

**An Alternative Country Report on Turkey  
for the 88th CERD Meeting**  
*by*  
**Association for Monitoring Equal Rights (AMER),  
Migrants' Association for Social Cooperation and Culture (İstanbul-GöçDer)**

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**List of Issues**

The Convention in domestic law, and institutional and policy framework

**The Association for Monitoring Equal Rights - AMER) (*Eşit Haklar İçin İzleme Derneği - EŞHİD*)** was established in October 2010 to monitor and combat discrimination in society to enable equal rights for each person belonging to disadvantaged groups. AMER carries out all its monitoring and reporting activities in consultation and partnership with national and grassroots civil society organizations (CSOs) which work with various disadvantaged groups including women, persons with disabilities, different ethnic and religious minority groups etc. in different parts of Turkey. Since 2011, AMER has been observing elections in terms of equal access for disadvantaged groups living in the society, and reporting discrimination with regard to enjoyment of human rights.

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**Migrants' Association for Social Cooperation and Culture - GÖÇ-DER) (İstanbul Göç Edenlerle Dayanışma Derneği)** was founded on April 12, 1997 in Istanbul in order to raise awareness of the people who are internally displaced and to augment IDPs' humanly demands for a better quality of life. GÖÇ-DER aims to give voice to the troubles of the people who are internally displaced, to call attention to their positions by means of research and reports, and to inform public opinion.

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## **Introduction:**

The purpose of the alternative report is to provide different perspectives from civil society organizations to the CERD Committee displaying their concerns and questions regarding Turkey's responsibility to implement ICERD to its national framework. We hope that, in an environment where no systematic data is collected related to racial and ethnic origin, this report contributes to the adoption of special measures and the development of action to prevent ethnic discrimination, violence, and hatred in the society.

The report strives to provide general information as well as specific cases to demonstrate the needs and gaps in national legislation and its practices. This report further recommends certain action plans in order to fight against racism and racial discrimination. In line with human rights, the Government of Turkey should immediately;

- (i) Adopt a law which prohibits direct and indirect racial discrimination
- (ii) Clear all the expressions in the national law that make reference to certain ethnic groups and work in favour of certain groups but discriminate against others on the ground of ethnicity and race
- (iii) Amend existing national laws in line with the law that prevents racial and ethnic discrimination
- (iv) Establish effective protection mechanisms for victims through an independent and impartial juridical system
- (v) Train police forces and law enforcement for transparent and effective investigation on all kind of discrimination
- (vi) Collect data based on ethnic and racial origin to determine specific needs of these groups
- (vii) Treat all the citizens and non-citizens on equal grounds without discrimination before the law and in their daily practice of all types of their rights

## **I. The Convention in domestic law, and institutional and policy frameworks**

### **Background:**

Article 10 of the Constitution of the Republic of Turkey ensures equality for all individuals without discrimination before the law, irrespective of "language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations". However, national or ethnic origin is not expressed in the provision. None of the articles in the Constitution recognize ethnic diversity in Turkey.

The biggest debate concerning the emphasis on Turkish ethnicity in the Constitution is caused by the definition of a citizen under Article 66: *'Everyone bound to the Turkish State through the bond of citizenship is a Turk...'*. Whereas a geographical emphasis is made with the expression *'the State of Turkey'* in Articles 1, 2 and 3 of the Constitution, Article 66 directly emphasizes ethnicity. It implies that the state is primarily a 'Turkish state' and that everyone who has a bond of citizenship shall be regarded as a 'Turk'. The expression 'Turkish state' as used in the text, is based on the argument that the state belongs to Turks and reinforces this perception.

Supporting to the claim above, Article 42 of the Constitution sets forth that *"No language other than Turkish shall be taught to Turkish citizens as a mother tongue in educational institutions... Provisions of international conventions are reserved"*. (For more details refer to Section 1.1: Legislations fostering racial and ethnic discrimination)

It is also possible to observe this pattern in the legislation regulating 'migration status' in Turkey. According to Article 3 of Law No. 5543 on Resettlement, Turkey only accepts 'persons of Turkish origin and connected with the Turkish culture' as migrants. Article 4 of the same law reads as follows: *'Foreigners who are not of Turkish origin or connected to the Turkish culture, persons who have been deported despite being connected to the Turkish culture and persons who have not been allowed entry*

*into the country due to security reasons shall not be regarded as migrants*<sup>1</sup>. In this framework, being connected to the Turkish culture is associated with being Muslim. Persons who claim migration status from the same nationalities have been treated differently based on their religion during the immigration procedure. For instance, non-Muslim Bulgarian Turkish migrants are given ‘national minority’ status, while Bulgarian Turks who are Muslim are given Turkish citizenship. Due to the discriminatory nature of the legislation and implementation regarding refugees and migrants, thousands of people in Turkey are forced to live under conditions in which they lack any legal status and are prevented from exercising their fundamental rights. (See other examples in Section 1.1).

The state ideology embedded in the strong state traditions indicate that Turkey is built on a uniform identity, composed of Turkish ethnicity, Turkish language and Sunni Muslim belief system, thus rejecting the diverse characteristics of the society. Turkey states in its report that commonalities and common aspirations, rather than measuring differences is a priority in the legislative and policy framework (CERD/Tur/4-6, Parag.7). This policy highlights the strong tradition of assimilation in the society.

This report will attempt to provide the in-depth legislative framework of this ideology and provide cases that demonstrate practices of racism and racial and ethnic discrimination along with some concerns and recommendations.

### **1.1. Legislation fostering racial and ethnic discrimination**

Turkey does not have any legislation that directly prohibits racism and racial discrimination. Existing national laws are lacking the characteristics necessary to prevent racial or ethnic discrimination. Since existing national legislation does not provide a detailed definition of racism, racial and ethnic discrimination provisions remain inadequate in implementation. The following are a sampling of the legislation that provide equality in front of laws and legitimize racial and ethnic discrimination at the same time.

**The right to work**, which is one of the most fundamental rights, is recognized and guaranteed in many international conventions. The right to work is most comprehensively covered under the International Covenant on Economic Social and Cultural Rights. The rights of minorities with respect to employment are safeguarded under the International Convention on the Elimination of All Forms of Racial Discrimination, the Council Directive 2000/43/EC of 29 June 2000 ensuring equal treatment between persons irrespective of racial or ethnic origin, and the ILO Discrimination (Employment and Occupation) Convention No. 111. Article 49 of the Constitution of the Republic of Turkey, titled ‘Right and Duty to Work’, defines work as a right and duty guaranteed for everyone. Article 5 of the Labour Law No. 4857 sets forth the following provision:

*No discrimination shall be allowed in labour relations on grounds of language, race, gender, political thought, philosophical belief, religion, sect or similar grounds.*

...

