

Speech at Congressional Human Rights Caucus Briefing

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I am very honoured to be here again at the Human Rights Caucus Briefing, testifying on the situation on torture in Turkey – I have been here many times before speaking on the same subject. It has always been difficult, but this time the situation is worse than ever.

I will speak to you about the following issues:

1. The history of the torture situation in Turkey
2. Our hope when the new government came
3. How deceived we feel now

Here I will mention three specific trials against the Medical Doctors who are helping victims of torture in Turkey, the number of torture victims in Turkey and the grave impunity problem and how the situation now is threatening and how the rehabilitation work is now at great risk of being destroyed.

4. The ethical duty that the US, the only superpower in the world has to appeal to Turkey for democracy

1. The history of the torture situation in Turkey

The Human Rights Foundation of Turkey (HRFT) was established in 1990. Behind the creation was the Medical Association in Turkey, and The Human Rights Association of Turkey – medical doctors came to the IRCT in Denmark in 1989 and asked for the help from our movement to establish the first rehabilitation centre for victims of torture in Turkey.

The establishment happened in 1990 in Ankara – since then 4 additional centres have been established for the rehabilitation of torture victims – one in Istanbul, one in Izmir, one in Adana, and the latest one in Diyarbakir.

The aim of the medical doctors working in the HRFT is

1. To rehabilitate the victims of torture in Turkey, and
2. To document torture

In the midst of 1990 the trials against HRFT started – not only against this organisation but also against the The Turkish Medical Associations, other Human Rights organisations and workers, etc.

These trials were very much hindering the work of the HRFT – it was indeed very embarrassing and harming the profile of the Turkish government that the medical doctors could document the great number of torture cases performed in Turkey. This documentation of torture was the reason why so many trials have been going on ever since. I would like just to mention a few ones: 8 hearings in Adana, the authorities claimed to have the names of the victims of torture, because the authorities told they

wanted to find out who the torturers were, so that they could be punished. Of course Doctor Tüfan Köse would break our medical ethical rules on confidentiality if he disclosed the names of the patients.

At that time I had one of the many hearings that I have had here in the Caucus, so I only went to 7 hearings out the 8 in Adana.

Our answer to the authorities was that they could just go to the nearest police station and ask. We know for a fact that there is torture going on in nearly all the police stations in Turkey. The trials went on, however. Sometimes the hearings only took 5 minutes with a grotesque course of events with very uncivilised judges. I remember one of them could not take any position because he was only in a temporary position. He claimed that the real judge was on holiday, so we were thrown out of the courtroom after only 5 minutes.

We came from many European countries and also from the US, from different International organisations, Human Rights Watch, Amnesty international, Red Cross, Medical Associations from different countries. Some of the trials were witnessed by the World Medical Association Secretary General, by the President, the President of the World Psychiatric Association has been there, representatives from different embassies including the US, and several politicians – amongst them one of the former Prime Ministers from Denmark.

Despite all our efforts, the trials went on again and again. One of the medical doctors from Izmir, the Gynaecologist Zeki Uzun was taken and tortured. After that he was taken to a government hospital where a medical report was issued that he had not been tortured. The HRFT, however, made an “alternative medical report” which without any doubt proved that Dr. Uzun had been tortured. Amongst others there was a scintigrafi of his testes region showing that his testes have been twisted very severely. Dr Zeki Uzun ended up in security court. Together with the Secretary General from World Medical Association, Dr. Delon Human and the Director of the Danish Medical Association, Dr. Jørgen Funder. I was at that court. I witness that no one could hear what the judge was saying, because he was whispering. No one could hear what the prosecutor was saying, because he was whispering. We could all hear what the defender was saying, he was speaking in a normal tone of voice.

The risk for Dr. Uzun was to be sentenced to five or six years of prison.

The brilliant, Internationally highly respected Professor in Orthopedic Surgeon, Dr. Veli Lök was also tried. Further more there were trials against the Diyarbakir centre amongst others. All medical files were abducted by the Diyarbakir police. All the accusations were indeed so surrealistic and absurd that it was a pretext for the government to hinder the work of the HRFT.

