



## **Kaos Gay and Lesbian Cultural Research and Solidarity Association**

Address: Gazi Mustafa Kemal Bulvarı, 29/12, 06440 Demirtepe / Kızılay – Ankara, Turkey  
Tel.: +90 312 230 0358 Fax: +90 312 230 6277 E-mail: [kaosgl@kaosgl.org](mailto:kaosgl@kaosgl.org)

## **2012 HUMAN RIGHTS REPORT FOR LGBT PEOPLE**

### **Violations on Right to Life / Torture / Ill-treatment / Sexual Assault**

2012 has been a “difficult” year for lesbian, gay, bisexual and transgender individuals. In Turkey, 10 hate crimes were committed. 6 transgenders and 5 gays lost their lives due to hate murders. News on 8 hate attacks were published online on kaosgl.org. We witnessed lynch attempts, torture, ill-treatments, domestic violence, harassment, rape and cyber attacks.

Under the heading “Discrimination” of the Report, 3 violations committed against the housing right of the transgender people were detected. In labour life, 2 people started a legal struggle since they were fired due to their sexual orientation. 4 people were not allowed to enter into a space and to receive service. Within the field of health care services, the Turkish Red Crescent claimed that HIV+ blood was obtained from a bisexual in the “HIV+ Blood” case. Discrimination took the stage as “official discourse” in 7 events such as the redefinition of homosexuality for military service and many more.

As Kaos GL, we have been working to monitor and report the violations of human rights of lesbian, gay, bisexual and transgender individuals since 2006. Considering violations of human rights published since 2007, the same echo has been repeatedly heard. Ahmet Yıldız’s case is not closed yet. The murderers of Dilek İnce are not apprehended. Halil İbrahim Dinçdağ’s case was delivered to a legal expert. These court cases will be on the agenda of human rights movement in 2013 as well.

10 violations of right to life were registered as hate crimes. Widely speaking, human rights monitoring and reporting activities are performed by volunteer correspondents and through media-scanning. As a result, from time to time we lately receive the news or even sometimes are not even informed. The hate crime in Diyarbakır and the young gay who died after being forced to commit suicide in Adana are some examples from which we lately kept informed. We are aware of the violations of human rights of lesbian, gay, bisexual and transgender people in many circles.

Therefore, this report does not sufficiently display the violations of LGBTs in Turkey. The whole real picture is invisible. The main reason is that LGBTs think they would be consistently violated while trying to gain access to justice due to violations based on sexual orientation and gender identity. In addition, LGBTs cannot estimate how the legal methods they refer would influence their lives. This situation causes LGBTs to become defenseless and target against violations.

Some categories under the heading "Hate Crimes" are ones that we have just started to report. Kaosgl.org was hacked by religious groups following the 7th International Meeting Against Homophobia and Symposium Against Discriminations opens a new space for violations aimed at freedom of expression of LGBT people.

In 2012, LGBT people faced lynch attempts in Çandarlı and in Antalya. LGBTs were attacked by homophobic and transphobic motivations. The perpetrators claimed the victim was homosexual. There are two violations of right to life in this report, as follows: "I killed because he whistled" and "I was aroused as he touched my backside". For a long time, we have underlined that "unjust provocation" abatement puts LGBT people in the line of fire, however, as long as the perpetrators are not punished, we will continue to become target.

We present this report as "2012 Report of Human Rights Violations Based on Sexual Orientation and Gender Identity". Our problem with accessing the discriminations and violations committed against lesbians, bisexual women and trans men still remain valid. As Kaos GL, we find it crucially important to overcome this problem.

Parallel to this report, 2012 Human Rights Report of LGBT Refugees and 2012 Media Monitoring Report will be published. These three reports indicate the "visible" violations committed against "visible" LGBTs.

This report is made up of 5 parts. In the 1st Part, hate crimes are presented. The 2nd Part is on hate speech and discrimination. In the 3rd Part, we present the ongoing court cases. The 4th Part is composed of the concluded cases. The 5th Part discusses the latest positive developments. In the conclusion part, the demands of LGBT organizations for human rights are fully covered.

## **PART I**

### **Hate Crimes**

In 2012, 6 transgenders and 5 gays were killed. 8 hate attacks (with knives in 4 different incidents), 2 lynch attempts, 2 torture attempts and ill-treatment, 1 domestic violence, 1 rape and 2 cyber attacks were covered on the press.

