telephone traffic) records had not been properly examined and that the Court had disregarded their requests in this regard. They also criticized the presence of riot police forming a protective cordon inside the courtroom despite the absence of any defendants at the hearings.

The failure to take serious and effective steps to locate and extradite the fugitive defendants accused of carrying out a terrorist attack that caused the deaths of 103 people and injured hundreds has reinforced perceptions of impunity. Considering Türkiye's relations with the Syrian authorities, the claim that the fugitives could not be located appears unconvincing.

4.3 The Case of Gabonese Student Dina (Karabük 1st High Criminal Court)

This case concerns the death of Jeannah Danys Dinabongho Ibouanga, a Gabonese national known to her family as Dina, whose body was found in a stream three months after she had enrolled as a student at Karabük University. One defendant is being tried in connection with the case.[117]

Following the murder in Karabük—a province hosting a significant number of African students—questions arose as to whether a network allegedly forcing students into prostitution had played a role in the incident.
According to witness testimony and CCTV footage, on the day of the incident the deceased ran barefoot out of an apartment where she was staying as a guest, an apartment also housing several Gabonese students. She later stopped a vehicle on the road and got in. After some time, she exited that vehicle, ran across the road by jumping over barriers, and proceeded in the direction of the stream. The driver from whose vehicle she had exited subsequently drove along a side road in the direction in which she had fled and returned along the same road approximately six minutes later, continuing in the opposite direction. The deceased's body was later found downstream in the river.

The defendant on trial is the individual last seen with the deceased when she exited his vehicle. The intervening parties requested the expansion of the investigation; however, no other individual who might have borne responsibility for the death was identified.

According to witness testimony, upon hearing a female voice coming from an apartment, a witness shouted from the balcony of a neighboring building that she was calling the police. The noise reportedly ceased, but when it resumed, the witness again shouted that the police were coming. Thereafter, the deceased was allowed to leave the apartment and fled, jumping from two walls approximately two to three meters high and running toward the road. The same witness stated that two hooded individuals were seen standing in front of the apartment building, looking in the direction in which the deceased had fled.

CCTV footage and witness statements confirm that the deceased exited the vehicle, ran across the road by jumping over barriers, and headed toward the river. The vehicle she had exited entered the side road in the direction where she was last seen approximately six minutes later and exited again roughly six minutes thereafter. The driver stated that the deceased had entered his vehicle saying she wanted to go to the hospital and that there was blood on her hands and face. He claimed that he stopped because she opened the door and wanted to get out. He further stated that, out of curiosity, he later returned via the side road, attended to personal needs, and then left. No communication between the deceased and the defendant was established. The autopsy and forensic report found no evidence of sexual assault.

The investigation was unable to determine how the deceased fell into the river; however, the cause of death was determined to be drowning. The investigation also failed to establish why the deceased fled barefoot at night, who the hooded individuals observed by the witness were, or why she exited the vehicle she had taken to go to the hospital and fled.

Although no clear and concrete negligence on the part of the investigative authorities is apparent in the failure to clarify the incident, the inability to determine why the deceased fled barefoot at night from the apartment where she was staying as a guest—despite witness testimony regarding a female voice heard from the apartment and the existence of surveillance cameras covering the scene—and the failure to identify the hooded individuals create the impression that sufficient investigative effort may not have been undertaken.

4.4 İsias Hotel Case (Adıyaman 3rd High Criminal Court)

The final hearing of the case concerning the İsias Hotel, located in central Adıyaman and destroyed during the Kahramanmaraş-centered earthquakes of 6 February 2023, was monitored. The collapse of the hotel caused the deaths of 72 people, including child athletes who had traveled from Cyprus. The defendants included the hotel owner, operator, architect, civil engineer, and other responsible parties.[118] The central legal issue in the case concerned whether the offence had been committed with possible intent (dolus eventualis) or with conscious negligence. Due to requests by the lawyers to keep case materials confidential, it was not possible to access the hearing transcripts or the indictment.

The collapse of the hotel caused the deaths of 72 people

In his opinion, the public prosecutor argued that the offence had been committed with conscious negligence. Counsel for the intervening parties contended that the defendants should be convicted on the basis of possible intent. The defense counsel's request to hear a construction expert in order to determine fault was rejected by the Court.

Both defense counsel and counsel for the intervening parties requested that public officials who had granted the construction and occupancy permits and failed to conduct proper inspections also be prosecuted. They further requested that the proceedings against those public officials be awaited and consolidated with the present case. It was argued that responsibility for the hotel's lack of earthquake resistance lay not only with the hotel owners but also with all individuals involved in the construction and inspection processes. However, the Court rejected the requests to await the outcome of the separate investigation.

It is clear that whether the building complied with applicable legislation, and if not, whether public officials who issued the construction and occupancy permits bore responsibility—and whether any unlawful motives underlay a failure to properly perform inspection duties—can only be fully clarified if those who constructed the building and those who issued the permits are tried together. In this respect, the fundamental deficiency in this case appears to be the failure to include public officials as defendants.

At the conclusion of the trial, the hotel owner was sentenced to 17 years and 17 months' imprisonment, and his son to 15 years and 28 months' imprisonment. The architect received a sentence of 17 years and 17 months, and the civil engineer 7 years and 16 months. Other defendants were sentenced to terms ranging between 8 and 16 years. Several defendants whose responsibility could not be established were acquitted.

HOTEL OWNER	17 years, 17 months
HIS SON	15 years, 28 months
THE ARCHITECT	17 years, 17 months
CIVIL ENGINEER	7 years, 16 months
OTHER DEFENDANTS	Between 8 & 16 years

As it was not possible to review the full case file—including documents submitted to the file, expert reports, witness and intervening party statements, defenses, the indictment, hearing minutes, the prosecutor's opinion, and the reasoned judgment—it was not feasible to conduct a comprehensive evaluation of the proceedings.

However, earthquake risk is an undeniable reality in Türkiye, and it is widely known that a significant portion of the existing building stock is not earthquake-resistant. It is also clear that responsibility for this situation is distributed across a broad spectrum of actors, including politicians, bureaucrats, business owners, contractors, architects, and engineers, each to varying degrees.

