



**Submission for inclusion in:
Hate Crimes in the OSCE Region: Incidents and
Responses, Annual Report for 2009**

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Kurdish Human Rights Project (KHRP) is an independent, non-political human rights organisation founded and based in London, England. A registered charity, it is dedicated to promoting and protecting the human rights of all people in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include Kurdish and non-Kurdish people.

Introduction

1. This submission covers hate crimes committed in Turkey in 2009 and is divided into three different sections; crimes committed against individuals for reasons of sexual orientation, ethnic background and religious views. This report is not intended to provide a comprehensive review of incidences of hate crimes in Turkey during the relevant period but is intended to provide the ODIHR with an overview of the current situation. It demonstrates that urgent action is still required in the tackling of hate crimes in Turkey. Responses by the Government to such crimes remain inadequate. In order to highlight these inadequate responses a number of cases from 2008 have been included below.

Attacks on people due to their sexual orientation

2. Despite the fact that homosexuality is no longer a crime in Turkey individuals from the LGBTTT community face discrimination and attacks on a frequent basis. The criminal code has vaguely worded prohibitions on "public exhibitionism," and "offenses against public morality" that are reportedly used to harass gay and transgender people. Turkish towns and cities are given some leeway to enact various "public morality" laws and the enforcement of these regulations can vary hugely.
3. In Turkey, compulsory military service applies to all male Turkish citizens between the ages of 18 and 41. However, the Turkish military openly discriminates against homosexuals and bisexuals by barring them from serving in the military. At the same time, Turkey withholds any recognition of conscientious objection to military service. Some objectors must instead identify themselves as "sick" – and are forced to undergo humiliating and degrading examinations to "prove" their homosexuality. In October 2009 the report of the EU Commission on Enlargement stated: *"The Turkish armed forces have a health regulation which defines homosexuality as a 'psychosexual' illness and identifies homosexuals as unfit for military service. Conscripts who declare their homosexuality have to provide photographic proof. A small number have had to undergo humiliating medical examinations."*¹

¹ Turkey 2009 Progress Report accompanying the communication from the Commission to the European Parliament and the Council Enlargement Strategy and Main Challenges 2009-2010 COM (2009) 533

4. On 8 March 2010 Hürriyet newspaper's Sunday supplement published comments made in an interview by the Minister of State responsible for Women and Family Affairs, Aliye Kavaf, stating that she believes homosexuality to be a biological disorder – a disease, which needs to be treated. This highlights the lack of official understanding and support for the LGBTT community in Turkey and may even have the effect of encouraging the commission of such crimes. Lawyer Senem Dođanođlu has stated that attacks take place every three days and every 15 days a murder is reported.² Turkey continues to fall short of its international obligations to put in place measures which prevent hate crimes in particular in relation to investigation of alleged offences. Below are a number of incidences of attacks on people due to their sexual orientation which were reported in the media during 2009.
5. Ahmed Yıldız was a 26 year old student at Marmara University in Istanbul who lived openly as a gay man. He was shot five times in July 2008 in a neighborhood in Istanbul by his father, Yahya Yıldız when he left his apartment to go to the shops. A witness said that several neighbors watched the killing from their windows; however, they have all refused to come forward. This was the first gay "honour killing" that had been made public in Turkey. Ahmed's father is believed to be in hiding in northern Iraq. The trial against him started in absentia in September 2009. The last hearing was on 24 December 2009 and the hearing was postponed until 1st April 2010.³
6. Dilek İnce, a transgender woman, was attacked on the 10 November 2008 in Etlik in the district of Ankara. Her attacker used a pump action shotgun and shot her in the head eight times. She was taken to hospital where she died from her injuries. The Police never found the person who killed her and it is likely that the investigations have been dropped.
7. Ebru Soykan, also known as Dilan Pirinc, was a 28 year old transgender human rights activist, who was stabbed to death on 10 March 2009 at her home in Cihangir, Istanbul. Prior to being attacked she had requested police protection due to death threats by a man who had already beaten

² 'Transgender Melek murdered in Ankara', Bianet, 13 April 2009;
<http://www.bianet.org/english/gender/113798-transgender-melek-murdered-in-ankara>

³ 'Adliye'de 'Ahmet Yıldız' eylemi' Radikal, 24 December 2009,
<http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetay&ArticleID=970804&Date=24.12.2009&CategoryID=77>

her on several occasions. The Police arrested the man after the attack. He confessed, though he has not yet been convicted.