#### **Hate Crime in Beylikdüzü, Istanbul**

**17 December 2012**

**Source: Kaos GL**

19-year-old transgender woman Günce Hatun was shot to death in Bizimkent Bridge in Beylikdüzü two days ago. The police had a suspect who was following the activities around the crime scene.

Detecting that the right front glass broken, police took İlker Karataş, aged 34, into custody. The murder suspect admitted that he had committed the murder.

#### **Transphobic Attack on Esat Bağlar Street**

**23 November 2012**

**Source: Kaos GL**

A transgender woman was attacked by 5 people on Esat Bağlar Street two days ago.

Pink Life Association rapporteur Çelik said the victim went to Esat Police Station after the attack. However, the police said the situation can't be helped because the victim could not detect the perpetrators' car and that they did not witness the crime.

### **Transgenders beaten in front of Police Station**

**14 November 2012**

**Source: Kaos GL**

Sex workers, Görkem Ç. and two of her friends, were attacked in front of the police station by two unidentified men. The attack was made before the eyes of the police. The sex workers said they would sue the attackers for the violence.

### **Hate Crime in Antalya**

**24 October 2012**

**Source: Kaos GL**

25-year-old transgender woman Serap whose throat was cut by two people in Antalya bled to death.

It is reported that the citizens living in Kışla neighborhood on street 47, Muratpaşa called the police upon hearing someone crying for help. The police broke into the house and saw a person drowned in blood. Ambulance was called for help.

### **Hate Crime in Bursa**

**17 October 2012**

**Source: Kaos GL**

The murderer of Nazir Dalkılıç turned out to be 26-year-old Ersin Köroğlu with whom the victim had had a sexual contact. Ersin Köroğlu was arrasted upon the accusations of stabbing 35-year-old Nazir Dalkılıç to death in Osmangazi, Bursa.

Admitting the crime, Ersin Köroğlu said they both went to Paşaçiftliği via Bursaray and Dalkılıç gave him an oral sex and demanded one for himself. After the rejection of the perpetrator, they had a fight and Ersin Köroğlu stabbed him and ran away.

### **Who does not deserve a funeral prayer?**

**3 September 2012**

**News: Kaos GL**

A gay, 23, whose identity was accepted only by his mother, committed suicide. His family buried him secretly. He had no funeral prayer. His family begrudged him a prayer and his grave looked like a digging out. Not receiving respect while alive, his corpse was disrespected as well.

### **"A Kurdish Homosexual? Out of Question!"**

**30 August 2012**

**Source: Kaos GL**

The killing of 17-year-old R.A. by his father and uncle in Diyarbakır turned out to be a hate crime. According to the news on FemînKurd.Net, the local press did not pay attention on his killing and mainstream media ignored the backstage of the murder.

The parents were aware that their son was gay. The killing of R.A. was appeared in the press only as a "judicial murder". According to FemînKurd.Net, upon learning his sexual identity, his male relatives killed R.A.

### **LGBTs Face Lynch Attempt, Local Police Ignore**

**17 August 2012**

**Source: Kaos GL**

12 members of Black Pink Triangle Association in İzmir saved themselves from a lynching at last minute in Dikili. Having planned to make meetings in town, members of the association went to police but police said they could not help.

Demet Yanardağ said 3-4 people were following them; they multiplied and, all of a sudden, they figured out that they would attack them. She added "We decided to go back to our houses but then the aggressors separated into two groups. We called the local police and they asked if there was violence; otherwise, they could do nothing. After a while, the two groups scattered. However, one person was still forcing us to tell him where we accomodated". The aggressors later escaped.

### **A Transgender Woman Killed in Antalya**

**11 July 2012**

**Source: Kaos GL**

Hate did its job and killed a transgendered woman in Antalya. Neşe Dilşeker, born in 1966 and known as Seçil Anne for about 15 years in Antalya, was murdered last night at around 11pm. Her throat was cut.

Her friends have not heard from her for a while. They called the police and her body was found dead.

### **Whistling Wounds**

**Source: Kaos GL**

A man battered and stabbed a person who whistled at him. The perpetrator claimed the whistling man was a homosexual.

Habervitrini.com stated that the crime took event in Kurtuluş Neighbourhood, Seyhan, Adana. While 28-year-old Mustafa M. was walking around, 44-year-old Mehmet Ö. approached and whistled at him. Mustafa M. got angry and attacked Mehmet Ö. and started to batter him in front of a store. Then, Mustafa M. took his knife from his pocket, stabbed Mehmet Ö. in the leg. Those who saw it called the police. The police arrested Mustafa M. and took to the police station.

