

**December 19, 2000 Massacre in  
the Prisons of Turkey  
Bayrampaşa Lawsuit**

**WHAT HAPPENED IN BAYRAMPASA  
PRISON  
DURING THE SO-CALLED  
“RETURN TO LIFE” OPERATION?**

# The case of the Bayrampaşa 'Back to Life' Massacre is beginning.

We want:

- The punishment of the murderers
- Justice for the 6 women burned
- The punishment of committers  
of the massacre

Place: Bakırköy 13<sup>th</sup> High Criminal Court

Date : 23.11.2010 & Time: 10:<sup>00</sup>





The women in C-1 ward, burned from head to feet, because of the gases thrown from the ceiling.



The bones of the burnt women.



Seyhan Doğan -  
She burned so much and she  
could not be identified



# DECEMBER 19TH MASSACRE IN PRISONS

In 19th of December 2000, 28 prisoners and convicts died in the operation called “Return to Life”, which was carried out simultaneously against 20 prisons. A total number of 122 people died and over 600 people became permanently disabled in the ongoing process and during the death fasts. Within the scope of this operation, 12 people died and 55 people became permanently incapacitated alone in Bayrampaşa Prison. In operation, the phosphor bombs were used. Many arrested and convicted people who had been under the aegis of the government died in the operation so-called “Return to Life”.

In the course of this operation, two soldiers, Nurettin Kurt, specialist sergeant in Ümraniye Closed Prison and Mustafa Mutlu, in Çanakkale Closed Prison, also died. Primarily, it was declared that Nurettin Kurt was shot by the convicts who returned fire to the calls to surrender. However a weapon with “high kinetic energy” caused the wounding that led to death, showed an autopsy that was performed over Kurt. There was not any long barreled weapon considered to have a “high kinetic energy” among five weapons which were claimed to be taken out from Ümraniye Prison. Besides it was identified that the weapon in question was a long barreled weapon which did not belong to the convicts and it was indicated that the weapon leading to the death of Kurt was not among the weapons asserted to be obtained from the convicts. In the report, it was remarked that the weapon leading to the death might be only AK-47 or G-3 infantry rifle and it became definite that Kurt died because of the soldiers` weapon.

It became evident that the explanation made by official authorities about the operation and many news in the press were lies and fake as well. Minister of Justice Minister the current period, Hikmet Sami Türk said that “the prisoners killed by soldiers engaged in combat with soldiers” in his speech and he made a claim that some deaths occurred because of the conflict between prisoners. According to the reports of the forensic science experts, it was exposed minister Türk’s statements (“they fired shots with Kalashnikov”) about the operation in Bayrampaşa Prison were groundless. The report says that, the bullets were not fired from the wards and the gas bomb was used over the lethal doze.

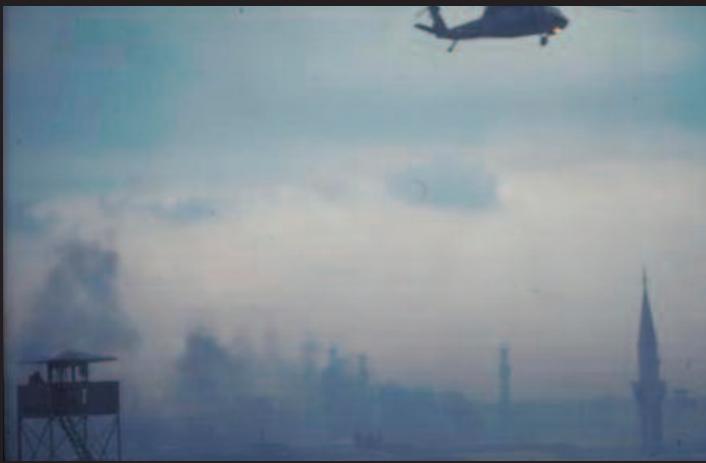
It was identified that the female prisoners in Bayrampaşa Closed Prison in C-1 ward, died in fire resulted from tear gasses and nerve bombs used by security guards. Still, according to the forensic medicine reports, there was no armed resistance. The inquiry in the wards showed that these places were completely burnt but there were no arms inside. In addition, according to the expert reports there were intense guns-

hots from the administrative parts of the prisons towards the areas where the inmates were located but none from the inmates’ part to the soldiers’ location. In the report, it was written that in the C-1 ward where 12 people died, 5 of the six female prisoners were burnt to death and one of them died due to gas poisoning. The report said that “in C-1 ward 35 grams of bomb material was found” and emphasized that the 20 grams of the active matter of the bombs used in the operation can kill a person in 38 minutes.

Once again in the same ward, apart from the already exploded tens of gas bombs, 45 unexploded bombs were found. It was recorded that also shots were fired towards the C-14 ward and C-15 ward and many tear bombs and gas bombs were thrown inside all the it was written on the bombs “Do not use indoors” and “Throw the bomb to the area where there are not any people and burning materials”. The claim that the convicts killed each other were disproved by the forensic report identified that the prisoners were killed by shots fired from long distance. The report, also, found out that some evidences were obfuscated and some contradictions exist inside the records of the gendarmerie.

The only (concluded) suit for damages about the operation was the one against the Ministry of Domestic Affairs and the Ministry of Justice filed by the family of Murat Ördekçi who was killed by the soldiers in Bayrampaşa Prison. Istanbul 2nd Administrative Court decided that there should be a compensation for the operation. First decision was as the following: “There was a violation of the right to live. The family of the dead prisoner should be paid 109 billion Turkish Liras.”

A lawsuit was filed against the newspaper called Radikal because it published the Forensic Medicine reports of the “Return to Life” operation. The managing editor of Radikal Newspaper, Hasan Çakkalkurt and his lawyer Köksal Bayraktar were acquitted in the trials that took place in Istanbul State Security Court No. 5. In 2004, by the decision of the JDP government and the Minister of State, Cemil Çiçek, a “Medal of Merit” was given to Ali Suat Ertosun who was one of the ideological architects of the F-type Prisons [The concept of “F-Type” stands for the high security isolation prisons t.n.] and was then the General Director of Prisons and Detention Houses. After the operation, a suit was filed against the gendarme officers about the events in Çanakkale and Ümraniye. While the case about Ümraniye operation still continues, the gendarme officers on trial due to Çanakkale operation were acquitted.



# **BALANCE SHEET: OPERATION “RETURN TO LIFE” 2000-2001**

- Number of Prisons Covered by the Operation: **20**
- Number of Murdered Convicts and Prisoners: **28**
- Number of Wounded and Hospitalized: **237**
- Number of Wounded and Hospitalized: **2**
- Number of Wounded Soldiers: **6**
- Number of Prisons Where the Hunger Strike Went on **41**
- Number of Prisoners in Hunger Strike After the Operation: **1656**
- Number of Prisoners Dispatched to Edirne F type Prison: **348**
- Number of Prisoners Dispatched to Kocaeli F type Prison: **340**
- Number of Prisoners Dispatched to Sincan F type Prison: **341**
- Number of Prisoners Dispatched to Kartal F type Prison: **67**
- Number of Prisoners Dispatched to Bakırköy Prison for Women and Juveniles: **45**
- Number of Death Fasters Before the Operation: **259**
- Number of Death Fasters After the Operation: **357**
- Number of Custodies Against the People Who Protest the Operation: **2145**
- Number of Arrests against the People Who Protest the operation: **147**
- Number of Rapes with Nightstick Allegations: **8**
- Number of Raided Cultural Centers, Associations and Parties After the Operation: **18**
- Number of Banned Associations: **2**
- Number of Banned Publications during the Operation: **228**
- Number of Banned Meetings in Istanbul **5**
- ve
- **8 Gendarmerie Commando Battalions,**
- **37 Divisions**
- **8 Thousand 335 Soldiers**
- **Thousands of Riot Police**
- and
- **Thousands of Prison Guards**
- **More than 20 Thousands of Gas Bombs**

# VICTIM'S STATEMENTS

**Birsen KARS:** I looked at my watch. It was 04.50 am. All of us woke up and threw ourselves on the floor. I could see the riot police soldiers deployed on the roofs targeting our ward and shooting. In order to protect myself from the bullets, I was creeping on the floor avoiding to stand up. The gas bombs were already begun to be thrown inside. It was really difficult to breath. At first we tried to prepare a sheltered place for our friends who were on the sixtieth day of the death fast. In order to get a little protection for ourselves from the effects of the bomb, we put pieces of cloth and towel onto our faces, making them wet by putting into some water barrels which we could take into the ward from the very start. But it was not enough. Our lungs, and all of our internal organs were being rended, we were all out of breath and unable to move. In the meantime, they were swearing at us and saying that they would kill all of us.

It was dawn. They began to drill the ceiling by construction machines from the place where we were standing all together. They began to bore tens of holes through which a bomb could easily get, and threw bombs through these holes. We went to another place which was not drilled yet. But it was no use. Wherever we go, they drilled and threw bombs. From both the roof of the opposite ward and our ceiling, countless numbers of bombs which have varied types and effects were being thrown. Before long, the entire ceiling was drilled. We went near the windows, at least to protect ourselves from the bullets. We were not standing up, and were trying to protect each other in doubling up position. No matter how we tried to throw the bombs which had not exploded yet to the air, we could not cope with it. We had friends who were vomiting and losing consciousness. The noise of the devices was going on. Soon after, they opened the iron bars of the embrasures. Between the soldiers and us, there were only few meters left. They were hurling curses and threats at us through the loopholes with the guns in their hands. Also, they were threatening us with death through the holes on the ceiling. When the gas bombs they threw fell down onto the beds, small fires broke out. We extinguished these small fires with blankets, be-

cause we did not have any water. When one of our friends by the window stood up to get a blanket which was on the bed, they began to shoot. The friend's arm was wounded by the bomb. Now her arm was hanging down like clump of flesh. And we were able to do nothing but bandaging her arm with a piece of cloth to stem the bleeding.

