

## Human Rights Observation Report of 19 June 2016 Trans Pride March



According to Article 34 of Republic of Turkey's Constitution, "Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission." It is clear that permission is not a condition. Furthermore, the same article's third clause stipulates that "The formalities, conditions, and procedures to be applied in the exercise of the right to hold meetings and demonstration marches shall be prescribed by law." The article refers to Law No: 2911 on Meetings and Demonstration Marches, making apparent that the procedures in the law must be followed.

As understood from the Constitution's Article 34, the purpose of the legal regulation is only to prescribe the shape, conditions, and procedures of the right to hold meetings and demonstration marches. In other words, the real goal of the law is to regulate and ensure that a right protected by the Constitution be exercised in line with other rights and freedoms.

Even though this regulation puts forth sanctions on those who violate legal conditions, the rule is to allow peaceful meetings and the exception is to limit that. As long as violence is not encouraged and/or democratic principles are not rejected, when authorities view certain thoughts or statements voiced within the freedom of assembly and expression as "unacceptable" or "shocking" or the demands expressed as "illegitimate", preventive measures to remove the freedom of expression and assembly via radical precautions do not serve democracy and even puts it at risk.

The responsibilities of a state is not to avoid the potential crimes or the potential victims of the crime based on the values of society's majority and therefore ignoring the potential victims rights with the argument that they cannot be protected. Rather the state's first duty is to ensure the protection of those exercising their basic rights if it is worried that the majority may commit such a crime.

On 19 June 2016, the events before and after the 7th Trans Pride March organized by Istanbul LGBTI Solidarity Association, the "right to hold meetings and demonstration marches" was violated. Homophobic and transphobic hate speech by various groups before the march targeted the LGBTI community and the authorities chose to ban the march and attack the march with clubs, tear gas, and water cannons rather than protecting LGBTI citizens' right to life. On 19 June 2016, security forces and transphobic gangs that look like civilians went on a "witch hunt" towards LGBTIs and hate took over Istanbul streets.

Kaos Gay and Lesbian Cultural Research and Solidarity Association (Kaos GL), Families of LGBTI in Istanbul (LISTAG), Pink Life LGBTI Solidarity Association, and Social Policies, Gender Identity, and Sexual Orientation Studies Association (SPoD) declared that they would monitor and report rights violations experiences during the march. In this report, we share with the public our observations gathered before and during the march. This report is a short summary of the events and does not present all the rights violations. The main picture seen from observations of our monitors in the field and news is that on 19 June 2016, Istanbul Governor's Office, Police Headquarters, and transphobic gangs in civilian clothes violated LGBTIs most basic human rights who experienced violence and harassment.

### **Before the march: Hate speech, targeting, and Governor's ban**

A group called the Muslim Anatolian Youth organized over social media created a counter-event called "We are not letting the honorless perverts march" for 19 June Trans Pride March and 26 June 2016 LGBTI Pride March. After the reactions of anti-homophobia and anti-transphobia individuals, first the group's event and then the group's page was shut down.[1]

The Istanbul Provincial Branch President of far-right Alperen Hearths Kürşat Mican also used homophobic and transphobic hate speech and threatened 19 June Trans Pride March and 26 June LGBTI Pride March. In previous years, the Alperen Hearths have gathered in Istiklal Avenue as small groups during Pride March and created provocation but did not prevent the march. Their president said:

*We will never, ever allow such Immorality, like this march that is called "honor" but really it is immoral, that touch the nation's nerves, to be normalized or encouraged.*

*Our response will be very clear and harsh.*

*They keep doing the same thing on this holy month and make fun of us by completely discounting our values. State officials who allow this immorality and daring, who give*

*way, who close their eyes and ears, we invite you to serve to end this immorality. We will directly stop the march. We will face up to anything.*

*Our state should be saying "stop" this by considering our national values. Because this freedom is not a normal freedom. We are giving a warning. We have announced it ahead of time. We are not responsible for whatever that happens after this.*

The President of Great Union Party's (BBP), which Alperen Erhan's is tied to, Mustafa Destici targeted Trans Pride and LGBTI+ Pride March without saying "LGBTI" or "Pride March" on 16 June 2016. He said, "Vile. A perversion against Turkish traditions and mores; Islamic morality and belief." Regarding CHP Vice President Selin Sayek-Böke who supported the human rights of LGBTIs against these threats, Destici said, "We knew that Mrs. Böke was far from Turkish Islamic belief but we didn't know her closeness or familial relationship to these groups."<sup>[2]</sup>

