

Amnesty International Women's Rights Action 2000

Women's Rights are Human Rights
The Struggle Persists

TURKEY

Young Women Raped and Sexually Assaulted in Custody

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[BOX]

“Women may be vulnerable to violence perpetrated by persons in positions of authority in both conflict and non-conflict situations. Training of all officials in humanitarian and human right law and the punishment of perpetrators of violent acts against women would help to ensure that such violence does not take place at the hands of public officials in whom women should be able to place trust, including police and prison officials and security forces”.

Beijing Platform for Action, Strategic Objective D, paragraph 122.

[end BOX]

On separate days in early March 1999 two Kurdish young women -- 16-year-old high school student N.C.S¹ and 19-year-old student Fatma Deniz Polatta -- were arrested by police authorities and detained at the Anti-Terror Branch of police headquarters in Iskenderun, Turkey, for seven and five days respectively. The young women claim to have been tortured and forced to give false confessions while in police custody.

According to the young women's testimony, their torture included rape and other sexual assault. They were kept blindfolded throughout their detention. For the first two days, N.C.S. was forced to stand continuously, prevented from sleeping and from using the toilet, and denied food and drink except for sour milk. She was forced to strip and remain naked in a cold room. During the interrogation she was beaten all over her body -- with blows directed especially at her head, genitals, buttocks and breasts -- and forced to sit on a wet floor for long periods before being made to roll naked in water. On other occasions she was suspended from the arms and hosed with pressurized cold water. She was threatened that she would be killed and that her mother would be raped.

Fatma Deniz Polatta_ was reportedly subjected to the same methods of torture as N.C.S. She was also threatened that both her father and her mother would be raped in front of her and that her father would be dismissed from his job. At one stage she was punched on her face and one of her teeth broke. Later, she was also raped:

“A police officer asked me to ‘take off my trousers and socks.’ I was scared and obeyed. I was standing. A police officer in uniform asked me to ‘bend over’. Afterwards he pushed something into my behind. It was something long and serrated. At that moment I started to bleed. I was bent fully over [but] they were beating me with their sticks, saying ‘stand up straight’.”

After this incident, one of the police officers involved in the torture reportedly said to her, “Even if you go to a doctor, you cannot prove anything.” Indeed, at the beginning and at the end of their time in police custody the young women were seen by five different state-appointed doctors, including

¹ Amnesty International is withholding N.C.S.'s full name as she is a minor.

gynaecologists on 6, 9 and 12 March. None of the doctors reported any signs of violence, although -- acting without the consent of the young women or their parents -- the doctors did perform "virginity tests". However, a "virginity test" (examination of the hymen) does not prove whether a rape has taken place, since rape can take place without penetration that breaks the hymen. Furthermore, the independent Turkish Medical Association has stated in 1992 that "virginity examination" is a form of gender-based violence and an assault to the woman's sexual identity. It can have traumatic effects. In January 1999, the Ministry of Justice issued a decree to the country's prosecutors banning the practice of virginity examinations of women when there is no allegation of sexual assault. Amnesty International believes that forcibly subjecting detainees to so-called "virginity tests" is an egregious form of gender-based violence constituting torture or cruel, inhuman or degrading treatment.

On 12 March, the two young women were remanded to prison by the State Security Court in Adana, charged with being members of the armed opposition group Kurdistan Workers' Party (PKK) and with involvement in a Molotov cocktail attack during a demonstration. On 2 November 1999, Fatma Deniz Polatta_ was sentenced to 18 years' imprisonment. N.C.S. was sentenced to 12 years in prison, a lower sentence in recognition of her young age. The two young women claim that their convictions are based on statements extracted under torture, yet they remain in prison pending the decision of the Appeal Court.

In July 1999 four doctors from the Turkish Medical Association (TMA) were given access to the young women in prison. They were given permission to interview them but not to physically examine them. According to their report, the medical symptoms described by the young women corroborate their detailed torture testimonies.