Mehmet Ö. was sent to Adana State Hospital and discharged, then. Mustafa M. appeared before court and was released by the court pending a trial.

### **The Murder in Adana no longer a secret!**

**21 May 2012**

**Source: Kaos GL**

21-year-old Tamer Uzun, a freshman student of Veterinary Faculty at Adnan Menderes University, was found naked and dead in his house in Aydın. His friend, Murat Çelikel, found the dead body at noon of 18 May.

**Two Transgenders Attacked with Choppers in Ankara**  
**27 April 2012**  
**Source: Kaos GL**

Two men with snow masks and choppers in their hands raped and stole the money and phones of two transgender sex workerwomen in Ankara. Police apprehended the aggressors Şükrü Ç. and Fatih A. Brother of Şükrü Ç.. The 14-year-old İ.Ç. helpful in the crime was released.

According to Milliyet, the two transgender women A.C. and Y.D. were raped and robbed two times in March and April.

**Transphobia in Istanbul**  
**25 April 2012**  
**Source: Kaos GL**

LGBT Activist Michelle Demishevich was attacked by seven unknown people in Şişli, İstanbul at around 12pm last night. According to Pink Life, the perpetrators used violence against the activist and ran away with a car. The law enforcement officers said the aggressors were not identified.

**Hate Crime in Kuşadası**  
**05 April 2012**  
**Source: Kaos GL**

Transgender Nükhet Kızılkaya was found dead in her house in Kuşadası, Aydın. The victim's friends said they had not heard from her for five days. They went to her house and found her dead body. The criminal(s) are still unknown.

**Rape in Army Demands 15-years Sentence**  
**3 April 2012**  
**Source: Kaos GL**

4 soldiers are sued for 15-years sentence because they raped a soldier with forced oral sex, in the 7th Corps Command in Diyarbakır. The soldiers were accused of forcing T.A. into a barrack, threatening and forcing him to perform oral sex. T.A., who was diagnosed with depression, was released from his military service.

**Hate Crime in İzmir**  
**30 March 2012**  
**Source: Kaos GL**

A transgender woman shot in head was found in a car in front of a construction site in Karabağlar, İzmir.

Having found the 35 AL 9656 licence plated car and the dead body, the construction workers informed the police. The police found out that the victim was Tuğçe Şahin, 23, and before being shot to death, she had been beaten beyond recognition.

### **Violence in Police Station**

**28 March 2012**

**Source: Kaos GL**

Having told that he was being followed in Taksim and sought protection in police station, Yasin Keskin claimed that he was exposed to physical violence by the police and the follower.

Making a complaint about the police and the follower, Keskin was told that the station was responsible for juvenile delinquencies and he had to call Police Help 155. He said, "As I was grumbling over this, they beat me in front of the station and the follower came and attacked me. I have made a complaint about the police and the aggressor."

### **"I felt bad as he touched my backside"**

**7 March 2012**

**Source: Kaos GL**

33-year-old İsa U. was put to trial for a life long imprisonment because he shot his friend, 49-year-old Osman Salih Savaşoğlu, in head and cut his throat in Adana.

Accused Uçak said that the victim touched his backside and expressed his sexual desire to the perpetrator. "I felt really bad" said the criminal and admitted the murder.

### **Hate Crime in İzmit**

**13 February 2012**

**Source: Kaos GL**

A murder took place in Çukurbağ, İzmit. 26-year-old Melda Yüksel was killed by her brother, Murat Yüksel. Melda Yüksel's parents were having a house built for her. They had not met up with her for she was transgender. The house was ready and the siblings decided to meet at her new home. They began to fight and her brother murdered her.

### **Transphobic Attacks in Maltepe to be Protested**

**15 February 2012**

**Source: Kaos GL**

Upon the second attack to the transgender people with a sword in Istanbul, Istanbul LGBTT and Lambdaistanbul LGBTT made a press release in front of Cumhuriyet Police Station.

Attacks were made against the transgenders along Maltepe coast road in Istanbul in December 2011. The aggressors were seized by the police. Swords and döner knives were found in the baggage.