Through the loopholes and from the opposite roof, they were going on threatening us, "We bumped off ten of your men, now it is your turn". In the meantime, they threw a different bomb from those which they threw before. This bomb made us feel as if we were dying and our whole

body was being rent. It made our body move involuntarily. Seeing the effects of this bomb, we thought for sure that it was nerve gas. We had friend who were kicking, tearing hair and hitting pointlessly here and there with their hands. They threw this kind of gas bombs a few times more. We were leaning to the windows with the hope of breathing a bit, but we had to retreat because they began to

fire again.

We had no water left to make the towels wet. Some of us remained unprotected, because we were trying to reduce the effects of the bomb by putting the towels over it. There was no way to stay upstairs. We were very close to the attacking forces. Hours passed. If their aim had been to take us out of the ward, they could have done this in the first place. But it was clear that their aim was not to do so. Their intention was to kill us among the gas bombs, bullets, curses and threats.

It was about 11.45 a.m. I was next to Yazgül Güder Öztürk who was a death fast warrior. There was not a long space between us and the door. Suddenly, I felt an overheat. I was faced to the window. I turned back. Through one of the holes of the ceiling, from something like an iron cage, spread a kind of black smoke. Then, I heard something sizzling.

My hair was falling apart from my scalp. I said to Yazgül, "we are burning". The interior got completely dark in seconds. Against the rising temperature, I tried to break off the remaining pieces



of broken window-glass in order to get cold air from outside. It was no use. Temperature was rising steadily, as if we had been in an oven. My face was melting, my hands were melting. When I looked at my hand, I saw that my skin was peeled and hanging down. I took my hands on my face; it was soggy. As if, someone had made fire on my back. Now I was able to see nothing. I told to myself "I am dying". I do not remember the rest.

I came to myself downstairs by someone's calling my name. My friends were pouring water on my body and head. I realized that I looked very bad, when I saw my friends looking at me bewildered and painfully. There were friends who saw me but did not recognize me. I heard the voice of one of my friends. She was shouting, "We could not save all of our friends. Yazgül, Şefinur, Nilüfer, Seyhan, Özlem, Gülser stayed inside". Then I realized that my friends had saved me from that hell. But six of my friends had stayed in that oven. We were in the kitchen next to door facing to the corridor. The corridor door was soldered and had a loophole, they opened it with a machine from outside and started throwing gas bombs inside. From that point onwards we could not stay on the ground floor. They had already killed our six friends and wanted to kill us too.

With the ceaseless rain of bullets and gas bombs on us continuing in an area of only a few meters, there was no alternative. We went out to the yard. When they saw us there, they started throwing bombs from the roofs and shooting at us. Friends in the opposite dormitory opened their doors and let us in. We went into a room where there were prison guards.

My clothes were intact, but my back was burning. My friends cut away my clothing, my pullover was not damaged in any way but it was as though my back had been burned. Before long, they opened the loophole of this dormitory as well and began throwing gas bombs inside. Again we went out to the exercise area. In our dormitory, flames were already rising from the first three windows. They started to spray high-pressureized water from water cannons at us. We said "put out the fire instead" repeatedly. Six of our friends were there, but they continued to spray the water at us rather than at the fire. From one area they continued throwing gas bombs at us. The water cannons thoroughly affected the skin from our hands and skin fragments came off our fingertips. For this reason several of our friends were severely wounded and headed back into the dormitory. As they saw us go into the dormitory they shot at our feet. I don't know how long we were in

the dormitory. But again we left it as the gas bombs that were thrown made it unbearable. And again there were water cannons and gas bombs. As though the bullets and bombs thrown from the roof were not enough, they threw a stone at my head and my head was wounded, in addition to the burns. I suppose this is a good example of the state of mind present in the "security forces". I cannot remember how long we stayed under the bombardment of water cannons and gas bombs. The last thing I remember was guns pointing at us from two sides of the windows on the ground floor of the dormitories. At the same moment a group of masked special team members entered the exercise area and surrounded us.

All of us were handcuffed one by one and they wanted to strip-search us, tearing our clothes to pieces. Although I was injured in a number of places, I was made to stand. Our hands were injured and in this condition we refused to be searched while handcuffed. They removed us from the dormitory by dragging us along the ground. I remember after leaving that I was in an empty space like a big warehouse. I was trembling as a result of my injuries becoming wet, and I was in pain. They made us wait there for a while, I was in no condition to speak. My friends were persistent in demanding that I be taken to a hospital. This lasted a very long time. They didn't take me to a hospital but after arguments I was taken to Bayrampaşa Prison Hospital and was then transported from there to Haseki State Hospital.

**Munire DEMIREL :** On December 19 I was awoken by a loud noise at

14.50 (note: as original, perhaps means ten to three in the morning). There was a sound that gave the impression the iron doors and walls of the dormitory were being struck by an object. Just after that I heard a friend's voice saying "Friends, there is an operation."

All of us rushed from our beds. We put on our clothes, meanwhile the sounds grew louder and were noises of holes being bored on every side. Before long there were the sounds of gunshots and bullets passing from right to left. At that point I understood we were coming under fire. .

I could see silhouettes through the window on the roof of the dormitory opposite. They continued to shoot at us. We threw ourselves to the ground. We crawled forward from one place to another. We tried to complete preparations for protecting



ourselves. There were noises coming from everywhere. Shots and the sound of holes being made...The sound of machinery in operation could be heard everywhere.

They were seeking to tear down the walls and break holes through the ceiling.

Then somewhat later we understood that special teams had established themselves on the roof and behind the doors and walls. They were spreading everywhere. They were laying siege to us in the full sense of the word, prisoners in a small place behind four walls, iron doors and under lock and key.. squads

Death squads wearing gas masks and holding monstrous weapons that we did not recognise were close by. Their intention was not to eject us from the dormitory and so on, it was to kill us. Somebody inside shouted, "They will kill us all."...

We were warned to squat down while moving about. But there was really no point to this, because they could see the whole sleeping area and observe everything did. A rain of bombs started even though it was not yet light.

There was no interval to it ... first they started throwing gas bombs from the window. The bombs that fell into the dormitory made a hissing noise, and then we would be surrounded by gas. Some affected by the poison tried to move away, others remained standing. Everybody differed in their reactions. Some of us started picking up the gas bombs with wet towels and throwing them outside. Again, we were not able to cope with the rain of bombs. When we managed to throw one back out, five more would be thrown in. We tried not to be affected by the growing quantity of gas in the dormitory. We tried to breathe by holding wet towels to our noses and mouths.

The noises from the rain of gas bombs, swearing and death threats from the soldiers, as well as from breaking holes in the walls, grew louder. The gas affected us all. A little later they opened holes in the ceiling that were large enough to throw bombs through. In fact the holes they opened in the roof to be able to see us were close enough for them to touch our bunk beds by reaching out an arm.

It also showed that they had carefully planned how best to get gas into our dormitory.

Before long they had opened the embrasures in the walls. From then on we were face to face. They had gas masks on. They came out with some unbelievable swearing, and said things like "we will kill you like dogs". .

Opening holes in the ceiling made it easy for

them to throw gas bombs from two or three floors. From time to time these masses of people through types of gas through the holes that were unknown to us. I saw an incendiary device thrown from one area, and it set fire to the upper bunk beds. We tried to extinguish the fire with blankets. This was repeated several times. Once electric cables caught fire. We tried to stop the fire spreading from there. We ran everywhere that an incendiary device landed and with wet or dry blankets we managed to stop the flames from spreading. Then our water ran out. The towels wrapped around our throats and faces dried up. One friend suggested disconnecting the central heating pipes. Together, using all our strength, we disconnected them. Water started to flow from the pipes. We soaked our blankets and towels in the water on the floor...

One of our friends stretched out an arm to get a blanket from a bunk bed and the arm was hit by a bullet. We tried to stop the arm bleeding with a piece of cloth. At one point Seyhan DOGAN started bleeding from the head. I believe it resulted from her being struck on the head by one of the gas bombs. All of us had difficulty moving. The gas interfered with our lungs and our respiration. But from time to time a bomb was used which we thought was a kind of nerve gas and caused us to lose control of ourselves, we would be thrashing around on the floor in great pain, as though our internal organs were being pulled apart.

All our actions became involuntary. Both of my hands hung down, with patches where the skin peeled away. The exposed flesh was visible. I felt that my hair and face had caught fire. All this was in a very short space of time. I was on the point of fainting.

A little later I thought I would die. I did not fully realise where I was. But I think I was not far from the door. I do not know how that happened. Perhaps I headed there instinctively.

I went outside. I went down the stairs. Downstairs I was very surprised by my surroundings. Because there was no gas or smoke here. The refectory was almost as we had left it in the night..