Yet, provisions fostering the worst discrimination in Turkish legislation are observed in the field of labour. *Law No 2527 on the Free Practice of Crafts and Professions by Foreigners of Turkish Origin in the Public or Private Sector* and regulations and circulars based on this law allow for direct discrimination on the grounds of ethnicity. The purpose of this law, which comprises the principles and procedures applicable to foreigners of Turkish origin working in the private or public sector in Turkey is noted as follows in Article 1:

*“... The purpose of this law is to ensure that foreigners of Turkish origin residing in Turkey are able to practice their craft and profession freely and be employed in public and private institutions or businesses with the exception of the Turkish Armed Forces and the Security Forces.”*

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<sup>1</sup> <http://www.resmigazete.gov.tr/eskiler/2006/09/20060926-1.htm>

Article 3 of the same law sets forth that “*in order for foreigners of Turkish origin to be able to practice the crafts and professions performed by Turkish citizens under the laws. ...*”.

Similarly, according to the Council of Minister’s Resolution No. 2009/14699 dated 23/02/2009, titled *Regulation on Foreigners of Turkish Origin Who Will be Exempt from a Work Permit*, which was secretly put into effect, “*Foreigners of Turkish origin who have received a residence permit prior to 07/03/2009 and are residing in Turkey and who do not pose any risk with respect to public order, national security and the foreign policy of the State, who are nationals of a) Western Thrace b) Iraq, c) China (Eastern Turkistan), ç) Afghanistan, d) Bulgaria, shall be entitled to make applications in accordance with these principles and procedures as foreigners of Turkish origin to be exempt from a work permit.*”<sup>2</sup>

The Regulation allows for foreigners of Turkish origin residing in Turkey to be exempt from a work permit and to become members of professional chambers. The Turkish Chamber of Architects and Engineers has filed a case for the annulment of the Regulation and for a stay of execution. The case for annulment was rejected by the 10th Chamber of the Council of State by its decision No. 2009/9270.

**The right to education** is one of the fundamental rights guaranteed by the Universal Declaration of Human Rights, The Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights. The articles of these conventions related to education set forth the minimum standards in line with the norms of human rights.

However, Article 42 of the *Constitution of the Republic of Turkey* and articles 7 and 22 of the *Basic Law on National Education* emphasize this right as a right granted to citizens. In their current form, these provisions render non-citizens invisible under the law and pose an obstacle for them to effectively exercise their right to education. The legal regulations fail to meet the minimum standards and lay the grounds for discrimination.

In *Law No. 1739 on National Education*, provisions prohibiting discrimination are set forth under articles 4 and 8. Article 4 provides that “*Educational institutions are open for all irrespective of language, race, gender, and religion. No person, family, group or class shall be given privileges in education*”. However, the prohibition of discrimination under Article 4 of the Basic Law on National Education does not cover other grounds for discrimination such as disability, sexual orientation and ethnicity.

The provisions of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child guarantees members of minorities to use their own language together with other members of the minority group. Turkey has signed the Covenant on Civil and Political Rights and the Convention on the Rights of the Child with reservations on the articles pertaining to the rights of minorities. Turkey also particularly refrains from signing conventions that regulate language rights. Turkey has not signed and become a party to the UNESCO Convention against Discrimination in Education, the Framework Convention for the Protection of National Minorities or the European Charter for Regional or Minority Languages.

Similarly, Article 42 of the Constitution sets forth that “*No language other than Turkish shall be taught to Turkish citizens as a mother tongue in educational institutions... Provisions of international conventions are reserved*”. The section of the law which states that the ‘Provisions of international conventions are reserved’, aims to cover the Jewish, Armenian and Greek schools founded in accordance with the provisions of the Treaty of Lausanne. The provision does not cover the languages of other racial or ethnic minorities. The Constitution prohibits any language other than Turkish to be used and taught in education.

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<sup>2</sup> See. Balkan Immigrants Culture and Solidarity Association web site, [www.balgoc.org.tr/2009/duyuru9.html](http://www.balgoc.org.tr/2009/duyuru9.html) (accessed: 31/07/2010)

Under the policy of the “Kurdish Opening” in 2012, broadcasting “in different languages and dialects used traditionally by Turkish citizens in daily life” was made available, and the teaching of Kurdish in private courses was regulated. Following this progress, some private institutions started offering Kurdish as a “foreign language.” Elective Kurdish courses started in secondary schools. These are offered from the fifth grade onwards, under the name of “living languages” and with a minimum of ten-student enrollment. None of these changes were backed with legal guarantees, which led to serious bureaucratic difficulties making them almost impossible to put into practice.<sup>3</sup> Considering the low income rate of most Kurdish families, especially in the eastern parts of Turkey, sending their children to private schools was almost impossible. The regulation created inequality between Kurdish children. The three private schools opened by Kurdi-Der (an NGO) and Egitim-Sen (Education Union) in Diyarbakır, Yüksekova (Hakkari) and Cizre (Şırnak) have been shut down due to bureaucratic reasons by the governorships<sup>4</sup>. Kurdish families are still demanding mother tongue education in public schools for their children.

Regarding the implementation of using languages other than Turkish on TV, please see the *National Human Rights Institution of Turkey’s Decision on Voters’ Right to Information and Equal Access to Voter Information Materials dated 25.06.2015, no.2015/1344 (AMER v. SBE) in Section 1.4.*

Under the frame of **Access to Goods and Services**, Article 7 of the Law on Civil Servants No. 657, titled ‘*Impartiality and Loyalty to the State*’ includes the provision: “civil servants shall not discriminate on grounds of language, race, gender, political thought, philosophical belief, religion and sect etc. in performing their duties. ...” By Article 7, discrimination against those receiving public services has been prohibited. However, the lack of criteria to abide by in delivering public services without discrimination leaves the prohibition of discrimination to the discretion of civil servants. There is currently is no established mechanism to monitor the implementation of the Article.

In Article 125 paragraph D/I of the same law, titled, ‘cessation of promotions’, the sanction of the cessation of promotions in civil service shall be applied in a list of conditions including “*to discriminate on grounds of language, race, gender, political thought, philosophical belief, religion and sect in performing one’s duties, to engage in acts aiming to provide benefits or harm to individuals...*” There is no information regarding whether the Article is implemented and how it is made functional.

