

EXTERNAL

AI Index: EUR 44/18/92
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Date: 24 February 1992

@ FURTHER INFORMATION ON MEDIHA CURABAZ

(See EUR 44/11/92 - 23 January 1992)
£TURKEY

Background

In late 1991 Mediha Curabaz, a 25-year-old nurse who had been held in prison for three months before acquittal and release, spoke to the Turkish press about her ill-treatment and torture in police custody. She was detained in Adana on 15 August 1991 and interrogated about a poster campaign in Adana said to have been organized by the TIKB (Revolutionary Communists' Union of Turkey). She was held in police custody for five days before transfer to prison and alleges that during these five days she was severely tortured, beaten, hung by the wrists, given electric shocks and finally 'raped' with a truncheon which delivered electric shocks. She was brought to trial on 14 November 1991 charged with membership of the TIKB, acquitted and released.

Following her transfer from police custody to prison, Mediha Curabaz was referred to Adana Maternity and Children's Hospital for gynaecological examination. This took place on 2 September 1991, 18 days after her arrest and a hospital report noted that her hymen had been torn and was partially healed.

While still in prison, Mediha Curabaz brought a complaint of torture against five police officers and this complaint was heard by the Adana provincial administrative council. Amnesty International has learned that the council has now ruled that the case should not be prosecuted in court for lack of sufficient evidence. Mediha Curabaz has appealed to the Administrative Appeal Court in Ankara.

It is a relatively new development for complaints of torture to be heard by local government councils rather than by the judiciary. Prior to April 1991 all complaints of the security forces having used torture and ill-treatment were heard by the public prosecutor, as with any other criminal offence. With the introduction of a new Anti-Terror Law in April 1991, however, responsibility for the initial investigation of such complaints devolved from the prosecutor to local administrative councils in all cases where the complainant was held for investigation in connection with an offence falling under the scope of the new law. These councils comprise members of the local executive, generally the provincial governor and/or his deputies, who usually have no legal background, and may be open to influence from local security force commanders. In Mediha Curabaz's case, the council comprised the Vice-Governor, the Director of Legal Affairs, the Head of the Finance Department, the Director of National Education, the Director of Public Works, the Director of Health and the Director of Agriculture. A copy of their decision is appended in translation.

The councils conduct hearings *in camera*, and only if the administrative council decides that a case should be forwarded to a local court are complainants and lawyers again allowed to

participate in the process. Amnesty International has expressed misgivings to the Turkish Government on previous occasions about these and other aspects of the new law. Under terms of the law, members of the security forces who are accused of having used torture may continue to guard and interrogate detainees while charges against them are outstanding and police officers who have taken statements from detainees are exempted from being questioned in court unless they agree to do so. For further information, please see *Amnesty International's principal concerns in respect of Turkey's new anti-terror law*, EUR 44/129/91, September 1991.

Mediha Curabaz is a member of the Adana Nursing Association's executive council.

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To: Medical professionals
From: Medical Office / Research Department - Europe
Date: 24 February 1992

FURTHER INFORMATION ON MEDICAL LETTER WRITING ACTION

(See EUR 44/11/92 - 23 January 1992)

**Mediha CURABAZ
TURKEY**

Keywords

Theme: Torture/sexual abuse

Profession/association: nurse/Adana Nursing Association

Summary

Mediha Curabaz is a 25-year-old nurse who was held in police custody in mid-1991 where she alleges she was subjected to severe torture and sexual abuse. She brought a complaint of torture against five named policemen, but pursuit of her complaint has now been rejected on the grounds of insufficient evidence. Under the terms of a new law, instead of her complaint being handled by the proper judicial authorities, it was examined within the local authority which is also responsible for the police. Mediha Curabaz has appealed against this decision to the Administrative Appeal Court.

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing concern at the reported torture of Mediha Curabaz
- noting that the provincial administrative council in Adana has recently ruled that there was insufficient evidence to press charges against five policemen alleged to have used torture and ill-treatment against 25-year-old Mediha Curabaz in August 1991
- expressing reservations about complaints of police involvement in serious criminal offences being heard by local government officials rather than by the judicial authorities
- expressing the hope that the Administrative Appeal Court will permit these serious allegations to be examined in court

Addresses

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COPIES of all letters may go to:

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and to diplomatic representatives of Turkey in your own country