I caught my breath for a short time. I was aware that our numbers were lacking at that point. Again we went up. The door to the highest level sleeping area was like the opening of a high-temperature furnace. Several of our friends were on the ground nearest the door, we tried to pull them away but it was beyond our strength. We strove to bring people down and bring them outside, we wanted to get the door open as soon as possible but our arms were too weak. I remember

pushing some of my friends, almost kicking them or dragging them down the stairs. Gulser TUZCU was lying on the ground near the door, recognisable from her cardigan. Her head could not be seen. We tried to remove her, I plunged my hands into hell. We were blocked in and it was not even possible to move.

We pulled with all our strength to change location but it was useless and Gulser was burned alive there. We could not save all our friends. "Yazgul, Sefinur, Seyhan, Ozlem, Nilufer and Gulser stayed in there," I said. These friends were separated from us in a matter of seconds and we witnessed their deaths. Just a few metres away, they fell victim to slaughter that had been so vaguely prepared.

A little later downstairs also became unbearable. It also filled with gas bombs. We went out to the exercise area. Flames leapt from the windows in the sleeping areas. Inside, six of our friends were burned alive. We shouted out their names. Water from fire hoses was sprayed on us through the exercise area embrasure, not on the fire in the dormitory. We went into the prison guards' room.

In C-2, friends in the dormitory removed our torn clothes and tried to apply bandages. A little later there was a rain of bombs there too.

Together we went out to the exercise area. Water from water cannons was sprayed on our wounds. At one point we tried to protect the door to C-1 dormitory. They opened fire on us and removed us from there. For hours, at the back of the exercise area, we tried to support each other and resist. In the end fully equipped teams with gas masks and weapons entered. They tried to search us in this condition but we refused. They dragged us along the ground to a place like a depot..

**Kenan GUNYEL :** On December 19 he was in C-14 dormitory. At 04.30 in the morning on December 19 the operation started. The operation started simultaneously from the central area, the upper corridor and the roof embrasure, with long barrelled weapons raking the area with fire. There was no kind of call or warning. They just sprayed gunfire, saying "We will kill you all." This raking with gunfire went on until the end of the operation. Apart from this, they threw a very large number of gas, smoke, nerve and sound bombs..

In the December 19 operation, our friends at the entrance of C-15 dormitory, Cengiz CALIKOPARAN, Mustafa Yilmaz and Ali Ates were killed

by gunfire from the embrasure in the C-15 dormitory door (gunfire sprayed from long-barreled weapons). In the joint exercise area for the C-15/16 dormitories, Murat Ordekci was killed by the same kind of gunfire. Firat Tavuk set himself on fire as a way to call the operation to a halt, but they sprayed gunfire from the central area and killed Firat Tavuk. Asur KORKMAZ set himself on fire in the C-13/14 dormitory exercise area to call a halt to the operation. The operation was planned to kill with long-barreled weapons and all kinds of gas, nerve, smoke and sound bombs were used..

**Mehmet GUVEL:** On December 19, 2000 at about 04.30, I was woken by the sound of bombs and gunshots. I crawled down to the lower floor past the window edge in case bullets entered that way. On the way down I saw our friend Guldede CEVEN, who had been standing night watch, lying there with a bullet wound. We thought him dead but a friend who was in charge of health checked him and said he was alive. Moreover, there were sound of sledgehammers coming from the ceiling, and the security forces came into the corridor and shot at us, so we withdrew and went into the dormitories C-15 and C-16. To protect ourselves, we closed the door and piled up materials behind it.

Sometime later the security forces started firing inside through a small embrasure in the door. Moreover the dormitory we were in was subjected to constant firing and bomb throwing from the roof of the opposite dormitory, and to get wounded friends to a safer place they were taken down some stairs near me.

I remember Mustafa YILMAZ and Cengiz CALIKOPARAN groaning, dying before my eyes. Our eyes filled with tears and we had trouble breathing. Previously we had prepared hand-made wet face masks and put them on, but they were useless. Later we shouted out that we had a large number of dead and wounded and we would send them out by stretcher. A small number of stretchers were thrown from above. We put some of our most severely wounded on them and put them out in the exercise area. Approximately 8-9 hours after the operation started, they tore down the walls of the exercise area. And the fire brigade propped up a ladder there. First we lowered our dead and wounded down this ladder. Then we went down one by one, while the security forces hit us with sticks and kicked us as we were brought to a roof-covered area.

# MASSACRE IN PRISONS WITH DOCUMENTS

## I- AUTOPSY REPORTS



**Mustafa  
YILMAZ**

(32 years of age)

According to a report of the Specialist Physical Examination Department...

2- Cloth bag with the number 4 written on it (the number 4 is written inside the bag, with the number 7 written on a label) and from inside the bag a jacket, a lilac-coloured (?) jumper with a stiff collar, and two towels, in none of which bullet holes were found, with no information as to whom the clothing belonged to, together with this it was accepted that from the point of view of wound locations in other jumpers, singlets and flannel undershirts accepted as belonging to MUSTAFA YILMAZ, there were no remains of gunpowder, heavy metal remains were found, ,

3- In the body of the person, four gunshot entrance wounds were present, externally a wound located 1 cm lower left from the navel which was by itself fatal, the others would not have been fatal, , z

4- According to the findings on entrance wounds and skin and subcutaneous tissue in the Specialist Physical Examination Department report, it could not be determined precisely what distance the gunshots had been fired from, ,

5- The autopsy of this person's body on the wounds located on the person's body to the right thigh, left thigh and abdomen broadened the wounds by cutting them from their edges,

6- Two bullet jacket fragments, one 0.1x0.1 cm, the other 1x0,7x0,8 cm in dimension with another about 0,9x0,7x0,8 cm 3 bullet cores were obtained, sent to the relevant Prosecutor's Office after being in the care of the Forensic Medical Faculty Specialist Morgue Office, ,

7- The report states as proof that person's death arose from gunshot injuries to internal organs and holing of major arteries, giving rise to internal bleeding..



**CENGİZ  
ÇALIKOPARAN:**

(32 years of age)

1- According to the report of the Specialist Chemical Analysis Office; 4 cloth bags containing various items of clothing and belongings, were subjected to chemical analysis, as a result of which the clothes and belongings in question were not found to have traces of petrol, thinner and flammable substances, gas bomb or petrol-based chemical components, , , .

2- According to the report of the Specialist Chemical Analysis Office; the clothing announced as being CENGİZ CALIKOPARAN's and assigned the number 3, the external side of the left trouser leg 21 cm below the waist, adjacent to the external stitch, straight in front, with an irregular edge, about 0,5x3 cm in dimension; 17 cm below this, 6 cm on the back side, there is a central hole 2 cm in dimension, moreover there is a tear below to above measuring 6,5 cm in length; the same leg 37 cm upwards from the lower extremity has at the distance of

1 cm from the stitch on the external side extending forward about two centimetres in length irregularly edged holes that maybe the result of gunshots..... heavy metal traces were found in considerable quantity at the front of the holes

3- In the body of the person in question, 3 bullets were identified and of these numbers 1 and 5 produced defects that were of fatal character, while the defect numbered 4 arising from a gunshot was not fatal

4- The report of the physical examination by the Specialist Office contains findings that considering the shooting was done from a distance,

5- In the autopsy externally the defects numbered 1, 4 and 5 had the edges cut and broadened,

6- Two bullet jacket parts removed from the corpse had traces of rifle grooving on them, ,

7- The report states that the death of the person was connected to injury from gunfire causing broken bones, and the holing of a major artery, giving rise to external bleeding.

**MURAT ÖRDEKÇİ:**

(28 years of age)

.....

2- According to the report of the Specialist Chemical Analysis Office; chemical analysis of two skin samples belonging to Murat Ördekçi failed to find traces of nitrate or nitrate ions,

3- The Specialist Physical Examination Department's report states that the clothes of MURAT ÖRDEKÇİ marked no.1, the right leg of trousers, on the upper side an irregularly edged

(hole?) about 1x1 cm, at the back of the belt about half a centimetre long irregular edged, possibly the result of gunfire. In a shirt, long armed undershirt and singlet at the back, the back of trousers, holes located

possibly conforming with gunfire, the detected holes and chemical inspection around them failed to show gunpowder and heavy metal traces, according to these findings the holes in question have the appearance of fire from long-barreled weapons. These kinds of weapons were not fired from a distance of less than 75-100 cm and it is not possible to determine what distance they were fired from,

4- The person's body was struck by one bullet in a manner to cause death,

5- In the autopsy the entrance wound's edges were expanded,

6- The Specialist Physical Examination Department's report concluded that the findings of the autopsy were that

The firing was done from a distance,

7- No bullet was found in the body,

8- The report gives the information that person's death was proved to have been caused by a bullet injuring the sacrum and causing damage to a major artery, giving

rise to internal bleeding.

