

# HATE CRIMES IN TURKEY

PREPARED BY

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HAKAN ATAMAN & ORHAN KEMAL CENGİZ



HUMAN RIGHTS AGENDA ASSOCIATION

2009

## **HATE CRIMES IN TURKEY**

### **HUMAN RIGHTS AGENDA ASSOCIATION**

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## **Introduction and Acknowledgments**

### **Hakan Ataman and Orhan Kemal Cengiz**

During the last year there has been an increase in "hate crimes" in Turkey originating from racism, nationalism and intolerance. Article 10 of the Constitution of the Turkish Republic stipulates that everyone is equal before the law with no difference (discrimination) according to language, ethnic origin, color, sex, political opinion, philosophical belief, religion, confession or other reasons. Similarly, Article 3 of Law 5237 (the Turkish Penal Code, TPC) secures equality before justice and law. Article 76 TPC defines the crime of genocide; Article 122 TPC bans discrimination and Article 216 TPC provides that it is a crime to incite or denigrate people to hatred and enmity.

Despite these provisions in the Constitution and the law there have been no convictions for a hate crime so far, from either racism or discrimination. There are very rare exceptions that were tried because the crimes writers, academics, and human rights defenders are opposed to hate crimes stemming from racism, nationalism and intolerance in Turkey. It is most important to know that the problem is not just with how the law is implemented. The problem is rather a problem of society.

**There was a positive development in the trial of four people charged with participation in the attacks on transvestites and transsexuals in Ankara Eryaman, between 7 and 12 April Nisan 2006 and subsequently attacking transvestites and transsexuals in Esat and Kurtuluş quarters (Ankara). It is possible to interpret the verdict of Ankara Heavy Penal Court No. 11 in terms of a hate crime. The defendants were sentenced to imprisonment and the sentences were not suspended. In the reasoned verdict of 17 October 2008 Ankara Heavy Penal Court No. 11 stated:**

***"The defendants felt that the plaintiffs living in their environment and defining themselves as transsexuals had awakened their and their neighbours prejudices and carried out intense and constant attacks against the plaintiffs according to a certain plan and forced them to leave the area they lived in."***

Since the beginning of 2006 a number of killings were committed in Turkey against people of ethnic or religious minorities or different sexual orientation or social sexual identity. Another dimension of the problem is lynch attempts against groups with different political opinions, and the

use of hate terminology by politicians. It cannot be said that there are clear legal provisions relating to hate crimes. Article 216 TPC provides for a general ban of publicly inciting people to hatred and disgust and is far from meeting the necessities.

Hate crimes are no new phenomenon in history, but the definition of these crimes and legal provisions that governments have introduced against them are fairly new. The first initiative against hate crimes was taken in the United States in the 1960s. In 1985 the US introduced hate laws in order to prevent physical attacks, in particular against Jews. These laws counted the subjective emotions and thoughts of the defendant as an element to aggravate the crime and provided for additional punishment. Towards the end of the 1990's the scope of hate crimes was broadened to include differences in ethnic origin, colour, nationality, religion, sexual orientation, age, and physical or mental disabilities. The law tried to protect defenceless groups open to pressure and attack triggered by prejudice from other groups and classes. If for instance, a Muslim is attacked, one has to look at whether the crime was committed out of hatred or prejudice. If the crime is committed out of hatred or prejudice, the sentence will be increased. This is because the crime was directed at the social group the victim belongs to, even if the crime was committed against one individual.<sup>1</sup> In a similar way laws are in force in Europe, in particular in Great Britain.<sup>2</sup> However, the laws for the prevention of hate crimes and the scope of the crime is different in each country. The Organization for Security and Cooperation in Europe (OSCE) tries to follow the developments in this area since October 2006 and has established a website called TANDIS.<sup>3</sup> The OSCE also has developed a definition of hate crimes. The working definition takes national differences into account, such as differences in legislation, resources, approach, and needs, and thus allows each state to amend the definition as it sees fit.

**A) Any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence are selected because of their real or perceived connection, attachment, affiliation, support, or membership with a group as defined in Part B.**

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<sup>1</sup> See Wikipedia, *the free encyclopaedia*, *Hate Crimes*, [http://en.wikipedia.org/wiki/Hate\\_crime](http://en.wikipedia.org/wiki/Hate_crime) retrieved on 10.10. 2008

<sup>2</sup> *Hate Crime: Delivering A Quality Service*, Good Practice and Tactical Guidance, March 2005, ACPO (Association of Chief Police Officers) Race and Diversity Working Group, the Police Standards Unit, United Kingdom, March 2005.

<sup>3</sup> *Tolerance and Non-Discrimination Information System (TANDIS)*, <http://tandis.odhr.pl>

**B) A group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or other similar factors<sup>4</sup>.**

Although many hate crimes committed in Turkey entered the reports of the OSCE, the Turkish State does not prosecute and research these crimes. No official data exists in any institution of the Turkish State concerning hate crimes. No bodies were created to deal with hate crimes and there are no activities to prevent them in Turkey. In addition, except for the aforementioned Article 216 TPC there are no legal provisions to punish hate crimes. As a result hate crimes and hate propaganda remain unpunished.

A definition of hate crimes is also missing. From the existing material and the news hate crimes can be categorized in five different ways. Here are some examples divided into the five categories.

*1- Hate crimes against ethnic, religious groups and minorities*

**Chronology of examples<sup>5</sup>**

**21 April 2005: The International Protestant Church in Ankara was threatened by a letter signed with "Turkish Revenge Brigade". Later a Molotov cocktail was thrown at the building.**

**5 February 2006: 16-year old O.A. killed the monk Andrea SANTORO of the Italian Santa Maria Church in Trabzon.**

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<sup>4</sup> Combating Hate Crimes in OSCE Region, An Overview Statistics, Legislation and National Initiatives, Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), AI. Ujazdowski, Poland. [www.osce.org/odihr](http://www.osce.org/odihr), OSCE/ODIHR 2005, p.12. *Hate Crimes in OSCE Region, Incidents and Responses, Annual Report for 2006*, Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), AI. Ujazdowski, Poland. [www.osce.org/odihr](http://www.osce.org/odihr), OSCE/ODIHR, 18 September 2007, p. 9. <http://www.osce.org/item/26296.html?ch=931>. *Hate Crimes in OSCE Region, Incidents and Responses, Annual Report for 2007*, Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), AI. Ujazdowski, Poland. [www.osce.org/odihr](http://www.osce.org/odihr), OSCE/ODIHR, 6 October 2008, p. 11. [http://www.osce.org/documents/odihr/2008/10/33851\\_en.pdf](http://www.osce.org/documents/odihr/2008/10/33851_en.pdf).

<sup>5</sup> Sources in Turkish can be found at  
<http://www.savaskarsitlari.org/arsiv.asp?ArsivTipID=5&ArsivAnaID=26060>;  
<http://www.milliyet.com.tr/2006/02/05/son/sontur22.asp>;  
<http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=5805242&tarih=2007-01-19>  
<http://www.milliyet.com.tr/2007/04/18/son/sontur43.asp>;  
<http://www.radikal.com.tr/haber.php?haberno=233123>;  
<http://hristiyanhaber.com/news.php?readmore=654>;  
<http://hristiyanhaber.com/news.php?readmore=646>;  
<http://www.zaman.com.tr/haber.do?haberno=631522>;  
<http://www.milliyet.com.tr/2008/02/19/guncel/gun06.html>

**19 January 2007: Hrant DİNK was killed in front of Agos Newspaper that he was heading as editing director**

**18 April 2007: Three people working for Zirve Publishing House in Malatya were killed by having their throats cut, allegedly because they distributed bibles.**

**After the incident Pastor of Kurtuluş Church in Ankara, İhsan ÖZBEK said: “On the streets people are making remarks of cutting our throats.”**

**17 August 2007: Oktay BİÇİCİ was charged with having set the protestant church in Diyarbakir on fire. First Oktay BİÇİCİ was arrested on charges of preparing an attack on the priest Ahmet GÜVENER. One week later he was released to be tried without arrest.**

**17 December 2007: Ramazan Bay knifed monk Rahibi Adriano FRANCHİNİ from the Saint Antoinne Church in İzmir Bayraklı.**

**28 November 2007: Monk Edip Daniel SAVCI from the Mor Yakup Monastery in Mardin-Midyat was kidnapped.**

**30 December 2007: 22-year old M.T. was detained. He had come to kill the priest Ramazan ARKAN from the church in Antalya.**

**11 January 2008: 17-year old S.S., who had been detained on charges of having threatened priest Orhan PIÇAKLAR from the Agape Church in Samsun with death, said after release “watch me tomorrow on TV. I'm going to conduct a massacre.”**

**Attacks based on ethnic origin (some cases from 2008)<sup>6</sup>**

**8 April: 75 right-wing students attacked 3 Kurdish students in Antalya. Police officers had asked them whether they were members of the PKK**

**24 May: Kurdish students were attacked in Aydin on the assumption that they shouted slogans of the PKK. One person was wounded. A Kurdish student was sent to court.**

**14 June: Kurdish workers were attacked in Gebze allegedly because they harassed neighbours. One worker was wounded.**

**5 October: In Adana people tried to lynch a suspected murderer, when they found out that he was of Kurdish origin**

**20 October: The police in Istanbul stopped a bus on its way to Agri. During control the officers tried to incite people to lynch the passengers by saying that all of them were PKK members.**

<sup>6</sup> The examples were taken from the report of the Human Rights Foundation of Turkey. They can be found at [http://www.tihv.org.tr/tihve/index.php?option=com\\_content&view=section&id=10&Itemid=83](http://www.tihv.org.tr/tihve/index.php?option=com_content&view=section&id=10&Itemid=83) or [http://www.tuerkeiforum.net/enw/index.php/Main\\_Page](http://www.tuerkeiforum.net/enw/index.php/Main_Page)



## ***2- Hate crimes based on sexual orientation and social sexual identity***

The Human Rights Observation and Law Commission on LGBTT (Lesbian-Gay-Bisexual-Transvestites and Transsexuals) Individuals have prepared a number of reports on hate crimes.<sup>7</sup> The report in 2007 included 11 cases of hate killings in the first 10 months of 2007. The report for 2008 included the following cases:

**4 June 2008** In Kuşadaşı a person knifed the transvestite by the name of Sisi four times. Sisi died in the hospital. The perpetrator was detained and said: "I did a good thing, didn't I?"

**10 November 2008** In the Iskitler area of Ankara the transvestite Dilek was shot from a car and died in the hospital the next day. The assailant was not found.

**19 December 2008** According to news in the daily Takvim an unidentified transvestite was found dead, killed by two shots, near the highway between Gebze and Istanbul.

**27 December 2008** In Diyarbakir the homosexual Saban Delen and Ali Yavuz, who Saban Delen was living with, were found dead in their flat. They had been shot and knifed.

**On 28 March 2009** the gay and lesbian group Kaos GL released news on three recent cases:

A transsexual woman was attacked and beaten in Eskisehir. A transsexual woman was found with her head cut in Bursa. A man had been killed by his friend on the claim that he asked for sexual intercourse.

The article continued to say:

There is still no word from the authorities about the cases of Ahmet Yildiz who were shot to death on 15 July 2008 in Istanbul and Dilek Ince who were shot to death on 12 November 2008 in Ankara. While we were grieving for them, another transsexual woman Ebru Soykan was stabbed to death on 10 March 2009 in Istanbul.<sup>8</sup>

## ***3- Hate crimes based on racism and xenophobia:***

**20 August 2007:** Nigerian citizen Festus OKEY was shot to death while being in custody at Beyoğlu (Istanbul) Police HQ.<sup>9</sup>

<sup>7</sup> One report was published on 27 October 2007. It covers "hate killings" in 2007. A Turkish version can be found at <http://www.kaosgl.org/node/1429>. A summarized translation can be found at [http://www.tuerkeiforum.net/enw/index.php/Hate\\_Killings](http://www.tuerkeiforum.net/enw/index.php/Hate_Killings). Similar reports in Turkish can be found for 2008 at [http://www.kaosgl.com/resim/KaosGL/Yayinlar/lgbt\\_bireylerin\\_insan\\_haklari\\_raporu\\_2008.pdf](http://www.kaosgl.com/resim/KaosGL/Yayinlar/lgbt_bireylerin_insan_haklari_raporu_2008.pdf).

<sup>8</sup>The article "Homophobic Attacks and Murders" can be found at <http://news.kaosgl.com/item/252> (retrieved on 31 March 2009)

<sup>9</sup> Helsinki Citizen's Assembly has published a report on this incident. It can be found at

**In April 2008 Helsinki Citizens Assembly published another report titled "Unwelcome Guests." A Mauritanian refugee told them: "Because of the bad situation we were in, one of us tried to kill himself by banging his head against the wall... The police attacked him and beat him in front of us until he lost consciousness. There were several gendarmes who attacked him and hit him with their sticks and kicked him. Then they carried him to a bathroom and cleaned him."**<sup>10</sup>.

