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£TURKEY: @Torture and Ill-Treatment of Minors - Two Cases

Turkey has a Kurdish ethnic minority which is estimated to number some 10 million people. Any activity for a separate Kurdish political or cultural identity is punishable under Turkish law. The Kurdish population lives mainly in southeastern Turkey. Frequent allegations of torture and ill-treatment have been received from the region. The number of torture allegations increased substantially after the 1980 military coup. Since August 1984, when Kurdish guerrillas - members of the Kurdish Workers' Party (PKK) - started armed attacks on the security forces, an alarming number of reports of ill-treatment of detainees by the police, gendarmerie and the security forces have come from the eastern and southeastern province. Some 3000 lives so far have been lost on both sides and among the civilian population in the continuing fighting. Emergency legislation is in force in ten provinces in the region and the Emergency Legislation Governor in Diyarbak_r has extraordinary powers over three additional provinces. In May 1990 the Turkish government issued Decrees 424 and 425 (in December replaced by Decree 430), further extending the already extraordinary powers of the Emergency Legislation Governor.

Turkey ratified the European Convention for the Prevention of Torture on 25 February 1988 and the UN Convention Against Torture on 2 August 1988. However, all information available to Amnesty International indicates that torture is still widespread and systematic in Turkey. Allegations of torture have continued since the transfer of power to a civilian government in 1983. Most allegations relate to ill-treatment of detainees in police custody during their initial interrogation when they are usually denied access to relatives or a lawyer. In August 1990, the government derogated from Articles 5, 6, 8, 10, 11 and 13 of the European Convention on Human Rights, all of which contain important safeguards for human rights. Under current legislation the maximum detention period before being formally charged or released is 24 hours; in cases involving three or more suspects or due to the 'nature of the crime' it may be extended to 15 days. This period may be extended to 30 days in areas under emergency legislation or martial law. Emergency legislation is currently in force in Siirt province.

Case of Ruken Sezer (f), aged 14

On 17 March 1991 a minibus travelling out of Siirt in southeast Turkey was stopped by members of a "special team" of the security forces. The bus was then driven a short way out of town. The 14 passengers (11 men and three women) were told that they were suspected of having come to Siirt in order to join the guerrilla forces

of the Kurdish Workers' Party (PKK). The passengers were then reportedly dragged from the vehicle while being beaten with fists and truncheons, before being handcuffed with their hands behind their backs and blindfolded. Among those detained were three women: Ruken Sezer, a high school student aged 14, Ilkay Akagündüz, aged 17, and Sabiha Akagündüz, aged 22. The account of what happened afterwards is based on several reports received by Amnesty International.

According to these reports, a large number of people witnessed from some distance what happened: The passengers including the three women were taken to a stream and told to remove their trousers before being made to lie down in the ice-cold water. After 10 minutes they were brought to the bank, insulted, beaten and subjected to falaka (beating the soles of the feet). This process was carried out repeatedly for approximately two hours. The security forces also pretended that they were going to execute the blindfolded detainees, and fired shots close to where they were standing.

The passengers were subjected to physical and psychological torture for some five hours in all. They were then taken to Siirt Police Headquarters where they were again beaten sporadically for two hours.

Ruken Sezer was placed in a cell where she remained for several hours before being taken to a room where she was stripped of her clothes and subjected to beating, sexual harassment and threats of electric shocks. She was also repeatedly threatened with ameliyat (operation), which was possibly intended to suggest rape. This treatment continued for seven days while she and the others were being asked to admit that they had come to enrol in the guerrilla forces. During interrogation Sabiha Akagündüz suffered a breakdown as a result of the treatment she received.

The three women were examined by a doctor during the second day of detention but that the doctor made no record of the widespread bruising on Ruken Sezer's body. The police tried on several occasions to make Ruken Sezer assent to having a doctor examine her for proof of virginity, which she declined as an affront. On her last day of detention she was actually taken to a doctor's surgery for such an examination but again refused.

On 5 April, all 14 detainees were taken to Siirt Criminal Court and charged under Article 168/2 of the Turkish Penal Code with aiding an illegal armed organization. Ruken Sezer was provisionally released by the court on account of her age, but the other 13 detainees were committed to prison and are now being held at Diyarbakir E-type Prison awaiting trial.

Case of Lokman Gülen, aged 10

Following a rocket attack on 22 April by Kurdish guerrillas on the gendarmerie post at E_lence village near Siirt, the gendarmerie came to the nearby village of Suske/Yoku_ba_larca just after noon on or around 26 April and detained 10-year-old Lokman Gülen. His mother followed the soldiers for some distance as they took her son away, but at the edge of the village they ordered her to turn back. Lokman spent approximately 24 hours in the gendarmerie post before being brought back to the village the following day.

He reported that while in custody he was offered sweets and chocolates, and 500,000 Turkish Lira (about 70 £ Sterling) as an inducement to disclose information

about alleged contacts between the village and the guerrillas. He alleged that when he said that he had no information to give, they slapped and punched him, and took him outside into the garden surrounding the post. He stated: "There they let loose a black police dog, and said they were going to let it attack me if I did not tell them all I knew. It growled and rushed towards me but did not bite me, though I thought it was going to. There was an ordinary soldier and the commander of the post with stripes on his arm - two or three stripes, I cannot remember which. That night I was locked in a room and slept on the concrete floor".

Amnesty International is concerned at the alleged torture of Ruken Sezer and her fellow-passengers and at the alleged ill-treatment of Lokman Gülen. The organization is appealing to the Turkish authorities for an immediate, independent and thorough investigation into these allegations and is seeking assurances that no confession made under torture in police custody is introduced or accepted as evidence in Ruken Sezer's trial.