The TMA noted that all official medical reports issued by the state-appointed doctors fall short of the Turkish Health Ministry's and the TMA's standards for forensic reports. The TMA emphasized the importance of appropriate medical examinations, including psychiatric examinations, in documenting evidence relating to the allegations of torture. The Association called for such examinations to be carried out with the consent of the two women alleging torture. The young women's lawyers also requested that the two young women be transferred to specialized psychiatric units to assess possible continuing trauma and to ensure that they receive correct treatment, but to date the young women still have not had access to this vital medical and psychiatric care. Complaints have also been filed against the state-appointed doctors for issuing medical reports that concealed torture.

Following a public outcry and a formal complaint submitted by lawyers acting for the young women on 9 November, the public prosecutor opened an investigation into the torture allegations against the police officers involved. Though four doctors from Adana Forensic Institute examined the two young women on 27 November and certified that they had been tortured, their report was not considered by _skenderun Chief Public Prosecutor. He decided not to prosecute the police officers.

In recent years Amnesty International has documented several cases of rape and sexual assault committed by security force members in Turkey. The experiences of N.C.S. and Fatma Deniz Polatta_ demonstrate the continuing vulnerability of children and women in Turkish police stations and prisons. During incommunicado detention in police or gendarmerie custody women and men are routinely stripped naked. Torture methods repeatedly reported to Amnesty International include electro-shocks and beating directed at genitals and women's breasts, sexual abuse, including rape or rape threats. Since mid-1997, a legal aid project in Istanbul aiming at bringing perpetrators to justice has been helping women who were raped by officials and subjected to other forms of sexual torture. Some 100 women, more than 80 of them Kurds, have sought the support of the project. Nearly 40 of them reported rape, 65 other sexual abuse. The suspected perpetrators are overwhelmingly police officers, others are gendarmes, soldiers, or village guards. They are rarely held responsible for their alleged abuses. In 1999 Amnesty International documented a general climate of impunity for torturers.

TAKE ACTION!

Please write letters to the Turkish authorities expressing the following concerns:

- refer to the case of N.C.S. and Fatma Deniz Polatta_ and their allegations that they were tortured - including by rape and other sexual assault - while detained at the Anti-Terror Branch of police headquarters in Iskenderun;
- express concerns that the torture and sexual abuse they suffered whilst under police custody are gross violations of their human rights;
- express the urgent need for the Turkish authorities to take measures to prevent girls and women in custody from being subjected to torture and ill-treatment;
- remind the Turkish authorities of their obligations under the UN Convention Against Torture, which Turkey ratified in 1988.

Ask the minister(s) to:

- ensure that the investigation into the young women's allegations is conducted in an independent and thorough manner and includes a gathering of relevant medical and psychiatric evidence;
- suspend the alleged perpetrators from duties which bring them into contact with prisoners until the investigation is concluded and if they are convicted to dismiss them from the forces;
- ensure that the young women receive all necessary medical and psychological treatment to recover from the traumas brought about by their experience of rape and other sexual violence;
- ensure adoption of the standard reporting forms for forensic medical reports recommended by the Human Rights Foundation and the Turkish Medical Association. The doctors conducting examinations should be female unless the detainee requires differently, and be experienced, have forensic competence and act with due impartiality. Doctors found to have deliberately issued false medical reports concealing torture and ill-treatment should be prosecuted;
- instruct law enforcement personnel that rape in custody is an act of torture and put in place accountability mechanisms to ensure that it will not be tolerated and that perpetrators will be brought to justice.

Please write to:

Professor Hikmet Sami Türk
Minister of Justice
Adalet Bakan_ ,
Adalet Bakanl___ ,
06659 Ankara, Turkey

Mr Hasan Gemici
State Minister responsible for women and children
Office of the Prime Minister
Ba_bakanl_k
06573 Ankara, Turkey
Telegrams: Ba_bakanl_k, Ankara, Turkey
Faxes: + 90 312 417 0476
Salutation: Dear Minister

Please send copies to:

Mr Mehmet Ali İrtemçelik
State Minister with responsibility for human rights
Office of the Prime Minister

Ba_bakanl_k
06573 Ankara, Turkey
Faxes: + 90 312 417 0476

and to the Turkish Embassy in your country.

Photo caption:

Fatma Deniz Polatta_ (19) (on the right) and N.C.S. (16) in prison. The young women were reportedly exposed to rape, sexual abuse and other torture at police headquarters in Iskenderun, Turkey, in March 1999. © Özgür Bak__.

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