The aforementioned groups used social media for their hate speech as well. Istanbul Governor's Office, who should have taken action these threats and hate speech, published a statement saying neither of the marches would be allowed. Istanbul Governor's Office's statement published on 17 June is as follows:

*It has been understood that there are calls being made on some media organs, websites, and social media that LGBT members are organizing a march on 19-26 June 2016 in Taksim.*

*The organization of a meeting and demonstration march on the mentioned dates will not be allowed by our governorate for the safety of our citizens, first and foremost the participants', and for public order. The venues for such events have previously been announced by law. We ask our valuable Istanbul residents to not heed such calls and to help the Security Forces by following their warnings and announce it to the public with respect.<sup>[3]</sup>*



#### **The day of the march: Taksim under police blockade [4]**

Taksim was put under police blockade prior to the 7th Trans Pride March, organized by Istanbul LGBTI Solidarity Association, scheduled to start at 17:00 on 19 June 2016. Cumhuriyet Monument at Taksim Square was surrounded by barriers; water cannons and police vehicles were positioned on Taksim Square, Istiklal Avenue, Cumhuriyet Avenue, Tarlabası Boulevard and various streets that lead to Taksim where a high number of riot police were assigned to.[5] After 15:00, transphobic groups started gathering along Istiklal Avenue. A group that got off Taksim metro station chanted "Ya illah bismillah Allahuakbar" and "Faggots don't be surprised, don't test our patience." At 16:00, metro services were cancelled. A poster that reads "Dear Passengers, our vehicles will not be stopping at Taksim station for a temporary duration" was hung on the metro. [6]

Around 16:00, police arrived at the street where Istanbul LGBTI Solidarity Association is located. Upon Istanbul LGBTI saying, " We will talk with you in front of the Consulate" to the police, they received the answer "If you are able to go all the way up there, we will talk." [7]

After all of the streets were put under the police blockade, the police surrounded the crowd of 50 people that gathered in front of Istanbul LGBTI Solidarity Association, including the organization committee. When the march was not permitted, the group requested to have a press declaration. During the declaration, police attacked the crowd. Many were injured during the attack, including journalists.[8]

Throughout the day, police and transphobic gangs under the guise of civilians attacked the anti-homophobia and anti-transphobia protesters. Here are some of the incidents before those attacks:

- A police officer attacked the activist who was reading the press declaration, saying "The parties responsible for all the attacks that will occur due to this hate culture are Istanbul Mayor Vasip Şahin, Istanbul Police Chief Mustafa Çalışkan, Minister of Interior Efkân Ala and the AKP government, who disregard and encourage this." Then the attack started. [9]
- All throughout the day, each time a banner was opened and a slogan was chanted, police attacked the activists with tear gas and plastic bullets. The police evacuated every establishment by force, where LGBTIs were getting something to drink and then shut down these establishments. [10]
- While the police did not allow the anti-transphobia groups to gather around İstiklal Avenue, a man was caught on footage burning the rainbow flag under the police's watch. [11]
- Press workers were also directly targeted during the attacks. Independent journalist Ali Sinan Elmaslı was battered and taken into custody. Many journalists, including reporters from sendika.org and bianet, were injured by the plastic bullets. [12] Journalists like DIHA reporter Metin Yoksû, AFP photo reporter Ozan Köse and Hayatın Sesi reporter Eylem Nazlier, who were trying to take photos and footage were injured by plastic bullets and journalist Ali Sinan Elmaslı was taken to custody. [13]
- 11 people were taken into custody during the police attack on the 7th Trans Pride March, and were released on the night of the march after their statements were taken at Istanbul Directorate of Security.[14]
- On the other hand, the police did not allow the people who were attempting to gather against the Trans Pride March. Police stopped the male group who were marching towards İstiklal Avenue from the direction of Atatürk Cultural Center (AKM) and did not let the group get to the avenue. One person from the group reacted to the police, saying "They will not pass either." The group entered a back alley from Taksim Square and wandered off. After a while, another group gathered around the intersection of Divan Hotel and chanted "Allahuakbar" and were then surrounded by the police. Those who wanted to march to Taksim with a Turkish flag were forcibly taken into custody. The protesters were taken to riot police vehicles, which were stationed on Taksim Square, driving off to the police station for official procedures.[15]
- As the police attacks on Trans Pride March continued, a group of civilians attacked members of Hêvî LGBTI. The attack, which the police chose to stand by and watch, took place on İstiklal Avenue. Can, a member of Hêvî who was attacked explained the incident:

*We were on İstiklal Avenue for Trans Pride March. As we were passing by Mert Optik, someone hit me with his shoulder. Before I could ask, "What are you doing?" tens of people attacked me and my friends. There were six of us and they attacked us chanting "Allahuakbar." We took refuge in the optician's shop. The optician threw us out saying, "We have expensive goods here, get out." "Then we got out to the street and the same*

*group attacked us in front of FLO. One of our friends was far away from us and they beat him. Another friend now has an ankle injury. While we were going through all of this, the police didn't protect us and even said 'Get out of here you faggots'." [16]*

- Trans activist and Izmir City Council Women's Committee Chair Demet Yanardağ was attacked by police. Police forcibly entered the residences of trans women on Bayram Street. Police also conducted a background check by force. [17]
- Istanbul LGBTI Solidarity Association published a written declaration around 20:00 after hours under police attack, stating that they are ending the protest with the motto "Every LGBTI is a pride march."
- Istanbul LGBTI+ Pride Week Committee and Lambdaistanbul Association filed criminal complaints against the groups that made declarations full of hate speech and threats against the 14th Istanbul LGBTI+ Pride March that will take place on 26 June. Pride Week Committee was at Çağlayan Courthouse on Monday, June 20, 11:00, stating "Pride March is the symbol of the LGBTI+s' demands for a proud life." The committee said "No one has the right to threaten or defame LGBTI+ individuals. It is the duty of the authorities to ensure justice and security for LGBTI+ individuals against these threats." [18]

### **In lieu of a conclusion**

As the data in this report show, the constitutional rights of LGBTI+ citizens were violated on 19 June 2016. "The right to organize meetings and demonstration marches" was seized by the Istanbul Governor's Office, thousands of police officers working under Istanbul Police Headquarters violated the right to life of those who wanted to march, took part in homophobic and transphobic hate speech, harassed the anti-homophobia and anti-transphobia activists. The police also remained silent to the attacks of the transphobic groups in guise of civilians. Even though the police detained some of the groups that planned to attack the march, in many other cases they stood by and watched the groups attack the LGBTI.

As can be seen in the photos published by the press [19], police violated international conventions and the Constitution of Republic of Turkey, and attacked the march with disproportionate force. As associations that defend the human rights of LGBTIs, we find the ban and the police attacks against Trans Pride March to be against democracy and human rights, in a country where basic rights are inaccessible to LGBTIs and where hate crimes target LGBTIs.

We announce that we will be following the legal process for the prosecution of those who are responsible. We invite the authorities to act responsibly and carry out their duties to ensure security at the LGBTI+ Pride March on 26 June, so that we do not face the same conditions again.

*Photographs by: Şener Yılmaz Aslan/MOKU*

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- [1] <http://kaosgl.org/sayfa.php?id=21861>
- [2] <http://kaosgl.org/sayfa.php?id=21884>
- [3] <http://kaosgl.org/sayfa.php?id=21891>
- [4] <http://bit.ly/28KaYTn>
- [5] <http://kaosgl.org/sayfa.php?id=21906>
- [6] <http://kaosgl.org/sayfa.php?id=21907>
- [7] <http://bianet.org/bianet/lgbti/176009-polis-trans-onur-yuruyusu-icin-basin-aciklamasina-once-izin-verdi-sonra-saldirdi>
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- [11] <http://kaosgl.org/sayfa.php?id=21908>
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- [14] <http://www.evrensel.net/haber/283028/onur-yuruyusunda-gozaltina-alinan-11-kisi-serbest-birakildi>
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- [16] <http://kaosgl.org/sayfa.php?id=21910>
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- [18] <http://bianet.org/bianet/lgbti/175953-lgbti-ler-tehditlere-karsi-suc-duyurusuna-cagiriyor>

[19] <http://kaosgl.org/sayfa.php?id=21913>