**THE TRUTH IN THE AUTOPSY REPORTS:**

1- In the autopsy of Murat Ördekçi, the bullet responsible for his death could not be found and the wound area caused by the gunshot was extended by cutting,

2- Mustafa Yılmaz's autopsy showed that his body had been hit by four bullets, in pre-autopsy enlargement of the wound by cutting revealed only three bullet fragments (of a kind resulting from a bullet striking the body and fragmenting)

3- Despite three bullets striking Cengiz Cali-

koparan's body, it was determined that two bullets came from his body. The bullets are proof. The proof was said to have been destroyed before the gendarmerie autopsy. In the trial file, a report is available of the Forensic Medicine faculty's

ce izleri bulunduğu tespit edilmiştir. Eyüp Cumhuriyet Başsavcılığı üzerinde Adli Tıp Kurumu Prof. Dr. Oguz Polat tarafından Bayrampaşa Cezaevi C-Blok'ta inceleme yapmak ve raporlemek üzere bir bilirkişi heyetinin kurulması 19 Aralık 2000 tarihinde Dörtlü operasyonu sırasında yapılan silahlardan yaralanan 5 tutuklu kadının yanarak yasasız bir şekilde C-1 koğusunda öldürüldüğü tespit edilmiştir. Operasyonun ardından boş kovanların ve mermi çekirdeklerein toplandığı, tutuklulara ait özel eşyaların kaybolduğu ve kan lekelerein bulunduğu duvarların cimentoyla kaplandığını dikkat çekildi.

gülşarının da bulunduğu bölgeye "dışardan içeriye yönelik atışlar" yapıldığı, üzerinde "Kapak yerde kullanma" yasası ve "Bombayı insanın ve yanabilecek malzeme olmayan sahaya fırlat" yazmasına karşın teşviri farklı ve çeşitli

autopsy on the spot, however this report fails to explain what happened to the bullets. So the bullets were removed and it was not recorded.

This situation was also reflected in the press. On August 27, 2001, the newspaper Radikal reported that it had spoken to an expert of the Forensic Medicine faculty who stated that "proof had been destroyed" and the reason was "perhaps to conceal the use of a special weapon". The bullet fragments that emerged from Mustafa Yılmaz's body were not normal, but of a special kind of bullet which broke apart on entering the body, of a "type in which heavy metal parts are scattered on impact", it was stated quite openly in the Forensic Medicine report.

Radikal presented another "expert" view on the bullets; "The cartridges used with these bullets cause them to break up when hitting a target, with a definite result being achieved. That is, to kill." The same news stressed that these bullets are manufactured by Israel and the United States.

Hayata Dönüş' operasyonunda öldürürü dozun üzerinde gaz bombası atıldığı saplı

# Cesetlerde işkence izleri

LPER TURGUT

Adli Tıp Kurumu Bilirkişi Heyetinin, "Hayata Dönüş" operasyonun en çok can aldığı cezaevi olan Bayrampaşa Cezaevi'nde yaptığı incelemede, 5 tutuklu kadının yanarak yasasız bir şekilde C-1 koğusunda öldürüldüğü tespit edilmiştir. Operasyonun ardından boş kovanların ve mermi çekirdeklerein toplandığı, tutuklulara ait özel eşyaların kaybolduğu ve kan lekelerein bulunduğu duvarların cimentoyla kaplandığını dikkat çekildi.

ce izleri bulunduğu tespit edilmiştir. Eyüp Cumhuriyet Başsavcılığı üzerinde Adli Tıp Kurumu Prof. Dr. Oguz Polat tarafından Bayrampaşa Cezaevi C-Blok'ta inceleme yapmak ve raporlemek üzere bir bilirkişi heyetinin kurulması 19 Aralık 2000 tarihinde Dörtlü operasyonu sırasında yapılan silahlardan yaralanan 5 tutuklu kadının yanarak yasasız bir şekilde C-1 koğusunda öldürüldüğü tespit edilmiştir. Operasyonun ardından boş kovanların ve mermi çekirdeklerein toplandığı, tutuklulara ait özel eşyaların kaybolduğu ve kan lekelerein bulunduğu duvarların cimentoyla kaplandığını dikkat çekildi.

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**ALİ ATEŞ:**  
(30 years of age)

...  
THE TRUTH IN  
THE AUTOPSY  
REPORTS:  
1- In the autopsy  
of Murat Or-  
dekci, the bullet  
responsible for  
his death could  
not be found and  
the wound area

caused by the gunshot was extended by cutting,

2- Mustafa Yilmaz's autopsy showed that his body had been hit by four bullets, in pre-autopsy enlargement of the wound by cutting revealed only three bullet fragments (of a kind resulting from a bullet striking the body and fragmenting)  
3- Despite three bullets striking Cengiz Cilikoparan's body, it was determined that two bullets came from his body. The bullets are proof. The proof was said to have been destroyed before the gendarmerie autopsy. In the trial file, a report is available of the Forensic Medicine faculty's autopsy on the spot, however this report fails to explain what happened to the bullets. So the bullets were removed and it was not recorded. This situation was also reflected in the press. On August 27, 2001, the newspaper Radikal reported that it had spoken to an expert of the Forensic Medicine faculty who stated that "proof had been destroyed" and the reason was "perhaps to conceal the use of a special weapon". The bullet fragments that emerged from Mustafa Yilmaz's body were not normal, but of a special kind of bullet which broke apart on entering the body, of a "type in which heavy metal parts are scattered on impact", it was stated quite openly in the Forensic Medicine report.

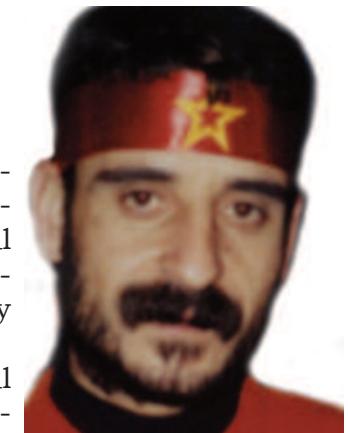
Radikal presented another "expert" view on the bullets; "The cartridges used with these bullets cause them to break up when hitting a target, with a definite result being achieved. That is, to kill." The same news stressed that these bullets are manufactured by Israel and the United States.



**AŞUR KORKMAZ:**  
(28 years of age)

The Forensic Medical Institution's specialist morgue department carried out an autopsy and examination of the above person and attention is drawn to its findings;  
(...)

2- The report stated that the opinion that the autopsy re- vealed first and second degree burns over 50- 55% of the body surface, extensive examination of the respiratory system showed that death re- sulted from burns, smoke inhalation and carbon monoxide poisoning.



**FIRAT TAVUK:**

(28 years of age)

Attention is drawn to the re- corded information and find- ings of the Forensic Medical Institution's Specialist Mor- gue Department autopsy and examination;

1- The Specialist Chemical Analysis Office's report sta- tes that internal organ parts, blood, fluid present in the bladder, skin, hair nails and clothing were subjected to sys- tematic toxicological analysis and no toxic substances were found, as a result of the Co-Oximetre apparatus for analysing gas lev- els in blood 7.7% COHb (carboxihemoglo- bin) was found,

clothing fragments and burned skin frag- ments found traces of thinner, and toluene, benzene and xylene were present, with the same items also showing signs of ethanol,

2- The person's body had been struck by one bullet and it was found that this was the cause of death,

3- It could not be determined at what dis- tance it had been fired from because of the carbonisation experienced at the incident by clothing, skin and subcutaneous tissues,

4- No bullet was found in the corpse,

5- The report states the opinion that 90% of the body was carbonised by burns, death re- sulted from a bullet injury which holed ribs, vertebral and internal organs and gave rise to haemorrhage



### Özlem ERCAN:

(23 years of age)

According to the Specialist Chemical Analysis Office's report, no alcohol was present in the blood, and systematic toxicological analysis found none of the substances they were seeking in the samples,

Carboxihemoglobin could not be searched for as the blood sample was completely coo-ked and solidified, pieces of clothing and skin samples were found to have a very small amount of organic solvents found in thinner as well as toluene and xylene, al-cohol (ethanol-methanol) was not found, At the autopsy the body was found to be completely carboni-sed through burning,

in connection with this and the major tissue loss from the extremities, it was not possible to carry out blood tests from the corpse, the report stated that analysis for carbon monoxide could not be carried out but the blood samples of other people who died in the same environment whose blood samples showed high levels of carboxihemoglobin (examples no. 2747, 2748 and 2749) and died of burns, smoke inhalation and asphy-xiation.

### Öldürücü doz aşılmış

Dört adli tıp uzmanı 22 Aralık 2000 ve 19 Ocak 2001 tarihlerinde Bayrampaşa'da inceleme yaptı ve 14 Şubat 2001 tarihli bir rapor hazırladı. Raporda şu bulgulara ver verildi:

extensive examination of the trachea and bron-chial tubes revealed burns, smoke inhalation and carbon monoxide poisoning connected to asphy-xiation as the cause of death.

### Şefinur TEZGEL:

(29 years of age)

1- The Specialist Chemical Analysis Office's report states that alcohol (ethanol and methanol) was not found in the blood, the Co-Oximetre blood gas appa-ratus when



used for analysis found 26% carboxihemoglobin, 6.2% methemoglobin, samples of clothing fragments and skin samples found thinner and organic solvents like toluene and xylene, alcohols (ethanol-methanol) were not found, systematic toxicologi-cal analysis of internal organs,

blood, skin and clothing fragments could find no substances,

2- The report states that in the autopsy, the body was burned to a very high degree of carbonisation, with much tissue lost, extensive examination of the larynx, bronchia and bronchial tubes re-vealed burns, smoke inhalation and carbon mo-noxide poisoning connected to asphyxiation as the cause of death.