Article 122 of the Turkish Penal Code titled ‘Discrimination’ is as follows:

*Any person who discriminates on grounds of language, race, colour, gender, disability, political thought, philosophical belief, religion, sect and similar reasons by means of;*

- a) preventing the sale or transfer of movable and immovable goods or the delivery of a service or the benefit from a service, or imposes the above-mentioned conditions in recruiting or not recruiting a person,*
- b) not delivering food or refuses to deliver a service that is available to the public,*
- c) preventing a person from engaging in ordinary economic activities,*

*shall be sentenced to imprisonment or criminal fines from six months to one year.*

In article 122, ethnicity is not listed as grounds for discriminations in addition to other grounds. The wording ‘similar reasons’ provides for an open-ended regulation. However, there is no case-law regarding the phrase ‘similar reasons’. When this situation is considered in conjunction with the fundamental principle of criminal law that there is no crime without punishment, the fact that ‘ethnicity’ is not explicitly listed as a grounds for discrimination bears the risk that ‘ethnicity’ will not

<sup>3</sup> Derince, M. Serif (2013), “A break or continuity? Turkey’s politic of Kurdish language in the new milenium, Dialect Anthropol

<sup>4</sup> <http://bianet.org/bianet/egitim/158559-diyarbakir-da-kurtce-egitim-veren-okul-yeniden-kapatildi> (Access date. 01.11.2015)

be presumed to be covered by the article. In addition, the article regulates direct discrimination and does not include any provision covering indirect or implicit discrimination.

There are no special implementation plans or policy papers on the prevention of discrimination in the delivery of public services at the central or local level in Turkey; there are no criteria for the non-discriminatory delivery of services and there is no mechanism to monitor discrimination in the delivery of services. The responses given by public agencies to the questions posed by *Association for Monitoring Equal Rights (AMER)* under the right to information regarding the existence of such mechanisms also confirm this data.

## **1.2. Racial and ethnic discrimination in the criminal justice system**

The legislation in Turkey does not provide for any aggravating circumstances in crimes based on racial and ethnic discrimination, xenophobia, race or ethnicity oriented violence, racial propaganda and organization. Moreover, there is no effective protection mechanism for the prevention of racism and racial discrimination. The legislation in force is vastly inadequate in adopting sufficient measures.

The courts and other government agencies mentioned in the report (CERD/C/TUR/4-6 Para.180,185) are ineffective in terms of both prosecution in cases where victims file complaints and in ensuring fair and adequate remedies for damages. All of the court cases that should be considered within this scope, in particular those cases where the security forces are involved are either concluded with impunity or with a minimum sentence.

### **1.2.1. There are only two cases known by the public where a sentence has been issued under the Turkish Penal Code on grounds of racial and ethnic discrimination.**

In Turkey, the concepts of ‘racism and racial discrimination’ are mostly identified with slavery (superiority of white population over black population), Apartheid and Nazi period. There is a common conviction that the concepts of ‘racial discrimination, racism’ and similar concepts are foreign to the Turkish society (Ref. CERD/C/TUR/4-6, Para. 65). “Since we have no black citizens” living in Turkey.

In this regard, the sentence passed by the court against Fenerbahçe football player, Emre Belözoğlu on account of him making racist remarks against Didier Zokora from the football team Trabzonspor, is an important indicator.

During the game on **15 April 2012** Emre Belözoğlu had called Zokora 'Fucking negro' in public. Upon these words, Zokora’s lawyer lodged a complaint with the Kadıköy Chief Public Prosecutor. Zokora’s lawyer demanded a sentence **of 6 months to 2 years** imprisonment for Emre Belözoğlu on grounds of ‘*racism and discrimination*’ under Article 14/2 of the *Law on the Prevention of Violence and Disorder in Sports*. The Court issued a decision of lack of grounds for legal action. Upon this decision, Zokora’s lawyer appealed to the Üsküdar Third Heavy Penal Court. The Court reversed the initial decision of lack of grounds for legal action and sentenced Belezozoğlu to **2 months 15 days** imprisonment on 17 June 2014. However, since Belezozoğlu had not previously been convicted of an intentional crime and because the court held the opinion that he would commit no further offense, his sentence was suspended.

It is evident that the sentence of imprisonment was passed due to the crime being committed against a publicly renowned football player of African origin. However, considering that the crime was committed in the public sphere by a famous football player and witnessed by everyone, and in view of the period of time that passed before a sentence was given and the nature of the sentence issued, one may say that the crime did not receive an adequate punishment.

Another example is the case filed against demonstrators with regard to the Hocalı rally in İstanbul Taksim Square in 2012. During the rally, the demonstrators carried banners with discriminatory slogans against Armenian citizens. The demonstrators were charged with instigating the public to

hatred and hostility. However, 9 out of 3 suspects who were indicted with a demand of 1 to 6 years of imprisonment were acquitted. Six suspects received a reduced sentence due to good conduct and were released with a fine of three thousand TL. The case is symbolic in that it is about defamation and insults directed towards Armenian citizens and the Journalist Hrant Dink, who was murdered by far nationalist and racist group.

This case also indicates that prohibition of racism and racial discrimination applies differently to public authorities, individuals or ‘minorities’, and different ethnic groups who live in Turkey. Both the Minister for Interior, İdris Naim Şahin and the Istanbul Governor, Hüseyin Avni Mutlu participated in the rally. Although the statements made by Minister Şener were marked by racism, no investigation was found to be necessary. The said case was shared in the Country Report by Turkey as an example of good practice (CERD/C/TUR/4-6 , Para 189) in taking measures against racial discrimination .

In addition to the two cases mentioned above, according to the information given in CERD/C/TUR/4-6 (184), 48 of the individual applications made to the Constitutional Court until December 2013 were filed on grounds of racial discrimination. It was stated that ten of these applications were examined by the relevant Sections of the Constitutional Court, and 27 of them were evaluated by the Commissions. *It is stated that 7 of these applications were found inadmissible and 4 applications were rejected on grounds of procedural mistakes.* However, there is no access to determine which ones the above-mentioned cases these are.

The official web site of the Constitutional Court includes applications made before April 2014 that are published in the Official Gazette. According to official data, the Constitutional Court has received a total of 38.607 individual applications between March 23, 2012 and March 30, 2015. There are 19.529 applications that have been concluded by April 10, 2015 and published in the Official Gazette. Among the application statistics, neither the data on judgments related to the prohibition of discrimination, nor the disaggregated data showing the applications filed on grounds of racial discrimination are available. There is only one decision taken in favour of the prohibition of discrimination<sup>5</sup> . The web site hosts a search function based on ‘key words’ and ‘type of violation’. However, the search carried out with these keywords does not yield any results, and no application can be found with regard to racial discrimination. On the other hand, the search conducted based on various other criteria yields some examples that might be directly related to the subject.

