

TURKEY

Young woman paralysed after torture

On 21 March 1995, Gülbahar Gündüz, a textile factory worker aged 33 from Istanbul, was detained in Tunceli and interrogated at Tunceli Police Headquarters. Gündüz Gülbahar gave the following account of her treatment in police custody:

On 19 March 1995 I travelled from Istanbul to Tunceli. I had learned that the house of my family in the Mazgirt area near Tunceli had been burned down by the security forces and wanted to apply to the authorities for compensation. There was a heavy presence of security forces all over the town because of Newroz [the Kurdish New Year celebrated on 21 March]. There was no opportunity to file an application on this or the following day.

I stayed in the house of a relative. On 21 March 1995 at about 8.30pm the doorbell rang. There were about 10 police officers in plain clothes armed with guns at our door. They asked me why I was in Tunceli. I explained that I was from Mazgirt but live in Istanbul now and that I had come to apply for compensation for the destroyed house of my family. They wanted to see my ID and passport. They also wanted to see my bus ticket from Istanbul to Tunceli. All these documents proved that I live in Istanbul now.

They searched the house. When they wanted to take us to the Police Headquarters, I refused to go. They said they would only interrogate us and let us go afterwards. They forced me and my relative to come with them. As we were dragged out of the apartment, they covered our heads. However, neighbours witnessed as they took us from the fourth floor down to the street and into their car. In the car we were blindfolded.

When we arrived at the Police Headquarters, they took us upstairs. Later I learned that my relative was released the following day. They took me into a large room where I think more than 20 detainees were kept. I could guess from the interrogations and screams around me how many others must be held in the room.

First I had to stand with legs apart about one metre away from the wall and touch the wall with the tip of one finger of each hand, so my weight pressed on this finger. If I tried to change the finger because I was tired they beat me. This lasted for at least half an hour.

They took me for interrogation. They wanted me to give information on two people whose names I didn't know. Then they referred to my previous detention more than 10 years ago - I have never been detained since. In 1984 my husband had joined a teachers' boycott to protest against events in Kahramanmara_. At that time we were both detained for a short while, released and never sentenced for any crime. They now accused me of having links with an illegal organization - an accusation which I denied.

They took me outside where they put a weapon to my neck. They threatened to kill me, saying: "It is Newroz, we can easily kill you and claim you were shot in a clash." I replied that I was not afraid, but I would not do anything that was not right. They beat me. Then they said: "We are not going to waste a bullet on you".

I was taken upstairs again where I had to undress. I was hosed with cold water. They aimed particularly at sensitive parts of the body: mouth, ears, breasts, genitals, stomach. Then they left me waiting naked. Later they gave me electric shocks through my toes and the lobes of my ears.

In my bag they found my medicine against asthma and mentioned it to me. When I was subjected to hanging I started to have an asthma attack. I could hear them discussing what to do. They finally let me down.

Because I was blindfolded I could not exactly tell day from night. Therefore I do not remember exactly on which date the following event happened. However, I think it must have been the third day: I was standing at the wall. The bad thing is you wait there knowing that it might be your turn again any moment - you just do not know when. Suddenly I was kicked heavily in my back and fell down. I could not stand up again. They struck my head against the wall. They threatened to throw me out of the window, if I would not stand up.

I saw blood on the floor and realized that I was haemorrhaging. I could not feel my legs anymore. First I thought my legs had only gone to sleep. My head was aching. My belly was aching. I was not even able to sit up properly.

Although I could not stand anymore, torture continued. Once they pulled me up in the air by my hair. I could hardly breathe and almost got an asthma attack. They also took me by my legs and pushed me around. They continued to hose me with cold water.

After I could not stand up anymore I was often left sitting in the corridor. Sometimes I could see from under my blindfold how other detainees were taken in a row to the toilet

where they were hosed with cold water. Normally they put cotton under the blindfold, but it sometimes became dislodged. Sitting in the corridor I was kicked and beaten, insulted and my head banged against the wall. They would empty their half-empty tea glasses on me or throw garbage on me.

Ali Ekber Kaya¹ and I did not know each other before. However, I had read in the newspaper about him being the president of Tunceli Human Rights Association. I think I heard his name mentioned when he arrived at the Police Headquarters..

One day they told me: "We will show you something". They dragged me towards Ali Ekber Kaya. I realized they wanted to show me his genitals. They took off my blindfold, but I closed my eyes. They tried to force my eyes open .