2. The new government in Turkey. Our hope.

With the new government and the statement of the Prime Minister, Erdogan, we all hoped that there would be “zero tolerance ” towards torture as he promised. We all had the hope for a better situation and that torture would at least diminish in Turkey. Unfortunately and sadly reality has turned out somewhat different than what we hoped for. In January, when Prime Minister, Erdogan, visited Germany, he stated that there is “no torture in Turkey”. This statement is simply not true - his Minister of Justice has been a little bit more truthful in saying that torture in Turkey is diminishing, which is, however, not the case.

There are new laws, better laws than before – but there is absolutely no implementation.

3. Sadly our hopes were deceived

The situation now is extremely threatening. The rehabilitation work for the victims of torture is at danger of being destroyed.

More and more trials are going on. The attacks in the trials from the authorities are becoming even more absurd. Not only one centre, or one Medical Doctor, is accused, but all of the nine Executive Committee members of HRFT are on trial. If these Executive Committee members are sentenced, the five centres in Turkey cannot continue to function.

I would like to just mention three of the trials to explain the grave situation:

Two of the cases are concerning the Psychiatrist Dr. Alp Ayan. In January Dr. Alp Ayan was sentenced to 18 months and 1 day because of the following:

After an upraise in prison followed by death for several prisoners, Dr. Alp Ayan wanted to take part in the funeral for one of the prisoners. He and the other funeral participants were following the coffin, when suddenly there was a police barricade. Three times Dr. Alp Ayan asked who the responsible police officer was. However, no one answered. Suddenly the police attacked the funeral participants in a very brutal way and beat them severely. Some of them – amongst these Dr. Alp Ayan – were taken to prison.

I have been to several of the hearings concerning this case. At one of the hearings a videotape made by one of the funeral participants clearly showed how brutally the police behaved. The police claimed the opposite, that the participants at the funeral had attacked the police. This is even more grotesque, knowing that Dr. Ayan is crippled and uses a stick after having had polio as a child, and some of the other participants amongst these Günseli Kaya are very slim and petite in contrast to the Turkish police. The result has been that Dr. Ayan has been sentenced to 18 months and 1 day of prison, and 18 months for several amongst the other funeral participants.

Another trial against Dr. Ayan is based on the following: In 1999-2000 the building of the so-called F-cells, isolation cells, started. Everybody has been afraid of these cells – not only is isolation psychological torture, but for prisoners it provides at least a little security to be together 20-30 in bigger cells. And have they been tortured? What very often happens - there will at least always be witnesses. With isolation cells there is really a free hand for doing torture without anyone witnessing.

Dr. Ayan has been explaining publicly the unethical situation with the F-cells, the isolation cells. According to Turkish law it is the claim, that it is not his right. Dr. Ayan has only followed his ethical duty, laid down in our medical ethical codes. There have been many hearings concerning this trial. I have personally witnessed several of them – following the Turkish judicial system, they have been postponed again and again and again, in spite of international participants, in the hearings. Together with me, has been Former Minister of Health, Member of the EU Parliament the Lawyer Torben Lund. He was also there when one of the hearings took place, 10th December - ironically on the UN Human Rights day - in Izmir. That trial holds, after all, the record in my long experience of hearings in Turkey, (I have been attending about 25 hearings), because it took the judge only 20 seconds, to postpone the hearing to the 3rd of March.

The 3rd trial I will mention is a trial against the 9 Executive Committee members of the Human Rights Foundation of Turkey. The background is the following: In 1999 there was an upraise in the biggest prison in Istanbul among the prisoners, exactly because of the above mentioned F-cells. Several among the prisoners, were killed – and many prisoners started a hungerstrike – some of them hungerstruck to death. After a while, some of them were nearly dying. The Turkish authorities dared not have a big scandal, with several hundreds of young people dying in their prisoners. So following a law, saying that you can release prisoners on medical grounds, between 500 and 600 prisoners were thrown out of the prisons. The only organisation who tried to help these people was the HRFT. Some of the prisoners were brought by their families, others prisoners sought treatment themselves. They were so sick, that they could not eat orally, but needed to be fed intravenously. They all had Korsakow Syndrome, a very serious disease, which cannot be cured, but can be improved a little by a.o. large amounts of vitamins. It is a very expensive treatment to feed patients intravenously. Now the Turkish authorities claim to know from the HRFT if the money used for the help