8. Eda Yıldırım, a 38 year old transvestite who worked as a prostitute, was found dead on 23 March 2009 in Bursa. Her head and her genitals were cut off and found in a rubbish container. Police have arrested a suspect who is currently being prosecuted in court. If found guilty it is expected that she will be sentenced to life imprisonment.
9. Melek Köklü, a transgender woman, was murdered at her home in Ankara on the 10 April 2009. She was 25 years old. The alleged murderer was arrested on 18 April 2009 in Ankara. He told the police that he met Melek through a call girl and that they started fighting once he found out she was a transsexual. The defendant has been charged on six different counts. These include murder, theft and plunder. The defendant was sentenced to life imprisonment in solitary confinement without parole.
10. Çağla Çağan, a transsexual, born under the name İlyas Çağan, was murdered in her house in Ankara on 22 May 2009. Police arrested a suspect who was tried and found guilty by a court in Ankara. The court sentenced him to life imprisonment.
11. Hadise, a transsexual woman, was murdered in her house in Istanbul on 29 June 2009. Her murder was reported by Kemal Ordek who works for the Kaos GL association. Turkish LGBT organizations have not been provided with any further information since the incident.

Attacks on people of ethnic minorities

12. The Kurdish Human Rights Project continues to receive numerous reports of attacks against people of ethnic minorities (people of both Kurdish and Roma ethnic background). Many of the attacks are carried out by Turkish citizens with strong nationalistic views. Legal sanctions for such attacks are often either too weak or non-existent. KHRP has received reports that when the police become aware of such incidents instead of launching an official investigation they often wait until a complaint is made by a victim. Such complaints are often not made as victims don't want to exacerbate an already tense situation.
13. On 15 October 2009, a group of 10 people attacked Halis Çelik on a mini-bus for speaking on the phone in Kurdish. The incident took place in the province of Sakarya. The group told him to speak in Turkish, the language of the country. Due to the injuries Çelik sustained he was unable to work

- for 15 days. Instead of launching a police investigation into those who caused his injuries, Halis Çelik was instead subjected to an investigation by the police as a result of complaints made against him by four of the alleged attackers.
14. On 26 October 2009, in the Edirne İpsala's Karpuzlu district, Ümit Baran and his two brothers were physically attacked in a market place because his mobile phone ring tone was a Kurdish melody. Although this attack was reported to the police it is believed that his attackers were not prosecuted.
 15. On 13 November 2009, in the district of Tekirdağ's Hayrabolu six Kurdish workers, Selahattin Çalban, Metin Çalban, Emrah Kılıçasalan, Mehmet Salan and Rojhin Çalban who were from the Dougbeyazit district of Agri were speaking in Kurdish at a construction site where they were working. Shop owners from the local area confronted them to ask why they were speaking Kurdish and an argument ensued. A crowd of approximately 100 people gathered during the argument and together with the shop-owners attacked the Kurdish workers. It is believed that those who attacked these individuals were not prosecuted.
 16. On 22 November 2009, a convoy of the Democratic Society Party (DTP) was attacked in Izmir. The convoy consisted of 2,000 vehicles all driving back to their party's headquarters in Izmir where they were attacked by citizens of Izmir and right-winged activists. The convoy was on the way to greet the DTP (*Demokratik Toplum Partisi*) leader, Ahmet Türk, who had paid a surprise visit. The attackers threw stones and sticks at the DTP members whilst waving the Turkish flag and singing the national anthem. The police were slow to intervene and when they did they fired shots into the air in order to disperse the crowd. The attacks left 11 people injured, four of which were police officers. A total of five people were detained in the incident. DTP in Izmir submitted a complaint to the Izmir Public Prosecution Office on 3 December 2009. KHRP understands that no arrests have been made despite the fact that the attack was recorded on video and attackers are clearly identifiable from the video.
 17. A group of approximately 200 people, led by MHP (*Milliyetçi Hareket Partisi*), party members, chanting anti-Kurdish slogans vandalised various houses belonging to Kurdish families in Bayramiç, Çanakkale on 25 November 2009. IHD (*İnsan Hakları Derneği*) Çanakkale Branch report that they believe that the police and district governor could have prevented the crowd walking the 2 kilometres to the homes of these families. It is also alleged that the local chief of police and the district governor were part of

the crowd chanting slogans and throwing stones. In a report prepared jointly by IHD, DTP and EMEP (*Emek Partisi*), Taner Demir, one of the victims explains how incident happened; he states "On 25 November 2009, the police wanted to arrest my nephew Tamer Demir because of involving in a fight, but my nephew did not know the reason of arrest and asked the police why they were arresting him. The police put him and his friend Ceyhun Görmüş in the police car forcibly by using pepper gas and allowed crowd to beat them by opening back door of the car. They were taken to the police station and crowd gathered in front of the station wanted to take my nephew out from the station and beat him. The crowd was led by Tevfik Kıyı (member of MHP (*Milliyetçi Hareket Partisi*), Kenan Aygün (member of MHP), Necdet Pozam (manager of municipality park) and Hasan Yüksel (a school director) and they visited all coffee house and told people that Kurds attacked and injured police and Kurds are the enemies of the state. A group of people gathered and chanted anti-Kurds slogans ("Bayramiç will be grave for Kurd" "Bayramiç in Kurds out") and they forced other people to join them and they gathered in front of our houses around 22.30 and throw stones to our houses until 24.00." Seven people are being prosecuted on charges relating to criminal damage regarding this incident and their trial continues. ⁴