***4- Hate crimes committed against the political "enemy":***

**6 April 2005: In Trabzon some 2,000 people tried to lynch four students distributing leaflets of the prisoners' solidarity group TAYAD on F-type prisons on the pretext that the Turkish flag had been set on fire.**

**12 April 2005: In Adapazarı about 100 people tried to lynch five members of TAYAD, who wanted to distribute leaflets on F-type prisons.**<sup>11</sup>

***5- Hate crimes based on other grounds:***

**In September 2003 people said to belong to the car park mafia beat disabled Şafak PAVEY in İstanbul Beyoğlu. They threw his artificial limb and arm away. When Şafak PAVEY complained to the police he was told that he should not go out at night, since he was disabled.**<sup>12</sup>

There are many more examples that were not included, since we preferred to restrict the list of cases.

The Practical Guide of the OECD on hate crimes defines them also as "crimes of prejudice." Hate crimes always comprise two elements: a *criminal offence* committed with a *bias motive*<sup>13</sup>. The first element of a

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<http://www.hyd.org.tr/?pid=515>.

<sup>10</sup> The complete report can be found at <http://www.hyd.org.tr/?pid=610> (retrieved on 31 March 2009)

<sup>11</sup> Some background to these incidents can be found in English at <http://kadin.bianet.org/bianet/kategori/english/89562/lynchers-go-free-while-lynched-is-condemned>. Further cases were listed in the annual report 2005 of the Human Rights Foundation of Turkey (see: <http://www.xs4all.nl/~afa/comite/artikel/artikel139.html>). In German the Democratic Turkey Forum listed cases up to September 2006. The cases can be found at [http://www.tuerkeiforum.net/Vor%C3%A4lle\\_von\\_Lynchjustiz\\_h%C3%A4ufen\\_sich](http://www.tuerkeiforum.net/Vor%C3%A4lle_von_Lynchjustiz_h%C3%A4ufen_sich) (retrieved on 31 March 2009).

<sup>12</sup> The news in Turkish can be found at <http://www.habervitrini.com/haber.asp?id=99851>

<sup>13</sup> *Hate Crime Laws, A Practical Guide*, Published by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), OSCE/ODIHR 2009, p. 16,

hate crime is that an act is committed that constitutes an offence under ordinary criminal law. This criminal act is referred to in this guide as the “base offence.” There are small variations in legal provisions from country to country, and there are some divergences in the kind of conduct that amounts to a crime. However, in general, most countries criminalize the same types of violent acts. Hate crimes always require a base offence. If there is no base offence, there is no hate crime<sup>14</sup>. The second element is the bias. This constitutes the difference from ordinary crimes. It means that the perpetrator intentionally chose the *target* of the crime because of some *protected characteristic*. The *target* may be one or more people, or it may be property associated with a group that shares a particular characteristic. A *protected characteristic* is a characteristic shared by a group, such as race, language, religion, ethnicity, nationality, or any similar common factor<sup>15</sup>.

In this aspect, the laws for the prevention of hate crimes differ from laws against discrimination. Anti-discrimination laws are not hate crime laws. The concept of discrimination refers to less favourable treatment of a person on the basis of some prohibited consideration, such as racial or ethnic origin, or gender. Anti-discrimination laws, which exist in many but not all OSCE states, usually relate to workplace discrimination, or discrimination in the provision of goods and services. An act of discrimination such as paying one worker less than another for the same work is unlawful if it is based on discriminatory grounds. The same act without the discrimination would not be unlawful<sup>16</sup>.

While in most jurisdictions discrimination is a civil law matter, in some it carries criminal penalties. Regardless, hate crime laws do not include laws punishing discrimination, because there is no criminal base offence. The first essential element of a hate crime is missing.<sup>17</sup>

In short, hate crimes emerge from discrimination, but refer to something different.

Hate crimes can be committed for a number of different reasons:

- the perpetrator may act for reasons such as resentment, jealousy or a desire for peer approval;

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[http://www.osce.org/odihr/item\\_11\\_36671.html](http://www.osce.org/odihr/item_11_36671.html).

<sup>14</sup> Ibid p. 16.

<sup>15</sup> Ibid p. 16.

<sup>16</sup> Ibid p. 25

<sup>17</sup> Ibid p. 25.

- the perpetrator may have no feelings about the individual target of the crime but have hostile thoughts or feelings about the group to which the target belongs;
- the perpetrator may feel hostility to all persons who are outside the group in which the perpetrator identifies himself or herself; or
- at an even more abstract level, the target may simply represent an idea, such as immigration, to which the perpetrator is hostile<sup>18</sup>.

Hate crimes are special in that the perpetrator is sending a message about the victim and their right to belong to that society. Hate crimes are the manifestation of violence in discrimination. Therefore, the investigation and prosecution of these crimes needs great care. Codifying the social condemnation of hate crimes into law is important to affect communities, can help build trust in the criminal justice system, and thus can repair social fissures.<sup>19</sup>

There are some basic grounds to give hate crimes special attention. They can be separated into practical and theoretical grounds.

#### ***Practical grounds and the dimension of discrimination:***

The practical impact of passing hate crimes legislation can be significant. Ideally, legislation is passed after discussion within the government, law enforcement authorities, and society at large. This serves to focus attention and raise awareness of the extent and nature of the crimes. The process of passing legislation can thereby improve awareness of and responses to hate crimes<sup>20</sup>.

#### ***Theoretical grounds***

First, the symbolic value of the law can and should be utilized to demonstrate society's rejection of crimes based on bias. The enactment of hate crime laws is a powerful expression of society's condemnation of certain offences as especially reprehensible, and deserving of greater punishment. Second, criminal laws penalize the harm caused. As noted previously, hate crimes have a greater impact on the victim than ordinary crimes, and they also affect others who are members of the victim's group. Third, hate crime laws punish the greater culpability of the perpetrator. The perpetrator's motive makes the crime more serious than

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<sup>18</sup> Ibid p. 18.

<sup>19</sup> Ibid p. 22.

<sup>20</sup> Ibid p. 22.

if the offence had been committed without such motive. The criminal law frequently imposes increased penalties for acts based not only on their outcome, but on the intent of the perpetrator. This argument therefore assumes that it is the intent of the perpetrator to cause disproportionate harm, or that they are reckless to the risk of additional harm<sup>21</sup>.

### *Are hate crimes discriminatory?*

There can only be one answer: NO! Some opponents of hate crime laws claim that they protect some groups more than others, and are therefore discriminatory. This is not the case. Although hate crimes are most often committed against members of minority communities, they can also occur against majority communities.

- The perpetrators may come from a minority group.
- The target may be selected because they are part of a majority group.
- Both perpetrator and target may be members of different minority groups.

The principle of equality before the law means that hate crime laws do not, and should not protect one group over another. For instance, if a hate crime law includes ethnicity as a characteristic, it does not specify a particular one. Under such a law a victim could be of any ethnicity, including a majority one.<sup>22</sup> As an example, if in Turkey a person is attacked because of his/her Armenian or his/her Turkish origin, this is considered a hate crime. The characteristics can be differentiated as:

*Victims can be people or property.* Hate crime laws should apply not only to crimes committed against persons. They should also apply to crimes against property associated with persons who share a particular characteristic — usually a place of worship, but sometimes a business or residence<sup>23</sup>.

*Laws protect all people equally.* Although hate crime laws must specify which group characteristics are protected by law, such laws are not drafted in terms of a specific group. Rather, laws protect all individuals defined by the generic version of that characteristic. For example, “religion” is a broadly protected category, but hate crime laws do not single out specific religions for protection. Laws prohibit crimes

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<sup>21</sup> Ibid p. 22-23.

<sup>22</sup> Ibid p. 23.

<sup>23</sup> Ibid p. 32.

motivated by “race” but do not identify particular racial or ethnic groups for protection. Violence against Christians, for example, can be prosecuted under a hate crime law in the same manner as violence against Muslims. Crimes against members of majority communities can be prosecuted in the same way as those against minority communities. Thus, protection is symmetrical. No particular group has special protection and all are equal under the law<sup>24</sup>.

Hate crime laws are only one of many tools that states can use in the fight against hate crimes. There are many other aspects to a comprehensive national programme to combat bias-motivated violence, including education, outreach and training.

Specific steps would include:

- training criminal justice personnel on how to investigate hate crimes, work with victims, and prosecute cases;
- collecting accurate data on crimes with a bias motive, regardless of whether such crimes are prosecuted as hate crimes;
- providing for redress in civil anti-discrimination laws;
- establishing anti-discrimination bodies with mandates to support victims of hate crimes and discrimination;
- reaching out to communities and fostering relationships between law enforcement and community groups so that victims feel confident to report crimes; and
- educating the public (especially young people) on tolerance and non-discrimination<sup>25</sup>.

As the Human Rights Agenda Association (HRAA) we have prepared this book in order to show a reaction to the increasing number of hate crimes based on racism, nationalism and intolerance, and to raise public awareness and draw attention to the necessary legal steps. The book on *Prevention of hate crimes based on racism, nationalism and intolerance in Turkey* consists of interviews with academics, human rights defenders, researchers and authors with an expertise on the subject.

First of all we want to thank the *Sigrid Rausing Trust/ Global Dialogue Programme* based in London (UK) for enabling the publication of this book with their financial support.

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<sup>24</sup> Ibid p. 32.

<sup>25</sup> Ibid p. 12.

In preparing the book the Human Rights Agenda Association talked to **Gün Kut** (Bosporus University – Member of the European Commission against Racism and Intolerance); **Ali Bayramoğlu** (Journalist/Writer); **Etyen Mahçupyan** (Journalist/Writer); **Cengiz Algan and Ayşe Akdeniz** (Activists of the Initiative Say Stop to Racism and Nationalism); **Erdal Doğan** (Jurist); **Tolga Korkut** (Journalist); **Ömer Laçiner** (Researcher/Writer); **Ali Koç** (Jurist); **Ayşe Gül Altınay** (Sabancı University); **Tanıl Bora** (Researcher/Writer); **Ayhan Kaya** (İstanbul Bilgi University); **Baskın Oran** (Ankara University); **Ahmet İnsel** (Galatasaray University) and **Fatmagül Bertay** (İstanbul University). We would like to express our gratitude for their contributions.

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We hope that the book may lead to new horizons for all people concerned. In particular the organization of civil society, active in Turkey on basic rights.

**Hakan ATAMAN**      **Orhan Kemal CENGİZ**

**INTERVIEWS**



*“When I look at what the organizations of civil society say about racism, I cannot see anything correct. When I look at what they call racism, I see that they have a very limited understanding of racism.”*

**Gün Kut\***

**The Organization for Security and Cooperation in Europe has a definition of hate crimes. Moving from here, what kind of definition could be developed, if we were to define hate crimes?**

We know that some terms, which for legal reasons need a definition create much discussion politically. We experienced this, when defining racism. How difficult it is to define one thing in legal terms, that is how many difficulties you face in establishing a definition to guide jurists or judges in making decisions, this work will last that much longer. Secondly, the definition is superficial, it does not go into depth. Because the deeper you get, the parties that have to agree on the definition, that are the States cannot agree. Therefore, I do not seem to have the capability of making a legal definition. I'm neither a jurist, nor have I carried out work directly related to the subject. In general, political suggestions No 7 ECRI (European Commission against Racism and Intolerance) only has some proposals on how to build the judicial fundament for punishing all kinds of crimes based on discrimination and

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to aggravate the sentence for some crimes, if they were committed with racist, xenophobic, anti-Semitic or other discriminatory motives.

In general, political suggestions No 7 hate crimes were not defined under the heading of "Definitions." In the definitions the categories of racism, direct and indirect discrimination were defined and proposals about what needs to be done, if discriminations showed up in the Constitution or the penal code were made. Apart from that ECRI does not directly work on hate crimes. On the other side, if racism, xenophobia, anti-Semitism and the related intolerance reaches the dimension of violence, in most cases hate crimes take this form, there will certainly be special stress, and it will be evaluated as the worst result of racism. This is the approach of the institution of the Council of Europe that I am a member of. I'm no jurist and in particular I'm in no position to evaluate hate crimes in the frame of the penal code. I whole-heartedly believe that in situations where hate crimes like any other crimes can be related to discrimination, when the results are evaluated it should be seen as an aggravating reason.

**There are serious situations that when these crimes show up they are inspired by prejudice and discrimination. For this inspiration, if we list the points where prejudice and discrimination of hate crimes come together, and where prejudice and discrimination go apart, is it possible to draw distinct lines?**

No, this is a very difficult problem. For jurists the same situation applies. We see what results that produces, courts and judges in general avoid taking this decision. That is, we observe that judges and courts avoid taking a clear stand on the subject, because it is difficult to do judicially. In order to prevent this, a wave emerged in Europe to a large extent stemming from initiatives of NGOs. In a way ECRI adopted this and we started to make suggestions to switch the obligation of proof upside down as far as possible. This has become something that is being discussed, talked about in European law and even something being adopted; we started to see examples.

