

URGENT APPEAL - THE OBSERVATORY

TUR 004 / 1111 / OBS 122

Sentencing to prison / Judicial harassment

Turkey

November 8, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in **Turkey**.

Description of the situation:

The Observatory has been informed by reliable sources about the continuing judicial harassment and sentencing to prison of Ms. **Buse Kılıçkaya**, Ms. **Selay Tunç** and Ms. **Naz Gudumen**, respectively founder and Chairperson, founder and Vice-chairperson and member of the Pink Life LBTT (Lesbian, Gay, Bisexual, Travesty and Transsexual) Solidarity Association.

According to the information received, on October 25, 2011, Ms. Buse Kilickaya, Ms. Selay Tunc and Ms. Naz Gudumen were found guilty of the charges of “resisting public officials and preventing them from performing their duty” and “insults” by the Ankara 15th Court of First Instance. Ms. Buse Kilickaya was convicted of “resisting public officials and preventing them from performing their duty” and was sentenced to five months in prison. Ms. Selay Tunc was convicted of the same charge and received a suspended six-month prison sentence. Ms. Naz Gudumen was convicted of “resisting public officials and preventing them from performing their duty” and “insults” and received a suspended 18-month prison sentence. Pending appeal of her sentencing to an unsuspended term of prison, Ms. Buse Kilickaya remains free.

On June 19, 2010, Ms. Buse Kılıçkaya, Ms. Selay Tunç and Ms. Naz Gudumen were arbitrarily arrested by police officers while driving through the Seyranbaglari Mah neighbourhood in Ankara. The police did not provide any reason for the arrest and when the human rights defenders asked the legal basis of the arrest, the police officers only said that they wanted them to get out of the car and that they would take them to the police station. The human rights defenders then told the police officers that they would not go to the police station in the absence of legal reason. The police officers responded “your crime is that you do transvestitism”. They responded that being trans is an identity not a job and that they wanted to show their IDs or driving licences to the police officers however the police officers rejected this and insisted on taking them to the police station. When the human rights defenders rejected this, the police officers started to forcibly pull them out from the car, using violence against them and insulting them because of their gender identities. They were taken to the police station and held for five hours before being released. Although the human rights defenders filed an official complaint for ill-treatment and insults with the Public Prosecutor, the latter dismissed their complaint and instead permitted charges against them for “resisting the police” and “damaging public property”¹.

The Observatory believes that the arbitrary arrest and sentencing of Ms. Buse Kilickaya, Ms. Selay Tunc and Ms. Naz Gudumen are directly related to their legitimate human rights work in defence of transgender people, and expresses its concern at the frequent targeting of LBTT human rights defenders in Turkey.

¹ See Observatory Annual Report 2011.

Actions requested:

Please write to the authorities in Turkey urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Buse Kılıçkaya, Ms. Selay Tunç and Ms. Naz Gudumen as well as of all human rights defenders in Turkey;
- ii. Put an end to all acts harassment, including at the judicial level, against Ms. Buse Kılıçkaya, Ms. Selay Tunç and Ms. Naz Gudumen as well as against all human rights defenders in Turkey;
- iii. Carry out an immediate, thorough and impartial investigation into the arbitrary arrest and allegations of ill-treatment and insult suffered by Ms. Buse Kılıçkaya, Ms. Selay Tunç and Ms. Naz Gudumen as well as the lack of any investigation into the complaint they lodged against the police, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
- iv. Comply with the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, in particular:
 - its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”,
 - as well as Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Turkey.

Addresses:

- President of Turkey, Mr. Abdullah Gül, Cumhurbaşkanlığı 06100 Ankara, Turkey; Fax: +90 312 468 5026; Email: cumhurbaskanligi@tccb.gov.tr
- Prime Minister, Mr. Recep Tayyip Erdogan, Office of the Prime Minister Basbakanlık 06573 Ankara, Turkey; Fax: + 90 312 417 0476; receptayyip.erdogan@basbakanlik.gov.tr
- Deputy Prime Minister Responsible for Human Rights, Mr. Beşir Atalay, Email : besir.atalay@tbmm.gov.tr, Fax: 00 90 (312) 422 13 98
- Interior Minister, Mr. Idris Naim Şahin, 06644 Ankara, Turkey; Fax: + 90 312 418 17 95 / +90 312 418 7696,
- Justice Minister, Mr. Sadullah Ergin, Ministry of Justice/ Adalet Bakanlığı, 06659 Ankara, Turkey; Fax: + 90 312 414 62 26
- Foreign Minister, Mr. Ahmed Davudoglu , Office of the Prime Minister, Basbakanlik, 06573 Ankara, Turkey; Fax: +90 312 287 88 11
- Ambassador, Mr. Oğuz Demiralp, Permanent Mission of Turkey to the United Nations in Geneva, Ch. du Petit-Saconnex 28b - CP 271, CH-1211, Geneva 19, Switzerland, E-mail : mission.turkey@ties.itu.int, Fax: +41 22 734 08 59
- Ambassador, Mr. Selim Kuneralp, Diplomatic Mission of Turkey to the European Union in Brussels, Avenue des Arts 36-38, 1000 Bruxelles, Belgium, Fax: + 32 2 511 04 50.

Please also write to the embassies of Turkey in your respective country.



Paris-Geneva, November 8, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80
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