**17-year-old male body wearing tights found****31 January 2012****Source: Kaos GL**

17-year-old Ali Girgin went missing on 12 August 2010. 2 days later, his body was found hanged on an oak tree 2 km away from his house. His body was naked; his mouth and jaw were tied with women stockings. The body had a green tight on. His feet had been tied with a wire and 8 kg weight.

Forensics-expert Prof.Dr. Şevki Sözen said that autopsy report demonstrated it was not a suicide but murder.

**"Transgender Collection Vehicle"****26 January 2012****Source: pembehayat.org**

Undercover cops started violence against transgender women on Beyoğlu Street, İstanbul. The Balyoz ("Hammer" in English) Team collected transgenders and put them in a transit vehicle. The police used violence, battered with sticks and forced them into the vehicle.

**Knife Attack in Izmir****13 January 2012****Source: Kaos GL**

31-year-old transgender S.T. was stabbed 14 times by unknown people in Karabağlar District, İzmir.

The crime took place on 11 Jan. at 11.30 pm. A car with an unidentified plate came closer to the victim and 4 people came out of the car. They stabbed S.T. in left-side stomach 2 times, in left arm 7 times, in back 2 times, in right-side calf 1 time and in left hand 2 times.

**PART II****Discrimination and Hate Speech****Red of the Rainbow: Kafe Pi, Say You're Sorry!****24 December 2012****Source: Kaos GL**

Red of the Rainbow (Gökkuşayının Kızılı) has made a statement that demands an apology by Kafe Pi to transgenders owing to its discriminatory attitude.

A group of 4 people of Red of Rainbow and LGBTs stated that they were not accepted into the cafe on 2 Dec., Wednesday and would seek judicial remedies.

**Groom-to-be on Facebook was a Woman**

**18 December 2012**

**Source: Habertürk**

Özlem G., aged 28, created a new Facebook account with a different name: Emir Bucak. 16-year-old high school student P.T. fell in love with Emir. In January, Özlem G. Eloped with P.T. who had not understood Özlem G. was woman. The couple went to the family house of Özlem G. In February, they went once more but parents of P.T. reported this to the police. Özlem was taken in custody, said in the police station that her name was Emir Bucak and lost her identity. The police released Özlem G. because P.T. was willing to go with Özlem G. Her parents and she went to the family to ask for a marriage permission. That way, the truth came to surface.

The prosecution filed a suit in request for a 9-27 years sentence for Özlem G. because she deprived P.T. of "her liberty, made false statement on official documents, insulted, threatened and broke the peace by making herself unrecognizable".

**Attack to KaosGL.Org, The Same Scenario!**

**17 December 2012**

**Source: Kaos GL**

Ceyber attacks were made on the news page of Kaos GL last evening and online publications could not be screened for a while. The attack took place during the closing time of "The Anti-Discrimination Symposium" organized by Kaod GL Magazine in the Human Right week.

The followers of Kaos GL could not access kaosgl.org after the Symposium. A collage of the views of the aggressors and Islamic hadiths of hate speech were depicted.

In May 2012, a similar attack was carried out during the International Anti-Homophobia Meeting Activities. The same "religious" story repeated itself.

According to the messages on social media, the Turkish interpretation of the collage is found to state "Say No to those who claim homosexuality is normal! No to Homosexual Propoganda!".

Even though there is open hate speech in this crime, thie field of cyber hate crimes remain untouched and uninvestigated.

**"Are You A Man?" Causes 2 years in Jail**

**16 December 2012**

**Source: Vatan**

Transgender A.P and her female friend Z.K. went to Antalya for a summer holiday. Z.K. and A.P., allegedly started to talk loudly in the guest house. The pension employees warned the two but also offered sexual contact. The was a big fight and the two friends called the police. The two friends were the suspects, and the employees became the victims.

Gülşah Başdaş, the judge of the Court of First Instance of Kumluca, sentenced Z.K. and A.P. with '2 years and a month' jail because the two had said "Are you man enough? Go outside! We will show you!". The judge did not suspend the sentence. Unless the High Court ratifies, they will go to jail.

**TAF institutionalizes Discrimination**

**29 November 2012**

**Source: Kaos GL**

The government's bill that brings penalty point system to Turkish Armed Forces (TAF) will close "disco"s and criminalize homosexuality.

Penalty Point System is on the way!

İsmet Yılmaz, the Minister of National Defense of Turkey, submitted the bill into the government agenda. The bill proposes that those who reach a certain level of penalty point will be punished. The bill also accepts homosexuality as "unnatural sexual behavior" and considers it the heaviest disciplinary action within the military, offering expelling from the army.