This type of search reveals the judgment No. 2014/10338, where the Court examines allegations of direct ethnic discrimination. The Court notes the following: *“The applicant has alleged that Articles 14, 19, 36, 38 and 40 of the Constitution have been violated on grounds that his custody has exceeded the maximum period prescribed by law, that the court decisions prolonging custody lack reasoning, that the examination for the extension of the custody period has been conducted without a trial, that the Public Prosecutor has failed to make available his observations, and that he has been subject to discrimination on account of his being of Kurdish origin.”*<sup>6</sup> The application has been rejected on the grounds of statute of limitations and the allegation that the applicant has faced discrimination on account of his being of Kurdish origin has not been evaluated.

On the other hand, in Application No. 2012/1205, the applicant has stated that *“he had been tried in custody although he is not guilty; the neighbourhood in which the applicant lives consists mostly of people representing the ‘Alevi’ faith, where some of them are commonly believed to be involved in drug trafficking. The applicant has alleged that he has been criminalised on account of his being an Alevi and has alleged that Articles 10, 19 and 36 of the Constitution have been violated...”*<sup>7</sup> . Although the application emphasizes ethnic discrimination, racial bias and ethnic criminalisation, the Court has found the allegation that the applicant had faced discrimination due to his faith as *‘manifestly ill-founded’* and has thus declared the application inadmissible. These judgments by the

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<sup>5</sup> [http://www.anayasa.gov.tr/files/bireyselbasvuru/23\\_eylul\\_2012\\_10\\_nisan\\_2015.pdf](http://www.anayasa.gov.tr/files/bireyselbasvuru/23_eylul_2012_10_nisan_2015.pdf)

<sup>6</sup> <http://www.kararlaryeni.anayasa.gov.tr/BireyselKarar/Content/287af224-f7f0-422c-837b-c770aff45638?highlightText=ayrimcilik&wordsOnly=False>

<sup>7</sup> <http://www.kararlaryeni.anayasa.gov.tr/BireyselKarar/Content/f06c0808-6f83-495c-8b8e-624e21f8a21e?highlightText=ayrimcilik&wordsOnly=False>



Constitutional Court reveal that, with respect to combating discrimination, Turkey is quite far from capturing international standards in its laws and is also inadequate in terms of implementation. (See, **Annex 1**. Summary of Decision Regarding to Individual Application to Constitutional Court with number 2012/1205).

Contrary to the information provided in CERD/C/TUR/4-6 (207), all of the applications alleging that the ‘right to a fair trial’ had been violated because the right to defend oneself in one’s mother tongue and the right to use an interpreter had been violated, were rejected for being manifestly ill-founded. (Ref: Application numbers; 2014/12906, 2014/4379, 2013/4841, 2013/4187, 2013/2920, 2013/4458, 2013/725). The reasoning in the Constitutional Court judgments rejecting these applications, state that ‘*the applicants have sufficient competency in defending themselves in the Turkish language; therefore the right to a fair trial has not been violated*’.

### **1.2.3. Most of the complaints and prosecutions in Turkey that are related to racial and ethnic discrimination, xenophobia, acts of violence against racial and ethnic groups, racist propaganda and organisation are concluded with no results.**

There is no official monitoring mechanism for racial and ethnic violations so there are no established measures taken to prevent such violations. Since crimes based on racial and ethnic discrimination are not directly subject to the Criminal Law, they are mostly evaluated as individual cases and concluded with impunity or with a minimum sentence.

AMER has been collecting data on incidents regarding racial violations by its own activities such as observing cases, media and other CSOs reports. (Please see **Annex 2**: Individual Racial Violence and Lynch Attacks towards to Kurdish population, **Annex 2**: List of Attacks to HDP-Pro Kurdish Party between two election between May 1, October 30, 2015, **Annex 4**: AMER Case Observation Reports).

These data point at some patterns, such as;

- Victims are mostly from non-Muslim groups, the Kurdish, and Syrian asylum seekers;
- There are limited complaints from the victims of violence. In most cases it is observed that victims do not apply to legal remedies especially on occasions in which public authorities and security forces are involved, because of distrust of the law.
- Law enforcement (public prosecutors) and security forces do not run effective investigations on racial violations or ethnic discrimination, and therefore most investigations are concluded without any legal action or adequate punishment.
- Most cases in which public authorities are involved are closed immediately without an effective investigation
- Victims are victimised several times during investigation period and the very long trial process, etc.
- There are similarities between incidents’ patterns
- There are similarities between perpetrators’ defence from different incidents
- It is observed that the lack of national legislation directly related to racial violence and hate crime, and the lack of official data collected regarding the special needs of minority groups lead to inadequate punishment in most cases

#### **1.3.1. Demographic characteristics of groups within the police force and judiciary**

A more restricted version of the *Law No 2527, Article 1* (see in Section 1.2.1) is *de facto* implemented for “national minorities” in Turkey. Although there is no restriction by law, it is common knowledge in the society that “national minorities” are not employed by Turkish Armed Forces as Security Forces. Similar restrictions exist in becoming judges or prosecutors. Sinan Aygün, Parliament Member from CHP, submitted a written question to Ministry of Interior on the issue, asking how many “national minority” members are in the Turkish Armed Forces and Security Forces as civil servants,

and if there are none, what are the grounds for it?” The reply stated that “there is no legal restriction for national minorities to apply to these institutions. Since the state does not collect official data on civil servants’ religion or beliefs, they are not able to answer how many civil servants from national minorities are employed by these institutions”.

This practice shows that “national minorities/ non-Muslim citizens” in Turkey are still subjected to the issue of national security, and they are not treated equally in front of the laws. (See section 1.2.5, The Ministry of Interior, Provincial Administration Offices Directive)

### **1.3.2. Demographic characteristics of the Parliament**

Representation of “national minorities” on the Parliamentary level is very low. The 10% threshold in the election system creates an unfair situation for the representation of different minority groups. Statistics show that between 1965 and 1991, there was no MP from “national minorities” in the Parliament. There was only one such representative in the parliament between 1995 and 1999. Between 1999 and 2007, there was no representation from the “national minorities”. For the first time in 2011, an Assyrian candidate was selected as an independent MP. In the Parliamentary Elections held on June 7 2015, 3 Armenian, 1 Ezidi, 1 Assyrian and 1 Roma candidate were elected.

This picture shows the lack of political participation of ethnic racial groups in Turkey. The citizens who belong to national minorities from different ethnic origins and belief systems have almost no power and voice in the public decision-making process.

### **1.4. Lack of independent institutions and measures taken to prevent racial and ethnic discrimination**

The Law on the Turkish National Human Rights Institution (TNHRI) came into force on 30 June 2012, and the Law on the Ombudsman Institution entered into force on 29 June 2012. Many civil society organisations and human rights defenders stated their concerns regarding both institutions, namely that they were not in compliance with the UN Paris Principles. Both institutions’ board members are appointed by the state and they are not able to give orders or instruction, they are only able to give recommendations regarding the applications.