More than 55,000 people lost their lives in the 6 February 2023 earthquakes

According to official figures, more than 55,000 people lost their lives in the 6 February 2023 earthquakes. Similar risks persist in many other regions of the country. Despite this, it is difficult to assert that adequate preventive measures have been taken. More than a quarter century has passed since the 17 August 1999 earthquake. Yet during this period, the necessary steps to render the building stock earthquake-resistant have not been taken, and it is known that many of the buildings constructed since then are likewise not resistant to earthquakes. Moreover, various "construction amnesties" enacted under different names have legalized buildings constructed in violation of regulations without any effective inspection of their earthquake resistance.

Under these circumstances, it cannot be said that the State has established a legal and administrative framework that respects and effectively safeguards the right to life.

4.5 Mehmet Sincar Case (Diyarbakır 6th High Criminal Court)

The 15th hearing of the case concerning the killing of Mehmet Sincar, a Member of Parliament for Mardin from the Democracy Party (DEP), who was murdered in Batman on 4 September 1993, was monitored. The defendant on trial is Cihan Yıldız, alleged to be a Hizbullah hitman.[119]

Following the killing, the organization known as the Turkish Revenge Brigades (TİT) initially claimed responsibility. The case remained unsolved for seven years. In the Susurluk Report prepared by Kutlu Savaş, it was alleged that the murder of Mehmet Sincar had been committed by Mahmut Yıldırım, code-named "Yeşil," together with informants Alaaddin Kanat, Mesut Mehmetoğlu, and İsmail Yeşilmen.

On 17 January 2000, during a police operation at a villa in Istanbul-Beykoz where Hizbullah leader Hüseyin Velioğlu was hiding, a cassette was seized. In the recording, Cihan Yıldız—code-named Hüseyin—was seen stating during interrogation by a senior member of the organization that he had committed the Sincar murder together with Hizbullah members Rıfat Demir and Mehmet Ali Geçer. Following this development, criminal proceedings were initiated against Cihan Yıldız.

Cihan Yıldız was apprehended in Austria in 2008 and extradited to Türkiye. The Sincar case was later merged with the main Hizbullah case and subsequently severed again. After the European Court of Human Rights found a violation on the grounds that the trial court had not been independent, the way was opened for retrial. Like many defendants tried in the Hizbullah main case, Cihan Yıldız benefited from this ruling and was released in March 2019.

In the retrial proceedings that resumed in 2019, the 16th hearing has been held, and the case has not yet been concluded. The next hearing has been scheduled for 2 June 2026. Counsel for the intervening parties have pointed out that the prosecution has not delivered its final opinion (mütalaa) since 29 March 2021 and have alleged that there is an attempt to allow the case to lapse due to the statute of limitations.

The fact that this case—concerning an openly political killing that remained unsolved for many years—has still not been concluded more than thirty years after the event demonstrates that the proceedings have not been conducted within a reasonable time. The prosecution's failure to present its opinion for six years without any concrete justification has cast serious doubt on the effectiveness of the proceedings.

Under these circumstances, it cannot be said that the trial has been conducted in a manner consistent with the State's obligation under the right to life to carry out an effective investigation.

4.6 Mehmet Uytun Case (Cizre 4th Criminal Court of First Instance)

On 9 October 2009, Mehmet Uytun—an 18-month-old child at the time—was seriously injured when he was struck on the head while sitting on his mother's lap on the balcony of their home.[120] He died ten days later. According to the report issued by the Council of Forensic Medicine on 23 February 2012, based on medical documentation and autopsy findings, the child's death resulted from blunt head trauma, including a skull fracture, brain hemorrhage, and subsequent complications.

In her statement, the mother said that when she saw her child go out onto the balcony, she ran after him and picked him up. As she was going back inside, an object struck the child's head, causing injury. The father stated that upon hearing a noise, he went out to the balcony and saw his wife and child on the ground, with blood coming from the baby's head. He further stated that he saw dense smoke coming from an object inside a bag on the balcony, which he then threw downstairs.

On the same day, in Cizre, during protests marking the anniversary of Abdullah Öcalan's expulsion from Syria, a gendarmerie unit assigned to protect the tax office and residential lodgings intervened against a group of 45–50 demonstrators. Specialist Sergeant Hakan Alkan, the only officer in the unit carrying a grenade-launching rifle, stated that he fired only one tear gas cartridge that day, aiming at a wall; he claimed that the cartridge hit the wall, fell to the ground, and began emitting smoke, after which demonstrators covered it with a cloth.

The Cizre Chief Public Prosecutor's Office requested authorization from the Cizre District Governor on 17 July 2012 to investigate Hakan Alkan, on the grounds that the fatal incident had occurred during and within the scope of his official duties. However, on 31 August 2012, the District Governor's Office refused authorization, stating that there was insufficient evidence to support the allegation of "causing death by negligence." Objections by both the prosecution and the complainant's counsel were rejected by the Diyarbakır Regional Administrative Court on 4 December 2012.

The Uytun family then lodged an individual application with the Constitutional Court, which ruled on 15 December 2015 that the procedural aspect of the right to life had been violated due to the failure to conduct an effective investigation.[121] Following this ruling, the Prosecutor's Office again requested authorization on 15 May 2019. The District Governor again refused authorization on 21 September 2019. Upon renewed objection by the family, the Gaziantep Regional Administrative Court definitively accepted the objection, and an investigation was initiated—ten years after the incident.

It is evident that such a delay is incompatible with the principle that investigations must be initiated promptly. Indeed, when an on-site inspection was ordered after the investigation commenced, it was found that the house where the incident had occurred had been completely demolished, as had nearby public buildings, including the tax office. Consequently, no meaningful inspection could be conducted.

According to the indictment, the suspect had not received specialized training in the use of the drum-type launcher. His statement indicated that the 35-member gendarmerie unit lacked a megaphone to call on demonstrators to disperse and therefore decided to use tear gas. These facts point to deficiencies in training and equipment necessary to safeguard the right to life.

An indictment was filed on 26 October 2020. The Cizre 1st Criminal Court of First Instance found that there was a ricochet mark on the balcony wall where the child was injured and that a PVC pipe on the balcony had been broken. The court concluded that the child had been injured immediately after the tear gas cartridge was fired and held that the injury resulted from the cartridge fired by the defendant ricocheting off the wall. The defendant was sentenced to three years' imprisonment for causing death by negligence; this sentence was converted into a judicial fine of 18,200 Turkish lira.