**An Odd "Human Rights Association" in Kocaeli**

**06 November 2012**

**Source: Kaos GL**

A group carrying out activities under the name Kartepe Human Rights Association continues to target a different group each week. Having targeted the LGBTs before, the group this time targeted BDP and CHP Parties over the debates in the Constitution Conciliation Committee in the past months. The group carried posters that said "We condemn BDP for supporting faggot marriages!" and claimed that homosexuality was a curable illness.

**Yeni Akit's Targets Kaos GL and Teachers**

**23 October 2012**

**Source: Kaos GL**

Yeni Akit Newspaper does not stop spreading hatred through Furkan Altınok who is charged with deforming the news of kaosgl.org by his articles on Yeni Akit.

Yeni Akit, an extension of "Vakit" Newspaper which was convicted by the High Court for labeling LGBTs as "perverts" and "faggots", and habervaktim.com go on with their hate publications against Kaos GL.

The brochure prepared to inform teachers on discrimination based on sexual orientation and gender identity has been introduced to the readers of Yeni Akit as "A grave danger! Perverts try to leak into schools!".

**Lynch Attempt Against Transgenders in Avcılar**

**07 October 2012**

**Source: Kaos GL**

The protests against transgenders in Avcılar, İstanbul turned out to be lynch attempts. On 4 October, Kaos GL asked if Avcılar is transforming into a new lynch region.

50-person group gathered in front of Meis building complex, started a fire and undertook a lynch attempt against transgenders. Upon these protests, the police raided three houses of transgenders and sealed them, claiming that prostitution was being done in the houses. So the right to housing and privacy under constitutional protection were violated.

**High Court in favor of aggravation of punishment for oral and anal sex  
Monday, 04 June 2012  
News: Habertürk**

S.K. was convicted of selling CDs with pornographic contents. The High Court decided on a possible aggravation in his punishment since the CDs contained images of oral and anal sex.

Sentenced to 1 year in jail, S.K. might be getting a heavier punishment since the CDs he had sold included "unnatural sexual behaviours".

The verdict is a violation of right to privacy and family life set forth on Article 8 of the European Convention on Human Rights. The right in question is put under assurance for both homosexuals and heterosexuals.

**Police Officer Interdicted of His Job Due to Gender Identity  
10 July 2012  
Source: Kaos GL**

Security General Directorate interdicted a police officer F.B., 28, of his job after investigations on his gender identity. With a request of 4 years of prison, he was taken to court with the argument of "prostitution" due to his transvestite identity and was acquitted in the end.

**"We are transgenders! We are here and not going anywhere!"  
Monday, 25 June 2012  
Source: Kaos GL**

The 3rd Trans Pride March was held successfully despite a racist and fascist attack. Exposed to the attacks by a group of nationalists, transgender individuals chanted slogans and yelled out loud "Struggle shoulder to shoulder against fascism!".

**A Transphobic Demonstration in Antalya  
06 June 2012  
Source: Kaos GL**

A group of people held a demonstration against sex worker transgenders in Antalya. The group complained of transgenders performing sex work in the Altındağ neighborhood. The group said that they would keep an eye on the street with sticks in their hands.

The group claimed that they could not go outside their homes when it gets dark due to the transgender sex workers.

**SP Keeps Spreading Hatred in Kocaeli  
31 May 2012  
Source: Kaos GL**

The Saadet Party ("Felicity Party" in English), marching regularly with a banner that reads "Homosexuality is immoral, Adultery is a crime!", started to collect signatures on the streets on 17 May to proclaim homosexuality as an act of adultery and immorality.

**Hate in Eskişehir!****21 May 2012****Source: Kaos GL**

10-15 followers of the Saadet Party came together in Eskişehir on Sunday, 20 May. They opened two booths to cry out "Homosexuality is immoral, Adultery is a crime!" banners.

**"Illogical Transphobia" in Eskişehir****15 May 2012****Source: Kaos GL**

Community Volunteers in Eskişehir held what's called a "Living Library" activity and went to "Eskişehir UP'N DOWN" Cafe. However, they were not allowed to enter into the place since there was a trans woman with them.

The personnels said that she was not "a real woman". The group got angry and emphasised that the it was an act of gender discrimination and transphobia and it is against human rights.

