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Turkey: Activists alleging police ill-treatment convicted for 'insulting police'

Amnesty International has written to the Turkish authorities expressing deep concern at the recent conviction of three transgender activists from the Ankara based lesbian, gay, bisexual and transgender (LGBT) solidarity organization Pembe Hayat (Pink Life) who were prosecuted following their arrest in June 2010 for 'resisting the police', 'insulting a police officer' and 'damage to public property'.

The convictions occur within a context of ongoing police harassment of transgender women and the targeting of LGBT rights activists. Amnesty International is also concerned at the pattern of such prosecutions being brought against persons alleging ill-treatment by police officers.

The case, which dealt with all three charges, was concluded on 26 October 2011 in the 15th Criminal Court of First Instance in Ankara. One of the activists, Selay Tunç, was sentenced to six months in prison for 'resisting the police'. Naz Güdümen was sentenced to one year in prison for 'insulting a police officer' and an additional six months for 'resisting the police'. Buse Kılıçkaya, one of the founders of Pembe Hayat, was sentenced to five months in prison for 'resisting the police' and acquitted of the charge of 'damage to public property'. The court ruled for the deferral of the execution of the sentences of Selay Tunç and Naz Güdümen. However, should they be found guilty of another imprisonable offence in the next five years, they would be forced to serve both prison sentences. If the Supreme Court of Appeals upholds Buse Kılıçkaya's sentence, she will be imprisoned, due to a previous suspended sentence.

The convictions relate to an incident that took place on 19 June 2010 in which police officers apprehended the activists while they were travelling by car in Ankara, Turkey's capital city. After being ordered to stop the car, the activists allege that they were dragged from the car before being further ill-treated by police and arbitrarily detained. It followed a similar incident in May of 2010 when two of the three activists were apprehended and allegedly ill-treated by police. Criminal complaints were lodged by the activists in both cases. In neither case were police officers prosecuted.

A public prosecution was also brought against the activists in relation to the May incident. However, the presiding judge dismissed the case stating that there was no evidence that the activists had committed any offence.

In its recent report '*Not an illness nor a crime*' – lesbian, gay, bisexual and transgender people in Turkey demand equality (AI Index 44/001/2011) Amnesty International documented numerous cases of the arbitrary apprehension of transgender women by police officers amounting to punishment issued on the basis of an individual's gender identity. Amnesty International documented that those transgender women who objected to this practice faced violence by police.

In response to this practice Amnesty International called on the Turkish authorities to suspend the application of fines under the Misdemeanour Law and the Traffic Law which are frequently used as a pretext to harass transgender women, until measures can be put in place to ensure

that these laws are not used in a discriminatory manner. The organization also called on the authorities to ensure that counter charges against transgender individuals are not used to deter legitimate complaints against law enforcement officials.

Regarding the convictions of the Pembe Hayat activists, Amnesty International calls on the authorities to re-investigate the incident that led to the charges being issued, including the allegations of ill-treatment against police officers and for anyone reasonably identified as responsible to be brought to justice.

Amnesty International's report '*Not an illness nor a crime*' – lesbian, gay, bisexual and transgender people in Turkey demand equality (Index 44/001/2011) can be found in the link below.

<http://www.amnesty.org/en/library/info/EUR44/001/2011/en>

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