What is the basic rule in law? The proof of the crime is with the accuser, therefore, the person is not left in a position to defend their innocence. Crime is proven, innocence cannot be proven. But in cases of racism, it would be better to put the burden of proof not on the accuser but on the accused because of the unwillingness of the victim to complain and the unwillingness of the court to take a decision on these crimes. That is, it is assumed that if someone accused of discrimination is forced actually not

to have discriminated, the courts can easily pass a verdict and the victims will call the courts with greater ease. This is, for instance, nothing to suit Turkish law. When the right to proof changes sides in Turkish law, it will be met with resistance like "Who knows, to where that will probably lead?" How much this will contribute to establish justice will probably be seen in the future.

**According to the data on the website of the FBI an increase was seen for hatecrimes in the United States after September 11. What happend in Turkey in this period we can see, for instance the Malatya massacre, the event of Hrant Dink. That in attacks on people belonging to different religions, views, and ethnic groups there was an increase. If we make a political evaluation, is there a parallel between the general political atmosphere and the appearance of these crimes or is it rather by coincidence?**

The parallelism may be a coincidence, but there are direct relations to the opposite. We at ECRI observed that following September 11 there was an increase in racism, xenophobia and the related intolerance on the level of political speech. We drew attention to it and released a declaration on the subject. It is extremely dangerous that these subjects are reflected on the level of political speech, that the politicians bring these subjects in discriminatory, accusing and denigrating speech on the agenda during their campaigns, in election arenas or any situation during which they want to give a message. It is worse that they find an echo and turn into votes. There are results as actions as well as reactions. It is a very dangerous thing that the atmosphere becomes more and more intolerant, that the opinion leaders, and political leaders find this natural, and that the voter and society show a positive response. If you look at the reports of ECRI, there is a serious increase of incidents in Europe. Do not perceive this as if we equal this only in classic form to racism, it does not only happen there, it happens everywhere. In some places groups or crowds that we define as targets for racism start to show their own racisms and intolerance, and this is an extremely disastrous result.

It is like Pandora's Box, if you open it everything comes out at once. This is what actually happens in Turkey. Situations emerge where it is believed to be natural or not seen as a serious problem that people who normally are victims of racism and discrimination go and subject people different to them to violence. These are fatal things and, of course, they are directly related to the atmosphere after September 11. Further September 11 is already a hate crime. That is only with the definition of us and them, the way to destroy you in order to harm them... Actually

there is no direct relation that could lead to hatred between the killer and the killed persons. He just said "He is American, I am Muslim," entered a plane and moved to destroy a place that he thought the Americans would be most concentrated on and it would get much discussion. Therefore all actions and reactions that he created gathered around him.

**In some European countries, in Great Britain for instance, we see that persons accused of discrimination and acts of violence that led to it are organizing to work against these crimes. For instance, police officers are active with associations and trade unions they formed for the fight against hate crimes. We also see that estate agents work on the subject of accommodations, to provide accommodation without discrimination and they use this work at the same time as advertising. If we draw a parallel of this with Turkey, would it be possible to carry out such work here.**

It is certainly possible. It is a problem of awareness, to detect the problem and once you detected it to show the will of finding a solution to the problem. To a large extent this has been missing in Turkey until now. In Turkey, in general, there is a lack of awareness. In Turkey there is no racism in its ideological sense. That is, whoever you ask in Turkey they will not define racism as a positive thing. For example, in some place in Europe racist circles are proud to be racists, now this is ideological racism. If you ask people in Turkey "what is racism?" most of them will tell you that racism is something that should not be, that it is wrong and a negative thing. On the other hand, they do not realize that some things they do, practice and experience in every day's life, in ordinary relations is actually that what racists do. Therefore, we experience a lack of awareness in Turkey. That is the fight against racism in Turkey has to be different from the fight against racism in Germany. In Turkey the fight against racism can be done by telling people that some things are racist and by making them alert about these subjects, because they will reject racism, if they are aware of it. In Germany, however, the fight against racism can be done by means of rehabilitation of people who have adopted the ideology and see it as a positive thing.

For Turkey it is easier, but on the other hand it is a difficult thing, because rejection has emerged. To return to the question you asked, if people are not aware that they are acting in a racist way, and they make an effort of rejection, if they are told this the first time, it will be very difficult for police officers to do something like that. Therefore, regarding Turkey we are still at the beginning. When in Istanbul a decision on conducting a heroin operation was taken and the police

officer as an individual sees his share in gathering every coloured person from the street, you can only prevent him from gathering all coloured persons by educating the individual again. To organize and develop a common idea for the police as a whole is a later stage. One difference of Turkey from the example from West Europe is that in all these countries there is intense racism, but there is an intense and organized opposition to racism. In that sense here there is no intense racism, but opposition to racism is not organized. When I say organization I do not only speak of organizations of civil society, I'm referring to groups that are capable of taking all kinds of decisions and developing politics in the institutions. I think that this is not yet the case with our police and our courts.

**In Turkey racism has no positive definition. Together with this we have seen the beginning of using such a term on the Internet. There are some people proud to be fascists, proud to be racists...**

Not racists... They are proud of being fascists, intolerant, to have the will to destroy others, but they are not doing it based on race. There is a situation "We are the Turkish race, therefore we are different to others," but this is not racism that we know from Germany, Austria, Belgium, but it certainly has the dimension of xenophobia, anti-Semitism and intolerance. But these are different things. Racism is one thing, anti-Semitism is another thing and xenophobia is something else and the intolerances related to them are different.

**There is also grievance in the relation to freedom of expression. Against such saying there are various laws in different countries. In addition, international conventions forbid the publication and speeches on this subject. As you mentioned, there is distress on the use of speeches relying on intolerance and xenophobia that emerged after September 11. If you speak up against it, one of the most basic arguments is freedom of expression. How can we overcome the clash between these two?**

That is a very difficult thing. The basic argument against it was, there is no hierarchy of rights and freedoms. All rights and freedoms are for themselves a whole, they cannot exist in a hierarchy. The only example to the opposite is the right to life. This is at the very top because if there is no life nothing can happen. But from the aspect of the others the argument that "one of them is leading" is either hiding one thing or naive. It is also a right not to be exposed to racism, not to be a victim of racism, there are rights not to be exposed to discrimination and there is no right

that freedom of expression can stand in front of them. At this point the question of "what happens if rights are violated" comes on the agenda. When the right not to be exposed to racism is violated while using the right to freedom of expression, should penalties be given or should one refrain from measures on civil legislation? That is the discussion at the moment. Those who advocate that freedom of expression should by no means be restricted, do so, because they do not trust the State, because they think that if freedom of expression and opinion is restricted in order to punish racism, it will not be limited to that and therefore, they do not want to open a door for the State. Against this they say that victims of racism can go to court and seek their rights, therefore, the prosecutor of the State does have to intervene and open a case *ex officio*. On the other hand the standpoint that I am closer to is "The fight against racism is not restricted to a problem between persons subject to civil legislation, there are structural, organizational dimensions. In such situations, the person is weak and the law has to be on the side of the weak"... If we put all of this together it is another thing to say "well, go and seek your right," The vast majority of victims of racism will by no means seek their rights. If you know that, it will be a more effective way of fight to ban and punish rather than have them become the object of racism and discrimination and let them seek their rights. In particular, if political speech is concerned...

### **Is Article 216 of the Turkish Penal Code (TPC) preventive relating to hate crimes?**

It is such a provision, but it was never applied this way. This is the bad luck of the provision. This is the provision in the TPC that can secure the most trust against racism and discrimination, but it was not even once used on the subject of racism or discrimination. Right to the opposite, any threat against the State was shown as being against the nation of the State and it was used to punish people uttering their opinions. Actually, I have also protected this provision, with the formulation of this provision it is possible, exactly as ECRI said in the 7th general political suggestions, to punish what appears in many press organs in Turkey, in particular the right press and on the Internet concerning some ethnic groups, but until today there was not even one example. Our courts did not see this provision so, and did not implement it that way. Not being implemented the case law started to express something else and what it expresses is only restricting freedom of expression. Therefore, anyone is concerned with the provision or is defending it in this direction.

**Well, do you think it is possible to use this provision actually against real racism, discrimination or xenophobia if some terms are changed?**

It is always possible, even now, but it is not used. That is, I want to see that it is being used. I'm still waiting that it is being used to open a case on anti-Semitism. This has not happened yet, even until today.

**Is it sufficient only to take legal measures and to give penalties in order to overcome this problem? If not, what needs to be done apart from this? What would your suggestions be on this?**

Legal measures are necessary, but not sufficient. It cannot be done without, but it will not be done only with it. There needs to be a general policy of awareness and information, no campaign. The State, the government has to adopt this and has to slowly enter the totality of values with education, including it in the political messages, placing it in an indisputable war on the agenda of the society into the totality of values. That is the people have to easily say that racism is bad. Racism is not seen much in Turkey, leave aside racism, discrimination is bad and it is bad to do it. This is not part of our everyday talk. As if everything is natural, a newspaper that we did not consider as such can make a headline as "In chess we even stayed behind Uganda." Some intelligent person of the paper or the editor, who knows what he is doing, may have used the headline, but in Germany the racists uses the headline "The people in Uganda are apes." This is the same thing, but our people do not recognize it, they are aware of it. That is, "this is discrimination in such a way" has to settle in the general public and on the official level. In addition, the point of view of those serving in some institutions of the State has to change, in particular that of the police officers, judges and prosecutors. Added to this, the situation of teachers is very important. The professional re-education has to definitely include this as a policy for the police, judges, prosecutors, and in short and long terms the teachers, in particular in primary education.

A stand against discrimination has to settle and be implemented. The press has to be aware, they are not aware of what they are doing and are extremely impertinent. When we say this they get extremely defensive and close themselves. This is a question of the profession and it has to be solved from the inside. I don't know how this should be done, presumably it depends on the appearance of people capable of being the vanguards. Finally, the organizations of civil society have to tackle the

question more seriously. It should seriously be taken as a question on its own; not with another intention or the means for other goals, not as layers of other political projects. Until today I have not seen this. I have not seen such a stand of the organizations of civil society that are constantly on the agenda of the public and are much thought about in Turkey. The complete opposite situation is true: they have seen this business as a means to get to other places, as material to wear some institutions down and this does great damage for the fight against racism, xenophobia and discrimination. In Europe there are many of these kinds of organizations, but there are many institutions that can level with them, that only concentrate on this, do not stop working and that do not endanger the reliability. In Turkey I see such an unbalanced situation.

**Maybe it appears as a promotional approach, but during the last week the Council of Europe and UEFA declared that there would be some activities in football to prevent racism. We see that it is spreading among football fans. Can the use of expressions in football or other sports and hobby areas that feel a similar need help to prevent this problem or do they present too much of a promotional approach?**

No, certainly not. I did not mean that with promotional. As a method, any means that enables us to reach the masses gives us an important advantage in the fight against racism. The cooperation between UEFA and ECRI came on the agenda as a piece of a wider strategy, I was part of that working group. We prepared a three-fold thing. The first was that not only in sport arenas, but in all sports and in particular in amateur sports, there should not be any racism and the fight against racism should be settled there. Because when children play football, basketball, handball etc. at primary school they don't look at the colour of their skin, that becomes a problem later. If at that stage some things are settled it will be of an advantage of human beings at any age and for all sports. I, for example, have always wondered why the spectators of tennis do not shout racist slogans. Is it because tennis is an individual sport or because the spectator is believed to be an aristocrat? That is, is the problem more concerned with the characteristics of the sport or the characteristics of the spectator? That has to be researched.

Secondly, the governments have to develop a policy on this subject. ECR wanted to suggest a slogan like "anything that is illegal outside the stadium, is illegal inside the stadium," but in order not to differ too much from UEFA during the European Championship, in 2008 we accepted their slogan "People get excited, what shall they do?"

Anyhow we are in the stadium, not on the street. There is a general attitude of "What's so bad about spectators shouting?" But this is not so. It is as much a crime if you shout at staff in the office "black dog" or if you jointly shout at the players in the stadium "black dog." This has to be perceived by the police, the dynamics in the stadium, the clubs and the federations. It has to be internalized that these things are not allowed, not to be approved of or taken lightly in the stadium and places where spectators gather as masses. In the face of the European Championship 2008 we could not miss the chance of working with UEFA and give a message to the world. We made an agreement with UEFA and UEFA responded positive and we planned some things. Now we will have a meeting with Platini and at the end it will be clear what we shall make concretely. During the European Championship the project will emerge, that is we shall see the results.