**"I got fired because I am gay!"****30 April 2012****Source: Kaos GL**

Erhan Karataş states that he got fired from 5-star hotel in Antalya, where he used to work as a choreographer, for he was gay and dressed inappropriately.

Karakaş stated that he would sue the hotel for this unfair treatment and added "They can not fire me because of my clothes and way of speaking". The general director of the hotel said "If you wore a thong-like short, no one would want to work with you!".

**Transgender Begüm's Legal Struggle****05 April 2012****Source: Kaos GL**

A police officer attacked Begüm, 44, in front of the Romanian Embassy in İzmir at around 6 am on 13 Feb. 2011. Begüm was beaten, injured and underwent an emotional trauma. Begüm, then, went to court and sued the police officer, H.S., a guard of the Romanian Embassy. H.S. was acquitted and Begüm was fined and held responsible to pay the fee of H.S. because of "insult and keeping someone from performing his/her duty".

**Mayor Melih Gökçek's Discrimination Against LGBTs****03 April 2012****Source: Kaos GL**

On a TV programme on 2 April 2012, TV persona Okan Bayülgen asked Gökçek "When will we have an openly gay mayor in Turkey?". Gökçek said "We have our own life styles, traditions and customs. I hope there won't and shouldn't be a gay mayor in Turkey in the future as well".

**Ministry of Family includes "Azra" into "Family" as well?****28 Mart 2012****Source: Kaos GL**

Although gender identity and gender violence are defined in Istanbul Convention, the Ministry of Family having applied for intervention spoke of the murdered trans woman Azra of with her male ID name "Mustafa Has". "It is good to see the Ministry's intervention but using the term "nicknamed Mustafa Has", ignoring the approaches towards transgenders still remain a question" said Kerem Dikmen, Attorney.

### **LBT Women Still Invisible in Violence Bill**

**07 March 2012**

**Source: Kaos GL**

The draft Bill on the Protection of Family and Prevention of Domestic Violence was accepted in the Justice Commission. The Bill, however, ignores the lesbians, bisexual and transgender women. The objection of CHP (the Republican People's Party) and the motion of LGBT organizations in the bill were rejected.

The bill foresees that those who use violence against women will be punished with an electronical handcuff and wristband.

### **Red-Crescent and the same old HIV+ blood story**

**09 February 2012**

**News: HaberTürk**

3 people in different hospitals were given HIV+ blood. The donor was a person who who regularly donated blood to the Turkish Red Crescent. Based on the explanation of the institution, "It was found out that the donor hid his bisexuality. The donor's all illness-related results of blood examination were negative before, but this time they detected HIV."

### **18 movie-goers under police custody**

**30 January 2012**

**Source: Kaos GL**

18 men were taken into custody in a movie theater by the police. Police officers of Morality and Gambling Department raided the theater and stated that "pornos are on display and prostitution is practised" in a theater in Kartal district.

## **PART III**

### **The Ongoing Court Cases in 2013**

#### **Rosin's Murder Case**

**09 December 2012**

**News: Kaos GL**

Rosin Çiçek was killed by his father and uncles 4 months ago for being gay. Çiçek ran away from his house for being exposed to violence. He was shot 14 times by his father and uncles on the street.

The court was postponed the case until 18 January. His father and uncles kept accusing each other in the court. The 4th hearing is on February 4.

**Rape Case in Eskişehir**  
**11 December 2012**  
**News: Kaos GL**

MorEl LGBTT activist was attacked and raped and she made a complaint. The accused R.A. rejected the claims. "I have nothing to do with a transvestite!" said R.A. The case was postponed to 14 February 2013 for the forensic report.

**Gay Referee Dinçdağ's Files sent to an Expert**  
**16 October 2012**  
**Source: Kaos GL**

Halil İbrahim Dinçdağ sued the Turkish Football Federation for being fired due to his sexual orientation. His pecuniary and non-pecuniary damage action with the Federation continues.

The 6th trial was conducted in the 20th Civil Court in İstanbul. Dinçdağ's attorney Firat Söyle repeated Dinçdağ's legal financial assistance demand in the court and wanted the court to send Dinçdağ's file to an expert with the aim of preparing a report on compensation demand. The court accepted this request.

The case is postponed to 19 February 2013.

**Official Complaint from Transgenders in Avcılar**  
**10 October 2012**  
**Source: Kaos GL**

The attacks against transgender people in Avcılar is brought before court. An official complaint from transsexuals who were exposed to lynch attempts and from LGBT organizations was made against the perpetrators, police officers and TV channel Kanaltürk, which has been provoking the lynching.

