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### NEWS REPORT

<b>Country:</b>	Turkey
<b>Title:</b>	Turkish court issues unprecedented high sentences in a case concerning hate crimes against Roma minority
<b>Date:</b>	22 January 2016
<b>Expert:</b>	Dilek Kurban
<b><u>Context</u></b>	
<b>Issue at stake:</b>	The forced displacement of a Roma community who had been subject to hate-driven mob attacks by their neighbours
<b>Ground of discrimination:</b>	Race/ethnic origin
<b>Source:</b>	National court decision (2 <sup>nd</sup> Criminal Court of First Instance in Usak)
<b>Field:</b>	Housing
<b>Applicable law:</b>	Turkish Penal Code, Articles 151, 152 and 216

### **Content**

#### **Case:**

On 5 January 2010, a crowd of more than 1 000 locals in the district of Selendi in the Manisa province attacked the town's Roma residents. The crowd threw stones at and set on fire the Roma residents' houses, chanting slogans such as 'Get the Gypsies out'. The local police could not control the situation and sought reinforcements to assist. The pretext for the attack was a fight between a Roma man and the owner of a coffee house on 31 September 2009 over the former's refusal to abide by the smoking ban. It became clear after the incidents that the attack was planned, systematic and the outcome of long-term tensions between Roma and other residents of Selendi. Instead of providing the Roma families with protection, the Governor of Manisa forcibly relocated the victims to the district of Gördes and subsequently to the district of Salihli on the ground that local authorities would not be able to ensure their security in Selendi. The displaced Roma continue to live in exile in Salihli. Having lost their houses, furniture, businesses and savings, they live in economic hardship. After some delay, a criminal case was launched against the perpetrators. On 23 December 2015, five years after the first hearing was held on 16 December 2010, the court delivered its judgment.

#### **Decision of the Court:**

At the end of the 22<sup>nd</sup> hearing, the court convicted 38 of the 80 defendants for incitement to enmity or hatred and denigration under Article 216<sup>1</sup> and for property damages under

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<sup>1</sup> Article 216 of the Turkish Penal Code criminalises, *inter alia*, (1) incitement to enmity or hatred on grounds, *inter alia*, of race, religion or denomination in a manner which may present a clear and imminent danger to public safety, and (2) open denigration of a section of the population on grounds, *inter alia*, of race, religion or denomination.

Articles 151 and 152 of the Turkish Penal Code, sentencing them from 8 months to 45 years of imprisonment. The rest of the defendants were acquitted. While the legal grounds of individual sentences and the reasons for each convicted defendant to be given the particular sentence he/she has been given are not yet known, the court has used its discretion to issue the upper limits of available sentences.<sup>2</sup>

The defendants appealed to the Court of Cassation, which is expected to issue a judgment sometime in 2017. Lower courts are obliged to publish their judgments within one month after issuing them. Accordingly, the judgment in this case is expected by early February 2016. Pending the outcome of the appeal process, the judgment is not final.

**Key points of analysis:**

The judgment constitutes a very important precedent for the Turkish courts' handling of lynch attempts against ethnic and racial minorities. This is the first time that a Turkish Court convicts perpetrators of hate crimes under Article 216 of the Turkish Penal Code, which had so far been used to protect individuals engaged in hate speech or acts against minorities rather than victims who had been subject to such crimes.

**Internet link source:**

Not yet published.

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<sup>2</sup> Information received from the victims' lawyer Necati Özmedir, 19 January 2016.