

**AMNESTY INTERNATIONAL
TURKEY: APPEAL CASES**

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Turkey: Justice delayed and denied for victims of sexual torture

S.Y.¹ was detained at Istanbul Police Headquarters between 24 and 27 September 2002. She was reportedly blindfolded and tortured including by being sexually assaulted. One police officer reportedly made her open her mouth and spat in it. She was also reportedly grabbed by the hair and thrown to the ground, beaten, insulted and deprived of sleep, food and drink. She was reportedly made to strip and put on the ground. A police officer then also stripped and rubbed his hands and penis against her. After this procedure S.Y. was allegedly taken naked to the toilet and sprayed with cold pressurized water. On the last day S.Y. was in custody, she was reportedly stripped naked and sexually assaulted again. She alleged that she was threatened with anal rape using the hose from the pressurized water, and that police attempted to insert the hose into her anus.

Amnesty International has documented numerous cases of women being sexually tortured while in police and gendarmerie detention in Turkey. Their search for justice is difficult and numerous factors conspire to allow such cases to remain uninvestigated and the perpetrators to go unpunished.

Lawyers representing women in Turkey who have been sexually assaulted in custody have been subjected to official, media, and peer persecution. This makes it even more difficult for survivors of sexual violence to obtain justice, and contributes to the silence surrounding sexual crimes. Eren Keskin – a human rights defender who acts for women who have been subjected to sexual violence in custody - has been the subject of 86 lawsuits in relation to her human rights activities. She has also been the subject of death threats and insults.

For example, in one trial she was charged with “insulting the state security forces” after she publicized the sexual torture that some of her clients reported that they had suffered while in gendarmerie custody. In a second trial she has been charged with having disseminated ‘separatist propaganda’ in statements made during a panel discussion on ‘Violence against Women’ held on 25 November 2001.

In November 2002, in a worrying departure from one of its traditional roles as a defender of human rights causes, the Istanbul Bar Association decided to implement a controversial decision by the Turkish Union of Bar Associations to suspend Eren Keskin’s licence as a lawyer for one year as a result of a suspended conviction for making “separatist propaganda” after she used the word “Kurdistan” in a newspaper interview.

¹ Full name known to Amnesty International

While prominent human rights defenders in Turkey like Eren Keskin who campaign and support the search by survivors of sexual torture for justice can have scores of cases opened against them for their activities, there is an apparent failure of will to bring the alleged torturers to justice.

Twenty two-year-old Gülderen Baran was detained at Police Headquarters in Istanbul in August 1995 and allegedly beaten, hosed naked with cold pressurized water, kept blindfolded and deprived of sleep, sexually molested and repeatedly hung by the arms which left her with a loss of movement in both arms.

As Gülderen Baran reported at the time "...they dragged me inside by my hair ... From now on I was blindfolded ... they stripped me naked and started to hang me up. They brought my shoulders to a beam and hoisted me up ... They held me under cold pressurized water ... They did not let me sleep ... For days they subjected me to countless hanging sessions. They made an unsuccessful attempt to rape me".

Amnesty International believes that any public officer accused of torture or similar human rights violations must be afforded the presumption of innocence and every facility to defend themselves in the course of a fair trial. They should also be acquitted unless their guilt has been established beyond reasonable doubt. However, against the background of doubts about the independence of courts, acquittals in some prominent cases have provoked dismay. Despite the severity of the crimes - and in contrast to the prosecution of human rights defenders - there is an apparent pattern of impunity for the perpetrators of these crimes.

A trial opened against five policemen in connection with Gülderen Baran's allegations of torture was dropped – not because the police officers were found not guilty but because the trial proceedings appear to have been seriously flawed. Despite admissions of using force and beatings from a chief commissioner and a police officer during the course of their trial, the case was discontinued on 12 March 2002. It was reported to Amnesty International that many of the court sessions were adjourned by the court at the request of lawyers for the police officers, including, amongst other reasons, the non-attendance of the defendants and their failure to provide photographs of themselves for identification purposes. One of the officers on trial, who was not suspended from his duties whilst proceedings against him were pending and who was subsequently promoted to chief superintendent, has been the beneficiary of the expiry of the statute of limitations in two trials in which he has been charged with torture.

Amnesty International is concerned that lengthy delays in court proceedings may contribute to impunity for perpetrators of torture – including sexual torture - and other human rights violations.

Recommended action:

Please send politely worded letters:

- Expressing concern at allegations that S.Y. has been tortured by police officers and calling for a thorough, impartial and independent investigation into these allegations with the results made public and those responsible brought to justice. Independent medical or psychiatric reports should be admissible to the investigation;
- Expressing concern at the large number of trials opened against Eren Keskin apparently only for peacefully expressing her views as a human rights defender and for carrying out her role of monitoring and reporting human rights abuses, and asking for all charges against her to be dropped;
- Expressing concern that more than seven years after the reported torture of Gülderen Baran, no one has been brought to justice;
- Urging that those responsible for human rights violations, including those who order it, should be brought to justice. As recommended by the UN Special Rapporteur on torture after his visit to Turkey, “prosecutors and judiciary should speed up the trials and appeals of public officials indicted for torture and ill-treatment. Sentences should be commensurate with the gravity of the crime.”
- Calling on the Turkish government to demonstrate its total opposition to sexual violence against women and condemn sexual violence unreservedly whenever it occurs. It must publicly recognize that rape and sexual abuse of women in custody always constitutes torture or other inhuman and degrading treatment and should be prevented.

Whom to write:

<p>Minister of Justice</p> <p>Mr Cemil Çiçek Ministry of Justice Adalet Bakanlığı 06659 Ankara, Turkey</p> <p>E-mail: cemilcicek@adalet.gov.tr</p> <p>Salutation: Dear Minister</p>	<p>State Minister with responsibility for Human Rights</p> <p>Mr Ertuğrul Yalçınbayır, Office of the Prime Minister, Başbakanlık, 06573 Ankara, Turkey</p> <p>E-mail: ertugrul.yalcinbayir@basbakanlik.gov.tr</p> <p>Salutation: Dear Minister</p>	<p>Prime Minister of Turkey:</p> <p>Mr Abdullah Gül, Office of the Prime Minister, Başbakanlık, 06573 Ankara, Turkey</p> <p>E-mail: abdullah.gul@basbakanlik.gov.tr</p> <p>Salutation: Dear Prime Minister</p>
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Send copies of your letters to the diplomatic representatives of Turkey accredited to your country.