**What should be done so that the NGO's approach the problem as a violation of human rights and not to reach other aims? The organizations of civil society are paying an effort to get rid of the problem, but on the other hand their activities at times can meet with serious prejudices in society. These are things that feed off each other. What should the organizations of civil society do in order to not stay in such a position, or what kind of policy should they adopt?**

To my mind they should as organizations or among themselves divide the work. The activities of the group working on racism and the group working on freedom of expression are different... If they work inside more creative ideas will emerge and both sides will see that the two positions are actually no positions that can be discussed on their own. This is important for planning the clash of ideas and to get the expected result. I don't say that they stay away from criticism, but rather than using one thing as a part of the other and make a concession on credibility it would be important for the reliability of the organization to approach the work separately and look for common points to be presented. When I look at what the organizations of civil society say about racism, I cannot see anything correct. When I look at what they call racism, I see that they have a very limited understanding of racism. Nobody speaks about what the paper "Yeni Safak" says about the Jews in Turkey. But if you call the instant killing of a Kurd in the Southeast, which is anyhow a human rights violation on its own, tearing it from one side to the other "this is racism" then this causes great damage to the fight against racism. It is not important who the subject of racism is, therefore one has to look independently of political projects at "Who is the victim?" It can be a



Kurd, a Turk or an Armenian... This has to be evaluated from a completely different optic, from another prism. From this angle I cannot see a platform for a serious fight against racism in Turkey, because racism on its own is already a serious question, but everybody tries to broaden their spectrum.



*“In Turkey, nationalism is a xenophobic structure, in the true sense a constant mechanism of creating the other, a mechanism built on withdrawal into one’s self. Let us not call it racist, but I think it is xenophobic. I also carry the impression that it is being used politically in Turkey from the legal system, justice and the system of government that makes it impossible to take it serious.”*

**Ali Bayramoğlu \***

**We see that in the last few years’, bias, discrimination, and rising nationalism have turned to violence. If we build a relationship between these attacks directed against people from ethnic groups or who have chosen a different religion and freedom of conscience and nationalism that is rising in Turkey on what basis can we place it or where can we put them?**

One has to look at what is happening from twoperspectives. First you have to look at it from the fabric of mentality. These are crimes and attitudes that have beenrepeated for years. Regardless of how much the official definition of the political culture in Turkey is based on tolerance, and not the racist or xenophobic definition of culture we see, if we look at the history or the phase of the Republic, this is not the case. Therefore, a situation of looking at the foreigner exists here, that was made on an extreme insecurity stemming from being a society. The foreigner does not need to be a French citizens, the foreigner might be a non-Muslim. It

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could also be that he is from Istanbul living in Trabzon. The foreigner may also be someone defending more universal values than you and me. Therefore, I think we are living in a political culture with a strong notion of "the other". During my research the strength of the notion of the other is presenting itself to me in a state mixed with Turkey not being able to be a society, or with the problems experienced when becoming a society. If we look at what this is, there is a xenophobic pressure of different groups in Turkey, created by a constant anxiety, a search to become domestic, and a search for security. This is not a new story.

Hrant Dink was not killed because he was a journalist. He was not killed because he was a democrat. Hrant Dink was killed because he was an Armenian. Because he was an Armenian, his death was seen as justified, some circles almost applauded it. If we just look at the camps that were created by the killing of Hrant Dink we see that there is a huge problem with the state of mind. The first leg of the problem with the state of mind is the feeling of insecurity against non-Muslims in the country. The second leg is religious, I believe. I think that we are living in a political culture including anti-Semitism to a large extent. We cannot talk about anti-Semitism as it emerged in the West. In Turkey, however, there is insecurity and a general attitude against the Semite centre of being the other. In many researches and works, that emerges in various forms.

Now, in a society where so many patriarchal bounds exist, and where the other is always the person outside the group to which you belong-, what may be from the Jew to the Christian, from the Christian to the communist and from the communist to the ones living in Istanbul- one inevitably needs to think that the structure of the political culture in Turkey is very susceptible to hate crimes. With the European Union process, we can look into the question of "Is change possible?" If we are careful, the E.U. process has confronted us with closed others. For instance it confronted the Turks with Turks. It showed the existence of Armenians to the Turks, and confronted them with each other. It created a number of comparisons and was an important base outside the nationalism triggered by these comparisons, and therefore outside the mentality. With the change of this society, the pressure that the society faced in the global world and the momentums it went through internally, this nationalism corresponds to such a process.

I think that this process, as I said earlier and what I see as the first piece has turned the fabric of mentality in Turkey to be political in a very active way. We should not forget that we are living in a society where

homosexuals and transsexuals were sent to Eskisehir with trucks during the period of the military coup. In 1980 Evren put all homosexual and transvestites with Bülent Ersoy in the first place on trucks, lifted their residences in Istanbul, and forced them to live in Eskisehir. Bülent Ersoy lived in Eskisehir for years. That is, if we even look at the practices of military coups, we see how much the notion of “the other” or the situations that prepare the ground for this kind of hate crimes are considered legitimate. If you look at Turkey from this angle it is hell to my mind, I personally experienced this. Let me say it like this, from my origin I am a Turk, at least I am known as such, I am Sunnite and Muslim. These attributes are conditions that being a first class citizen in Turkey you are not confronted with hate crimes. But apart from that I have other characteristics such as being an opponent. I live in my own society feeling anxiety. For some time, I do not enter the Metro on my own, I may be assaulted or verbally attacked. Now, this is not only a crime against thought, not only rage against a thinking person and it is not only the result of living in camps. This is, as much as the person assaulting you does not feel you on his side, he sees you as deserving death. Therefore, it has something to do with hate, because what you represent is for them either being Armenian or Non-Muslim or Western etc. If we look at it from this angle, I really think that in Turkey this problem has reached the peak. The political governments do not take this serious at all, and one frequently faces it. Let us remember the incidents in the last period: the kids from TAYAD possibly did something wrong, possibly they did not care about provocation or when they went to Trabzon with this aim and there was an attempt to lynch them, the governor of Trabzon talked about the rage of the people. Another district governor burned the books of one of our authors, who had received the Nobel Prize. One prosecutor launched a case with the Armenian types in a novel of Elif Safak. Another one sentenced the son, because of the dead man's words, because he said that there had been a genocide in history he had insulted the Turkish nation. If we look at all of this, it all has to do with the door leading to insecurity against the other and towards rage.

In Turkey nationalism is not like the SS in France, an ideology that was developed by groups that had little benefit from the system, and that were on the margin and did not benefit from modernization. In Turkey nationalism is a xenophobic structure, in the true sense. A constant mechanism of creating the other, a mechanism built on withdrawal into one's self. Let us not call it racist, but I think it is xenophobic. I also carry the impression that it is being used politically in Turkey from the legal

system, justice and the system of government that makes it impossible to take it seriously.

**Research of the FBI shows that hatecrimes increased in America after September 11. Looking at the reports of the European Committee against Racism and Intolerance for the third period we see that there was a serious increase in Europe as well. There is also an increase in Turkey in similar periods. Is there a contribution for the rise in committing hate crimes because of publications and speeches on the politics of security on an international level after September 11?**

I don't know for Turkey but for the world it is true. After September 11 a dominant state showed hate crime related to one culture. That is, first it started with the prejudices of society and directly related the crime with the image of Arabs, the Orient and East and later they went up to judicial measures. This is so for Germany, for France and for England. It is absolutely correct that a system of fear developed that produced judicial mechanisms that reminded of the period of vandalism after the Roman Empire. Once the subject was war and that treated "the other" to a degree of fear from him as a third or fifth class person. If we look at it from Turkey's angle I think that there are effects, but I am under the impression that September 11 had an effect for some nationalisms to develop. This was later strengthened with the E.U. process, and the U.S. coming to Iraq. On September 11 Islamic nationalism showed up as an interesting development. If we look from the other angle a more secular nationalism, a more leftist nationalism where streams are built on what I mentioned earlier: fear, insecurity, and excluding the other. In Turkey, we were not confronted with mechanisms as in the West, but our own mechanisms outside the international mechanisms produced other problems. Hrant was killed, in Malatya the missionaries were strangled, very serious threat mechanisms developed against the Armenian parish in order to make them run away. It was either the Mafia, or the system. Therefore I am convinced that political and social pressure was dominant in a strong way, and the September 11 process affected it indirectly.

**In many laws in the West measures are taken against groups that are most susceptible to oppression, or that can be attacked or injured. In all laws that are passed here there is the understanding of protecting Turkishness. Did this emerge related to the understanding of the State in Turkey, or protecting the understanding of the State, or as a**

**reaction towards illusion? Or is it deliberately fed by things like racism and nationalism?**

I do not know whether it is possible to separate them a lot, but racism is too much saying. Let us think like this, the population in Turkey was around 12 million in the 1920's and more than one third of it was migrants. This continued from the 1929-1930 Turkish War, the danger of the North almost for a century, the Caucasus, the Balkans etc. This means a country in which movements of the population happened with Muslim migrations, and where a social structure developed with these movements of population. Many people here are not Turks and if we look at it that way one of the most important projects of the Republic was to make them Turks. They are Muslims, the second project was to domesticate Islam. To the extent that the Republic was founded on these two projects, it was a project of producing identity, and as you said earlier, this identity is intertwined with nationalism. Protection of Turkishness at this point means to give a definition of identity. That is, why is the non-Muslim not protected, but Turkishness is protected? It is not the Turk, who is being protected, it is the preservation of ideological, social structure formed artificially and by force. Therefore, it can be termed as a war against all kinds of elements that stay outside Turkishness, object to Turkishness, or think of the idea of Turkishness in the opposite way. Let us say it like this, what is a Turk? A Turk is basically a Muslim that has accepted Turkishness, a citizen not using a reference to offspring, and this citizen is under protection. It is not just the citizen, this concept is under protection. Once this concept is under protection, any kind of antithesis like non-Muslims or Jews that stay outside of it, or any person that questions it will be taken as a threat. If considered to be a threat, the mechanism you talked about emerges. We do not talk about their protection, but netting built on the fact that they are seen as a threat. Therefore, it would be useful to read the laws in Turkey once again with a new sight. Our laws are not just a problem of a fortress as a threat against the left, against universality, against the E.U., against opinions. Our laws are just to the contrary, laws protecting identity, as much as they are laws founding identity. They are laws of segregation for the others. Therefore, I think that there is a serious xenophobic law system and the structure you talked about recently is considered to the contrary as a threat and a danger.

**Well, in such a situation could a law be passed to protect people with a different identity? Or, if it were to be passed, would this law in all these measures be useful?**

At this stage it would not be useful. Some provisions were put into the penal code concerning women and homosexuals, but I don't believe that they will be met under these political and cultural conditions. Certainly these laws have to be passed. If they are not used today, they can be used tomorrow. The fact that these laws were passed expresses a struggle at this point, but it is obvious. If the cultural fabric of the prosecutor denigrates homosexuals, you will get nowhere with the provisions and the texts of the law. once he looks in his own words "execrating" when he sees a homosexual.

If we look at the current Turkish system of judges and prosecutors, this system is not comprised of people from the middle classes in the big cities; it is formed by groups coming from Anatolian lower-middle classes and their conservative world aiming at climbing the social ladder this way. This cultural and class domination confronts Turkey with an enormous problem of mentality over the structure of prosecutors and judges. Your or my child does not become a prosecutor; we do not go to Cemisgezdek, because the system does not really allow for it. It does not give sufficient money or does not produce other cultural conditions for you to live there. The fabric of people going there and the way they look at life is segregating and single typed. This problem is not only solved with legal texts. This is a serious problem. This problem of staff, this problem of mentality and culture is only one of the problems lying before Turkey, but as I said there is also an ideological understanding. This is such an ideological understanding, "Why Turkishness? Why does it not exist in other countries but in yours? What are you protecting?" you ask. I slowly started to understand what the thing is that you are protecting. What you protect is an artificial identity that you placed on the fragile, weak identity and insecurity. You are protecting this artificial identity. While protecting the artificial identity you make a personality and announce everyone outside of it a danger. At that stage authoritarian society starts, not just the authoritarian system, but as I said, cultural xenophobia starts. The legitimacy of all kinds of lynch movements against the other either in practice or symbolic, social or political start, which is a serious problem from this angle. Therefore, to my mind Turkey unfortunately is the paradise basis for hate crimes from the aspect of mentality as well as from the aspect of ideology.

**Well, if we build a relationship with the militarist structure in Turkey, what can we say? For instance today a new reminder was**

**published, they mapped everybody up in the organizations of civil society.**

In result, as I said earlier, to make different Muslims Turks, to domesticate Islam, in order to do this building an authoritarian system and therefore, to look at society that will be domesticated and changed with glasses of limited trust. If that is the essence of the Turkish political system, it is the military that guarantees and builds it. Let's look at the crisis we are living in today. First of all, in the Turkish political system the politician, whoever that may be, should not take certain decisions. If they do, there will be a problem. Secondly, while the politicians in the Turkish political system do what they can, carry out things in the area that was provided to them, they will be controlled. If the control mechanisms are lifted they will be in trouble. Today Turkey is living in these two crises. The AKP or the political rule interrupts the mechanism of control over it with the election for President. It steps over borders in symbolic bans such as the Cyprus question. If we look at it from this angle this system, as I called it earlier, the authoritarian fabric of the two folded system of change is damaged. The army takes its place right in the middle. That is how modern they may look, the army as a serious parish has the function to legitimize all kinds of hate, xenophobic states or cultural segregation. I think that it is not much more what they do and is closely related to it.