The complaint was lodged and suit was filed against Avcılar Police Department, Ambarlı Search Authority, Kanalturk TV, Hürriyet Aydın, Selim Palandöken, Attorney Nusret Cem Işık and Turgut. The complaint states that these people and institutions committed "threat", "violation of housing security", "discrimination", "insult", "theft", "instigation for hatred" and "misconduct".

**Life Imprisonment Demand for Hate Crime**  
**28 September 2012**  
**Source: Kaos GL**

Fesih Demirhan is sued for intentional killing of a trans woman, N.L., with life long imprisonment and theft with 7-year jail sentence. He is claimed to kill her after they met on the internet and had sex for money. The trial will begin in 4th Heavy Penalty Court.

**Ahmet Yıldız case postponed to 27 May**

**17 September 2012**

**Source: Kaos GL**

The case of Ahmet Yıldız, who was killed by his father because he was gay, continued in First Heavy Penalty Court in Üsküdar.

The 12th hearing was conducted on January 25. Kaos GL's, Lambdaistanbul's and SPoD's intervention demand was rejected because of "not being harmed by the murder directly".

## **PART IV**

### **Cases Concluded in 2012**

**Gay prisoner convicts Turkey**

**09 October 2012**

**Source: Kaos GL**

A gay prisoner convicted Turkey in the European Court of Human Rights because he was held alone in a cell in the prison due to his sexual identity.

The prisoner, born in 1989, filed a complaint about the harassment by the other prisoners but then he was put in one cell alone and held "isolated". ECoHR concluded the case initiated by "X" against Turkey. ECHR stated that Turkey should not isolate him under inhuman conditions owing to his sexual identity and Turkey had committed discrimination.

The Court wants Turkey to pay him 18.000 Euros for immaterial indemnities and 4.000 Euros for court charges.

**Increase in Punishment for "Good Being"**

**19 July 2012**

**Source: Kaos GL**

Mustafa Murat Yüceel was stabbed to death on the night when he came his home with 6 people with whom he met in a gay bar in Istanbul in August, 2011. Cemal Tikici was charged for killing Yüceel and arrested for life imprisonment.

"I went to Murat Yüceel's house. He told me that there were girls at home. When I arrived, I saw no girl. Yüceel told me "Am I not a girl?" and made a sex offer. I accepted but then he said "it is my turn". He said "All of a sudden, I got angry and I lost my temper" and he wanted to benefit from "aggravated provocation" abatement.

Tikici first was charged with life sentence. Due to his "good state", he was sentenced to 25 years in prison.

**Turkey convicted in conscientious objection once more**

**17 July 2012**

**Source: Kaos GL**

The European Court of Human Rights convicted Turkey in Mehmet Tarhan's case due to inhuman and humiliating treatment and violation of the freedom of thought, conscience

and religion. Tarhan made a conscientious objection for military service but then, his hair was cut by 7 soldiers by force. Turkey has to pay him 12.000 Euros.

Tarhan has been held in military jail since 2006 because he was a draft dodger. The Court decided that Turkey will pay 10.000 Euros for immaterial indemnities and 2.000 Euros for court charges.

### **"Lesbianism not matter in mitigation"**

**21 May 2012**

**Source: Kaos GL**

A university student was killed by his friend in Gaziantep because she was a lesbian and had a relationship. The court said that "The victim's natural orientations is not the perpetrator's concern".

"Good state" abatement implemented

The court decided on life imprisonment but then, due to good state, abated the punishment to 25 years in jail. He was charged with 3 years and 45 days for committing armed threat twice before the crime, and 1 year 8 months for possessing unregistered firearm.

### **The High Court considers insult to LGBTs a crime**

**09 January 2012**

**Source: Kaos GL**

Kaos GL sued "Vakit" for insulting LGBTs by saying "perverts" and "faggots". The High Court reversed the local court's judgement and justified Kaos GL in the case.

The Court said that "Yeni Akit (Vakit) has overstepped the bounds of criticism by insulting those who have different sexual orientations. Serdar Arseven and the newspaper were sentenced to a fine.

Kaos GL was stated to be "an association which defends the rights of those with different sexual orientation". Former member and the Human Rights Commissioner of Turkish Assembly Zafer Üskül also attended the hearing.