On 19 October 2022, the Diyarbakır Regional Court of Appeal, 3rd Criminal Chamber, overturned the judgment due to incomplete examination. Upon retrial, the first-instance court declared lack of jurisdiction on the ground that the issue of possible intent (dolus eventualis) fell within the jurisdiction of the Assize Court and transferred the file accordingly. The prosecution objected, and the Cizre 2nd Assize Court upheld the objection, returning the case to the Criminal Court of First Instance. That court again sentenced the defendant to three years and four months' imprisonment for causing death by negligence.

On 21 February 2024, the Diyarbakır Regional Court of Appeal once again quashed the judgment due to incomplete investigation, and proceedings were reopened before the Cizre 4th Criminal Court of First Instance.

The core issues in the case concern whether the tear gas cartridge found at the scene was fired from the defendant's weapon, whether that cartridge was registered in the inventory of the Gendarmerie or General Staff, and whether the death resulted from impact by that cartridge. Witnesses stated that the balcony where the child was struck was in the direction of the gendarmerie's fire. The weapon used was equipped with a laser targeting mechanism. A ricochet mark was found on the balcony wall, and the PVC pipe was broken.

The absence of any camera footage in an area containing public institutions such as a tax office, the failure to properly record the distribution of weapons and ammunition to a unit deployed for a public order operation, and the inability to determine whether the cartridge was fired from the relevant weapon all cast serious doubt on the effectiveness of the investigation.

Given that more than sixteen years have passed since the incident and a final judgment has still not been rendered, it cannot be said that the proceedings are compatible with the State's obligation to conduct an effective investigation under the right to life.

4.7 Reşit Kibar Murder Case (Artvin Assize Court)

In the Cankurtaran area of Artvin, environmental defender Reşit Kibar lost his life after being shot while attempting to prevent tree cutting carried out within the scope of a recreational area project. Two defendants are currently on trial in connection with the incident.[122]
According to the case file, one of the defendants opened fire on a group of six or seven people in the presence of numerous witnesses, including gendarmerie officers. During the shooting, Reşit Kibar was seriously injured, and two other individuals were wounded in their legs.

Kibar later died from his injuries. The defendants on trial are: (i) the subcontractor responsible for constructing the recreational area, who personally used the firearm (the principal perpetrator), and (ii) the individual who had undertaken the construction project and was the legal owner of the weapon used in the incident. No other firearms were used during the event.

The incident occurred during a verbal altercation between a group of six individuals protesting to halt the construction project and the perpetrators. The principal perpetrator claimed that he had been insulted and physically confronted, whereupon he retrieved the weapon belonging to the second defendant from the vehicle and initially fired into the air. Following a renewed altercation, he again took the weapon from the car and this time fired directly toward the crowd.

The central issue in the proceedings concerns whether there was unjust provocation or a physical assault directed at the perpetrator that might affect criminal liability.

The case has been closely monitored by environmental organizations. Hearing intervals have reportedly been relatively short. According to trial observation reports, there were disputes regarding the admission of all observers into the courtroom due to high attendance. Requests by bar associations and civil society organizations to intervene in the proceedings were rejected.

At this stage, no specific deficiency has been identified that would clearly demonstrate non-compliance with the State's obligation to protect the right to life.

4.8 Şahin Öner Case (Diyarbakır 1st Assize Court)

This case concerns the prosecution of police officer Selahattin Korkmaz before the Diyarbakır 1st Assize Court for causing the death of 19-year-old Şahin Öner.[123] The incident occurred on 10 February 2013 in the Şehitlik neighborhood of Yenişehir district, Diyarbakır, during police intervention in a public demonstration. Öner was struck by an armored vehicle driven by the defendant and later died.

An indictment was initially filed for causing death by negligence. However, on 29 June 2017, the Diyarbakır 7th Criminal Court of First Instance transferred the case to the Assize Court, considering the degree of fault involved.

On 23 November 2021, the Diyarbakır 1st Assize Court convicted the defendant—who had been tried for intentional killing—of causing death by conscious negligence (bilinçli taksir) and sentenced him to 4 years, 5 months, and 10 days' imprisonment. The court determined, based on witness statements, forensic reports, and the entirety of the case file, that the death resulted from the armored vehicle striking the victim.

In its reasoning on fault, the court noted that the vehicle had a narrow field of vision and limited maneuverability. It further observed that, despite the vehicle's hood having caught fire due to a Molotov cocktail—further restricting visibility—the defendant drove rapidly into narrow streets while pursuing demonstrators. Witnesses stated that the vehicle entered the narrow street at high speed, that the victim—who was at the rear of the fleeing group—raised his hands when the vehicle approached within approximately five meters, but that the vehicle did not slow down, struck him, ran over him, and continued without stopping. A second armored vehicle arriving from behind eventually stopped; the victim was placed inside it and taken to a police station rather than directly to a hospital. He was later transported to a hospital, where he died approximately one hour after arrival.

The Diyarbakır Regional Court of Appeal (3rd Criminal Chamber) overturned the judgment due to incomplete examination. The appellate court found that the post-inspection expert report did not contain a proper assessment of fault and that there were clear contradictions among the existing expert reports regarding the attribution of fault. The trial court had neither resolved these contradictions nor explained why it gave precedence to one report over another.

In a newly commissioned expert report, the victim was found to be primarily at fault, while the defendant was found secondarily at fault.

Following retrial, the Diyarbakır 1st Assize Court, at its fourth hearing on 9 March 2025, sentenced the defendant to 3 years and 4 months' imprisonment.

This case points to a broader structural issue in Türkiye. According to a statement by the Human Rights Association, as of 7 June 2023, in the past 15 years there have been 82 incidents involving armored vehicles or vehicles under law enforcement control, resulting in the deaths of 44 civilians—21 of them children—and injuries to 94 civilians, including 23 children.[124] Despite this significant loss of life, no effective preventive measures appear to have been implemented. Such inaction may raise concerns regarding the State's positive obligation to protect the right to life.

82 Incidents

44 Deaths

Including 21 children

94 Injuries

Including 23 children

Armored vehicles of this type are designed for large-scale public order operations; they have limited visibility and maneuverability. Continued use of these vehicles in narrow residential streets to pursue demonstrators—leading to repeated fatalities—suggests potential deficiencies in training and operational instructions concerning respect for the right to life.