### YAZGÜLÜ GÜDER ÖZTÜRK:

(28 years of age)

The Forensic Medical Insti-tution's Specialist Morgue Department's autopsy, ac-cording to the Specialist Chemical Analysis Office's report; no toxic substances were found in systematic to-



xiological analysis (of blood, internal organs), the CO-Oximetre apparatus could not be used be-cause of the absence of favourable conditions, thinner and organic solvents like xylene were fo-und in pieces of cloth and scrapings from the corpse, the samples also contained a small amo-unt of ethanol,

At the autopsy the body was found to be comple-tely carbonised through burning, in connection with this and the major tissue loss from the ext-



### SEYHAN DOĞAN:

(26 years of age)

1- The Specialist Chemical Analysis Office's report states that alcohol (ethanol and methanol) was not found in the blood, systematic toxicological analysis of the samples revealed none of these substances,

The Co-Oximetre blood gas apparatus was used for analysis and found 28.9% carboxihemoglobin in the blood and 21.7% methemoglobin, clothing fragments and skin samples found ethanol of the kind present in eau de cologne, the same sam-ples found a very small amount of thinner and or-ganic solvents like toluene, xylene and methanol, 2- The report states that in the autopsy, the body was burned to a very high degree of carbonisa-tion, with much of the extremities and tissue lost,

remies, it was not possible to carry out blood tests from the corpse, the report stated that analysis for carbon monoxide could not be carried out but the blood samples of other people who died in the same environment whose blood samples showed high levels of carboxihemoglobin (protocol numbers 2747, 2748 and 2749) and died of burns, smoke inhalation and asphyxiation.



### **NİLÜFER ALCAN:**

((37 years of age)

During the intervention by the security forces in Bayrampaşa Closed Prison on 19.12.2000 it was reported that Nilüfer ALCAN, born 1963, was found dead, and on

20.12.2000 an autopsy was carried out on her corpse by the Forensic Medical Institution's Specialist Morgue Department's and its findings and data are given;

1- The Specialist Chemical Analysis Office's report states that no alcohol was found in the blood, and that moreover no toxic substances could be found in the blood, internal organ parts, urine, skin fragments, hair and clothing parts, the blood contained 57.2% carboxihemoglobin and 3.1% methemoglobin, aqueous fluid contained 8.13 mEq/L Potassium K, clothing parts, hair and tissue samples contained no organic solvents (toluene and xylene) like those

in thinner, nor was there alcohol (ethanol, methanol),

2- The report states that in the autopsy of the external body and the respiratory passages, intensive work established that death was caused by smoke inhalation and carbon monoxide poisoning, leading to asphyxiation.

### **GÜLSER TUZCU:**

((38 years of age)

Attention is drawn to the knowledge and findings arising from the Specialist Morgue Department's autopsy and investigation;

1- According to the Specialist Chemical Analysis Office, alcohol (ethanol and methanol) was not found in the blood, systematic toxicological analysis failed to find substances in the samples, blood gas analysis by the Co-Oximetre apparatus found 44.4% carboxihemoglobin and 8.3% methemoglobin in the blood, in clothing parts and skin samples a small amount of toluene, an organic solvent of the kind found in thinner, was found, xylene and methanol were not found,

2. The report states that in the autopsy, the body was burned to a very high degree of carbonisation, with much of the extremities and tissue lost, extensive examination of the trachea revealed burns, smoke inhalation and carbon monoxide poisoning connected to asphyxiation as the cause of death.



## 2- REPORT BY EXPERTS

After the operation was carried out, the following people were entrusted with the task of going to C Block of Bayrampaşa Closed Prison to carry out a detailed inspection of the incident scene and prepare an expert report on this subject: Forensic Medicine Institution Chair Prof. Dr. Oguz Polat, Specialist Morgue Department and Forensic Medicine Expert Dr. Bülent Sam, Specialist Morgue Department and Forensic Medicine Expert Dr. Gokhan Banuk, Physical Examination Specialist Department Expert Lecturer Dr. H. Bülent Uner and Chemical Analysis Specialist Department chemical engineer Ayşegül Caymaz.

On 14.01.2001, the report bearing the name EXAMINATION OF THE INCIDENT LOCATION AND EXPERT REPORT ON THE INCIDENT IN BAYRAMPASA CLOSED PRISON'S C BLOCK TERROR section brought some disturbing truths to light..

A selection of the report's conclusion;

The delegation of experts went to the Terror section of C Block of Bayrampaşa Closed Prison on 22.12.2000 and on 19.01.2001, to carry out detailed inspections of the incident scene, and to take physical and chemical samples for analysis and obtain documents and other findings for evaluation together;

1-a) In an enclosed 30 square metre area, 20g of CS was used, a fatal dose, for a period of 38.1 minutes, ,

b) In round, rubber-encased bombs (found at the scene, gas bombs with "APG, SK, Artificio, CS" written on them), 35 g CS and 0.21 g of explosives, the gas took 12 seconds to escape and it was found that there would be little possibility of people withdrawing from the environment affected by the gas during the time it was escaping

c) It is known that people exposed to tear gas from bombs would have a burning sensation in their eyes and on their skin, and irritation as well as a burning sensation in their respiratory passageways, as well as panic arising from a sense of suffocation, nausea, dizziness, headache, a feeling of being unwell and restriction of movement,

.e) [as received] In C-1 dormitory, 45 tear gas bombs of various types were found, according to what we established; it emerged that in C-1 a dose of tear gas considerably more than lethal was used,

2-a) It is known that with the exploding of tear gas bombs, the external cap fragments in a vio-

lent manner, and as with some types of tear gas bombs and rockets, it is necessary to avoid throwing the bombs into an area where fire may break out, as it is written on the bombs, "Do not use in an enclosed space, a sufficient flow of air should be guaranteed... do not throw the bomb at human beings or at material that may catch fire..."

b) Besides material being present in the dormitory like paper, clothing, sponges and bedding that could easily catch fire, it was established that thinner was present which contained organic solvents like benzene and toluene, contaminating a small plastic bottle, and people in the dormitory

who died in the fire were found to have organic solvents present in thinner in the clothing and tissue samples taken from them, as well as alcohol, ethyl and methyl present in eau de cologne;

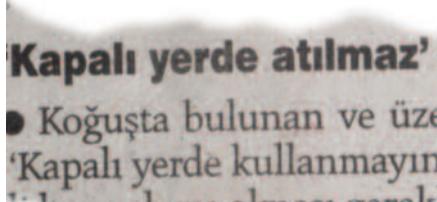
3-a) When the central area of C Block was examined on 19.01.2001, it was found that all bullet holes were fired from the end of the administration area towards Dormitory 19, no trace of gunfire was found coming in the opposite direction,

b) In inspections of the walls and windows in the halls between dormitories and in the interior of dormitories, the report indicates that gunfire giving rise to bullet holes came from the roofs of the dormitory opposite and/or the embrasure holes inside the interior walls of the courtyard. (Supplement)

These were very important findings in the report of the incident and ensured that the truth came to light.

In the report, it was established that there were a large number of gunshot entrance and exit holes in the dormitories and corridors. Again, it was established that a large number of bombs had been thrown in an enclosed space. Moreover, the report established that in C-1, where women prisoners stayed and six of them were burned to death, a substance which could not be identified but contained calcium, oxygen, carbon and silicon was found.

The report makes clear that during the operation, all gunfire came from the security forces and was directed at the prisoners. There was no fire by prisoners directed at the security forces. This situation undermines the claim that the prisoners used guns. Again, during the operation, the fires that broke out were due to actions of the security forces and it was established that gas bombs were used well beyond a level capable of causing fatalities. (Supplement 2, Expert Report)



# Cehennemden bir tanık

Bayrampaşa Cezaevi'ndeki C-1 kadınlar koğuşunda kalan ve operasyondan ağır yaralı olarak kurtulmayı başaran Ebru Dincer, 'Üzerimize dökülen kimyasal bir maddeyle kavrulduk' dedi

ERTUĞRUL MAVİOĞLU

İSTANBUL - 'Hayata Dönüş' adı verilen operasyonda, Bayrampaşa Cezaevi'nin C-1 kadınlar koğuşunda altı kadın tutuklu diri diri yandı. Resmi açıklamalarda yanın tutukluların hepsinin 'kendi kendisini yaktığı' ileri sürüldü de, bilirkişi raporları bu açıklamaları yalanlıyor. Ebru Dincer, 19 Aralık operasyonunda C-1 koğuşunda ağır yaralı kurtulan dört kadın tutukludan biri. Yüzünde, kafa derisinde, sırtında ve kolunda o günden kalan ağır yanık izlerini taşıyor. Ebru Dincer 24 yaşında bir genç kız. Bir ay önce tahliye oldu ve 19 Aralık'ta 9 saat dehşet içinde yaşadığını 'Hayata Dönüş'ün vücutundan ve ruhundan bıraktığı izleri anlatıyor.



Operasyonun bütün izlerini vücutundan ve ruhunda taşıyan Dincer'e en büyük destekçi küçük kardeşi Erdem veriyor.

## IF WE REPEAT THE TRUTHS BROUGHT TO LIGHT BY THE EXPERT REPORT

1- EXACTLY 45 gas bombs were deliberately and intentionally thrown by gendarmes in C-1 women's dormitory, involving "doses considerably more than lethal", where six women prisoners were burned alive.

2- They threw gas bombs into a closed area with 27 women prisoners tightly packed into a small dormitory despite having writing on the bombs to the effect "do not use in an enclosed space, a sufficient flow of air should be guaranteed... do not throw the bomb at human beings or at material that may catch fire."

3- They were not content with simply setting the place on fire.

Traces and bullet holes left in the women's dormitory show that not only were they burning but they were also being fired upon.

4-Not only was this the case in the women's dormitory, but in the whole of C Block gunfire was being directed from the administration area towards the dormitories. Additionally, this fire came from "high-velocity weapons".

These kinds of weapons are none other than the long-barreled firearms used by the army. So news in those days put out by the gendarmes as a source that "a clash broke out, they had Kalashnikovs" turns out to be lies designed to legitimise a massacre.