**If we cannot only solve it with laws, then you have to present some political points or proposals for solution. What can they be?**

Laws have to be passed, too, but in Turkey the civilian area is widening. Of course, the widening of the civil area is not enough, flowers have to blossom on this field. This is a process, but I believe that we have come some way. I think that for these kinds of crimes, towards this kind of situation, better organizing and mobilizing would be decisive. On a symposium on "Tactics and Strategies," and screening the world we were confronted with such situations. For instance, in Romania a group of volunteer lawyers went for *in fraganti delicto* towards segregation of gypsies and the groups that have produced such situations. It is very important that civil networks, organizations of professionals become active towards such discrimination and mechanisms. The judiciary is not enough. The judiciary opens areas, the politics secure that we construct the building on it. You cannot construct a building with the judiciary. That was so in the E.U. process, in the first five year we opened the area with the judiciary, now we have to construct the building. How will you



build it? You have to solve the Kurdish question, the judiciary does not solve it. Politics are necessary. The judiciary widens the fields, you pass laws. But if the prosecutor or the judge acts partial, there has to be a group of lawyers. That has to be detected, the politics for it has to be done, and it has to be taken to parliament... Politics is founding. It founds society and the opinion, and opens the mechanisms for participation.

When I go to a court and meet a prosecutor saying "Well, old fellow, you stood up because Hrant Dink, an Armenian, was killed, (but) many people were killed, and you said nothing." What does this have to do with the judiciary, what provision? In the end there is a judge and this man acts from his understanding of 301 as hate, rage and segregation. 301 is the law on "are you with me or the other."

**This being so, not only the society and the politicians, but also the ones applying the law here have to be subjected to a change of mentality.**

This is definitely so, very important.



*“In Turkey there are still unsolved, internal tensions, which are not spoken of or faced up to. There is a splitting up of identities that exist and as long as they remain unsolved they carry with them the potential of being manipulated politically. As the authoritative mindset is approached, the potential for a form of discrimination and prejudice and perspective of hate increases.”*

**Etyen Mahçupyan \***

**If Turkey were able to generally define possible hate crimes, what things would fall under this definition and what would be the things that would unite or separate discrimination and prejudice? What culture would nurture such problems?**

Of course there are life experiences, we are talking here of division or differences which we assume are built upon those life experiences. But speech built upon life experiences often over a period of time hide, overshadow, and flatten out life experiences. The one who lives in different communities, in communities that are traditionally open to internal division, can very easily become a community that is furthest away from those who are the closest to it. In other words, people withdraw into their own identities, distance themselves from each other and develop a spirit that continually pushes others who are close to them away. A foundation for this is our Ottoman Millet system, our religious community structure, but another reason is in the process of moving

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toward the Republic, in a singular way, there was an identity separated from the top that was possibly imposed on the community. But these two were not sufficient. Essentially, if the community could have lived within a democratic order, if they learned how to talk and look at each other properly, we could have eliminated many prejudices. But in a world where prejudice is manipulated for political ends, discrimination has become the operating policy. Discrimination as a desired situation is offered in one form to the community and the community, based on this discrimination, adopts a new identity. In this way actually the authoritative mindset makes itself functional and causes hatred to no longer be a crime, but a way of expressing ourselves. When we look at the conflict between secular and religious people we see people on the verge of hate. The things they do are not perceived as crimes, but as a way to express themselves. This to me shows how difficult our job is.

**While doing research on this the most interesting data came from the FBI. According to research done in the United States, after Sept 11, there was a significant increase in hate crimes. In the same way during the same period, certain crimes which might be considered hate crimes increased in Europe. Even if not called racism, there was an increase in crimes of violence. In your opinion what would be the conditions that unify Turkey in such an environment, or what are the factors that nourish such attacks?**

When we look at the world we have to accept that there is such a problem. The problem essentially is this, the modern world assumes a homogenous sociocultural structure. Historically, concepts like democracy, equality, and freedom have been given life upon this socio-economic foundation but as a result of that have never really come face to face with the foundation. Now with the fracturing of the socio-economic foundation and the immigration of Muslims to the western world, suddenly the person who knew his identity sees that basic form was no longer valid. As for the future, for example, from the moment they see that their culture is different from Europeans, Americans, Westerners and that the western world was not really liberal or democratic. The relativism of the modern world along with the individualism, every person desires and demands his own rights and laws in a world that demands varieties, also carries with it a continual authority nucleus. This authority nucleus sometimes formed in nation-states, sometimes with a superior intellect it arose in a rationalist form, but that authority nucleus has always been effective at the level of critical decisions made in the western world. We now see this authority focused

in the society, because the society has to live with people who are different from them. This causes them to again ask the question, “Who am I?”

The interesting thing therefore, is this, identity is something that has to be reformed again today. Yet Westerners think their identity is a tradition they carry and modernity was formed in connection with that thought. Now we see secularism obtaining an authoritarian dimension and becoming much more obviously ideological. In this way there is a clear connection between Turkey and the West with regard to secularism. In the last few years, Turkey’s resistance against modernity has become official. The west has slid from a truly democratic perspective and has tried to fix its identity more upon an authoritarian secularism. When we look at things that way, maybe we can say that Turkey, without becoming completely modern, has become a part of the west, at least a lightly Kemalist declination in the west. The problem, in my opinion, is that when someone establishes his identity, he comes face to face with a foreigner he did not consider, one he is not used to. This is Muslim immigration in the West, in Turkey the issue is still the religious villager. One of the basic similarities is this, but of course it is not tied only to this in Turkey, for in Turkey we still have the discrimination and mutual speech involving Sunni and Alevis. Türk-Kurd Muslim and non-Muslim discrimination are also like that. In Turkey there are still unsolved, internal tensions, which are not spoken of or faced up to. There is a splitting up of identities that exist and as long as they remain unsolved they carry with them the potential of being manipulated politically. As the authoritative mindset is approached, the potential for a form of discrimination and prejudice and perspective of hate increases.

**In general, in various western countries it is possible to obtain numerical data, we know you have a special interest in this category. Even if it is not possible for us to offer such numerical data, the crimes we could place in this category are clear: the murder of Hrant Dink, the Malatya massacre, the approach to non-Muslims, priests and those who have changed their religion are just some of these. What can be done legally or politically about this problem? More concretely, for example is it possible to stop this through a rule in a new law, or do we need to strengthen this somehow through various political stances, or do we need to look at the problem not just from this perspective? Does it rest on other issues?**

The legal system is often seen as having a quick and easy solution. Many people feel that most problems can be solved legally. But the legal

system has a certain mentality and those who interpret the law have a certain mentality. When this mentality does not change, when you do not keep the law “open,” when one does not bring the real fractious points of society under legal authority, the law ceases to function. This is what I mean, if you write a law in some universal language than condemns or punishes hate crimes it would not work in Turkey. It would only be used against things regarded as anti-Turkish and none of the other things would be considered punishable. Therefore, if there would be such an article you need to list offences one by one. You need to list as many as can, like Turkishness, Armenianness, Kurdishness; this is a strange situation because you may forget to list something that today may not be a specific identity but very well could be tomorrow. Therefore one must take all precautions and write some sort of article that incorporates all potential future identities. We are now in a transition period. If Turkey had achieved sufficient maturity, there could be written just such a universal article without having to identify every ethnic or religious identity. Unfortunately the situation in Turkey does not allow that right now. Therefore the legal system cannot do much now, for even if such an article could be written there would remain several questions: How would legal authorities follow such an article? How much would prosecutors prosecute using such an article? How just would the decisions reached under such an article be? Therefore I think there is an important arena in front of our politicians, for the legal system is something that engages the situation after a crime or is a discipline that seeks to dissuade the performance of a crime. It is not a discipline that eliminates prejudice.

However, politics finds an arena in front of it that does deal with prejudice, there is a struggle to find a way to do this. I think the possibilities that politics brings to this struggle are very important because to discuss politics is to be forced to make a mutual decision with someone who does not resemble you. While doing this, one gets to know the one with whom he is disputing, recognizes just how much he or she resembles himself or herself and begins to create mutual arenas in which to work. Even after that point has been reached a hate speech action over identities may open up a personal dispute, there is that potential. Therefore, I think the essential arena is a political one and that politics can open up new channels of thinking. Democratic perspective can, if politics is dominant or if such a political player arises, succeed at this. Because a democratic perspective invites perspectives outside yourself, demands that you contact the other and encourages you to get up and approach him or her. Therefore, if such a democratic inclination were to

occur in Turkish politics or just such a political player were to arise, I believe this would bring with it very important possibilities

**Exactly parallel with this is the recent work to change Article 301, but there are two points here. Until now, for some reason, this has been interpreted differently because in laws in western countries or in politics connected with this there are policies that hinder such a thing and that leaves open the possibility of interpretations that bring pressure or great pain to defenseless groups. There are certain definitions in which they fall and this opens up attacks and defamation....**

This is an issue with the system and the protection and sustaining of that system. The system is protected by that authoritative mindset, it is a system built upon that mindset. We are talking about a state-society system from the top down that has to be sustained in some way and therefore we are speaking of a very strict view of citizenship. It is a type of citizenship that is clear what it thinks about beforehand, therefore the law says what the citizens cannot do, tells how tightly connected the citizen is to the state. There are various new regulations which prove this again to us. Look at it this way, Article 301 and others like it, as far as I can see, cause the continuation of an authoritative state-individual relationship and provides for a clear ideological identity. Therefore the system or regulation's continuation is tied to the articles. But unfortunately, the system is not a democratic one. If the incident had occurred in order to protect a democratic system and if the articles had been written for the same reason, it would have been very probable that articles like 301 would have acted as sieves to provide that no one says anything hateful against someone else. But actually, the opposite has occurred. Instead of freely given criticism laying the possibility and preventing insult while allowing a perspective in which no one identity would have been privileged from the others, now articles like 301 do not protect Turkishness, but what the state defines as Turkishness. So the state is being protected. When examined in this way the article is being used exactly opposite from its intended purpose.

**Various declarations have been developed regarding the limiting of free speech concerning this. I wonder if the banning of such pronouncements is really the limiting of free speech, or if this is balancing the relationships between citizens in a democratic environment, or even if it is protection mechanism for groups that are open to pressure or attack. Or is there some way of providing some balance between the two?**

For one, there will always be a certain subjectivity that is inescapable. I mean that there will always be a sensitive balance or a point that cries out for interpretation. A legal proposition is open to this always. But it is here that a certain perspective is needed, one has to look at what the legality or legitimacy of banning something is, whether any action is contrary to what provides a legitimate basis for such a ban, and one needs to examine what nourishes such a legitimacy. Let me use this as an illustration, assume some sort of declaration, is this an expression of free speech, or hate speech? When one looks at it, we need to ask this question: What was this legal article written for? In order for it to be possible for this legal article to be discussed further, it was written to allow people with different identities to come together. Therefore any activity, if it is something that supports this coming together, is an expression of free speech, if it hinders in any way, no matter how much it is called free speech, it is really hate speech or something that resembles it. So the essential criteria here, the thing we need to look at is this: is the result of this activity or statement extending or tightening our ability to speak further? If it extends or broadens, it is good and should not be banned. If it hinders or blocks it should be condemned, limited or hindered itself.

**In recent days there was an agreement established in a commission set up between UEFA and the European commission to work on a declaration against racism in the 2008 World Cup. While doing an interview with a UEFA official about this....**

We cannot really say that the society is conscious because Turkey is like every other society, always dealing with whatever is before it and there are several critical issues before it now. For instance, at this time we are talking about a coup process, huge divisions and factions. This can occur in a country with already a limited political arena, where bureaucracy intervenes, the media is manipulative and people can be pressed in and frightened by only one or two issues. Therefore, when we look at this from society's perspective it is hard to say there is such an environment in Turkey. On the other hand, when you ask people individually people are ready to be integrated into the global world, to adopt the global world's new norms; we see that ideally this is what the society wants. But the present individual desire-intent base in society has never been politicized. There is a big lack there. This hole is not or cannot be filled by the political parties so therefore the civil society is face to face with a large area in which to move. Of course will this arena be filled, how is it to be filled we do not know, but that is what the actors in the civil society

will know. But there is something very clear, if there is to be any movement towards overcoming hate speech in Turkey, and if there is going to be associated with that some series of actions and proposals taken, it will be done by the civil society. The political parties, unions, businesses, organizations won't do this. A more activist civil society has the possibility of getting this done. There is the potential of this in the arena before it, opposite is a society that offers both advantages and disadvantages. When you go alone, you feel like you have the advantage, because there are a lot of people like that. But when you begin to look at it from an organizational perspective, you begin to feel at a great disadvantage, because at this time the individuals do not have the energy to deny that point.

