

TURKEY

Lawyers severely ill-treated outside Buca Prison in Izmir

In September 1995 11 lawyers, most of them members of Izmir Bar Association, were ill-treated and detained by police outside Buca Prison in Izmir where they had gone to visit clients following a violent incident in the prison the previous day. Three of the lawyers suffered injuries certified by medical reports, and complained that they were subjected to police brutality while carrying out their duty as legal counsel. They demand that those responsible for their ill-treatment are brought to justice. The lawyers are now on trial for breach of the Law on Assembly and Demonstrations (Statute No 2911).

On 21 September a large force of gendarmes used explosives to force entry into Ward 6 at Buca Prison, near Izmir in Western Turkey. Political prisoners were refusing to appear for roll-call in protest at brutal treatment to which they and other political prisoners had been subjected. After subduing Ward 6, the gendarmes allegedly brought the prisoners into the courtyard one by one and beat them savagely with chains, iron bars, sticks and truncheons. A prisoner held in a neighbouring ward which opens onto the same courtyard later gave the following account: *There was no sound from those prisoners thrown into the courtyard. You could only hear their gasping. They were beaten on their heads. The courtyard was awash with blood which was on the walls and even the ceiling.*

As a result of the beating three prisoners, Yusuf Ba_, U_r Sar_aslan and Turan K_l_nç, died. Thirty-seven prisoners were hospitalized - seven of whom were kept in hospital with severe injuries, mainly to the head. The injuries described in Turan K_l_nç's autopsy report suggested a ferocious attack: *"general body trauma, broken skull, subdural and subarachnoidal haemorrhage, broken ribs, laceration and haemorrhage of the left lung."*

On 22 September lawyers of the prisoners and worried relatives, as well as human rights activists, gathered in front of the prison. However, only the President of the Izmir Bar Association, Kas_m Sönmez, was allowed to enter the prison. He informed a representative of the Ministry of Justice and the prison authorities that fellow lawyers were waiting outside to visit their clients.

Meanwhile, a group of people from the *Democracy Platform* (union of non-governmental organizations and professional associations), who had gathered outside, read out a statement condemning the attack on the prisoners, while being surrounded by police who did not intervene at that stage. Afterwards people started to disperse and walked towards a bus-stop nearby, when police blocked the road. Police then began to beat people with truncheons and to detain them.

Lawyers who waited in a coffee house nearby witnessed the beatings and tried to intervene. Irfan Güler, a member of the Bar Association in Istanbul and legal counsel to several prisoners at Buca prison, gave the following account of what happened to him:

I was sitting with a colleague in a coffee house opposite the prison, when I saw two women being pushed to the ground by police. I helped one of them to get up and sat her on a chair [of the coffeehouse]. Then I went back to the other woman. Before I could reach her police stopped me. They beat me with their truncheons. I showed my identity card, saying: "I am a lawyer". While uniformed police stopped beating me, plainclothes police continued. They hit me even harder, accusing me of being a lawyer of terrorists. My head was bleeding when police dragged me to their minibus. They insulted me. I was half in half out of the minibus when a policeman in plain clothes grabbed the little finger of my right hand and shouted: "I'll break it". And so he did.

Lawyer Irfan Güler

Then police brought other detainees into the bus (I was the first). In the bus we were severely beaten. I do not remember who was sitting beside me, because we had to lower our heads all the time. Having come from Istanbul I did not know most of the other detainees anyway. We were taken to Izmir Police Headquarters. As we arrived, I asked to be taken to hospital. First they beat me again. Finally I was taken to Atatürk Hospital in Izmir. My right arm especially was swollen from beating with truncheons. However, my right arm was not x-rayed there. It was treated only later in Istanbul.

I was also taken to the the Forensic Medicine Institute and received a report of five days inability to work. In fact I could not work for 15 days. My right arm is still hurting.

On 27 September 1995 Irfan Güler was medically examined at the Turkish Human Rights Foundation in Istanbul and received the following report:

Two separate sutures - one of 6cm and one of 2cm - were made on the left parietal area of his skull. His right arm was put in a splint, the little finger of the right hand is in plaster and the nail of the second finger is bruised. The area under both eyes is bruised. The joint movements of the left mandible [lower jaw bone] are painful. There are bruises on the right shoulder which are turning green in places. On the right triceps there is a 5x5 cm greenish

purple bruise; on the left shoulder there are ecchimoses [bruise-like spots]. Under the left scapula [shoulder blade] there are two bruises: one 10x4 cm and one 10x2 cm at the level of the 8-9th elevation. There is a 3x2cm bruise on the left biceps; under the left nipple there is a 5x5cm bruise; on the left front arm there is a 7x6cm bruise; in the right costovertebral region [area near the spine] there is a 3x3cm bruise. All these bruises are turning green. There are swollen lesions on the left tibia [shin] and ankle.