5- The accounts of prisoners who survived the

massacre overlap with the findings of the expert delegation report. Likewise, prisoners who were burned alive made efforts to neutralise gas bombs, and the expert report mentions their struggles against the spreading fire by "putting towels over bombs".

6- The expert report actually starts off by mentioning in the first sentence that "the pristine character of the incident scene had been disturbed",

How the pristine character was disturbed was described in the protocol. Cement had been poured over areas where slaughter had given rise to a lake of blood. Those who carried out a massacre then committed the crime of destroying evidence.

7-In the supplement we give space to the "gendarmerie incident scene protocol" in which it is frequently stated that prisoners used bottled gas as flamethrowers. However, the expert report carried not even of trace of evidence that such things were used, revealing it to be lie.

8- Besides bombs and long-barreled weapons, the gendarmerie also used buckshot fired from air guns which had a higher likelihood of hitting human targets.

Two cartridges for these weapons were found in C-1 dormitory's exercise area. "Return To Life" was the name given to an operation in which such a weapon was used.

### 3- Exploration report dated 19.01.2001 - exploration report dated 2005

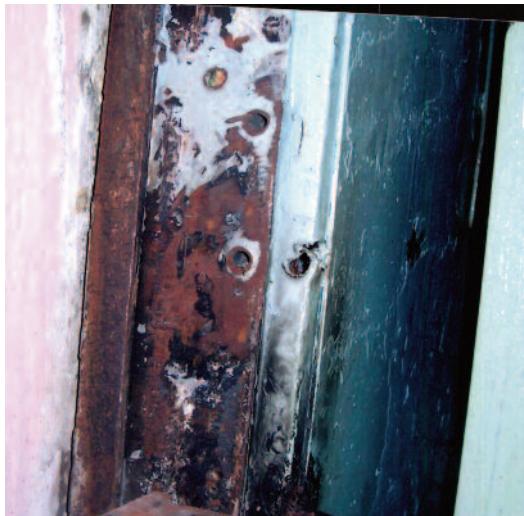
Attention must be drawn to the emerging truths in the exploration by Public Prosecutor Cafer Koman, Assoc. Prof. Dr. Bülent Uner, expert Aysegul Camaz, expert Bülent Sam, Z secretary Cigdem Agdag and driver Oktay Yavuz dated 19.01.2001, preparation number 2000/21034. The important part of the exploration record is quoted as follows:

"Due to the fact that the previous exploration of the scene took place in darkness, there was no light, the sky was dark and it was also cloudy and snowing, a sufficient investigation inside the prison could not be carried out and moreover, to ascertain the truth of claims made in the operation record held by the gendarmerie, the first network in C Block was entered. The fire locations and electric panels in the doors of the networks as well as corridor walls, ceilings, beams, and side walls were examined.

We got the impression that there had been some intervention earlier, concerning the bullet holes in the walls and in the plaster. And while it was necessary for those bullets to be there, it is understood that they were not...

At the end of the corridor, in front of the door of the 19th ward, a bullet with a diameter of 7.62 was found and given to the aforementioned forensic experts...

After the detection of these peculiar traces and findings, the aforementioned forensic experts revealed that all traces of bullets along the corridor was from the administrative building towards the 19th dormitory, that no traces of bullets were towards the administrative building, therefore it CANNOT BE TRUE, as stated in the gendarmerie operation records, that the people who set themselves on fire and went into the corridor towards the gendarmes, were shot by their own friends, because as was stated before, it is understood that there was no trace of firing from where the



convicts and prisoners were towards the direction where the gendarmes entered a little earlier and towards the administrative area.

Together with this, considered to have a special importance, an empty bomb casing labeled in big letters "TEAR GAS" was found on the upper floor of dormitory C14, under a table on the right side of the dormitory entrance looking towards the front of the internal wall. The bomb casing had on it the warning instructions "Throw the bomb to the areas whe-

re there are no human or flammables, do not use in closed areas, there should be enough ventilation". (Appendix-3 Exploration Report)

Survey report dated 17.10.2005: With the participation of the 3rd Criminal Court in Eyüp Judge, Attorneys and Expert, an exploration was performed on 17.10.2005 in the C-Block of the prison. It was carried out five years after the operation and after dozens of alterations and repair work had been carried out in C block, but yet hundreds of bullet holes were found. The report's concluding section is as the following:

"When examining the corridor in question, no bullet traces remaining from the incident could be detected on the walls and ceilings, but bullet traces were observed on the heating system pipes, electric sheet panels, fire cupboard covers and on the ironworks which cut vertically the corridor and were called as grids. Again, as explained above bullet traces could still be seen in some ward doors. When the traces in the doors, heating pipes, electric sheet panels and fire cupboards were examined, it was seen that the traces of bullet entries were from C-1 dormitory towards C-19 dormitory, and that the bullet holes are present from the waist level and randomly running up to the ceiling, and several bullet holes were quite close to the ground." (Appendix-4 Exploration report)

## 4- The Operation Records Written by the Gendarmerie Involved in the Operation

The document number 5 in the appendix is the record kept by some gendarmerie in charge and it gives the account of how the operation was carried out. This record is full of misstatements, contradictions, and illogical expressions. The record which was supposed to explain the operation, the causes of deaths and how they occurred was prepared with the intention of making up crimes from thin air. For example it is said that all the shots were fired towards air. There are 12 deaths but there is not a single logical explanation about those.

Not only one single chapter but the entire document is full of contradictions. Because of that, the document is included in the appendix but the contradictions and lies inside the record is below. (Please see Appendix-5 Operation Record)

LIE 1: The first lie is that when the operation started, a "warning" was issued. In fact as soon as they entered the main corridor, they started a running fire and at that point Erol Arikan was wounded in the foot and Hakan Erkal in the chest.

These injuries happened in front of the 13th ward. All statements by complainants agree on this.

LIE 2: In the protocol, it is said that prisoners of the RPLP-F and CPT(ML) lawsuits responded to "surrender" calls by beginning to resist, shouting slogans, hoisting banners and "opening random fire from the wards and yards towards the roofs and dormitory windows, using the weapons in their hands". The complainants stated that they shouted slogans but "had no means to resist other than our voices, to protect ourselves we set up barricades."

This is clearly set out in the statements by the prisoners. Now it is implied that bullet traces in walls and windows are the result of shots fired by the prisoners themselves. They were surrounded on all sides (the gendarmes themselves give details of the encircling). Do the records mean that the people went out into the yard and started firing at their own dormitory windows? Was that really the case?

However, all bullet trajectories were from the direction of the administrative building, that is, from where the gendarmes were, towards the dormitories, and the expert report leaves no doubt on this issue.

LIE 3: In the protocol, continual reference is made to "they converted bottled gas cylinders into

flame throwers and attacked". However the expert report states that no kind of "bottled gas flame throwers" could be found, and it is documented that "they do not have even a scratch on them" and that "many of them were empty."

The gendarmes are trying to say how "right" they were to "defend themselves" by shooting. However, official documents prove their record to be lie.

LIE 4: Aşur Korkmaz had set himself on fire to protest against the operation. The gendarmes say "friends set him on fire." They explain the deaths with the phrases like "They shot each other; they set each other on fire". However the autopsy reports revealed the real causes of deaths very clearly.

LIE 5: In C-1 women's ward, six women prisoners were burned alive. It is not at all obvious in the gendarmerie records that how six female prisoners came to be burned to death in this way. On the ward roof were the holes opened up in a way that the expert report says "exactly under them there are the bomb residues" and the gendarmerie has not stated what the aim of such a hole was.

There is no explanation why they did not heed calls saying "Our friends are burning, use the fire hose there," nor why they did not put out the ward fire. According to the records; "they all suddenly set themselves on fire," "We looked and some of them were missing". There must be an explanation why all the women were burnt from the head on downwards."

The gendarmerie records reference to "an LPG gas smell" is corrected by the Forensic Institute report (for the same place) that says "an intense smell of gas bombs".

LIE 6: It is known that Birsen Kars shouted out as she was being put in an ambulance on December 19, "they burned people alive". This was the first time everyone was informed of the truth, that they had burned people alive. This is why when the gendarmerie report was being prepared, they considered the TV images. This is why the record states "They prevented us from saving the wounded". But every line of the record arouses suspicion. In the end the Eyüp Attorney Generalship did not believe the record either and again a delegation of experts made a determination that what the gendarmes put in the protocol could not be true.



## PLANNING OF 'RETURN TO LIFE' OPERATION

The "Return To Life" operation was carried out by order of the Army General Staff. The operation plan for special intervention was prepared by the Istanbul Provincial Gendarmerie Command on December 15, 2000. The direct intervention at Bayrampaşa was carried out by the Ankara Gendarmerie Special Security Commando units (JOAK). The Elazig JOAK and Halkali Gendarmerie teams were also part of this. (See: Appendix-6 operation plan for intervention)

The Ankara JOAK, based at the Ankara Güvercinlik is a special unit using special equipments. Both units are trained for active intervention in these operations. The Ankara JOAK in particular is the apple of the Gendarmerie General Command's eye. This unit is expert in prison and search and rescue operations and consists of professional soldiers. Elazig JOAK came to Istanbul four or five days before the operation to make a rehearsal of the operation.

Here is a selection of statements from Elazig JOAK unit's pre-evaluation report.

### **□ Serhan Karaçuha testimony**

"We came to Istanbul Province's Hastal barracks. Here we were trained for about two days

on insurgencies."