The Ombudsman Institution’s 2013 and 2014 activity reports show that; the institution has issued a total of 157 recommendations among 13277 applications. 187 of the applications were rejected. The Ombudsperson, Nihat Ömeroglu has stated that only %20 percentages of these recommendations have been implemented by April 2015.

Another important note is that the numbers provided below are the aggregate of the total amount of applications to the institution. Among these applications, only 263 in 2013 and 423 in 2014 were related to human rights complaints. The institution does not have separate categorizations for complaints related to racial or ethnic discrimination. Either way, however, the numbers demonstrate that the institution is far from being an efficient and effective monitoring mechanism to address issues of ethnic and racial discrimination.<sup>8</sup>

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<sup>8</sup> The only application available regarding discrimination based on disability was rejected by the committee on the grounds that it was addressed under the right to travel.

Year	Number of applications	Number of Recommendations	Number of Decisions with negative outcomes	Percentage of applications which are not processed
2013	7638	64	37	83,2 %
2014	5639	93	150	95,7 %

Based on the decisions published on The National Human Rights Institution (TNHRI) and Ombudsman Institutions' web pages, there is no application regarding ethnic and racial discrimination, and there is no recommendation taken regarding discrimination. There are no statistics published regarding to TNHR' annual activities, either.

AMER provided legal support to two victims during their applications to both the Ombudsman Institution and TNHRI. The example provides indicators for how these two institutions work and how the recommendations are being accounted by the related state institutions.

*Abridged Translation of National Human Rights Institution of Turkey's Decision on Voters' Right to Information and Equal Access to Voter Information Materials dated 25.06.2015, no.2015/1344 (AMER v. SBE)*

**SUBJECT OF APPLICATION:** In its request recorded on 04.05.2015 with file number 1344, the applicant association claims that voter education spots are prepared for Turkish speaking literate citizens whereas Dilber Yıldız and Zümrete Demir, who applied to their association, did not know Turkish and were illiterate. The applicant argued this situation was a violation of voters' equal right to information; it prevented voters from forming their will freely in the voting processes and therefore was of a discriminatory nature. [...]

**A. THE APPLICANT'S CLAIMS AND REQUESTS:** The Applicant Association (AMER) claimed that in order for voters Dilber Yıldız and Zümrete Demir, to enjoy their right to vote which was guaranteed by the Constitution of the Turkish Republic and by relevant international standards, they should be able to access voter lists and information on the voting processes. AMER, referring to Article 25 of International Covenant on Civil and Political Rights, argued that materials related to voting rights should also be prepared in minority languages and the election administration has the primary responsibility to prepare in this area, therefore The Supreme Board of Elections' (SBE) existing practice lead to discrimination. The applicant requested for the necessary investigation on this issue to be pursued, rights' violations to be prevented, necessary steps to be taken against relevant institutions and asked that they be informed on the final decision.

**B. EVALUATION:** In the written answer given by the Supreme Board Of Elections Directorate response to Dilber Yıldız and Zümrete Demir's individual applications to SBE and in SBE decision given in response to their succeeding application done via their legal representative, the requests of these two voters were not openly rejected even though they were not met. SBE Directorate solely declared, "if the voter education films are prepared in Kurdish then they should also be prepared in other languages and dialects, therefore this request can not be met." In SBE's answer to our inquiry, the Board claims it only bestowed authority to its Directorate in order to request preparation of public spots on voter registration for voters living abroad from the National public television TRT.

The measures taken for individuals' involvement in public life and their enjoyment of fundamental rights and freedoms in this area should be based on principles of equality and non-discrimination. Legal and institutional functions should be organized accordingly. Such a practice would ensure equality and justice as well as it would support strengthening of societal peace.

#### **First Decision Taken by Supreme Board of Election (SBE)**

SBE Directorate solely declared, "if the voter education films are prepared in Kurdish then they should also be prepared in other languages and dialects, therefore this request can not be met".

#### **Second Decision Taken by SBE after rejecting the first decision on 06.07 2015:**

SBE decision in response to these voters' application via their advocate, chairpersons of ballot box committees were presented as a solution and it was argued that this request could be met by local interpreters that can be found in place on election day. The decision was taken the day before election day June 7, 2015.

#### **Decision Taken by the Ombudsman Institution**

Ombudsman Institution stated that since there is no legislation that regulates the subject of application, the Ombudsman was not able to challenge the (*first*) decision of Supreme Board of Election

#### **Decision Taken by TNHRI on 25.06.2015 that;**

- a. It is RECOMMENDED that the State, as part of its positive obligations, should prepare public spots in languages other than Turkish,
- b. A copy of this decision should be sent to the SBE and applicant injured parties,
- c. Investigation Unit on Allegations of Violations should follow up if any measures are taken based on the recommendation given hereby.

#### **RESULT:**

- SBE has not considered TNHRI's recommendation on the November 1, 2015 Parliamentary Election. SBE did not take any special measure to implement its decision taken before the June 7 election.
- None of these decisions are accessible through these institutions' web page.

#### **1.5. There is no official data or information identifying ethnic composition of the population in Turkey in order to take necessary measures for specific groups' needs and to identify possible gaps to prevent ethnic and racial discrimination in the society.**

The Turkish Government has declared that they have not collected, maintained or used any qualitative and quantitative data on Turkey's ethnic composition because of sensitivity of the issue, especially for those nations living in diverse, multicultural societies for a long period of time. The report stated that; "*Turkey has focused on commonalities and common aspirations in the legislative and policy framework, rather than measuring differences and making policies thereon*" (CERD/C/TUR/4-6, Prg.7).

On the other hand there are many examples showing that the state has collected systematic data on different ethnic groups in the society for many years. The "Race Cod 2" case was one of the indicators

of this claim. In the case of a Turkish citizen Armenian family, it has been found out that, the state has been coding minority groups with specific number codes; In the process of school registration of students to non-Muslim schools, applications are first taken by the school and sent to the Provincial National Education Directorate. National Education Directorate had the authority to approve the registration. During the school registration in 2013 September, Provincial National Education Directorates checked via the Civil Registry whether the student was non-Muslim or not; a Turkish citizen Armenian family, composed of both men and women from a family forced to convert to Islam, had wanted to register their child to an Armenian school. However, the official reply from the Registry office stated that since the student does not have special Race Cod 2 that belongs to Armenians, the child was not able to enrol to the Armenian school. The information sent to the school board should have been confidential; however it came out by an official reply through a mistake made by a clerk at the Civil Registry office. According to this information it has been found out that every minority group has been indexed according to a 'race code' in the Civil Registry archives since 1923. According to the codes, the Greek Minority Group was 1, Armenian was 2 and Jewish Minority Group was 3<sup>9</sup>. This registration issue was not an isolated incident; it has been an on-going case for school registration of the children of Armenian families forced to become Muslim.

