

Article 17 of the Constitution, the said article construed together with the general liability in Article 5, whose title line is “The Fundamental Aims and Duties of the State”, requires an effective official investigation.” (*Salih Akkuş*, App. no: 2012/1017, 18.09.2013, §.30; see also *Serpil Kerimoğlu and others*, App. No: 2012/752, 17.09.2013, §.50,54; *Musa Erdem and others*, App. no: 2013/1845, 07.11.2013, §.19,20; *Mehmet Ali Emir*, App. no: 2012/850, 07.11.2013, §.48.).

41. According to established decisions of the Constitutional Court; “... the State, within the context of procedure liability, is liable to conduct an effective investigation, ensuring the determination and if necessary, the punishment of those responsible of every unnatural cases of death. The main objective of such an investigation is to assure the effective practice of the law, which protects the right to life and to ensure that the public servants or institutions to give account for the events they are involved in and for the deaths that happened under their responsibility.” (*Bilal Turan and others*, App. no: 2013/1942, 04.12.2013, §.47; *Serpil Kerimoğlu and others*, App. no: 2012/752, 17.09.2013, §.54).

42. In its decision dated 12 May 2014, the Court of Cassation states: “... in accordance with Article 160 of the CCP no. 5271, as soon as the public prosecutor comes to know of a situation, giving the impression of a crime, he must investigate the essence of the matter and has to gather all the evidence for revealing the truth and for a just trial, in an effective way to determine those responsible and to punish them if necessary.”. By this statement, the Court stresses the importance of an effective investigation.

43. Between 15 July 2016 and 28 July 2020, pursuant to Articles 94 and 95 of the TPC, 17 cases were resulted in conviction while 41 cases were resulted in release.

The investigation regarding Gökhan Açikkollu

44. Gökhan Açikkollu was referred to the Haseki Training and Research Hospital with an ambulance, as a result of his falling ill on 25 August 2016. Upon the said person’s death, an investigation was initiated by the Istanbul Chief Public Prosecutor’s Office with the crime allegation of “causing a negligent homicide”. Within the scope of the investigation,

statements of the relevant detention room officers were taken and the camera footage and the Forensic Medicine Institution’s autopsy report were examined. The aforementioned report states that the death of Açikkollu was caused by “Acute Myocardial Infarction” (Heart Attack). In the light of the evidence found during the investigation, upon understanding that there was no intentional or negligent action of any person, it was concluded that no suspicious situation was present and there was no need for prosecution.

The enforcement status of the decrees adopted during the SoE

45. All of the 32 Decree Laws adopted during the SoE enacted as Laws.

Reply to paragraph 11 of the list of issues

46. Turkey simultaneously combats against multi-terror threats, particularly PKK, YPG/PYD, DAESH, FETO and DHKP-C. The PKK, mentioned in the question, is a terrorist organization and the expression of “Kurdish insurgency” is rejected. For the responses to the claims in this section, see paragraphs 36–39 and 47–51.

Reply to paragraph 12 of the list of issues