All neck movements are painful. Movement of both shoulders is painful. (An x-ray taken in Izmir showed no pathology.) Movement of the first finger of the right hand is painful.

Preliminary diagnosis: multiple trauma/soft tissue trauma

Metacarpal fractures of the first and last fingers of the right hand (...)

Radiological information:

Left shoulder AP graph: Distal fracture of the clavicle [collar bone]

Lawyer Irfan Güler

Craniography: no pathological information

Right hand: Fracture in the first and fifth fingers of right hand

Injuries are connected with beating and truncheon blows.

Gül Kireçkaya, a lawyer and member of the Izmir Human Rights Association, was among those who moved towards the bus-stop as police approached them. She gave Amnesty International the following account:

Suddenly vehicles of the anti-riot police blocked the road. There must have been hundreds of police in front of the prison. As police approached us, panic broke out and we turned back.

I was together with _engül Gültekin, a fellow lawyer. We had escaped and were standing on the sidewalk behind some armchairs in front of a furniture shop.

We saw how people were detained and carried to a minibus . We tried to intervene and were pushed back by police. One detainee made an attempt to leave the minibus. They beat him so hard that a wooden truncheon broke on his back.

When police wanted to arrest us, I said that we were lawyers. They grabbed me and forced my arm up my back. They beat me on the way to the bus. One hand grabbing me by my hair while the other was beating me.

Lawyer Gül Kireçkaya

I was first taken alone to a bus where I was beaten about the face. They stuck me under a seat. They kicked me in the back with their heavy boots. I could not sit for a week. The medical report of the Forensic Medicine Institute stated only two days' inability to work .

Then they took me to the minibus where İrfan Güler and _engül Gültekin already were. I held my head bent down because of the beating. Suddenly I felt blood dripping on me. I realized it came from İrfan Güler who was sitting beside me.

They took us to the Anti-Terror Branch of Izmir Police Headquarters. As we got out of the minibus they grabbed us by the hair and beat us. They pushed my head against a wall. They insulted us saying that women lawyers were bitches.

I could neither sit nor walk. Then we lawyers were separated from the other detainees and led into the courtyard of the Police Headquarters. We could hear the detainees screaming inside.

On 22 September Gül Kireçkaya was examined at the Forensic Medicine Institute:

Due to blunt beating subjective pain in the soft tissue of the right femoral [thigh] area; (...) subjective pain in the sacral area [immediately below the spine]; superficial wound on the right inner side of the mouth (...)

On 5 October the lawyer _engül Gültekin, another member of the Izmir Bar, filed a complaint with Izmir Penal Court, which summarized the findings of her examination at Alsancak State Hospital as follows:

_engül Gültekin, born 1970, was examined on 22 September 1995 at Alsancak State Hospital. She complains of trauma to the head and left hand; there is no trace of loss of consciousness. There is pain on the right side of the head. In the proximal part of the third finger of the left hand there is oedematous bruising, pain and restricted movement of the

fingers. On neurological examination, no clear deficit was found. On orthopaedic examination, the craniography was normal. X-ray showed that the proximal phalanx and proximal tip of the third finger of the left hand was broken. It was observed that it was noted in writing that the forearm had been in plaster. Based on the evidence above this person's life was not in danger, and 10 day's leave should be taken. In 45 days she will probably be well again.

The three lawyers Irfan Güler, Gül Kireçkaya and _engül Gültekin were among 11 lawyers who were detained in this incident. Together with several other detainees Irfan Güler, Gül Kireçkaya and _engül Gültekin filed a complaint of ill-treatment by the police.

A trial has been opened against the lawyers and other detainees. They are charged with having participated in an illegal demonstration, under the Law on Assembly and Demonstrations (Statute No 2911).

The prosecutor's office has opened an investigation into the lawyers' complaint. However, according to Amnesty International's knowledge no trial had been opened by the end of February 1996 concerning the ill-treatment by police of detainees, including the three lawyers Irfan Güler, Gül Kireçkaya and _engül Gültekin, in Izmir in September 1995, although medical reports establish that they were ill-treated.

Amnesty International is appealing for their complaint of ill-treatment to be fully and impartially investigated and for those responsible for their ill-treatment to be brought to justice.