Data collection on different ethnic, religion and language groups has always been the issue of national security. The Ministry of Interior, Provincial Administration Offices Directive (İç İşleri Bakanlığı İller İdaresi Genel Müdürlüğü Yönergesi), dated 06 July 2015, shows that the provincial administration offices are responsible for collecting data regarding internal policies, and special conditions of provinces and districts. The Headquarters has six departments and 18 units in total; (1) Border Management Departments, (2) Security Coordination Department, (3) Emergency Call and Project Department, (4) Provincial Services (5) Provincial Administration (6) Monitoring Financial Investments Departments. **Security Coordination Departments** has three units; (i) *Security Planning and Coordination Unit* (ii) *Data collection-evaluation and protocol* (iii) *Minority Issues Problem Assessment Unit*. According to the Directive, duties and responsibilities of Minority Issues Problem Assessment Unit does not only deal with minority group in the frame of the Lausanne Treaty but also on "implementing some activities to fight against the so-called Armenian genocide allegations that Turkey faces"<sup>10</sup>. This recently published directive shows that citizens who belong to 'minorities' are still a concern for national security, and the state collects data on religious, cultural, economic and other activities of "minorities".

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<sup>9</sup> <http://www.agos.com.tr/en/article/12032/race-code-to-be-abolished-in-education>  
10

<http://www.illeridaresi.gov.tr/kurumlar/illeridaresi.gov.tr/Mevzuat/Yönergeler/İller%20İdaresi%20Birim%20Yönergesi%2006.07.2015.pdf>  
/Article 4-ç

## Annex 1. Summary of Decision Regarding to Individual Application to Constitutional Court with number 2012/1205

**Applicant:** ŞAHİN KARAMAN BAŞVURUSU

**Attorney:** Av. Orhan ÖZER

Application No: 2012/1205

Decision Date: 8/5/2014

**Decision Committee:** (Deputy) Serruh KALELİ, (Members) Hicabi DURSUN, Erdal TERCAN, Zühtü ARSLAN, Hasan Tahsin GÖKCAN, (Raportör) Özcan ÖZBEY

### DECISION

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#### -3. With respect to the Prohibition of Discrimination

37. Although the applicant has alleged that he had been punished on account of his being a member of a different sect and living in the same neighborhood as the other persons, and that his right to settlement, residence freedom of religion and conscience and his right to equal treatment before the law had been violated, the substance of all complaints in this regard have to do with the prohibition of discrimination. Therefore the allegations must be evaluated within the scope of Article 10 of the Constitution.

38. Article 10 of the Constitution entitled “*Equality Before the Law*” reads as follows:

*Everyone is equal before the law irrespective of language, race, colour, gender, political thought, philosophical belief, religion, sect and similar grounds.*

...

*State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings.”*

39. The applicant’s allegations that the principle of equality set forth under Article 10 of the Constitution had been violated cannot be evaluated in isolation and must be read in conjunction with the other fundamental rights and freedoms enshrined in the Constitution and the ECHR. (Application No: 2012/1049, 26/3/2013, § 33).

40. The allegation made by the applicant that the principle of equality had been violated should be evaluated in relation to the right to a fair trial and the right to liberty and security of person. However, since all legal remedies have not yet been exhausted in terms of the right to a fair trial, the allegation that the prohibition of discrimination has been violated will be evaluated in relation to the right to liberty and security of person. In this regard, the principle of equality in relation to the said right does not afford independent protection but rather has a complementary characteristic in protecting the exercise of this right and the protection of remedies. (Application No: 2012/1049, 26/3/2013, § 34).

41. In order to discuss whether the prohibition of discrimination has been violated, it must be established on what grounds the discrimination has occurred and which fundamental rights and freedoms have engaged. In other words, in order for the allegation that the prohibition of discrimination has been violated to be taken seriously, the applicant should establish, with reasonable evidence, that there is a difference between the treatment of individuals in a similar situation and the treatment to which he had been subjected and that this difference of treatment has no legitimate basis and is based only on race, colour, gender, religion, language, sexual orientation etc.

42. In the current case, the applicant has alleged that members of the Alevi faith reside in the neighborhood where he lives, that there is a common perception that some of these individuals are involved in drug trafficking and that he had been criminalized on account of his being a member of the same religious sect. However, it is observed that the applicant is not able to provide concrete findings and evidence to support the allegation that he had been discriminated against on the above-mentioned grounds. On examination of the reasons for the sentence and the other information and documents provided in the case file, no findings have been observed showing that the prohibition of discrimination has been violated.....

Therefore, it has not been found that the applicant was arrested or convicted on the charges due to any grounds of discrimination.

43. Due to the foregoing, the application is *manifestly ill-founded* and no explicit violation with regard to the prohibition of discrimination has been found.

## Annex 2: List of Attacks and Threats Towards to Kurdish Population between 01 January 2014 – 30 September 2015<sup>11</sup>

Date City	Type of Crime	Involvement of Public Officials	Victim(s)	Summary of Events	Result of Trial (remedies and punishments)
September 8, 2015 Muğla; Seydikemer	Lynching attempt	Gendarmerie stopped the lynching attempt, took the victim to the hospital, and then insisted that he leaves town to secure the safety of the gendarmerie.	İbrahim Ç. Kurdish	After the victim shared a photo of him wearing an outfit resembling those of PKK militants, local residents forced him to kiss a bust of Atatürk in the public square and attempted to lynch him.	No charges were filed against the perpetrators. Instead, the Gendarmerie insisted on the victim's evacuation from the town, further victimizing him.
September 9, 2015 Antalya	Lynching attempt	During anti-terror demonstrations, police officials applied gas bombs and pressurized water into the crowd, but no one was taken into custody on the basis of the lynching attempt.	Unnamed	During a demonstration against terrorism, a lynch attempt transpired against a citizen who was alleged to be from the Southeast of Turkey. The lynchers allowed for paramedics to reach the citizen only after someone checked his ID and demonstrated that he was from Amasya and was not Kurdish.	No charges were filed.
September 14, 2015 Bolu; Taşkesti	Lynching attempt	Mayor of the city Aydın Baruş attempted to disperse the crowd by making a speech. He said 'as the government we will do our duty and punish them (the workers)' and suggested that this was a game planned by the PKK to divide the public.	8 Kurdish Construction Worker Citizens	When a group of citizens crossed path with Kurdish construction workers building a school, an altercation transpired and the allegation that the workers were burning the Turkish flag reached the rest of the village. A group of several hundred people congregated in front of the school, lighting fires and attempting to lynch the workers.	No reports of arrests or indictments can be found. It took 7.5 hours to disperse the crowd. The workers were finally taken away in armed police vehicles.