**...In this case is it possible to create the political will? Or will we, as we do transfer everything to the European Union?**

Realistically I do not see the political will being formed in the short term, while in the process of aligning with the European Union, with our understanding and slow opening of our consciences, it may be some point we will arrive at in the future. But of course Turkey is a country that does not tolerate transitional times well, therefore totally opposite directions may arise. Very stubborn ideologies may arise. I also think, along with this, there may not be straight line development to this good end, but zigzagging lines. When we look realistically at it, I believe this latter possibility is greater in Turkey. Yet on the other hand, the literature on this subject, the propaganda, from the perspective of raising a consciousness of this issue, says there is a process of buildup in front of us and I believe the civil community's contribution on this issue will be very important. In other words, instead of focusing on quick results in the short term, the more realistic idea is to know this will not be a quick solution and working to get a broader consensus in the community to agree with this idea.

**In the recent period in the communication mechanisms, more radical declarations, different from previous ones, have arisen. Does this radicalization, even if marginal, possess the possibility of making a mass change?**

In the present world, with a simple response and a defense mechanism for ideological fanaticism there is no way to get very far. In order to capture the young generation one has to be clever after a certain point. One can hold onto a small group for a certain period of time, but to create



a larger group, a different language, a different depth, more creativity is needed... And these qualities are not found in large measure in the group you mentioned. When we look ahead, this is not something that will be achieved by their will alone. Turkey's change process and complicated change dynamic determines where Turkey will go. The nationalistic dynamic that has arisen is an extension of the perspective that does not understand this change, or when it does understand it does not tolerate it, and therefore tries to stop it. But to say, "We do not want social change," is not enough to stop it unfortunately. I think these people sooner or later, maybe in a way that will hurt Turkey, will come to learn this. In the end every change is an adoption process and the change in Turkey will adapt the fascist actions in Turkey to itself. Within these processes a more intellectual perspective could arise.

Along with being fascist I cannot imagine in this country a perspective that would truly rely on brute strength gaining much support because the present divisions hinder both democracy and facism. Facism requires a middle class that cuts through this division horizontally. This nationalism's separation from a single group, from being imprisoned to a single identity and allowing itself to become more inclusive is implied but this is impossible, for instance the secular conservatives prevent this now. In fact during the time that nationalists first arose, some conservatives, in a way that some secularists could not understand, declarations that this movement was not nationalist surprised a lot of people. They said that both "nationalisms" were the same. But conservatives who called themselves nationalist saw that the other "nationalism" did not resemble them at all. There truly is a difference, because those who traditionally call themselves nationalist are mostly not fascist, they mean something else, some other tradition, some other localizing when they use the term nationalist. But there is a localizing now, a group who boasts in their facism, as you said, who are against religion. They are saying something different and to the degree they are saying something different they are finding it difficult to build relationships with Turkish nationals. Therefore for this nationalist group, doing a Republic Meeting in large cities is easy but to mobilize Anatolia is nearly impossible today.

**You have said that this activity will not simply stay limited to the legal system, but needs to be tied to various political ideas. In addition, before these crimes occur, are there ways you can propose that would work to stop them from occurring?**

Realistically and as a recommendation, the organizations of the civil society need to work like a political party. Meaning they need to look at it this way: “Whatever I do, I need to maximalize this ideal to bring it to life.” If I can connect this to a problem I’m living right now, and if I can build a relationship with the one who causes this problem, and if this can be a political party or organization, then I can bring this change to a profitable level of equality and can bring this to a formulation everybody can grasp and understand. Therefore with the resources at hand, take the Kurdish problem to the shutting down of AKP, at first glance the abstract hate crimes phraseology can be made more concrete. Then before the legal activity of direct banning of hate speech occurs there will be work on identity and differentiation and pluralization, the perspective that normalizes these things and makes them legal, how they can be made part of law. Then maybe coming from the opposite direction, an article that bans hate speech can arise which will be better than articles that secretly incorporate hate speech along with showing how articles can be screened, and why some of these perspectives are dangerous. All of this can become more operational I believe



*“Hrant Dink was killed because he was an Armenian. Thist is quite obvious looking at what the killer said. We are talking about someone shouting, "I killed an Armenian." We speak of the forces of the State behind him that protected him and that have gathered in the institutions. It is quite obvious that it was a racist murder.”*

**Cengiz Algan ve Ayşe Akdeniz (Say Stop to Racism and Nationalism!)\***

**First of all, what were the origins of the initiative "Say Stop to Racism and Nationalism?"**

The "Say Stop" initiative developed from an idea that developed after the killing of Hrant Dink on 19 January 2007. Because this was a kind of murder that had not happened in Turkey before, it made Turkey shiver. This killing resulted in a division, in a burst and fatigue in Turkish society. This could easily be seen at the funeral that took place 4 days later. For the first time in history, hundreds of thousands of people in Turkey took to the streets shouting a slogan that was not easy to say, "We are all Armenians." It could be seen that a tendency existed in the veins of society that was opposed to nationalism and pressure from above. Naturally, people like us were affected. In reaction to the killing of Hrant Dink initiatives developed, formed by civilian, independent individuals. In those days 8 to 10 groups came together and said that it was time to say no to racism and nationalism in this country, because the nationalist vein that always existed had begun to turn into a more dangerous

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\* Activists of the “Initiative Say Stop to Racism and Nationalism!”

direction, racism. The people who felt that it was time to say stop to this development came together around this idea and slowly they went forward.

**Well, how do you term the attack on Hrant Dink? Was it a hate crime, was it racism or nationalism or was it discrimination? Or did it happen as a mixture of all of those? What do you think?**

Very deep political explanations could be made, but without going into the depth we can say in summary that Hrant Dink was killed because he was an Armenian. This is quite obvious looking at what the killer said. We are talking about someone shouting, "I killed an Armenian." We speak of the forces of the State behind him that protected him and that have gathered in the institutions. It is quite obvious that it was a racist murder. It is also obvious that hatred was part of it, because there is a problem that is not talked about, not discussed since 1915 and that people want to cover up. Some people call it Armenian genocide, others call it resettlement and different figures are given. The figures vary between 300,000 and 1.5 million, and we are talking about a community that has been diminished to 60,000 today. Actually, the killing can be seen as a mixture of all of the categories. I, for myself, have not termed the killing of Hrant Dink as a hate crime. Being confronted with such a question for the first time, I've started to think that this might be realistic. It is useful to state first that it was a racist killing, the accumulation of 90 years. Something that came up when the killings committed during the Armenian genocide started to be discussed. The initiative "Say Stop" continues to proceed somehow on this debate. Yet it did not stop with the killing of Hrant Dink, before and after there were killings of a similar racist-nationalist nature that we can call hate crimes. As an example, the killing of three Christians in Zirve Publishing House in Malatya by cutting their throats and torturing them can be put in the category of racism and nationalism, but it can also be thought of as a hate crime.

**That means you cannot make a sharp and clear distinction?**

I cannot make a sharp and clear distinction, but something came to my mind now. If you say hate crime, it appears as if the scope of the crime gets more individual. For instance, the killing of Hrant Dink and the massacre in Zirve Publishing House in Malatya are organized crimes, they were conducted with support from certain parties and it slowly emerged that they were organized crimes around the Ergenekon gang. If we proceed only with the explanation of a hate crime and do not expose

them as organized crimes it seems to me that the sentence for it will be of less quality. Yet, I believe that there is no other definition than the one by the Organization for Security and Cooperation in Europe, because in Turkey there is no such definition. If a definition should be made, I believe that the fact it is an organized crime should also become a reason for an increased sentence.

Hrant was not just killed for being an Armenian, he was killed because he said out loud that there are Armenians in Turkey. In many places, Hrant said "I'm an Armenian." He took possession of his identity, and added, "I'm a man of this country." Thus he showed the courage to say "Don't be afraid, we are together" and express the hope to live with his own identity in his land without being the commodity of anyone. To us it is courage, for others this was impertinence and among Turkish nationalism a wave of fear developed. From this point a social hatred developed, because that always existed. The minorities achieved their rights with the Lausanne Treaty, but in a closed area... We are talking about a community that would not even tell the taxi driver that they are Armenians, but Hrant praised it and always confronted people with it. From here a reflex of society developed and the terminology that formed the term of legitimate Turkish nationalism spread with operations to Kurdish people living in the West and even up to putting crosses on their doors. The process brought about such a reflex that someone did not say "I'm a Turk," but "I'm not a Turk," but I live in this country on the soil of Anatolia. The fact that these people took possession of their identity led to fear, I think. To my mind this is a hate created by nationalism and fear.

It also is slightly as if this hate has crept into the State and is being taught... If, for instance, you look at the indictment in the Malatya trial most pages deal with the missionary activities of the victims. Arguments are being developed from the killed persons, the arms used, but not around the question of whether it was an organized crime. To explain in detail the missionary activities in and around Malatya is the sign of great hatred. It is an attitude against people who do not exist any more and this is an official attitude of the State. In the particulars of this trial, it is easy to talk about a settled hatred.

**According to findings of the FBI there is an increase in hate crimes in the USA after September 11. According to some reports of the European Committee against Racism and Intolerance there was an increase at least in racist, xenophobic and islamophobic crimes. There is also an increase in Turkey. What do you think may be the**

**turning point in the increase of this and similar crimes during the last years or what could be the reason for more nationalism and racism?**

Since 2001 until today, for seven years there has been an attempt to trigger our fear of Islamists. Just like Bush said, "Either you are one of us or you are a terrorist." The same statement is true in this place. Of course, there is the Kurdish question that has marked the last 25 years in Turkey. The Kurds demand certain democratic rights for a long time and don't get them. Their mere existence was denied until recently, now their names are slowly mentioned. Some groups still deny their existence. All of this has its effect. If again we speak about Turkey, something has become very obvious in recent times. The way from the East to Europe Turkey has become the route for human trafficking and placing refugees. In particular in Istanbul you can easily see that black people mainly from Africa occupy certain areas and these areas are constantly under pressure. For instance Beyoglu Police HQ detained Festus Okey and only because he was black he was treated as a criminal. He was killed at the police station and his corpse was not handed over to the family. In the future we shall see that the problem of refugees will increase and become a huge problem. I remember that some time ago one spoke of our "siblings in race from Bulgaria." Similarly, people with Turkish origin tried to come to Turkey after the Soviet Union dispersed at the end of the 1990s. This was the first time they were met with hatred. First they were called "siblings," but after they came here they were seen negatively since they became a cheap labour force. It was said that they rob our jobs, work for less money and accept all conditions. Thus hatred developed. It is possible to include migration into this subject.

Among the hatred in society one needs to look at the role of militarism. In a country that has seen many military coups and that is not really run by civilians, militarism is legitimized. The ultimatum of 27 April made everyone a traitor who did not say, "I'm proud to be a Turk." This was a time when the highest ranking officer of the army of this society praised the violence in society absolutely. At the time there was a warning: there will be terrorist attacks and security operations will be conducted against them. In order to prevent the representation of Kurds in the political arena, the fear of Islam was spread and before the elections of 22 July there were serious attempts to influence the Turkish people. I believe that this has triggered the hatred in society.

**The Turkish Penal Code has one provision that makes discrimination a crime. Can this and other judicial measures be a solution on their own?**

Article 216/1 of the Turkish Penal Code (TPC) prohibits discrimination. It is a provision that provides for sentencing if one part of the people performs an attitude of denigration, pressure and oppression over other parts of the people. In addition, Article 301 TPC is directed at protecting one single ethnic group and in particular the leading ethnic group. It is ridiculous in itself to try to protect the oppressing things. If Article 301 TPC is abolished Article 216/1 TPC would be there to prevent denigration of all ethnic groups.

Of course, not everything will change with a change of laws. Shakespeare said "The people writing the songs are more powerful than the ones making the laws." To say it the other way around, if we abolish one provision the attitude will not be changed. Starting with the books at primary school there are discriminatory and nationalist statements. For instance Ali always throws the ball to Veli, never to Agop\*. That has to come true. There are also some sayings just as proverbs that are common in society and part of our language: "The Kurd makes music and the gypsy dances." Even leading persons speak of "Kurd with a tail," or when they say "Armenian sperm" they mean "son of a bitch." All of this won't change with amendments of laws. It needs an educational process and disregard of it. In the Grand National Assembly that reflects the will of the nation there is no commission observing racism and nationalism. In all developed European societies there are such committees. In relation to lessons in religion the same thing applies. In this country there are many Alevites, the groups of Alevites are numbered in millions. They may be divided among each other, but they are no Sunnites and they practice their belief in other ways. From the incidents in Maraş, Çorum and Sivas we know that the Alevites are discriminated against since a long time. There is for instance the State Presidency for Theology (DIB) using the opportunities of the State. All representatives are either Sunnites or Hanafi. This institution has to be abolished, since there are other religious groups.

**Let's say the legislative made such changes. What kind of amendments would you like to see?**

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\* Traditional sentence in reading lessons. Agop is an Armenian name.