### **□ Türker Gençdoğan**

"We came to İstanbul from Elazığ by plane, we were accommodated at Hastal barracks and carried out a rehearsal for prison operations. Later on 19-20 December we went to Bayrampaşa Prison with units I knew to be from Ankara Special Operations Team, Halkali and other."

### **□ Ethem Altınay**

"Kargo uçaklara bindik ve biz İstanbul yeşil-köy havalimanına indik. Buradan 1. 'inci Ordu K'ılığı'na gittik. orada iki gün bekledik ve Komutanlarımız burada bize eğitim yaptırdı."

### **□ Muhittin ÖZCAM**

"When we went to the prison, Halkali Commando Battalion was there as was the Ankara Operation Units and smoke was rising from inside"

### **□ Mehmet AKAR**

"We boarded to cargo planes and came to İstanbul. We stayed in İstanbul for a total of nine days."

# The Reasons for the Operation

In his answer dated 18.01.2001 given to the Eyüp Public Prosecutor who then performed the investigation, Istanbul Public Prosecutor Ferzan ÇITICI explained the reason for the operation as such:

"As it was known that despite all the efforts the continuation of the Death Fasts would result in deaths, and in order to ensure treatment for all those in the hands of the organization, intervention was carried out....it had not been possible to search C block of the prison for nearly 10 years.

2) With the aim of putting an end to this Death Fast action by convicts and prisoners, on the orders of our Ministry, members of parliament from the human rights commission of National Assembly, like Tunay Dikmen, Mehmet Bekaroğlu, Kamer GENÇ and Miraç AKDOĞAN, and representatives of civil society associations like Istanbul Bar Association Chair Yücel SAYMAN, Kaya TUNCER, chair of the Architects' and Engineers' Chamber of Turkey, Turkish Doctors' Association second chair Metin BAKKALCI; and Cumhuriyet newspaper columnist Oral ÇALIŞLAR, writers Yaşar KEMAL, Orhan PAMUK, Zülfü LİVANELİ, Can DÜNDAR and so forth went to the dormitories and in rooms prepared by the administration engaged in discussions for some hours with the aim of ending the Death Fasts. Moreover from time to time we met with organization representatives with the aim of having them give up the action, but they did not do so.

At the request of the prison administration, and over the approval of Chief Public Prosecutor's Office, intervention was carried out under the administration of the Gendarmerie Area Command." (Appendix-7 The reply of the public prosecutor)

The jurists are also lying regarding this operation. Ferzan ÇITICI did not sign the protocol regarding the operation start up, because he did not want to be responsible for it. In the petition dated 18.12.2000 requesting intervention, the reason of the operation was basing on "...preventing the deaths or crippling of prisoners and convicts carrying on actions." A year later, speaking the language of the state, the chief prosecutor trampled on the law and behaved in an immoral fashion. The truth is Ferzan ÇITICI's intervention application was written upon instruction. In fact the Gendarmerie cannot intervene in the prisons without such a request. The Gendarmerie can enter the prison if the Public Prosecutor wants help and requests intervention. For this reason the Gendarmerie gave a written instruction to Ferzan ÇITICI to write an intervention application. His attempt to deviate the truth in order to escape from the responsibility is failed.

## Ferzan ÇITICI's LIES

**LIE 1 – We understand Ferzan ÇITICI's instruction was kept as a protocol by Uskudar Prosecutor's Office. On 18.12.2000 it obtained the Ferzan ÇITICI protocol. This is what is said by Republican Prosecutor Kemal CANBAZ in his protocol.**

"At about 1700 on 18.12.2000, our Republican Prosecutor's Office was contacted by the Justice Ministry by mobile phone and they wanted me to go immediately to the Istanbul Gendarmerie Area Commander's Office, saying I would be given instructions by secure telephone. In conformity with the instruction, I went to the Gendarmerie Area Commander's Office, and was told the Istanbul Republican Chief Prosecutor Ferzan ÇITICI was coming here. While talking by secure telephone to the Justice Ministry via the Commander's Office, I was told that at 5 in the morning intervention would be carried out to remove those on the Death Fast to hospital, and for this the Gendarmerie wanted the prison to send the Province Gendarmerie Command a request for intervention." (Supplement - Kemal CANBAZ's protocol)

**Lie 2,**

In his reply, Ferzan ÇITİCİ argues that it was impossible for the prison administration to carry out searches inside the wards. The following document reveals the truth about the prosecutor's claim..

**General Search Record**

Regular searches were being conducted inside the C-Block where the so-called terrorist were staying. The most recent general searching process before the operation was conducted on December 7, 2000. Here is the relevant part of the search record;

"According to the prepared plan, dining hall, dormitory, bath and toilet grounds of the wards and pillows, cupboards and bags which could be used to keep soil, were checked and afterwards heaters, heater cores, the places under the fridges, window bars on the garden side, concrete grounds and ward walls were checked with plastic hammers. Manholes in the garden which is called as yard, corridor bars and garden walls are checked." (Appendix-6)

As it can be understood from the records, the wards were being searched in detail with a crowded team. It is understood that the necessary investigation had been carried out from pillows to the walls and that no problem was encountered. The claim that they had no control over the wards and that they cannot conduct any searches were proved to be wrong with this record.

**Lie 3 – They did not allow the negotiations to continue**

A committee composed of intellectuals, artists and PM's were conducting negotiations with the prisoners and convicts as mentioned in the record. Negotiations began on December 9, 2000 and went on until December 17, 2000. Negotiations were going on well and many concrete decisions were made and when the resistance was about to be ended, instructions came to break the negotiations off. The claim about the negative results of the negotiations was a lie. Likewise, then PM Mehmet BEKAROĞLU who took a role in the negotiating committee made a statement in which he said "we are deceived" by the state authorities. The negotiations with the prisoners and convicts were just to gain time. The state was insistent to the carry out an operation and in the declarations afterwards, they said "we were prepared for the operation a year ago."

**LIE 4 – No deaths had occurred before the operation, 28 people were killed after it**

The operation was declared to be conducted just to save the lives of the death fasters who were about to die. As a result 28 people were killed, hundreds of people became permanently disabled and the death fasts went on for 75 more months. 122 people lost their life in the struggle against the F-Type isolation prisons. Moreover, Minister of Justice Hikmet Sami Türk declared that the operation was carried out to transfer the prisoners to the F-Type prisons which are based on isolation system

Başta KHK Cezaevlerindeki osum oruçlarını ve açlık grevlerini sona erdirmek için hazırlanan operasyonun yanı sıra yereldeki bir çok mahküm de F tipi cezaevine yollandığı belirtildi. Olganlığı güvenlik önlemleri altında yürütülen operasyonda, tutukluların hastanelerden çok, F tipi cezaevine yollandığı belirtildi.



# F tipine sevkıyat

Türk'ün 'Açılışı ertelendi' taahhüdüne rağmen dün birçok mahküm Sincan ve Edirne'deki F tipi cezaevlerine yollandı

**Cezaevrilerin yönelik operasyon başladıkten bir süre sonra İcra Hizmetleri Bakanı Tantan, bazı mahkümelerin Sincan F Tipi Cezaevi'ne konakladığına akladı. Adalet Bakanı Türk oğlu saflarında bu sevkleri doğrularken, akşam saatlerinde de Edirne F Tipi Cezaevi kollarına geldi. Geç yarınsa dek iki F tipi nakledilen mahküm sayısı 374'e yükseldi. Daha önce, 1996, hukuki ve müzakereli ortamda bulunulmuşnakledilen F tipi sevkini açıklamayan belirsiz Türk, 'Bu nakillerin**

**Bekaroğlu: Kullanıldık  
Sayman: Hükümet suçlu**

Diyabet döneminde arabulucuk yapan FPM'li Bekaroğlu, "F tipine sevk büyük hata. Türk buzi kullandır. Mütahsilce şefiliğimdir" diye konuştu. İstanbul Barosu Başkanı Sayman da bükümeti, son urapta olanlığının göremeden gelmemekle ifham etti.

# BAYRAMPAŞA LAWSUIT

If the official documents which were published in the national pres did not exist, the judicial authorities would never file a lawsuit about the prison massacres that took place on December 19-22, 2000. All the statements of the prisoners and convicts were verified on December 19, 2000. Now let's see how the investigation stage of the Bayrampaşa Case was conducted ten years after the massacre.

Right after the operation, a request was made to arrest all convicts and prisoners who were victims of the massacre.

68 days after the operation, a suit was filed against the convicts and prisoners.

A suit was filed against the gendarmerie officers who transferred the convicts and prisoners to other prisons and because of "ill-treatment, torture." This case was eliminated due to lapse of time.

The investigation on the 12 murdered people and heavily wounded started in 2003. As a result of the criminal reports and revealed reports, permission was asked from the Istanbul Governorship to bring the gendarmerie officers before the court. Istanbul Governorship decided to not to give any permission for the investigation of the responsible persons on August 25, 2003.

On December 12, 2003, an objection was made against the decision of Istanbul Governorship to "not to permit the investigation". Regional Administrative Court reversed the decision of Istanbul Governorship on March 16, 2004, because it was made without taking any testimonies.

On February 18, 2005, preliminary examination restarted. On April 2, 2005 Istanbul Governorship again decided to not to give permission for the investigation.

On May 25, 2005 an objection was raised against the decision of Istanbul Governorship.

On June 28, 2005 Regional Administrative Court reversed the decision of Istanbul Governorship.

