

TURKEY

Human rights defender tortured in Tunceli

On 23 March 1995 Ali Ekber Kaya, President of the Human Rights Association branch in Tunceli, now closed, was detained. He was one of hundreds of people taken into police custody around the time of the festival of *Newroz*, the Kurdish New Year celebrated on 21 March. On 3 April he and 11 other detainees were taken to Tunceli Criminal Court and released. However, five of them including Ali Ekber Kaya were immediately detained again and taken to another court in the same building. They were charged under Article 168/2 of the Turkish Penal Code with membership of the illegal Marxist-Leninist Communist Party (MLKP) and committed to prison to await trial before the State Security Court in Malatya. At the first hearing on 25 May 1995, Malatya State Security Court released Ali Ekber Kaya. The other imprisoned defendants were released at subsequent hearings. On 7 December 1995, all five were acquitted of the charges.

Ali Ekber Kaya gave the following account of his treatment in police custody:

I was detained on 23 March by two police officers in plain clothes at the Tunceli town hall where I work as a technician for the municipality. I knew that they were from the Anti-Terror Branch. They took me to the Police Headquarters. There I was taken to the third floor for interrogation by the chief of the Anti-Terror Branch and the chief of the Police Headquarters. They suggested that I should collaborate with them, but I refused. Then I was blindfolded and taken up to the fourth floor of the police building.

I had the impression that there were about eight or 10 other detainees in the room. There were always a number of guards. First I had to undress completely and stand

with my face to the wall, my legs spread apart and my hands against the wall. At other times they forced me to touch the wall with only the finger tips, which is very exhausting.

After a while I was taken to the "torture room". I guess there were at least seven or eight police officers present. I had to sit down and they tied my arms to my legs [see photograph]. Then they hosed me with cold pressurized water. They pointed the water jet at particularly sensitive areas of the body such as the kidneys, genitals and rectum.

They connected one cable to my foot, the other to my genitals and gave me electric shocks. Of course I screamed. Then they beat and kicked me. After a while I fainted.

Then they lowered a device from the ceiling. They tied my arms to it - not with a rope but with some kind of thick bandage. They lifted me up so that my whole weight hung on my arms. While hanging in the air they gave me electric shocks through my fingers and genitals. Before giving the electric shocks they put some kind of liquid on the genitals and threatened that I would "lose my manhood" that way.

Afterwards they let me down and massaged my arms so that no traces would be left. They did not let me drink water for four hours after the electric shocks, saying that it would be dangerous.

I was taken back to the first room where I was kept with other detainees for the first nine days of detention. I had no clothes on and no blanket. A normal prison cell would have been such a relief.

I was exposed to hanging and electric shocks for three days. Normally they took me three times a day to the "torture room". On the fourth day the hanging and electric shocks stopped.

Beating and hosing with pressurized cold water continued throughout the first nine days. During the first days I was sometimes exposed to water hosing every half hour. Often they did it in the toilet with an ordinary hose-pipe. Some would do it in a "friendly" way starting slowly from the feet, others would start immediately with the head. At other times they poured buckets over me while I was standing or lying on the floor.

I was not allowed to lie down and rest. Sometimes I slept with my head to the wall. If they noticed it, they beat me. At night the guards sometimes allowed us to sit down for one or two hours.

Due to hard beating two of my ribs were broken. Two persons were holding me - one in front and one behind. Then they beat me at the same time on the back and in the chest. I had horrible pains and could not breathe. I could not see a doctor for one month. When I was moved to prison, I had to give up my upper bunk, because I could not climb up to it. After I was released I visited a doctor who confirmed that my ribs had been broken but have healed again since. He was afraid to write a report because of possible risks.

Ali Ekber Kaya reported to the local court in Tunceli that he had been tortured while in police custody in Tunceli. Under Emergency Legislation in force in the province of Tunceli, such complaints are routinely passed to the Provincial Administrative Council which decides whether or not to prosecute members of the police. The Provincial Administrative Council acts under the authority of the provincial governor who actually is responsible for the police. At the time of writing no decision had been taken by the Council.

Amnesty International has misgivings concerning this extra barrier placed before those wishing to make formal complaints of torture or ill-treatment by the security forces. Under the Law on the Prosecution of Public Servants provincial administrative councils in

the southeastern provinces under emergency rule have the power to block legal proceedings against police officers accused of ill-treatment or torture.

Ali Ekber Kaya also gave testimony about torture inflicted on one of his fellow-detainees, Gülbahar Gündüz, who has been paralyzed and is confined to a wheelchair as a result of the torture she suffered. Ali Ekber Kaya was called to Tunceli Police Headquarters after his release and despite being threatened by police officers he gave testimony there.

In the summer of 1995 Ali Ekber Kaya tried to reopen the Tunceli branch of the Human Rights Association, but as all seven people who had signed the application to reopen were threatened, most of them withdrew. Some had received death threats over the telephone while others had been summoned to the Police Headquarters. Ali Ekber Kaya who has resisted pressure to leave said of his own situation:

Of course I am well observed. Tunceli is a small place, you know. I meet my torturers almost every day in the street or the market. Sometimes they say 'hello' or invite me for a tea. They are not ashamed at all. One of them asked me: 'What do you feel when you see us?' And they say: 'Ah, so you are still here...'

On the day the detainees were taken to court in Tunceli a policeman had approached Ali Ekber Kaya and threatened him: *"You will not be taken into custody again. Next time we will kill you. And we will do it so that no one will find your body."*

Members of Ali Ekber Kaya's family were also under pressure. At the time of his detention police searched the homes of most of his relatives and a niece of his was also detained. His sister and her husband were detained for a week. Another sister was also wanted, but escaped arrest.

Ali Ekber Kaya, 33, who is married with three children, was previously detained in September 1994, six months after he had become president of the Tunceli branch of the Human Rights Association (see AI Index: EUR 44/107/94). At that time he alleged having been tortured by the same torture methods described above, but also by being suspended by the wrists with hands bound behind his back, beaten with an iron instrument on his head and genitals, and hit in the kidneys with the fist. The left side of his face was paralyzed for some time and he received treatment later at Elaz__ hospital.

Amnesty International is appealing that the allegations of torture made by Ali Ekber Kaya should be fully and impartially investigated without further delay and that those responsible for human rights violations should be brought to justice.