I want a positive discrimination that would protect the cultural rights in the first place. Attention must be drawn to the population of the Kurdish people, their way of life, the regional conditions and the fact that they were internally displaced. The State has to fill the gaps and in addition a space must be created where they can use their language and live their culture. The same is true for women. The positive discrimination for women has to be increased. I see this in relation to hate crimes too. To me sex discrimination is racism to some extent. Apart from that we are living in Turkey, where people are subjected to discrimination because of their religion. The State should not stand behind Islam, but be against it and apply positive discrimination for the other religions.

These kinds of crimes should count as aggravating reasons. If we consider the oppressing class in society, and let's say one of them committed a racist-nationalist crime, that might simply be seen as murder. But in this case we speak of a hate crime, a crime of racism and nationalism. Under the conditions that need to be deplored this should be seen as an aggravating reason. That needs to be added to the law. For crimes that were committed with racist-nationalist motives a method that shows the difference from an ordinary crime should be applied. In that way the sanction aspect of law would be increased and someone would have to think twice before committing such a crime. Someone saying "I'm going to kill Hrant Dink" or "as a nationalist I went and killed him" should know "This is beyond rescue, beyond an ordinary murder. I will get several years more for being a racist." This way he would be forced to think twice before committing the crime.

### **Besides legal measures what needs to be done as an activist?**

I believe that the media has an important role in this. The mass communication means should take responsibility and take a share in this. From soap operas, the main news up to the headlines in newspapers, I want the media to empower their own role. Apart from that I think that political speech has to be on a certain level. The Prime Minister, who says "I want the women to have at least three children," goes even further in a speech in Trabzon by saying "They don't want Turkey to develop. If it continues like that we will be an old society in 2037." He publicly denigrated the women. This has to be avoided and the political way of expression needs to be established carefully. To my mind the most important factor for the development of a society are the children at the bottom. The educational system needs to be a system for the individual to discover themselves and to increase freedom. The differences of



language, ethnic identity, and sex must be part of it. Ali always throws the ball to Ahmet, but he should also throw it to Ayse. There must be a revolution in the educational system in Turkey.

The Ministry for National Education (MEB) must be deprived of being "National." Just like there is no national physics and no national mathematics, there cannot be a national education. If there are lessons for religion we should teach the history and philosophy of religion by keeping the same distance to all religions. But we have put religion and knowledge of morals together and we try to teach it for one religion and one denomination. This is completely discrimination. If this is abolished the people will start to get their education starting from birth, and their prejudices will be broken. The ones responsible for it won't be the newly educated children, but the system and officials that create the situation. Let's start by amending laws but let us also continue to do things that open the awareness in society. In addition, in proportion to lifting the obstacles in front of freedoms most of these problems will move towards a solution.



*"Journalists do not make the most important thing; they do not point at efforts to prevent hate speech. From the headlines to the choice of images all actually serve the purpose of such discrimination and exclusion."*

**Tolga Korkut\***

**If we proceed from the definition of the OSCE are there actions in the media in Turkey that incite hate crimes?**

Yes, absolutely, from several angles. First of all, the media uses language that can turn to hate crime or can become the background of hate crime. Secondly, hate expressions or the hate crime itself is not defined in that category and legitimized. We saw this even in publications after the death of Hrant Dink. Thirdly, in news of Sabah or Hürriyet we can easily see xenophobia or enmity of sexual orientation that can openly be a hate expression or that can go as far as that. If in Germany someone with roots in Turkey is tortured, they immediately can name it, but if someone is tortured in Turkey the term torture will not easily be used. There is such a differentiation. Lately, comments of readers on the Internet draw much attention. Again after Hrant Dink, comments of readers under news and columns on the subject appeared that were open hate expressions. Nothing is done to prevent this. We see that mostly on pages related to sports. News on sports are done like war journalism.

**Well, is that only the case in the mainstream press or does it exist in local media as well? What can we say about which one is more dominant?**

There are very interesting things. For instance, lastly in Bursa there were attacks against the DTP and afterwards attacks against Kurds started. When the shops were looted, showcases smashed with stone and Kurds were told, "Do not live here, go away," the local press in Bursa was competing with the mainstream press on producing hate. On subjects

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they have not thought about or for which they have not developed awareness, for instance in news on violence against homosexuals or women, they can be in a position to produce hate.

**In general terms, there is an increase in some organs of the media. When we researched the subject, we found the most considerable data in the American channel. The reason for it is the FBI..**

It always existed, the dominant language ideology, the official ideology was built on a monolithic structure. Therefore, anything outside the official ideology is segregated. This is the case in education and it is so in the media. For instance, the Kurdish question always existed. The problem with the PKK exists for years. But what happened after September 11 is the domination of talk about war with terror. Anything I can put in this category can in some way legitimize discrimination and hate speech. Therefore, in Izmir for example, the Buduncular Association can act undisturbed and can write things as "the Turkish left," "Kurds are occupying." These things are based on the saying of war with terror.

**Even if there are no official figures on hate crimes in Turkey, the events in the last period are there. Did the media contribute or have a preventive role in the killings of Hrant Dink, in Malatya, Santoro and the attacks against Kurds? Or how much did it have an inciting role?**

The media did not show any of these things we listed as hate crimes. The killing of Santoro was perceived as a criminal incident. In Malatya the opposite could not be done, but the problem of missionaries was always put upfront. You may remember from my articles: the President of Theological Affairs conducted a panel saying, "One of the disasters we are facing is the missionary." Parallel to this the media carried out much work. In particular papers more on the right, did this quite openly and fostered intolerance. On the problem of the missionary the local media is in a disastrous situation. Therefore, incitement is realized with mechanisms of legitimization. The media does not prepare the political fundament; the media legitimizes it and distorts the perception. The Declaration of Duties and Rights of a Journalist states "the journalist has to favour human rights and peace." "Journalists do not make the most important thing; they do not point at efforts to prevent hate speech. From the headlines to the choice of images all actually serve the purpose of such a discrimination and exclusion."

**If judicial sanctions would show up to prevent the problem... If we start to make such an arrangement, who could be involved?**

For an analysis of risk it may be correct to make a list, but probably not for making a law.

**Well, will it be enough to pass a law or do we need to develop different rules or control mechanisms?**

Everybody who thinks and writes about journalism, after some time says: journalists should not be determined by law, they should determine themselves. That is the important thing anyhow because the law is something that at any time can be used as a stick over someone's head. If you talk about freedom of expression or doing good journalism, the journalists prefer to determine themselves. But if we draw the borderlines well, there are situations where it is useful. For example, the section on children in the Press Law is a positive example. It is forbidden to publish photographs and disclose the identity of children, who commit a crime or act against the law. This was very bad in former times, now they are disclosed indirectly. That is, the name is written with the first letters, but the name of the school is given. This has become less, because they started to punish. This is a weird subject, it can be solved with journalists dealing with cultural diversity and human rights.

**Until today Article 301 was a provision directed at preventing this kind of crime, but somehow Article 301 was never interpreted that way, just to the contrary it was interpreted against groups open for attacks. To your mind will the interpretation of the judicative solve the problem or do Article 301 and 216 actually open the door for violations of freedom of expression and towards groups open for attacks?**

Of course it opens, that is what is being protected? It protects the singular structure that has been brought until now, the dominance of the army and the concept of Turkishness. After the present changes it will again be evaluated in the scope of crimes against the State. The 4th paragraph was never used. To be correct, there are some good examples, if I do not remember wrongly, there was a verdict in Batman. If we provide for an Article such as 301 we should directly forbid discrimination and the thing is over. The problem will then rest at its roots. Because if we say discrimination we look at it with other criteria, we do not protect the Republic or Turkishness, we protect the existence.

**Another saying is: extend the freedom of expression a little or even, if necessary, think of it and discuss it in the scope of hate crime. Is this the right approach in your mind? There are international conventions, documents of conferences to forbid racist, xenophobic, anti-Semitic publications or hate speeches, not to publish them and stop publications to that effect. That is, if there is an opposite saying like that is restricting our freedom of expression what can be said about such an approach?**

That should not be freedom of expression, but the problem of how we implement it is important. Article 21 of the Covenant on Civil and Political Rights makes a pretty good definition, let's start from there. Instead of closing down publications, imposing sanctions on publications, the self control of journalists can possibly be preventive. Those responsible for the Internet should not publish racist, discriminatory comments. Instead the problem "if you publish it, I will give that much of a sentence," is the last remedy, it is not even a solution. Because, if you did not change the underlying problem, you can use pressure with as much of a sentence as you like, nothing will change.

**If we look at the news in general, we see that the reporting on the rise of the nationalist wave in society changes from press to press, from newspaper to newspaper, from TV station to TV station. Does perhaps the press say something that the society likes, or do both incite each other and get to such a state?**

No, the political situations are actually inciting. Whatever language characteristics we think to be together, they go together without separation. Nationalist, chauvinist, discriminatory language goes along with militarist language. Further, it goes together with a language that makes war stories. There are, for instance, places that legitimize or delegitimize it. At the moment it is absurd in any newspaper to say "Let us enter war with Greece or the E.U.," but it is legitimate to say that our relations to Armenia are bad. Or it is legitimate to say "let's go to the Kandil Mountains and kill everybody, let's settle there and make Barzani's life hell." That is, it is not enough to look at the rights based. Probably this time is the time for the term "peace journalism" to be most valid, or to make us remember most things. I hope there won't be such a time again. Whether the problem starts with the editors, the reporters, staff of the media, wherever we look the problem is with all. But the place that the main problem is relying on, the side that is sticking out, is the problem of who owns the media. That is, in a place where the great

capital is so much interwoven with the army and with the State, this language rises, of course.

**Well, can you describe the term “peace journalism” a bit further? That is, at the time not only using a wording against war, but being cleaned of violence inside...**

This notion was first used by the Norwegian Professor Johan Galtung. War journalism is like sports journalism. The journalist takes the results, looks at who is winning and actually takes the results of a game that is of no use. What he calls peace journalism he compares to health journalism. That is he is talking about cancer, why it appeared, the methods of treatment, he mentions what the person with cancer is living through. Therefore, he does not only show the visible side of violence; he places it into context. Peace journalism is more journalism centred on the victim. Peace journalism says "In clashes there are certainly not two sides, there are always more than two sides." In saying cleaned of violence, he certainly uses a language accordingly, has a principle not to use militarist language. For us the stories start for instance with "story like a bomb." Peace journalism tries to clean the language from all of this, and turns over the language. The definition of violence is also interesting. Galtung, for instance, defines poverty as violence. There are 4-5 levels of violence definition; one of them is physical violence, armed clashes. But the background goes up to poverty.

**From the past to the present there are some indispensables. First, we cannot touch militarism. Secondly, suddenly we can be confronted with anti-Semitic or xenophobic sayings. Lately, effects were seen in sports journalism. Lastly, UEFA and the European Council decided for the championship in 2008 to use words against racism and they will work together. In your opinion, did anyone in the media talk about it or try to take measures until now?**

When Eto had his experience in Barcelona the press in Turkey strongly supported Eto. But if I do not remember wrongly, last summer before and after the match with Greece the headlines were like "we go and conquer," "we go to push the Greek into the sea." The match was probably on the day of Greece's liberation. The match finished and Turkey won. Again headlines like, "the conquering lions," and "we pushed them in the sea again" appeared. It was as if they had gone to war. They had gone and won. Therefore, corresponding context and expressions, headlines were created that covered a variety from Fatih Sultan Mehmet to Atatürk.

What would have happened, if Turkey had lost? We know that among sports journalism there are a few people engaged with this language and arguing that such things should not be written. But as long as we have not termed it, a correct and constant struggle will not be possible. That is, as long as we do not call it xenophobia and discrimination and deal with it openly, there won't be a lasting affect.

**We can say that the media is continuing a tradition from the past. The logo of the paper Hürriyet still writes "Turkey belongs to the Turks."**

Let's think about the history book in primary and secondary school in your and my time. When speaking about the Ottomans as "we," it is always us who are great, conquering and winning the trophy. This is the language until we are grown up.

**The Radio and Television High Council (RTÜK) lately printed a book and disseminated it at schools making something like teaching the basics in education on the media. Are these approaches useful or do they need to be developed further?**

Certainly useful, and they need to be developed. It is very good that this was seen and steps were taken. Further, we know that RTÜK works with academics. But how is it put into practice, what are the results, how much does it change the children? Actually one has to work in this field. That is, the story does not finish with preparation and printing of a book. Then there are different things in teaching reading and writing at different ages. It is different, if you are confronted with the age group of 7-10 or with grownups, you have to meet them differently. But still they are useful things.