Moreover, more than twelve years have passed since the incident, and the case has still not reached a final conclusion. This prolonged duration is difficult to reconcile with the requirement that investigations and judicial proceedings be conducted with reasonable promptness.

Finally, only the police officer driving the vehicle has been prosecuted. No investigation appears to have been conducted into the potential responsibility of other officials. Notably, after being run over by a four-ton vehicle and sustaining multiple fractures, the victim was reportedly carried by his arms and legs into an armored vehicle and taken first to a police station rather than directly to a hospital. The failure to examine this aspect of the incident within the scope of the investigation raises further concerns regarding compliance with the State's obligation to protect the right to life.

4.9 "Newborn Gang" Case (Bakırköy 22nd Assize Court)

This case concerns the prosecution of 47 defendants—later increased to 57 through a supplementary indictment—accused of causing the deaths of ten infants in order to obtain unlawful financial gain.[125] The charges include Fraud to the Detriment of Public Institutions and Organizations, Intentional Killing by Omission, Forgery of Official Documents, and Membership in a Criminal Organization Established for the Purpose of Committing Crimes. Some of the defendants are in pre-trial detention.

It is alleged that the defendants, working in various professional positions within the healthcare sector, acted in an organized manner to subject newborn babies to unnecessary medical interventions in order to increase hospital revenues, thereby causing the deaths of at least ten infants. Each of the original 47 defendants faces different charges. Among them are also certain public officials.

Due to intense public interest, hearings have been held in the conference hall of the Bakırköy Courthouse. Trial observation reports note that the proceedings have been tense. Requests for the recusal of the prosecutor and the judicial panel led to heated exchanges between defense counsel and the court. It has also been observed that heavy media coverage and the charged atmosphere may have negatively affected the defendants' ability to conduct their defense in a calm and balanced manner.

From the perspective of the right to life, the gravity of this case lies in the allegation that, if proven, human life was systematically disregarded for material gain and that such practices were able to continue for a significant period without detection by the legal system.

Ensuring that the proceedings are conducted fairly and that those responsible are punished in accordance with the law is an essential requirement of respect for the right to life. However, in a state governed by the rule of law and respect for human rights, the legal and administrative framework must also contain safeguards robust enough to prevent such systemic abuses from occurring in the first place.

4.10 Narin Güran Case (Diyarbakır 8th Assize Court)

This case concerns the killing of 8-year-old Narin Güran, who went missing in Diyarbakır on 21 August 2024 and whose body was found 19 days later, on 8 September 2024.[126] The incident attracted nationwide attention and remained the leading story in written and visual media for days. Various speculations arose following the discovery of the body.

According to the indictment dated 21 September 2024, criminal proceedings were initiated against the victim's uncle (Salim Güran), mother (Yüksel Güran), brother (Enes Güran), and Nevzat Bahtiyar for intentional killing committed jointly. The indictment did not specify which suspect had physically carried out the killing.

At the hearing of 26 December 2024, the trial court sentenced the uncle, mother, and brother to aggravated life imprisonment for "intentional killing of a child committed jointly." The fourth defendant, Nevzat Bahtiyar, was sentenced to 4 years and 6 months' imprisonment for "destroying, concealing, or altering evidence of a crime."

The 1st Criminal Chamber of the Court of Cassation upheld the aggravated life sentences imposed on the first three defendants. However, it quashed the judgment regarding Nevzat Bahtiyar, holding that the trial court had erred in the legal characterization of the offense and that he should have been convicted of "aiding and abetting intentional killing" rather than merely evidence tampering.

Trial monitoring reports noted that due to the small size of the courtroom, some observers were unable to attend the hearings. It was also criticized that both hearings lasted three consecutive days, from 9:00 a.m. until midnight. The Diyarbakır Bar Association was admitted as an intervening party, and it was reported that a dispute arose during the hearings between one of the defendants and the President of the Bar Association.

The proceedings progressed rapidly: the indictment was prepared swiftly, and the first-instance trial concluded in approximately two months. The case passed through the appellate and cassation stages within one year, and the judgments against some defendants became final.

Despite the speed of the proceedings, it remains unclear which specific defendant physically committed the killing and what the precise motive was. The reasons why the victim's mother, brother, and uncle became involved in such an act have not been fully elucidated in public reasoning.
From the standpoint of the State's obligations arising from the right to life, no concrete deficiency attributable to the authorities has been identified in this case.

05|CONCLUSION

Within the scope of this report, ten cases monitored by the Human Rights Association (İHD) have been examined. All of these cases concern deaths. Two cases relate directly to deaths resulting from the actions of public officials. The remaining eight concern deaths caused by the intentional acts or negligence of third parties who are not public officials. One case concerns the deaths of 72 individuals in a hotel that collapsed during an earthquake. Two cases relate to deaths resulting from terrorist attacks.

It has been observed that trials concerning deaths caused by public officials tend to last excessively long and are not concluded within a reasonable time. In one instance, despite a violation judgment by the Constitutional Court, an investigation was initiated only ten years after the death. These delays do not appear to be coincidental; rather, they indicate the existence of a serious problem of impunity.

As explained above, deaths resulting from armored vehicle collisions also point to a structural problem.

In cases concerning deaths caused by terrorist acts, investigations and trials have likewise not been conducted within a reasonable timeframe. In the Mehmet Sincar case, there is no reasonable explanation for the prosecution's failure to submit its final opinion since 2021. Similarly, in the Ankara Train Station Massacre case, there are serious doubts as to whether genuine efforts have been made to apprehend the fugitive defendants.

One of the most fundamental problems identified in the cases monitored in this report is not merely the insufficiency of investigations, but the manner in which the deaths occurred. Some of the deaths could easily have been prevented; however, structural deficiencies appear to have made prevention impossible.

For example, in the case concerning the death of an Afghan worker, the primary cause of death lies in systemic illegality in working life. The mine where the worker was employed was unlicensed. The employer had a criminal record and had been released on conditional parole, meaning that if he committed a new offense, he would have to serve the remainder of his previous sentence. The deceased worker had entered Türkiye irregularly, had no work permit, and was working without social insurance.

