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£TURKEY: @ERDO_AN KIZILKAYA - Misleading Medical Report After Torture

Erdo_an K_z_lkaya, aged 23, was detained in Kayseri, Central Turkey, on 4 August 1991. On the first day of police custody he was medically examined and a certificate was issued, dated 5 August 1991, stating that he had no signs of injuries on his body.

According to a statement made by Erdo_an K_z_lkaya after his release, he was taken into custody from his family home on 4 August 1991, together with a female visitor. His hands were bound and he was put into a police vehicle. The police began to punch him from the moment he entered the vehicle, and threatened that they would kill him. He was taken to Kayseri Police Headquarters where he alleges that he was made to lie down on the floor and then trampled upon, before his clothes were taken off and he was taken to an interrogation room. There electric shocks were applied to his penis, hands and feet. He was then hung up by the wrists and electric shocks were again applied to his extremities and sexual organs. He stated that he was tortured in a similar way for two more days, and that during the third torture session his testicles were twisted, and his penis was hit repeatedly with a truncheon. Then an attempt was made to rape him with a truncheon smeared with grease.

He also alleges that he heard the cries of the girl who had been visiting the house, and that on one occasion his blindfold was removed so that he was able to see the girl naked and bound to a T-shaped device on the floor while electric cables were passed over various parts of her body. He says that they threatened him saying, "Talk or we will do worse."

On 9 August 1991, shortly before being brought before the prosecutor, Erdo_an K_z_lkaya was examined by a doctor at the Ayd_nlikevler Health Centre, authorized by the Turkish Ministry of Health to carry out forensic examinations. The medical report states: "Examination showed no marks of blows or force".

Erdo_an K_z_lkaya was formally arrested on the same day by Kayseri State Security Court and committed to prison. He was apparently in such a poor state of health that three prison officials, including a prison health officer, prepared a report, stating: "When Erdo_an KIZILKAYA came to this prison on 9.8.1991 at 17.15 hrs after having been arrested by the State Security Court, it was noted that there were wounds on his wrists and signs of blows on various parts of his body. A dressing was applied by the prison medical officer after which the prisoner was sent to the closed section of the prison."

A prison doctor examined Erdogan K_z_lkaya at 9pm the same evening and prepared

a report noting the following injuries: "Bruising above the right eye, an area of bruising 2.5 x 3 cm on the right cheekbone consistent with a blow from a blunt object; areas of bruising on the left shoulder and the right shin, again consistent with a blow from a blunt object; lesions around both wrists apparently caused by rope or string; second degree burns, measuring 3 x 3.5 cm on the left scapula and 2.5 x 3 cm on the right scapula, possibly caused by electrical current; on the left ankle three separate burns each measuring 1 x 1 cm, possibly caused by electricity".

Because of pain and tenderness in the stomach and kidney areas, the prison doctor urgently recommended that Erdo_an K_z_lkaya be referred to Kayseri State Hospital, where he was examined two hours later. The State Hospital report corroborated the prison doctor's findings, and in addition found bruising on the penis. Erdo_an K_z_lkaya was given a report certifying that he would be unfit to work for five days.

On 11 September 1991, Erdo_an K_z_lkaya was released pending trial by Kayseri State Security Court. Photographs taken the same day, that is, a month after the alleged torture took place, still showed the traces of torture.

Erdo_an K_z_lkaya was charged with passive resistance to arrest and membership of an illegal armed organization. His case continues in Kayseri State Security Court.

In September, his lawyers submitted a formal complaint to the Kayseri State Prosecutor against the doctor who had signed the apparently fraudulent certificate, and another complaint against those responsible for the torture. In accordance with the Anti-Terror Law passed in April 1991, the prosecutor referred the complaint to the local civil administration for evaluation, rather than immediately opening a case against the torturers, named by the victim.

Amnesty International has for many years been concerned at the alleged malpractice by forensic medical doctors in issuing misleading medical certificates which understate or completely fail to record injuries or marks of torture on the bodies of detainees examined in police custody before presentation to the court. Police officers are often present during examination by forensic medical doctors and there have been frequent reports which suggest that in some cases such doctors, who are state employees, were subjected to pressure to issue misleading reports. In a small number of cases, detainees have been successful in obtaining a second medical report after referral to prison [see: Trial of TAYAD-members in Istanbul; AI Index: EUR 44/69/91 - case of Saycan Yalçın].

Amnesty International is appealing for a prompt, thorough and independent investigation into the torture allegations raised by Erdo_an K_z_lkaya and the alleged misconduct of a forensic medical officer involved in his case.