## **PART V Positive Developments**

### **Hate Crime Bill Submitted to the Parliament**

**6 December 2012**

**Source: Kaos GL**

CHP Bursa Parliamentarian Aykan Erdemir has submitted the bill as draft law shaped by Hate Crimes Platform.

### **Protection for Transgender S.K.**

**13 November 2012**

**Source: Kaos GL**

According to Mert Neşet Muslu from Haberturk, 4650 women in İzmir have demanded protection for being exposed to violence. Transgender S.K. in Buca has applied for protection order because she was attacked and threatened by another transgender E.G. upon rejecting a dating offer. 2 months of protection order has been granted to S.K.

**Court Accepts the Intervention of LGBT Association****26 March 2012****Source: Kaos GL**

İzmir Heavy Penalty Court has accepted Black Pink Triangle Association's intervention into the trial of Esra Yaşar, Ayşe Selen Ayla and trans woman Azra Has, all killed in April 2010.

The court has recognized the intervention of the Turkish Ministry of Family and Social Policies as well but rejected the intervention of the "We will stop the murders of women" Platform.

**RESULTS**

The Republic of Turkey should make the necessary arrangements in the field of human rights to conform to the International Covenant on Economic and Social Rights of United Nations, International Covenant on Political and Civil Rights of UN and the European Convention on Human Rights to whom it is a party and which it incorporated into its national law. Thus;

- 'Sexual Orientation' and 'Gender Identity' must be inserted to the Article which forms 'equality before the law' in the New Constitution.
- Protocol 12 of to the European Convention on Human Rights must be ratified.
- 'Sexual Orientation' and 'Gender Identity' must be inserted to the Article of the draft law of Equality and Non-Discrimination and defined in the law.
- The Turkish Human Rights Institution and Ombudsman Institution shall deal with every type of human rights, democracy and legal violations by adopting an approach based on sexual orientation and gender identity.
- 'Sexual Orientation' and 'Gender Identity' must be inserted to the Articles that prohibit discrimination in the legal system. Direct & indirect discrimination and harassment shall be defined.
- The legislation on Hate Crimes must be introduced and enacted. Criminal action against LGBTs must be taken. "Grievous provocation" abatement that is applied following hate crimes must be lifted.
- Statements such as "public morality", "obscenity", "unchastity" and "disgraceful offences" must be removed from the Constitution, Turkish Criminal Code, Civil Code, Law

on Misdemeanors or must be re-arranged in the manner that these statements cannot be used and construed against LGBTs.

- Turkey, one of the founders of the Council of Europe, must take all necessary legal and political steps for a full compliance with the recommendation of the council of ministers on fight against 'sexual orientation and gender identity' based discrimination.
- The discriminatory and prejudicial attitudes and treatments of law enforcement officers and legal units who are responsible for the increased victimhood in investigations and prosecutions following the rights violations such as hate crimes, discrimination, police violence that LGBTs are exposed to shall be disposed and prevented.
- Consideration of homosexuality and transexuality as "advanced psychosexual illness" in the regulation of Turkish Armed Forces and the degrading and humiliating treatments that homosexuals, bisexuals and transsexuals face during the exemption process from military service must be disposed.
- The Discipline Act of the Turkish Armed Forces which labels and punishes homosexuality as "unnatural sexual behavior" and sacks gay officers from military and profession must be altered. Homosexuality must be removed from the list of crimes.
- The government must re-regulate discriminations based on sexual orientation and gender identity in labour life. Regulations ending discrimination against LGBTs must be designed in job announcements, employment and removal processes. The Labor Law must secure LGBT employees and workers by recognizing "sexual orientation and gender identity".
- Social and institutional training programmes which remove the rights violations of LGBTs in service accessions, education, employment and health services in private and state organs must be implemented and followed as a positive obligation of the State.
- Opinions of the United Nations, the Council of Europe and the European Union must be taken into the making of the regulations that focus on human rights and discrimination. All the researches must be made in cooperation with human rights organizations, women rights organizations and LGBT associations.
- The Statistical studies that help reveal discrimination against LGBTs must be carried out.
- Human rights training based on homophobia, transphobia and discrimination must be provided for law enforcement officers and legal organs for the realization of a fair trial process. Cooperation with NGOs must be sought for the trainings.
- The regime in prisons must be regulated in a manner that recognizes sexual orientation and gender identity and isolation must be lifted.