As a result, it had not been verified whether occupational health and safety measures capable of preventing workplace accidents were in place. Following the incident, no ambulance was immediately called, and the worker was not transported to a hospital. Because of the unlawful nature of the employment relationship, the employer refrained from notifying law enforcement authorities or medical institutions. No medical examination was conducted to determine whether the worker's condition resulted from illness or from a workplace accident. Individuals with only primary school education and no medical training claimed to have administered cardiac massage. Ultimately, the worker died at the scene, and the employers—who had been employing him unlawfully—attempted to dispose of the body. The body was burned, making it medically impossible to establish the true cause of death.

Although the investigation and prosecution appear, in general, to have complied with procedural rules and to have been conducted relatively swiftly—despite certain shortcomings noted above—the true medical cause of death could not be established. The incident was classified as a workplace accident. The workplace owners were convicted of causing death by negligence; one person who participated in burning the body received a relatively light sentence for destruction of evidence, and two others were convicted for aiding in the destruction of evidence.

This case illustrates that even where procedural requirements are largely observed, the absence of an effective legal and administrative framework capable of preventing exploitation and ensuring safe working conditions can result in irreversible violations of the right to life.

The role played by the deliberate failure to immediately transfer the worker to a medical institution in the occurrence of the death was not sufficiently examined during the trial process.

As explained above, in the case concerning the İsias Hotel, which collapsed during the earthquake and caused the deaths of 72 people, the fundamental problem likewise lies in the absence of an adequate legal and administrative framework capable of protecting human life against natural disasters such as earthquakes.

When the overall picture is considered, it is difficult to conclude that the current legal order and prevailing conditions in Türkiye provide a legal framework that effectively safeguards and respects the right to life.

It must also be emphasized that it cannot be said that law enforcement officers vested with the authority to use force receive adequate training in acting with due respect for the right to life or that sufficient sensitivity is demonstrated in this regard. Furthermore, it has been observed that law enforcement personnel are not always equipped with means that would enable them to achieve legitimate objectives with the least possible harm to life, nor do they appear to receive sufficiently clear operational instructions aimed at minimizing risks to life.

Finally, in two of the monitored cases, the victims were foreign nationals. In those two death cases, the deceased were non-citizens. No direct discriminatory practice was identified in the conduct of the proceedings in those particular cases.

In order for the State to properly fulfill its obligations arising from the right to life, improvements to the legal and administrative framework are required in many areas.

First and foremost, a single framework law regulating the use of force and firearms by law enforcement should be enacted, and the rules governing the use of firearms should be codified in accordance with international standards. In addition, other methods of using force and the applicable rules should be set out in detail within that legislation.

Law enforcement personnel must receive comprehensive training on acting with due respect for the right to life in all activities that may endanger life, including the use of armored vehicles. Clear operational instructions aimed at minimizing risks to life should be issued, and administrative and criminal investigations must be conducted against those who fail to comply with such instructions.

Officers tasked with intervening in public assemblies should be trained in crowd psychology and instructed unequivocally to avoid conduct that could escalate tensions. Personnel assigned to such duties must be adequately equipped to protect both themselves and demonstrators.

Deficiencies in occupational health and safety constitute one of the most serious threats to the right to life.[127] Relevant institutions must fulfill their responsibilities in providing training and ensuring effective oversight to guarantee that necessary safety measures are implemented and complied with.

Despite the well-known severity of earthquake risks, there is an urgent need for a comprehensive national mobilization to retrofit existing building stock to make it earthquake-resistant and to ensure that all new constructions comply with earthquake safety standards.

All public officials must receive adequate training regarding the diligent implementation of legislation designed to protect the right to life. Those who fail to fulfill their responsibilities should be subject to administrative and criminal sanctions. Furthermore, society as a whole should be made aware that seemingly minor negligence and deficiencies in oversight can have fatal consequences.