<sup>11</sup> This list of incidents have been selected among those published by media or another reports



July 29, 2015 Erzurum; Aşkale	Lynching Attempt	The lynching attempt transpired on TOKI construction grounds. There are reports of the police on the ground allegedly telling the angry crowd to 'not stop and keep going'.	400 Kurdish TOKI construction workers (government construction agency)	An altercation transpired between a Kurdish TOKI construction worker and a shop owner over the worker's ring that allegedly appeared to support the PKK. A fight broke out and the police assisted the Kurdish workers back to the TOKI construction area. Soon, a group of over two thousand people arrived at the construction area to lynch the workers. The angry crowd also vandalized passing cars and busses.	The crowd dispersed after TOKI took the construction workers outside of town limits. No arrests or indictments can be found.
September 8, 2015 Mersin; Anamur, Erdemli	Vandalism, intimidation, arson	Police attempted to barricade the areas under attack and tried to contain the group using gas bombs. They put out the fire using pressurized water. The governor pleaded the group to stop, but was not effective.	Various Kurdish citizens residing in Mersin, especially in the town of Kargıpınar	A group intercepted traffic on a highway, selected the cars with license plates indicating residency in cities in Eastern Turkey, and ripped off the license plates of those cars. Work places of Kurdish citizens and the HDP headquarters were set on fire. Protesters hung Turkish flags on the vehicles passing through.	The police dispersed the group eventually. No charges were made. Cars with Eastern license plates were stopped before the arriving at the area controlled by protesters for security reasons.
September 8, 2015 Kırşehir	Vandalism, hateful language	Allegations suggest that the police department was aware of the anti-terror protest beforehand, and yet did not prepare for possible mob attacks. The police department later forged a document suggesting that 220 officers were assigned to the protest instead of 90.	HDP Kırşehir Headquarters , Kurdish shop owners and citizens	During anti-terror protests in Kırşehir, a mob of protestors attacked the work places of Kurdish citizens, vandalized and chanted hateful lines aimed towards those of Kurdish ethnicity. They also vandalized the local HDP building in an attempt of intimidation of the Kurdish populace.	No indictments were found.
September 8, 2015 Ankara; Beypazarı	Vandalism, intimidation, arson	Police forces dispersed the crowd.	Kurdish agriculture workers	A group chanting anti-terror slogans entered the Kurdish majority 'Zafer' neighbourhood, set fire to citizens' cars and houses. Gunshot sounds were	No indictments were reported. Many Kurdish agricultural workers were reported to be leaving town

				reported in the neighbourhood. At least five people were wounded.	as a result of this attack.
23 August, 2015 Eskişehir	Attacks	According to victims' claim mayor of the city (from AKP) and the district mayor (mukhtar) prompted the incident	Bayram Bağ, Sabri Bağ and Kadir Bağ (seasonal Kurdish workers in Eskişehir)	Group of 300 people attacked 3 Kurdish seasonal workers. One was seriously injured. After the incident seven family members had to abandon their houses in the neighbourhood .	Although one of the victims has applied to local juristic office against the mayor, There has not been any investigation regarding the incident.
22 July, 2015 Yalova	Attack on houses and assault with guns	Security forces only watched the attack	15 people (Kurdish) were attacked and 6 of them were injured	Around 100 nationalist people attacked a house where Kurdish construction workers (seasonal workers) live . They broke the door and fired and injured 6 of them	Although investigation has been started on the incident, only one was arrested and put under custody.
May 8, 2015	Assault with a weapon	After the students were released from the hospital, they were taken into custody and were subjected to a criminal investigation for belonging in a terrorist organization after the perpetrators claimed that the victims were threatening them.	Adnan Sural, Muhammed Kaya	Two Kurdish students were attacked by a group. The students received wounds from the cleavers used by the perpetrators.	Even though the perpetrators were identified through security cameras, they were not indicted. Instead, the court decided that the victims would be held under custody until their trial for the alleged offense of being part of a terrorist organization.
January 6; 2015 Şırnak, Cizre	Police violence	Police Officer involved is a murder suspect	Ümit Kurt (14) Kurdish	Kurt was killed during a shooting among the Youth Movement of PKK, YDG-H. The bullet that killed Kurt was found to have left the gun of the police officer. Although no gunshot residue was found on the victim, the officer was released with the claim that he saw a gun in the victim's hand. Kurt	Although the indictment offered to the court is based on murder charges, the prosecutor demanded no punishment and suggested that the perpetrator was acting within the bounds of his legal duty. First hearing

				was alleged to be at the crime scene because he was going home after completing a paint job.	will be held on December 25 2015. Defendant not in custody.
January 2, 2014 Afyon	Assault	The Human Rights Association has reported that school security and Rector were being friendly with the perpetrators despite continued pattern of assault towards Kurdish students.	Halil Çeçen, Mehmet Yılmaz, Emrah Çelik, Ahmet Esat, Ferhat Keserci Kurdish	A group of 40 to 50 individuals attacked a group of Kurdish students in Afyon Kocatepe University. Çeçen became seriously injured due to a blow to the head. Yılmaz testified to the police that he did not feel safe in the city of Afyon.	Five of the attackers were taken into custody.

### Annex 3: List of Attacks to HDP- Pro Kurdish Party between 01 May – 30 October 2015 (six month period)

Date City	Type of Crime	Involvement of Officials	Victim(s)	Summary of Events	Result (Remedies and Punishments)
May 14, 2015  İstanbul;  Kadıköy	Assault with rifle		Election bureau, 1 official at the bureau	The bureau was attacked for the third time, the other times on May 4 <sup>th</sup> and 10 <sup>th</sup> with assault rifles. One person was injured.	One person was taken under custody
May 14, 2015  Çanakkale	Assault with weapons	According to reports, the police stopped the incident by attacking and placing under custody victims as well as perpetrators	HDP election volunteers at the HDP stand in the Çanakkale Mümtaz Pirinççiler Square.	A group assaulted the volunteers with stones and knives.	Six people placed under custody, including those attacked by the group
May 15, 2015  Antalya;  Gazipaşa	Assault by mob		HDP volunteers. Aysel İbili, İsmail İşli	HDP supporters at the stand at the public square were attacked by a group of 50 people. Three people were injured. Aysel İbili, HDP Antalya nominee for congress and İsmail İşli, Alanya HDP Co-President were battered.	Indictment information not available
May 18,	Bombing	HDP administration found President Erdoğan partially	Three HDP election	The election offices of HDP in Mersin and Adana were assaulted by bombs on	Indictment information not