Preliminary examination started again and as a result of this examination on April 10, 2006 Istanbul Governorship decided to not to give permission for the investigation.

As a result of the objection raised against the decision of Istanbul Governorship, on 21.09.2006 the objection was accepted and a decision was made to start the trials and to proceed the investigation.

The only procedure that was recorded to the investigation file before 21.09.2006 was that the name list of the people who participated to the operation was investigated. Only the preliminary investigation about the Elazığ Gendarmerie Special Security Commando Forces took six years.

Preliminary examination and investigation files were prepared for Ankara and Elazığ Gendarmerie Special Security Commando Forces. Elazığ sent the name list of the people who participated to the JOAK operation. But the information about who was in which unit and how he took place in the operation was not given.

Ankara JOAK did not give any information about the identities of the people who participated to the operation from the beginning. Ankara JOAK claims that the operation plans and information is in the Provincial Gendarmerie Headquarters, and the Provincial Gendarmerie Headquarters claims the reverse.

# ANKARA SPECIAL FORCES OF PUBLIC ORDER GENDARMERIE RANGER

The main intervention team of the operation was the Ankara Gendarmerie Special Public Security Commando Unit. Established in September 1999, this team is specialist in indoor operations and also took part in the domestic security campaigns in the southeastern region. It is formed by the Gendarmerie Headquarters for important missions. In the framework of its expertise, this unit also has some special equipments and weapons which are not owned by other gendarmerie and security forces. The members of the unit wear some special heat resistant suits and garments.

The identities of the unit members who took part in the operation, except its commander, was not declared. The reason for this was that all the soldiers of the unit were there for their compulsory military service.

The intention to not to expose the Ankara Gendarmerie Special Public Security Commando Unit was also made clear in the book written by Captain Zeki BİNGÖL who was on duty in the Bayrampaşa Prison Security Unit during the operation: "... We went to the Gendarmerie Headquarters by military cars with the prepared files. Ankara Special Operations Commander Albay B.E. (Burhan Ergin) was present in the meeting as well. He said "I won't give the name lists of the people who took part in the operation. At the beginning it was said that no names would be taken under the records". The files were sent to the attorney generalship as such. But the names of the units which would take part in the hotspots of the operation were not mentioned. It was very strange, because they were hiding the names from the public prosecutors... Namely, nobody wanted to have their names on the operation records." (Zeki Bingöl, Bayrampaşa Cezaevi Gerçekliği, Togan Yayıncılık. p. 172-173)

The commanders of Ankara Gendarmerie Special Public Security Commando Unit have changed, but the answers have not. Numberless written applications were sent to the Ankara JÖAK, and they permanently replied that they don't have the information in their archives. The memorandum of Eyüp Attorney Generalship dated October 18, 2002 was answered by Colonel Burhan Ergin on December 31, 2002 as the following: "The information about the names... necessary information and documents should be asked from Istanbul Gendarmerie Provisional Headquarters".

A name list was requested from Ankara JÖAK in 2005. A new letter was sent in 2006. And with a letter dated March 9, 2006, Ankara JÖAK commander Lieutenant Colonel H. Zafer KOÇ said that "regarding the records and information about the operation, G. Colonel Yusuf Burhan ERGIN who was then the G. Comd. Sp. Sec. C. and is still Edirne Provincial G. Commander must be applied."

Colonel Burhan Ergin, in his reply to the Provincial Gendarmerie Headquarters on March 17, 2006, said that:

"No records are present regarding the intervention... Since the events were unfolded spontaneously without any plans, preparations or organizations, the counter-measures occurred similarly. Because of that no previous measures were invented beforehand, therefore there are no records. And due to the fact that the personnel were wearing protective clothes and gas masks during the intervention, it was impossible to identify everybody unless you were with them or asked their identity cards. The personnel mentioned in the memorandum (a) and entered into the C Block operated under the noncommissioned officer Süreyya Yalçınkaya and noncommissioned officer Zafer Sabancı who served for the Tunceli Provincial Gendarmerie Headquarters. It was detected that these noncommissioned officers spontaneously took a group of privates with them and entered into the C-Block but the numbers and identities of them could not be identified. It can be understood that, once the privates were discharged, it is very hard to find them and obtain correct and trustworthy information. The only information that was possible to obtain was that if G. Sgt. Maj. Süleyman BÖLKÜBAŞI in Vize G. Comd. Bt. HQ, G. Sgt. Maj. Hidayet YORGANCI in Çanakkale 116. G. Pr. Tra. HQ, G. Pr. Lieutenant Mustafa ARI in Bursa Provincial Gendarmerie Headquarters, G. Spec. Sgt. Latif SARSU in Kahramanmaraş G. HQ, G. Spec. Sgt. Ramazan YILDIZ and G. Spec. Sgt. Mustafa AKSOY in Ankara G. Tra. HQ and G. Spec. Sgt. Mustafa KATİPOĞLU in Siirt G. HQ are contacted with, it could be possible to obtain information from their witness testimonies." (See Appendix-8 Burhan ERGIN's Reply)

Burhan ERGİN is among the most important people who were responsible from Bayrampaşa massacre. As it can be understood from the record, he is making false statements.

The fact that the operation was not spontaneous but prepared long before were declared by the official authorities. It is a big lie that it was impossible to find the name list of the people who took part in the operation and that their identities are unknown.

Why the testimony of Burhan ERGİN, as one of the executers of the massacre, was not taken within the scope of preliminary investigation but instead he was asked for his information? In some way that we don't know, he did not give any information until the year 2006 but suddenly remembered the people who participated to the operation and entered into the C-Block. He gave the names of the seven people who took part in the operation in the same unit. The individuals mentioned in the record were charged in Ankara JÖAK. While those individuals are suspects without a doubt, Burhan ERGIN asked them to be listened as witnesses.

The testimonies of Süleyman Bölükbaşı, Ramazan Yıldız, Mustafa Arı, Mustafa Katipoğlu, Mustafa Aksoy, Latif Sarsu, Hidayet Yorgancı were taken, but somehow all those people repeated each other's testimony. In sum, they said that they did not go into C-Block, they did not know who entered inside and that they cannot remember it completely but they saw noncommissioned officers Zafer SABANCI and Süreyya YALÇINKAYA went inside.

According to the information added inside the file, Süreyya YALÇINKAYA escaped from the military service on March 11, 2001 and went abroad and Zafer SABANCI lost his life on August 1, 2006 in Tunceli province due to drowning.

Without a doubt Burhan ERGIN is aware of the situations of both Süreyya YALÇINKAYA and Zafer SABANCI. Therefore he wanted to seem like he was giving information and to get rid of the suspicions. He wanted to prolong and delay the investigation processes.

Burhan ERGIN is a murderer and he should stand trial. But he was not included among the suspects of the Bayrampaşa case. Evasion to have the real perpetrators judged is also valid for Burhan ERGIN.



### DECEMBER 19, 2000 MASSACRE IN PRISONS, BAYRAMPASA LAWSUIT INDICTMENT

Will they research on the truths during the first hearings to be held 10 years after the operation?

Will they reveal the perpetrators who killed 12 and disabled many?

Or will they simply acquit Bayrampaşa operation through trying 39 soldiers?

Thousands of soldiers had participated in Bayrampaşa operation and only 39 of them will stand in the dock. This is the Reality of Turkey...

For example, even they had not investigated Halkalı Gendarmerie Commando Battalion Command and Bayrampaşa Prison Guard Division Command, both of which had participated in the operation.

Then, how the prosecutor had drafted the indictment which will ensure that even 39 soldiers remain unpunished?

The investigator prosecutor, who claims to work meticulously, examined the testimonies of the accused during the pre-investigation phase. He filed a suit against only those who said, "I participated in the operation, I entered inside the prison." Only some soldiers from Elazığ Gendarmerie Special Public Order Command had born testimonies. Addresses of many accused people could not be found. Prosecutor, let alone hearing all members of the troop, even did not take the testimonies of those who had involved in the operation. He found any testimony given to the gendarmerie functionaries sufficient and sincere. The testimonies, however, are full of

conflicts. Prosecutor decided to quash the charges against those who denied having entered in the prison buildings. In other words, he decided that there was no need to file a suit.

But why those who had commanded and gave instructions to the soldiers against whom he decided to file a suit? Why and how the prosecutor protected the superiors? We don't know this.

Prosecutor, from the very beginning, knows that Ankara Gendarmerie Special Public Order Command was a part of the team interfering with the prisons. Documents and information approve his. However prosecutor did not file a suit against Burhan ERGİN, who was then the Gendarmerie Special Public Order Commander. He was not even investigated.

He asked Burhan ERGİN only to bear witness and quashed the charge against 7 functionaries from Gendarmerie Special Public Order Command (Süleyman Bölükbaşı, Ramazan Yıldız, Mustafa Arı, Mustafa Kati poğlu, Mustafa Aksoy, Latif Sarsu and Hidayet Yorgancı.)

The indictment does not refer to scouting reports, expert reports and statements of the complainers, which reveal many aspects of the truth. Those who were subjected to the operation had been shown as the responsible parties of the operation.

The indictment had been prepared carelessly

The indictment had been prepared so carelessly that the lawyers of the complainant had been written on the indictment as the complainant.

Names of some complainants had been written twice.

Totally 77 people among the names in the file had been transferred to the hospitals. 167 people had been subjected to the operation. Whereas, many people, including the severely injured, had to be included in the file as victims, they had been included only as complainants.

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