FOOTNOTES

[1] Adopted in the Sixty-first Session of the Commission on Human Rights dated 8 February 2005. E/CN.4/2005/102/Add.1. can be accessed: https://documents.un.org/doc/undoc/gen/g05/109/00/pdf/g0510900.pdf
[2] Ibid. Definitions, p. 6.
[3] Ibid. General Obligations, Principle 1, p. 7.
[4] Nikolova and Velichkova v Bulgaria, App no. 7888/03 (ECtHR, 20.12.2007) § 61, Khashiyev and Akayeva v Russia, App no. 57942/00 and 57945/00 (ECtHR, 24.02.2005) § 177; Boukrourou and others v France, App no. 30059/15 (ECtHR, 16.11.2017) § 54; Magherini and others v Italy, App no 32707/19 (ECtHR, 15.01.2026) § 108.
[5] See regarding the status of the embrio: Evans v the United Kingdom, App no. 6339/05 (ECthr, 10.04.2007); See regarding the status of the fetus: Vo v France, App no. 53924/00 (ECtHR, 08.07.2004).
[6] Pretty v the United Kingdom, App no. 2346/02 (ECtHR, 29.04.2002) §§ 39-40.
[7] Mortier v Belgium, App no. 78017/17 (ECtHR, 04.10.2022); Dániel Karsai v Hungary, App no. 32312/23 (ECtHR, 13.06.2024) § 145.
[8] Mortier v Belgium, App no. 78017/17 (ECtHR, 04.10.2022).
[9] Lambert and others v France, App no. 46043/14 (ECtHR [GC], 05.06.2015) §§ 147-148.
[10] Ibid. § 142-143.
[11] Gard and others v the United Kingdom, App no. 39793/17 (ECtHR, 27.06.2017); Afiri and Biddari v France, App no. 1828/18 (ECtHR, 23.01.2018); Parfitt v the United Kingdom, App no. 18533/21 (ECtHR, 20.04.2021).
[12] Saso Gorgiev v Macedonia, App no. 49382/06 (ECtHR,19.04.2012) § 38; Yaşa v Türkiye, App no. 22495/93 (ECtHR, 02.09.1998) §§ 92-108,
[13] Makaratzis v Greece, App no. 50385/99 (ECtHR [GC], 20.12.2004) § 55; Soare and others v Romania, App no. 24329/02 (ECtHR, 22.02.2011) §§ 108-109; Trévalec v Belgium, App no. 30812/07 (ECtHR, 14.06.2011) §§ 55-61.
[14] Yotova v Bulgaria, App no. 43606/04 (ECtHR, 23.10.2012) § 69; Selçuk v Türkiye, App no. 23093/20 (ECtHR, 09.07.2024) § 73.
[15] Oyal v Türkiye, App no. 4864/05 (ECtHR, 23.03.2010). See for similar cases: L.C.B. v the United Kingdom App no. 23413/94 (ECtHR, 09.06.1998) §§ 36-41; G.N. and others v Italy, App no. 43134/05, (ECtHR, 01.12.2009); Hristozov and others v Bulgaria, App no. 47039/11 and 358/12 (ECtHR, 21.02.2012); Aftanache v Romania App no. 999/19 (ECtHR, 26.05.2020) § 53: However, in Brincat and others v Malta, the Court did not consider the application in the framework of the right to life on the account that the applicants, who developed a form of cancer as a result of exposure to asbestos due to working in a shipyard, were not terminally ill.
[16] Alkın v Türkiye, App no.75588/01 (ECtHR, 13.10.2009) § 29.
[17] Soering v the United Kingdom, App no. 14038/88 (ECtHR, 07.07.1989) § 111; Kaboulov v Ukraine, App no. 41015/04 (ECtHR, 19.11.2009) § 99; Al Saadoon and Mufdhi v the United Kingdom, App no. 61498/08 (ECtHR, 30.06.2009) § 123; Al Nashiri v Poland, App no. 28761/11 (ECtHR, 24.07.2014) § 576; Al Hawsawi v Lithuania, App no. 6383/17 (ECtHR, 16.01.2024) § 258.
[18] McCann and others v the United Kingdom App no. 18984/91 (ECtHR [GC], 27.09.1995).
[19] İbid. § 148.
[20] İbid. §§ 149-150
[21] Giuliani and Gaggio v Italy, App no. 23458/02 (ECtHR [GC], 24.03.2011) § 209.
[22] United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.
[23] Tageyeva and others v Russia, App no. 26562/07 (ECtHR, 13.04.2017) § 465.
[24] Magherini and others v Italy, App no. 32707/19 (ECtHR, 5.01.2026) § 111.
[25] Ibid. § 595.
[26] Nachova and others v/Bulgaria App no. 43577/98 and 43579/98 (ECtHR [GC], 06.07.2005) §§ 99-102.
[27] Erdoğan and others v Türkiye, App no. 19807/92 (ECtHR, 25.04.2006) §§ 77-78,
[28] Bakan v Türkiye, App no. 50939/99 (ECtHR, 12.06.2007) § 51.
[29] Alkhatib and others v Greece, App no. 3566/16 (ECtHR, 16.01.2024) §§ 130-132.
[30] Magherini and others v Italy, App no. 32707/19 (ECtHR, 15.01.2026) §§ 123-134.
[31] İbid., § 133
[32] Saoud v France, App no. 9375/02 (ECtHR, 09.10.2007); Tekin and Arslan v Belgium, App no. 37795/13 (ECtHR, 05.09.2017); Boukrourou and others v France, App no. 30059/15 (ECtHR, 16.11.2017); Semache v France, App no. 36083/16 (ECtHR, 21.06.2018); T.V. v Croatia, App no. 47909/19 (ECtHR, 11.06.2024) § 55; V v Czech Republici, App no. 26074/18 (ECtHR, 07.12.2023) § 97; Kalkan v. Denmark, App no. 51781/22 (ECtHR, 27.05.2025).
[33] V v Czech Republici, App no. 26074/18 (ECtHR, 07.12.2023).
[34] Nachova and others v/Bulgaria App no. 43577/98 and 43579/98 (ECtHR [GC], 06.07.2005).
[35] Kakoulli v Türkiye, App no. 38595/97 (ECtHR, 22.11.2005).
[36] Ibid., § 114.
[37] Parvu v Romania, App no. 13326/18 (ECtHR, 30.08.202) § 74; Albakova v Russia, App no. 69842/10 (ECtHR, 15.01.2015) § 51.