2015 Mersin and Adana		responsible for the attacks due to his language of incitement and for portraying HDP as an extension of a terrorist organization	personnel in Adana	the same day, at the same time. Three personnel in Adana were injured.	available
June 23, 2015 Adana Dumlupınar	Stun grenade attack and assault with rifle		HDP election office in Adana	The HDP election office in Adana was attacked by stun grenades and shot several times with rifles	No suspect was caught or placed under custody
July 10, 2015 İstanbul Sultanbeyli	Hateful language and assault		HDP election office in Sultanbeyli	A group congregating in front of the HDP election office chanted “Tooth to tooth, eye to eye, revenge revenge” and attacked the building with stones	No suspect was caught or indicted
July 28, 2015 Kocaeli	Assault, intimidation, collaboration with public officials	After the attack at the building, party signs and flags were taken down using cranes property of the fire department under police purview	Kocaeli HDP building	A group assaulted the HDP building using stones, plastic bottles, and yelled out racist and accusatory rhetoric about the party	No one was taken under custody or indicted
July 16, 22 2015 Antalya Alanya	Intimidation and vandalism, collaboration with public	The police negotiated with a group attempting to attack the HDP building. The police hung a Turkish flag on the building and removed and handed the	HDP election office	The police worked together with a group aiming to attack the HDP office in Alanya. Instead of attacking the building, the group had the police hang the Turkish flag and remove the sign	

	officials	HDP sign to the group		with the help of the fire department	
September 7, 2015 Tekirdağ; Çorlu	Vandalism, intimidation, lynching attempt	Although the police forces prevented the group from entering the building, they did not prevent the vandalism towards the building. Kaya was put under threats when she got outside of the building to complain to the police about not intervening effectively	Şehnaz Kaya	A group of six thousand people congregated in front of the HDP building in protest of the recent terrorist attack. The group vandalized the HDP building with stones, broke apart the party signs and hung Turkish flags on its walls. The group attempted to lynch the HDP Tekirdag co-president Kaya.	No record of indictment or capturing can be found
September 7, 2015 Isparta Pirimehmet	Arson		HDP building in Isparta	A group of 500 people congregated in front of the HDP building. As the police were preparing to barricade the entrance, some members of the group went inside and set the HDP sign on fire. The fire picked up and the fire department struggled to put it out. The group did not disperse until the fire was put out.	No record of indictment can be found.
September 8, 2015 Ankara	Vandalism	Police forces did not take effective action on time and let groups entering the building and putting the building on fire	HDP Head Quarter,	The group with 500-600 people vandalized the HDP Head quarters breaking into the building and setting the building on fire. There were many HDP parliaments and members inside. It is stated that although HDP members informed polices on threat messages they received during the day, police	Only one person was taken under custody

				outside of the building did not take sufficient action to stop the incident	
September 9, 2015 Mersin; Silifke, Mezitli	Vandalism Assault	The police officers who sustained minor injuries were treated in the ambulances brought to the scene	HDP buildings in Mersin	A crowd protesting terrorism assaulted the HDP buildings with stones, broke windows and took down the party signs. The party flags were also set on fire. The police intervened with pepper gas.	No indictments are available

#### Annex 4: List of Cases Observed by AMER in the frame of racial discrimination and crime

Date City	Type of Crime	Involvement of of Public Officials / Info on Perpetrators	Victim(s)	Summary of Events	Result (Remedies and Punishments) / Number of trial
03.09.2014 Antalya; Kaş	Murder	Despite the allegations of hate crime motivations, the district governor claimed that the altercation was alcohol induced.	Mahir Çetin Kurdish	A group of 30 individuals attacked Çetin, causing brain hammoreage and death. Çetin’s cousin stated in his witness statement that the attackers yelled ‘Dirty Kurds’ as they were attacking them. Against the defence attorney’s claimed that, “since Mahir has been killed because he is a Kurd, this is a racial crime”, defence attorney stated that this is not the case only for Kurds, local people in Kaş do not like any foreign people here (in Kaş).	Seven of the group was taken into custody, one was arrested. The hearings are continuing, with the fourth one held on September 9, 2015.
09.03.2014 Antalya, Fethiye	Attack on HDP- Pro Kurdish Party before the 30 March Local Election	Involvement of Mayor, district governor, nationalist part (MHP) members, party members of CHP (the first opposition party), and more than 300 locals	HDP Fethiye, Owner of the patissery under the HDP building, whose shop was destroyed during the attack	A nationalist group marched on the People’s Democratic Party (HDP) election office in Fethiye. Mayor Behçet Saatçi, who was elected on the ticket of the Nationalist Movement Party (MHP) ordered fire fighters to remove the HDP sign from the building and its replacement with Turkish flags. Protesters also threw rocks at the building, breaking windows. District Gov. Ekrem Çalık attempted to calm the crowd, saying: “I call the people of Fethiye to reason. These kinds of events hurt Fethiye’s image. No one can obstruct the exercise of one’s democratic rights.” Police officers only watch the attacked when it is occurred.	The hearings are continuing. Although there are many pictures from the attack taken by local journalists, in which people involved in the attacked are identified, there is no one under custody or arrested. Most people in Fethiye believe that this case will end with no punishment at all, since many public figure and authorities were involved in the incident.
09.09.2013,	Lynch	Involvement of more than	Roma	A Roma people killed a man in the	31 people are accused of



İzник, Bursa	Attacks, evacuation of Roma houses and the district	500 locals in İznik. Police forces have not stopped or intervened on time	population who live in İznik	neighbourhood. The next day, aggravated local people attacked the houses where Roma people live in the neighbourhood, destroyed and burned houses, work places and cars. The public investigation was started 22 days after the incident occurred.	destroying public goods and preventing police forces to perform their duty.
31.10.2009 Manisa; Selendi	Lynch Attacks, evacuation of Roma houses and the district	Involvement of more than 1000 locals in Selendi. Police forces did not stop or intervene the action on time	Roma population who live in Selendi (Manisa)	The coffee owner in Selendi did not allow a “Gypsy” man to drink tea in his coffee house, Mr. Since Uçkun, insisted on drinking tea, the owner and customers beat Uçkun. Then Uçkun and a group of relatives attacked the place, smashing its windows. The attack drew serious indignation in the district, with more than 1,000 locals stoning and setting ablaze tents and shanty houses belonging to the Roma. The angry crowd also destroyed many vehicles in neighbourhoods mainly populated by the Roma. According to the indictment, the assailants shouted slogans such as “Gypsies should go away,” “Here is the land of Turkish people and it will last the same” and “Let's set ablaze their houses” as they attacked the Roma.	On-going case since 2009. There are 83 accused persons  Similar cases had occurred before in Manisa, but there is no juridical record on those incidents.