of these victims, were from donations or if the HRFT had collected money for that. Collected without permission from the government, which the government then considered illegal. Conclusion: The authorities who didn't take any notice of the health of the prisoners are now trying to punish the medical doctors, who are just doing their duty. This grotesque claim talks for itself. I want to mention, that the other torture victims who were treated at the centres, stepped back and said, to the doctors -take care of the hungerstrikers, before you take care of us. A very ethical position. I also want to mention that all the hungerstrikers of course were torture victims. Furthermore, the authorities are accusing the HRFT Executive Committee saying that they have been in contact with people from the Council of Europe and from UN, without permission from the government. This accusation would be raised in no other European country. Of course an organisation should have free rights to discuss with international bodies.

So in brief, during the years, HRFT and its executive officers and members have been intimidated, harassed, tortured, arrested and sentenced and its offices and rehabilitation centres have been closed, from time to time. However, this is the first time that the Turkish authorities have tried to effectively close down the foundation and stop its activities, by taking all its executive officers to court. A criminal investigation has been started by the public prosecutor. This attempt to close down the HRFT's activities was initiated by the General Director of Foundations, appointed by the present government. At this very time, amidst the declarations of the Turkish government about freedom of expression, and the importance of a strong civil society the authorities have seen it fit to institute proceedings to close down the HRFT.

If the government succeeds, it will have the effect, that there will be no documentation of the numerous cases of torture in Turkey (very convenient for the present government!?) No medical doctor in Turkey will dare to stand-up. Already now, the continuous persecution of the HRFT, results in only the most courageous and brave and ethical colleagues daring to do this work.

The number of torture victims is the same in 2003 as beforehand: The number of torture victims, treated in the five centres of HRFT is the same as it was in the years before: 924 cases amongst them 33 children, have been rehabilitated at the centres. Impunity continues, unchanged: As under the previous government, the impunity for police torturers continues – no police torturer has been sentenced. All the trials performed are against the medical doctors who are helping the victims of torture. Those who are producing the victims are not charged.

In conclusion: The situation concerning torture, is today worse than ever before. This statement is based on the following facts.

- 1) Torture continues in unchanged numbers.
- 2) Practically no police torturers have been sentenced. There is almost total impunity concerning torture in Turkey.
- 3) The trials against the HRFT not only continue but are aggravated. Now the very existence of the whole rehabilitation movement for victims of torture in Turkey are under very heavy threat. That has never happened before.
- 4) The laws developed by the new government are better than before. It should be mentioned that over the years there have always been cosmetic changes in Turkish law. These laws are indeed better than before, but the implementation has not taken place at all.

4. Ethical duty of the US, the only superpower

Because of this situation, I want to appeal in the most serious way to the only superpower in the world, the US. Being the only superpower in the world, you have a special ethical responsibility, but you not only have this responsibility, you also have the power to exert it.

Bearing in mind the very brilliant statement by your president on the 26 June where the president explained that the US is committed to the world wide elimination of torture

and are leading this fight by example, and also where the President urged governments to join America and others in supporting torture victims treatment centres, I appeal that from the highest level in this country there will be a pressure on the Turkish government. It is not enough now with words and discussions. If the work for torture victims should continue in Turkey, it is necessary that from the highest level in the US, you react to support a democratic development in Turkey. Democracy is deeply connected to no torture.

It is not enough with discussions and words. It would be necessary that from the highest level in the US will be a claim to the Turkish government to STOP torture and START the process of taking police torturers to trial. That means in practise STOP the trials against the HRFT.

I am not asking for hundreds of cases against police officers – only 5 or 6 honest cases would be a good start.

Furthermore the very good laws, which the new government has passed, have no effect as long as they are not any form of implementation.

So the implementation process should be started.

THANK you very much for listening to this very threatening and tragic situation. I do hope, the US will take up the ethical responsibility and react firmly. Because that is what is needed now and because that could change the situation for the Human Rights Foundation of Turkey, so that it can continue its important work.