[38] Şimşek and others v Türkiye, App no. 35072/97 and 37194/97 (ECtHR, 26.07.2005) § 109.
[39] İbid., § 110.
[40] Saso Gorgiev v Macedonia, App no. 49382/06 (ECtHR,19.04.2012).
[41] Abdullah Yılmaz v Türkiye, App no. 21899/02 (ECtHR, 17.06.2008) § 56-57.
[42] Magherini and others v Italy, App no 32707/19 (ECtHR, 15.01.2026).
[43] McCann and others v the United Kingdom App no. 18984/91 (ECtHR [GC], 27.09.1995) §§ 194 and 201; Giuliani and Gaggio v Italy, App no. 23458/02 (ECtHR [GC], 24.03.2011) §§ 176 and 249; Farmanyan and others v Armenia, App no. 15998/11 (ECtHR, 18.09.2025) § 196.
[44] Güleç v Türkiye, App no. 21593/93 (ECtHR, 27.07.1998) § 71.
[45] Şimşek and others v Türkiye, App no. 35072/97 and 37194/97 (ECtHR, 26.07.2005) § 108.
[46] Ibid., § 111.
[47] Haász and Szabó v Hungary, App no. 11327/14 and 11613/14 (ECtHR, 13.10.2015) § 57; Farmanyan and others v Armenia, App no. 15998/11 (ECtHR, 18.09.2025) § 212.
[48] Farmanyan and others v Armenia, App no. 15998/11 (ECtHR, 18.09.2025) § 212-214.
[49] Nachova and others v/Bulgaria App no. 43577/98 and 43579/98 (ECtHR [GC], 06.07.2005) § 95; Kakoulli v Türkiye, App no. 38595/97 (ECtHR, 22.11.2005) § 108.
[50] Farmanyan and others v Armenia, App no. 15998/11 (ECtHR, 18.09.2025) § 201.
[51] Salman v Türkiye, App no. 21986/93 (ECtHR [GC], 27.06.2000) § 99; Tanlı v Türkiye, App no. 26129/95 (ECtHR, 10.04.2001) § 141; Tekin and Arslan v Belgium, App no. 37795/13 (ECtHR, 05.09.2017) § 83.
[52] Mahmut Kaya v Türkiye, App no. 22535/93 (ECtHR, 28.03.2000) §§ 87 and 101; Kılıç v Türkiye, App no. 22492/93 (ECtHR, 28.03.2000) §§ 64 and 77; Gongadze v Ukraine, App no. 34056/02 (ECtHR, 08.11.2005) §§ 170-171.
[53] Kurt v Austria, App no. 62903/15 (ECthHR [GC], 15.06.2021) § 160.
[54] Ciechońska v Polonya, App no. 19776/04 (ECtHR, 14.06.2011) § 67.
[55] Molie v Romania, App no. 13754/02 (ECtHR, 01.09.2009) § 44; Koseva v Bulgaria, App no. 6414/02 (ECtHR, 22.06.2010; Gökdemir v Türkiye, App no. 66309/09 (ECtHR, 19.05.2015, § 17; Çakmak v Türkiye, App no. 34872/09 (ECtHR, 21.11.2017).
[56] Gökdemir v Türkiye, App no. 66309/09 (ECtHR, 19.05.2015, § 17.
[57] Çakmak v Türkiye, App no. 34872/09 (ECtHR, 21.11.2017) § 35.
[58] Osman v the United Kingdom, App no. 23452/94 (ECtHR, 28.10.1998) § 115; Mahmut Kaya v Türkiye, App no. 22535/93 (ECtHR, 28.03.2000) § 85.
[59] Osman v the United Kingdom, App no. 23452/94 (ECtHR, 28.10.1998) § 116.
[60] Dink v Türkiye, App no. 2668/07, 6102/08 and 30079/08 (ECtHR, 14.09.2010) § 65.
[61] Ibid, §§ 66-75.
[62] Opuz v Türkiye, App no. 33401/02 (ECtHR, 09.06.2009); Branko Tomašić and others v Croatia, App no. 46598/06 (ECtHR, 15.01.2009) §§ 52-53; Tkhelidze v Georgia, App no. 72475/10 (ECtHR, 02.09.2021) § 57; A and B v Georgia, App no. 73975/16 (ECtHR, 10.02.2022) § 49; N.D. v Sweden, App no. 56114/18 (ECtHR, 03.04.2025) § 67.
[63] Y and others v Bulgaria, App no. 9077/18 (ECtHR, 22.03.2022) §§ 91-110.
[64] Beker v Türkiye, App no. 27866/03 (ECtHR, 24.03.2009) §§ 41-42; Mosendz v Ukraine, App no. 52013/08 (ECtHR, 17.01.2013) § 92; Boychenko v Rusya, App no. 8663/08 (ECtHR, 12.10.2021) § 80.
[65] Younger v the United Kingdom, App no. 57420/00 (ECtHR, 07.01.200).
[66] Fernandes de Oliveira v Portekiz, App no. 78103/14 (ECtHR [GC], 31.01.2019) § 124.
[67] Stoyanovi v Bulgaria, App no. 42980/04 (ECtHR, 09.11. 2010) § 61.
[68] Mučibabić v Sırbistan, App no. 34661/07 (ECtHR, 12.07.2016) § 126.
[69] Öneryıldız v Türkiye, App no. 48939/99 (ECtHR [GC], 31.11.2004) § 90; Budayeva and others v Russia, App no. 15339/02 (ECtHR, 20.03.2008) § 132; Kolyadenko and others v Russia, App no. 17423/05 (ECtHR, 28.02.2012) § 159.
[70] Öneryıldız v Türkiye, App no. 48939/99 (ECtHR [GC], 31.11.2004).
[71] Mehmet Şentürk and Bekir Şentürk v Türkiye, App no. 13423/09 (ECtHR, 09.04.2013) § 81.
[72] Ibid, §§ 84-97; See also: Lopes de Sousa Fernandes v Portugal, App no. 56080/13 (ECtHR [GC], 19.12.2017) § 187.
[73] For the deciisons of the Constitutional Court of Turkey see: Cemil Danışman [1. B.], B. No: 2013/6319, 16/7/2014, §§43, 95; Fatma Akın ve Mehmet Eren [GK], B. No: 2017/26636, 10/11/2021, § 97; Ali Atakan ve Diğerleri, B. No: 2021/32269; 2/7/2025, § 40.
[74] Sinim v Türkiye, App no. 9441/10 (ECtHR, 06.06.2017) § 59.
[75] Giuliani and Gaggio v Italy, App no. 23458/02 (ECtHR [GC], 24.03.2011) § 182; Maslova v Russia, App no. 15980/12 (ECtHR, 14.02.2017) § 70.
[76] Dink v Türkiye, App no. 2668/07, 6102/08 and 30079/08 (ECtHR, 14.09.2010) § 76.
[77] Hugh Jordanv v the United Kingdom, App no. 24746/94 (ECtHR, 04.05.2001) § 141; McKerr v the United Kingdom, App no. 28883/95 (ECtHR, 04.04.2000) § 121; Bazorkina v Russia, App no. 69481/01 (ECtHR, 27.07.2006) § 117; Al-Skeini and others v the United Kingdom, App no. 55721/07 (ECtHR, 07.07.2011) § 165.
[78] Enukidze and Girgvliani v Georgia, App no. 25091/07 (ECtHR, 26.04.2011) § 277; Armani Da Silva v the United Kingdom, App no. 5878/08 (ECtHR [GC], 30.03.2016) § 234.
[79] Mazepa and others v Russia, App no. 15086/07 (ECtHR, 17.07.2018) §§ 75-79; Nemtsova v Russia, App no. 43146/15 (ECtHR, 17.07.2023) §§ 111 ve 116.

