

AMNESTY INTERNATIONAL PRESS RELEASE^{AI}

Index EUR 44/063/2000 - News Service Nr. 225

Embargoed for : 25/11/2000 00:01 GMT

Turkey: Torturers of Fatma Tokmak and her son go free

"The torturers of Fatma Tokmak and her two-year-old son Azat are still free, despite the sufferings they caused," Amnesty International said on the occasion of the United Nations International Day for the Elimination of Violence against Women.

On 9 December 1996 Fatma Tokmak, a Kurdish woman who does not speak Turkish, was detained on suspicion that she and her husband were affiliated with Kurdistan Workers' Party (PKK). She was held in police custody with her son at the Anti-Terror Department of the police headquarters in Istanbul until 20 December.

Fatma Tokmak and her son were allegedly subjected to torture at the hands of police officers in Istanbul in December 1996. To this day no one has been prosecuted and all possible moves to bring the perpetrators to justice have been exhausted.

According to reports, the police officers tortured Azat Tokmak in order to elicit confessions from Fatma Tokmak and to make her accept the allegations against her. The police officers tortured her son in her presence by administering electric shocks to his back and stubbed out cigarettes on his hands.

Fatma Tokmak was also violently undressed and forced to lie naked with her son on the floor. In the course of the 11 days of police custody she was hung by her arms and sexually abused while in that position. Her naked body was touched and grabbed by the male police officers. One police officer threatened to rape her with a truncheon.

The police officers entered the cell one night and took away Azat Tokmak. They reportedly told her that she would never see him again, and that they were going to kill him. On 20 December she was taken to the State Security Court in Istanbul which remanded her to prison in Gebze.

Fatma Tokmak's lawyer later found her son in an orphanage, after initially being denied information on Azat Tokmak's whereabouts by the chief prosecutor and a chief police officer. The director of the Anti-Terror branch of the police in Istanbul admitted that they brought him to the orphanage because they did not want to keep him with his "terrorist mother".

After a bureaucratic struggle and with the support of the prosecutor, the boy was returned to his mother. Subsequently he stayed either in prison with his mother or with a friend outside. From December 1997 he stayed mainly with relatives, visiting his mother from time to time.

Fatma Tokmak remains in Gebze Prison being charged with PKK membership in a trial in which the death penalty is sought for her. She has not yet received a comprehensive medical or psychiatric examination.

Fatma Tokmak's case is only one out of several of rape and sexual assault committed by security force members in Turkey which Amnesty International has documented in recent years.

"The torture of Fatma Tokmak and her son in police custody is a gross human rights violation," Amnesty International said.

"It is a clear breach of the commitments made by Turkey when it ratified the Convention on the Rights of the Child in 1995 and the Convention on the Elimination of All Forms of Discrimination against Women in 1985."

Background

Fatma and Azat Tokmak's case illustrates the scale of the problem of impunity still experienced by victims of torture and ill-treatment in Turkey today. Even where complaints of serious human rights violations are pursued by the authorities and security officers are prosecuted, only a negligible proportion of them are eventually convicted. According to recent official figures, investigations of 577 security officials accused of torture between 1995 and 1999 resulted in only 10 convictions (1.7 %). In the same period, 2,851 investigations into cases of ill-treatment ended with 84 convictions (2.9 %). In cases where a conviction occurs, security officials often receive the lightest possible sentences.

The staff at the orphanage to which Azat Tokmak had been brought, reported that he was in a very bad condition when he was brought to them. They said that he had neither said a word nor reacted to anything during the two and a half months he was with them. In their report issued on 21 April 1998, the Istanbul Medical Chamber described a scar on Azat Tokmak's hand, a pale lesion of 1x0.5 centimetres. The report also stated that he suffered from Post-Traumatic Stress Disorder (PTSD), which corroborated the torture allegations. He was reportedly especially disturbed by cigarettes and covered his face with his hands when he saw police officers.

In 1997 Fatma Tokmak with the help of lawyers filed a formal complaint against the police officers who tortured her son and herself. The public prosecutor in Fatih decided in July 1998 not to initiate proceedings. The prosecutor's office had not considered the report given by the Istanbul Medical Chamber on 21 April 1998, and had not taken statements from Fatma Tokmak or the police officers. The lawyers appealed against this decision, and a medical examination of Azat Tokmak at the Forensic Institute 3rd Committee was requested by a local court in order to determine when the alleged cigarette burns were inflicted on his body. The Forensic Institute examined Azat Tokmak on 29 December 1999 and found a superficial scar of 1x0.4 cm, but the Committee stated that it was medically impossible to identify when the wound was caused. Referring to the Committee's report, the lawyers' appeal was rejected in June 2000.

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>