

EXTERNAL (for general distribution)

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Further information on UA 182/91 (EUR/44/71/91, 29 May 1991 and up-date EUR 44/76/91-5 June 1991) - Fear of Torture

TURKEY:Barbara Anna Kistler, Swiss Citizen

Barbara Kistler was detained on 19 May 1991 during an operation against alleged members of the illegal armed organisation TIKKO (Turkish Workers and Peasants' Liberation Army). She remains in prison awaiting trial. Amnesty International has just received detailed information about the treatment to which she was subjected during the initial stages of her detention. **The fear of torture is now past. This up-date is for your information only. No further action is required by UA participants, however Amnesty International is continuing to pursue her case with the Turkish authorities.**

A government statement about this case, stated that weapons and ammunition, as well as documents relating to illegal activities were found during a search of her flat by police, and that during the custody period, the Consul General of Switzerland, as well as Ms Kistler's attorney, had access to her.

Separate applications for access by the Swiss Consul and Turkish lawyers were refused on several occasions, and the Swiss Consul was told that he could only visit her if accompanied by a Turkish lawyer. On 28 May, the Swiss Consul, accompanied by two Turkish lawyers who had received power of attorney from Barbara Kistler's relatives in Switzerland, went together to the State Security Court Prosecutor. They received permission to see Barbara, and the three of them went to the First Branch of Istanbul Police Headquarters where they were refused access. They stayed for one and a half hours while enquiries were made and were finally told that they would not be permitted to see Barbara Kistler at the moment, though this might be possible in a few days.

On 29 May 1991 the Swiss Consul was permitted to see Barbara Kistler briefly; the interview was tape recorded. During this interview she stated that she wished to see her own lawyers, and particularly her Swiss lawyer. On 29 May 1991 Barbara Kistler's Swiss lawyer and her mother arrived in Istanbul. On 30 May they and the Turkish lawyers went to see the Chief State Security Court Prosecutor, who refused permission for them to see Barbara Kistler, saying that he had a piece of paper on which Barbara Kistler had expressed a wish not to see any lawyers and especially her Swiss lawyer. The lawyers asked to see the piece of paper but the prosecutor refused to show it or give them a copy.

A second visit was made to the police headquarters the same day and access was once again refused.

On 31 May 1991 the Swiss Consul protested to the Turkish Foreign Ministry, and on that day permission was given by the prosecutor for the Swiss lawyer and one Turkish lawyer to see Barbara Kistler. When they arrived, they were told that they would only be able to see her if the Chief of Police gave his personal authority, and that he was unfortunately absent. The lawyers refused to leave until they had permission to see their client, whereupon the Chief of Police appeared but said that the authorization was not in order and that

they would not be able to see her. After further negotiations, he gave permission for the lawyers to see Barbara Kistler on condition that the interview was taped, that it should only concern her state of health, and all other questions were forbidden. The Swiss lawyer estimated that the interview lasted 5 minutes, and said that any questions containing the word "police" were disallowed.

Barbara Kistler was formally arrested on 3 June 1991 and committed to Bayrampa_a Prison in Istanbul. There she was able to speak to her Swiss lawyer more freely. According to the account she gave him then, she was taken blindfolded to the Political Branch of Istanbul Police Headquarters after she was first detained. She was continuously interrogated and tortured for 40 hours. She was undressed and suspended from a beam. Electric shocks were applied to her abdomen, breasts and neck. Between the electric shocks she was sprayed with cold water. She was also made to sit on a chair and was subjected to heavy blows on the back of the head. After a short time the torture was resumed. She said that her wounds were later treated with a special liquid to make them heal faster. She did not receive a medical certificate for the State Forensic Medicine Institute, but the lawyers who visited her in police custody noticed marks on her wrists and face.

Barbara Kistler said that during the entire time of police detention she had asked to speak to the Swiss Consul, to her Swiss lawyer, and to Turkish lawyers of her choice. She said that before talking to the Swiss Consul she was threatened with extended police detention if she mentioned that she had been subjected to torture.

On 13 August 1991, she will appear in Istanbul State Security Court charged with membership of an illegal armed organisation under Article 168 of the Turkish Penal Code and the Anti-Terror Law. She has retracted the statement she made in police custody, and has made an official complaint about her torture.