[80] Hugh Jordanv v the United Kingdom, App no. 24746/94 (ECtHR, 04.05.2001) § 141; McKerr v the United Kingdom, App no. 28883/95 (ECtHR, 04.04.2000) §§ 105-109.
[81] İlhan v Türkiye, App no. 22277/93 (ECtHR [GC], 27.06.2000) § 63.
[82] Armani Da Silva v the United Kingdom, App no. 5878/08 (ECtHR [GC], 30.03.2016) § 232.
[83] Mustafa Tunç ve Fecire Tunç v Türkiye, App no. 24014/05 (ECtHR [GC], 14.04.2015) § 223.
[84] Bektaş and Özalp v Türkiye, App no. 10036/03 (ECtHR, 20.04.2010) § 66; Orhan v Türkiye, App no. 25656/94 (ECtHR, 18.06.2002) § 342.
[85] Ramsahai and others v the Netherlands, App no. 52391/99 (ECtHR [GC], 15.05.2007) §§ 335-341; Emars v Latvia, App no. 22412/08 (ECtHR, 18.11.2014) §§ 85 and 95.
[86] Şandru and others v Romania, App no. 33882/05 (ECtHR, 15.10.2013) § 74; Enukidze and Girgvliani v Georgia, App no. 25091/07 (ECtHR, 26.04.2011) §§ 247 and on.
[87] Sergey Shevchenko v Ukraine, App no. 32478/02 (ECtHR, 04.04.2006) §§ 72-73.
[88] Kaya v Türkiye, App no. 22729/93 (ECtHR, 19.02.1998) § 89.
[89] Oğur v Türkiye, App no. 21594/93 (ECtHR [GC], 20.05.1999) §§ 90-91.
[90] Armani Da Silva v the United Kingdom, App no. 5878/08 (ECtHR [GC], 30.03.2016) § 233.
[91] Ibid, § 233
[92] Solska and Rybicka v Poland, App no. 30491/17 (ECtHR, 20.09.2018) §§ 120-121.
[93] Al-Skeini and others v the United Kingdom, App no. 55721/07 (ECtHR, 07.07.2011) § 166.
[94] The Minnesota Protocol On The Investigation Of Potentially Unlawfull Death (2016): The Revised United Nations Manual On The Effective Prevention And Investigation of Extra-Legal, Arbitrary and Summary Execution. can be accessed: https://www.Ohchr.Org/En/Special-Procedures/Sr-Executions/Minnesota-Protocol.
[95] Hugh Jordanv v the United Kingdom, App no. 24746/94 (ECtHR, 04.05.2001) § 141; McKerr v the United Kingdom, App no. 28883/95 (ECtHR, 04.04.2000) § 92; Hanan v Germany, App no. 4871/16 (ECtHR [GC], 16.02.2021) § 88; Kavaklıoğlu and others v Türkiye, App no. 15397/02 (ECtHR, 06.10.2015) § 41.
[96] Ramsahai and others v the Netherlands, App no. 52391/99 (ECtHR [GC], 15.05.2007) §§ 326-332.
[97] Tanlı v Türkiye, App no. 26129/95 (ECtHR, 10.04.2001) § 153.
[98] Özalp and others v Türkiye, App no. 32457/96 (ECtHR, 08.04.2004) § 45.
[99] İkincisoy v Türkiye, App no. 26144/95 (ECtHR, 27.07.2004§ 78.
[100] Benzer and others v Türkiye, App no. 23502/06 (ECtHR, 12.11.2013) § 196.
[101] Al-Skeini and others v the United Kingdom, App no. 55721/07 (ECtHR, 07.07.2011) § 167; Tahsin Acar v Türkiye, App no. 26307/95 (ECtHR [GC], 08.04.2004) § 224; Armani Da Silva v the United Kingdom, App no. 5878/08 (ECtHR [GC], 30.03.2016) § 237.
[102] Kelly and others v the United Kingdom, App no. 30054/96 (ECtHR, 04.05.2001) § 136.
[103] Nafiye Çetin and others v Türkiye, App no. 19180/03 (ECtHR, 07.04.2009) § 42.
[104] Durdaj and others v Albania, App no. 63543/09 and 46707/13 (ECtHR, 01.11.2023) § 235.
[105] Ramsahai and others v the Netherlands, App no. 52391/99 (ECtHR [GC], 15.05.2007) § 353; Giuliani and Gaggio v Italy, App no. 23458/02 (ECtHR [GC], 24.03.2011) § 304.
[106] Oğur v Türkiye, App no. 21594/93 (ECtHR [GC], 20.05.1999) § 92; Tagiyeva v Azerbaijan, App no. 72611/14 (ECtHR, 07.07.2022) § 73.
[107] Mezhiyeva v Russia, App no. 44297/06 (ECtHR, 16.04.2015) § 75.
[108] Güleç v Türkiye, App no. 21593/93 (ECtHR, 27.07.1998) § 82.
[109] Benzer and others v Türkiye, App no. 23502/06 (ECtHR, 12.11.2013) § 193.
[110] Betayev and Betayeva v Russia, App no. 37315/03 (ECtHR, 29.05.2008) § 88; Boychenko v Rusya, App no. 8663/08 (ECtHR, 12.10.2021) § 99.
[111] Armani Da Silva v the United Kingdom, App no. 5878/08 (ECtHR [GC], 30.03.2016) § 285.
[112] Öneryıldız v Türkiye, App no. 48939/99 (ECtHR [GC], 31.11.2004) §§ 117-118.
[113] Ali and Ayşe Duran v Türkiye, App no. 42942/02 (ECtHR, 08.04.2008) § 69.
[114] Kitanovska Stanojkovic and others v Macedonia, App no. 2319/14 (ECtHR, 13.10.2016) § 33; Marguš v Croatia, App no. 4455/10 (ECtHR [GC], 27.05.2014) § 127.
[115] Information on the case can be found here: https://davaizleme.net.tr/afgan-maden-iscisi-nourtani-davasi-zonguldak/
[116] Information on the case can be found here: https://davaizleme.net.tr/10-ekim-ankara-gar-katliami-davasi-firari-saniklar-hakkindaki-dava/
[117] Information on the case can be found here: https://davaizleme.net.tr/gabonlu-dina-davasi/
[118] Information on the case can be found here: https://davaizleme.net.tr/isias-oteli-davasi/
[119] Information on the case can be found here: https://davaizleme.net.tr/mehmet-sincar-davasi/
[120] Information on the case can be found here: https://davaizleme.net.tr/mehmet-uytun-davasi-20-ocak-2026-durusmasi/
[121] Turan Uytun ve Kevzer Uytun [2. B.], B. No: 2013/9461, 15/12/2015.
[122] Information on the case can be found here: https://davaizleme.net.tr/resit-kibar-davasi/
[123] Information on the case can be found here: https://davaizleme.net.tr/sahin-oner-davasi/
[124] https://bianet.org/haber/ihd-zirhli-arac-raporu-15-yilda-44-kisi-oldu-280042
[125] Information on the case can be found here: https://davaizleme.net.tr/yenidogan-cetesi-davasi-23-27-aralik-2026/
[126] Information on the case can be found here: https://davaizleme.net.tr/narin-guran-davasi/
[127] According to ISIG Meclisi's report, 2105 workers lost their lives in 2025: https://www.isigmeclisi.org/21536-is-cinayetlerine-ve-cocuk-isciligine-karsi-mucadeleye-2025-yilind

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