As my state became worse, they took me to the hospital in Tunceli. They carried me in a blanket, bumping me heavily on each step as we went down the stairs. Before entering the hospital the blindfold was taken off. My head was still swollen from the beating. The doctor said that my life was in danger. However, the police officers just wanted me to be given an injection so that they could take me back right away. I refused, so it was agreed that I should be taken into the hospital.

I was put into a separate room. There were always at least two, often four police in my room. They insulted and threatened me. They frequently tried to close the door so no one could see how they treated me. The doctor protected me by insisting that I needed fresh air because of my asthma and that the door therefore had to be left open. Hospital staff even put a chair in the door to keep it open. The doctor gave me an emergency alarm.

One evening the police guarding me had tried hard to make me sign a confession. I refused and they threatened me. The same night at 3am more police came, so there were about seven police officers in my room. One of them beat me with his two-way-radio, others beat me with their fists. I alarmed the hospital staff who intervened.

Because of my critical state the hospital wanted me to be transferred to another hospital.

From the first day of detention I had gone on hunger strike to protest against the treatment. On the 13th day of my detention the local CHP (Republican People's Party) president came to visit me in hospital. He wanted me to give up my hunger strike. I told him: "If you want me to stop, your coalition government should ensure that those who torture are brought to

¹ Detained at the same time; see: *Human rights defender tortured in Tunceli*, AI Index: EUR 44/14/96.

justice and those who are still held at the Police Headquarters are released". He promised to try, but said it would be the business of the police. I told him to go.

On 3 April 1995 Gülbahar Gündüz was brought before Tunceli Police Court together with 11 other detainees who had been detained around the same time. Gülbahar Gündüz described her court appearance as follows:

"I was carried in a blanket into the court room. I was hardly able to speak. The judge was surprised at how I looked. She saw no evidence for the allegations against us and released us. The police intervened and had us rearrested.

Gülbahar Gündüz, Ali Ekber Kaya and three others were immediately detained again and brought to another court within the same building. They were charged under Article 168/2 with membership of the illegal MLKP (Marxist-Leninist Communist Party) and committed to prison in Malatya pending trial at Malatya State Security Court.

In Malatya prison Gülbahar Gündüz was under medical observation, but could not receive appropriate treatment for her condition. Subsequently she was transferred to Ankara Central Closed Prison. She was taken several times to Ankara Numune Hospital for medical treatment.

On 7 November 1995 Gülbahar Gündüz was released:

"When I came out of prison there were many friends. Of course, there was also a car that followed us home. For the first weeks I stayed in Istanbul. My legs were still swollen and I received medical treatment in Istanbul. They followed me openly. Even when we went to the clinic for treatment someone normally came in behind us. He would sit in the waiting room with us and leave together with us. They also follow us when we go to the cinema. I think they followed us also today to the Human Rights Association's office."

On 7 December Gülbahar Gündüz, Ali Ekber Kaya and the three others were acquitted of the charges.

Gülbahar Gündüz is still unable to walk and is confined to a wheelchair. At the Turkish Human Rights Foundation where she was receiving treatment, her condition was diagnosed as paralysis resulting from a conversion reaction due to torture. This condition is expected to respond positively to physiotherapy and psychotherapy as prescribed.

Gülbahar Gündüz has filed a complaint with the Public Prosecutor in Tunceli. Reportedly, the complaint was given by the prosecutor to the Provincial Administrative Council. Under Emergency Legislation in force in the province of Tunceli, such complaints are routinely passed to the Provincial Administrative Council which decides whether or not to prosecute

members of the police. The Provincial Administrative Council acts under the authority of the provincial governor who is responsible for the police. At the time of writing no decision had been taken by the Council.

Amnesty International strongly condemns this extra barrier placed before those wishing to make formal complaints of torture or ill-treatment by the security forces. Under the Law on the Prosecution of Public Servants provincial administrative councils in the southeastern provinces under emergency rule have the power to block legal proceedings against police officers accused of a variety of crimes, including ill-treatment, torture, rape and manslaughter.

Gülbahar Gündüz commented on the possibility of opening a trial against her torturers:

“Many people in Turkey are afraid to go public about their torture. I am not. I want the world to know what happens in Turkey. I want a trial to happen. Although, it is difficult sometimes, because people are so afraid - especially in Tunceli. I did not receive any medical report from the Tunceli hospital”.

Amnesty International is appealing that the allegations of torture made by Gülbahar Gündüz should be fully and impartially investigated without further delay and that those responsible for human rights violations should be brought to justice.