18. Şehmus Tosun and Remiz Akpolat, two Kurdish students studying at the Selçuk University, were attacked and abducted on 11 December 2009 in the province of Konya. The attack was carried out by a group of nationalists. The two students were taken to a field where they were tortured. BDP (Peace and Democracy Party) representatives in Konya told KHRP that despite this incident being reported to the police nobody has been prosecuted regarding this incident and believes that no effective investigation has taken place. The students in question have not returned to university as they are too scared. They are currently investigating ways of transferring to a different university. BDP representatives have told KHRP that they believed if an effective investigation and prosecution was carried out this would alleviate much of the students' fears.
19. Emrah Gezer was shot on the 26 December 2009 for singing Kurdish songs in a Bar located in the Ankara province. Emrah got into an argument with the Police Office S.A. who shot him. The Police Officer has been detained. The court started hearing the case on 11 February 2010.

⁴ İnsan Hakları Derneği "Çanakkale ili Bayramiç İlçe Merkezinde 25.11.2009 tarihinde Kürt Ailelere Yapılan Saldırı ile ilgili İnceleme Araştırma Raporu" 5 December 2009, http://www.ihd.org.tr/index.php?option=com_content&view=article&id=1698:canakkale-ili-bayramic-ilce-merkezinde-25112009-tarihinde-kurt-ailelere-yapilan-saldiri-ile-ilgili-inceleme-arastirma-raporu&catid=34:el-raporlar&Itemid=90

However, the trial has been adjourned until the 6 April in order to conduct a full investigation of the crime scene.

20. On 31 December 2009, Burham Uçkun, a Turkish citizen of Roma origin was beaten by customers when trying to light a cigarette in a coffeehouse in the district of Selendi which is in the province of Manisa. After this the owner refused to serve Burham. In an act of revenge relatives of Burhan vandalized the coffeehouse. This sparked an outrage which resulted in a group of 1000 locals throwing stones at all houses occupied by Roma people in the district and setting their cars on fire. Slogans such as "Get the Gypsies out" were chanted in the streets. The local police could not control the situation and sought reinforcements to assist. There have been no arrests relating to the incident however, the judiciary is considering whether any action should be taken. Instead of providing them with protection following this incident the Governor of Manisa decreed together with the Security director and the head of the police forces that the Roma people should leave the district resulting in a total of 74 Roma people, of which 15 were children being forced to sign a document stating that they would leave the district on the 6 January 2010. It is understood that those people who were forcibly displaced have now settled in a town called Gördes.
21. On 24 June 2004 two police officers attacked İbrahim Sil for listening to a Kurdish artist called Ahmet Kaya. They demanded that he turn off the music and hand over the tape. However, Mr. Sil refused to give them the tape. The police officers, known as M.B. and B.O., started to beat him. Mr. Sil's lawyer filed a complaint. In 2009 the two police officers were convicted of mistreatment, threat and wrongful arrest. Both officers were disqualified from working as officers and despite the fact that these charges carry a sentence of up to nine years imprisonment they were each sentenced to eight months imprisonment.

Attacks on people for religious grounds

22. People are still severely discriminated against in Turkey for their religious beliefs. One issue which has yet to be dealt with by the Turkish authorities is the different legal framework that applies to non-Muslim minorities with distinctions being made between non-Muslims within the meaning of the Lausanne Treaty (Armenians, Bulgarians, Greeks and Jews) and non-Muslim minorities which existed in Turkey at the time 1923, though were not recognized as such in the Treaty. These distinctions result in a failure to ensure effective protection for all religious minorities.

22. A German Catholic, Gregor Kerkeling, who was engaged to an ethnic Turkish woman, was murdered in July 2009. His murderer was mentally ill and stated that his reasons for committing the crime was because Gregor was a Christian. It is not known whether he was convicted.
23. Ismail Aydin, a Turkish Protestant was taken hostage by a young Turkish man in August 2009. Mr. Aydin worked for an association spreading knowledge about Christianity. His kidnapper claimed that Ismail was dividing the country and betrayed the Turkish flag by being a Christian. The police were able to rescue Aydin and charge his attacker. The attacker is currently being prosecuted.
24. On 20 December 2009 three Muslim men entered the Meryem Ana Church, a Syriac Orthodox church in Diyarbakir and threatened the Reverend, Yusuf Akbulut, that if their bell was not destroyed within a week they would kill him. Fr Akbulut reported the incident to the police who are providing him with protection. The three men have not been apprehended.