**The work organizations of civil society are not conducting very specified activities in this area, Predominantly these activities showed up with incidents that developed with the murder of Hrant Dink and earlier the problem was tackled in different contexts. But there is also a completely opposite civil society opinion. With the eyes of the press, do you find the approach of civil society consistent or do they appear to you as more spontaneous reactions?**

Segregation may also appear in this opposite stand. Brecht is right, when you shout against injustice your voice may get ugly, that is, it is not an easy thing. To my mind, as far as communication is concerned it may be

necessary to sit and think in many places. That is, when you are trying to make something visible or say "no" it is necessary not to reproduce segregation again. And then we talk about formations that we call civil society, but in this subject there is also the side of political parties. For instance, one has to look, "what are the left political parties doing, what kind of politics do they develop, where do they conform to other movements, what kind of dynamics can develop in this field?" Otherwise, I don't want to say anything to anybody, but it can remain as something without a strategy. If we act in reaction, we will always have made the next move. Whereas one really has to think about the question what it is, what the background is and how do we fight it. The latest thing was that the Journalists' Association and the British Council produced a handbook after a series of meetings on the media and cultural diversity. A handbook on what journalists have to care about in areas such as women, children, diversity in society, what kinds of principles do they have to concentrate on. It is very broad, but as far as I know the first one of its kind and it was good work. And we, from Bianet, remind all the time from morning to night on the question of peace journalism.

**There is another problem. The problem of bosses of the media... There is a work on the relation between the editor and the media boss that includes all elements of the press. As far as we can see from outside, there are a number of grievances such as in certain moments of crisis many journalists that approach this kind of problems more on the basis of human rights are the first persons that lose their jobs, are left without an organization, are employed under extremely improper conditions. In order to be effective in the mainstream press what kind of ideas have to be developed?**

There are two sides to this case. First, the journalists as individuals have to digest the subject, they must be equipped with knowledge on how to fight racism, hate speech and the corresponding militarist journalism. Secondly, if she wants to do something she needs to be in a position to be heard. There are risks of getting unemployed and being put to the waste. There is one way, getting organized. It is very difficult as long as you are being surrounded by media bosses and great publishers who are employers at the same time, as long as you are not organized. At the same time it is necessary to support the independent media movement or to take part in it and to have one's word be heard. Because, if you are not able to say it, it will build up as pain inside. The trade unions of journalists and organizations of journalism have to face big duties. The trade union has to say something on how journalism is being conducted,



not just on payment and rights in the job. An ethics of journalism has to be developed and efforts for its survival are needed. It is not possible otherwise.

**Well, can the alternative media initiatives and the search for new solutions on this be a solution on its own or can it be a contribution?**

A contribution. Alternative is a vague expression, we discuss that very much. I prefer to say independent, because the term alternative is very wide, you can put everything into it. If you have put your foot in rights, try to rely on citizen's journalism, deal with science, and struggle to change yourself, then you will inevitably try to make the invisible visible. The most important thing here is to have your words heard. As long as it is placed there and they are constantly scrutinizing their journalism and own language it will certainly contribute to the process.



*“Rules may change but the important thing is to consider how understanding and implementation will change. There must be an effort to cause this peaceful understanding and perspective that does not force others to be different than what they are, and to flourish in society.”*

**Erdal Doğan\***

**In your opinion what are hate crimes legally, and are the laws of Turkey sufficient with regard to this matter?**

As a lawyer, the first thing I need to say is it is not just the lawyers who need to look at this from a legal perspective, but everyone from all walks of life. Law is too serious a matter to simply be left to the lawyers. From Turkey’s perspective, on this issue there has been practically no real legal regulation within the legal framework with regard to this issue. There is Article 216 of the Turkish Penal Code but this article in practice is used contrary to the real purpose of the article itself. For example, if we talk about the Kurdish problem in Turkey in any way, Article 216, which is supposed to cover the reporter, author, politician who wants to freely express his opinion, now functions in the opposite. It is used to open court proceedings against you as a member of an organization defending and using violence. Therefore article 216 is used in a divisive way. There has been only two exceptions to this. The first was the use of Article 216 in the prosecution against the Nationalist Association in Izmir. As you know, the nationalist group openly insulted Kurds in some speeches. The second was the use of the Article against İsmail Türüt and Ozan Arif and their song “Plan Yapmayın Plan (Plan, Don’t plan).” As

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you know these men made calls for murder in their video clip, the killing of Hrant Dink was praised for example in this video.

Most importantly, however, is the speech produced by the state which does not support human decency. For instance there is a speech in textbooks that is excessively nationalistic and provides the foundation for hate crimes. Some in the media use language that can be characterized as demeaning. For instance, phraseology like “Armenian descendant” is both demeaning and is characterized as a hate crime against Armenians. The attitude of the judicial system in Turkey on this issue is quite negative. For instance, in the Tunceli Plain, one person called another an Armenian. The one called an Armenian believed he had been insulted and took his grievances to court. The courts accepted this as a case of insult and penalized the one who had called the other an Armenian. There are significant problems on both sides of this issue. The first is the use of the term “Armenian” as an insult, and the second is the court accepting it as an insult! This is a very serious problem. The present societal fabric and negative attitude of the court in this regard has actually nurtured hate crimes. Even if there has been a reduction in these types of crimes after the killing of Hrant Dink, there still remain significant problems. There is no effective legal structure. Prosecutors are not effective in hindering these types of crimes.

**You just said that after the killing of Hrant Dink there has been a reduction in these types of crimes. How does one interpret that fact?**

Reduction means there has been a pause. For instance, the gendarme regional commander in Giresun after Hrant’s death, confusing Hrant’s death with the funerals of some soldiers was able to easily make a speech saying, “A traitor died, everybody rose up, soldiers are dying....” This is a state employee, a regional commander and he can use these kinds of words. We can say this hate speech is very common among state employees and security forces. It is also abundant in the societal structures and fabric. This is a problem of education and there is a need for transformation in the law. But this is not simply tied to the present education system. There is a transformation needed at the family level, a family approach that is greatly needed as well as a great need for the study of human and security rights at the level of primary education’s first years, and the changing of textbooks. In addition, an effective legal structure needs to be developed. Both the laws and the perspective of the judges and the prosecutors in applying the laws need to change. The judge and the prosecutor need to see their job as protecting people and

the society, not the state. There was a study done where a judge said, “when the issue is the state, I don’t listen to basic rights and freedoms, I make the decision in the name of the state.” At the level of preparatory investigations, we do not see prosecutors being very effective. The more effective ones are the branches like the police and the gendarme. The way in which police are brought into their job and trained is especially deeply concerning because there is no education given to them on basic rights and freedoms.

We see mostly Islamic high school graduates that are being brought into the cadre of the police. And yet, it is not just the police who are chosen based on a certain ideology and world view, the same preference is made when choosing judges and prosecutors. You will say, “Don’t Islamic High School graduates get basic education?” They do, but the education is given in a certain ideological framework. They are not just educated as a Turk, but as a certain religious or denominational member. They are taught to look with serious disdain and anger at those of another nationality or religion, or nonbelievers. The most basic sign of this understanding is the required religion classes. These lessons are still based on one religion, on one branch of that religion. There should not be such a required religion class because Christians, nonbelievers, and the Alevis who are truly a great portion of the population are not represented in these lessons, and yet are forced to attend. And taxes taken from these various societal sections have been used to establish the Religious Affairs Ministry, whose budget is far more than the Justice or the Education Department. The salaries of over 100,000 imams are paid from this budget. The forming of this hate and racist speech does not simply involve race, but required religion, or in other words the efforts to build a single religion. The statement is the same, from the politician to every single legal professional or state employee, “Turkey is 99.9% Muslim.” Once you start with a statement like that, then the exclusion or forcing out of other understandings or thoughts is unavoidable.

**According to data from the FBI after Sept. 11 there was a serious increase in these type of hate crimes. There has not been any type of study or numerical data like that with regard to hate crimes in our country but do you think there are differences in the occurrences of these crimes over time? Can we make such a temporal distinction like that, if so how?**

We can for the world, but I am reluctant to do such a thing in Turkey. The formation of just such hate speech began in the world before Sept 11.

With the breakup of the eastern block and the Soviet Union, the world's leader, the United States began to form this hate and similar kinds of speech in the 1990's under the rubric of fighting terror. At the start of or before the 1980's you cannot find any documentation about terrorism in any U.S. library. It was only after the end of the cold war that one begins to find serious documentation about terror in U.S. libraries. The concept of terror after the attacks of Sept 11, 2001 was clarified by President Bush with the words, "those with us or against us," meaning those for or against terrorist groups. America's concept of fighting terror includes the authority to capture, arrest or even kill those who stand against America's interests anywhere in the world. The regulations which allows the neglect of both international agreements as well as the United Nations' Article 51 which limits other nation's use of lethal force were produced by the U.S.. It is in this framework that Afghanistan and Iraq were occupied, with Iran waiting in the wings now. This speech found a spot also in European law, because there is a mutual security agreement between Europe and America on the concept of fighting terror. The principles of international law with the purpose of societal peace and safety on the issue of security after Sept 11 were changed. Even if not guilty, but with the concern of potential guilt, the destruction or occupation of any country which could damage American interests, and the legal structures to permit that were built.

In addition, in Europe other steps were taken with regard to security within the framework of fighting terror. For instance, the European Court for Human Rights began making decisions with regard to these principles. Turkey's hate speech, as a country which has only just begun to modernize, still has about 100 years to go. In the development of the nation-state, the Republic's development, even if in the first years, this hate speech didn't show, it has begun to show in the recent years. One of the reasons for this expression is the effort to form a nation-state on the foundation of one people, one religion, after coming out of a large empire. This effort was the result of the Enlightenment Philosophy. But those applying this as well as later politicians took this into national fascism: property taxes, the incidents in Istanbul during 1950-55, the expulsion of Greeks from Istanbul in the 1960's, as well as the rise of a similar brand of nationalism in Greece, all contribute to the development of hate speech in Turkey. Call the incidents of 1915 what you want – genocide, slaughter, massacre, deportation- millions of Armenians were erased from Anatolia. The republic, for whatever reason, has not courageously debated this period of time and thus is locked into continually making the same historical mistakes made during the

Ottoman Empire. Those that perpetrated this slaughter were those surrounding the new republic's founder Ataturk. At this point the formation of new laws, the adoption of the Mussolini law code as the 1926 Turkish Penal Code, the formation of a "national chief" understanding during the single party period, the development of Turkish industry were all factors that prevented discussion of the historical past. For example, one who prepared the first civil code during the period of the Republic, Esat Bozkurt, had a speech in Izmir that was a disaster. He said, "There will absolutely be Turks in charge of the state's business in the new Turkish republic. We would not believe anyone but a Turk." This was the Attorney General, one of those who prepared the Civil Law. Turkey is still being directed with the same understanding. Turkey still does not discuss the 1915 incidents, the "Armenian problem." The Kurdish problem continues, and has not been freed from the issue of violence. Those who discuss these issues are jailed or marginalized in society somehow. This atmosphere causes the hate and divisive speech to continue indefinitely.

**Assume some sort of legal arrangement could be started to battle this, is a change at the level of the penal code enough, or does there need to be new laws, new arrangements made?**

After all we have said, a change in the rules comes across like a detail to me. Rules can change, but the most important thing is to think how to change the understanding and the application of these rules. There needs to be some effort to ensure this peaceful understanding, and the perspective which does not force others to be the same flourishes in society. The state must be decisive in this. Not just the government, but the bureaucracy which sees itself as the state must be decisive, must without fear discuss everything. Or the understanding that writes these penalties against divisiveness will divide Turkey and bring Turkey to its end. Right now Turkey is being directed through a period of time that isolates it from the world. We currently live during a time period when a TV series affects Turkey more profoundly than education or a change in the law.

In the midst of these discussions, in the midst of this pressure, this undemocratic social fabric and these types of laws, the freedom to organize is being taken from people. This freedom to organize, beyond the opportunity to discuss events, the opportunity to voice demands with regard to the economy or the future is important because in connection to this the formation of serious unions is being hindered, they are not being

formed. On this issue the worker and the official are weak. They cannot criticize the economic policies of the government in any serious way. This is the reason untamed capitalism is showing itself in Turkey. Poverty is serving, even seriously inviting, the development of this hate speech. Poverty is not just in the East or the Southeast, but the Black Sea, the Aegean and even in Istanbul it is showing itself in concrete ways.

**In some countries, while working on these legal arrangements, special descriptions like “the persecuted,” “the defenseless,” and those “most easily hurt,” are used. Some without making such descriptions keep the laws as comprehensive as possible. Is there any use to our working on such legal setups? Or is the proper application of present laws enough to solve the problem?**

There needs to be some clear changes brought to the present laws. Turkey has an almost foreign definition of “Turkishness” and a religious issue that is being robed in this idea. They both feed off of each other. In Turkey there really is no secular structure to the state. Beyond that it must be accepted that there are many non-Turks who live in Turkey. This multiculturalism has to make its way into family education as well as political and media discourse. Maybe TV series can be used as a means to advance this concept. Turkey needs to grow to be more of a reading/literate culture. Instead of a reading culture, Turkey is a culture with a high percentage of people who watch TV. So we should use the media as a means to promote peace, societal order and brotherhood. Above all the culture needs to be established in law. Without culture having a legal foundation, the state cannot either. Without a society built on mutual respect for the individual, there is no such thing as a state built on law.

**OK, let’s think about some laws established against hate crimes, or some other series of measures prepared with regard to this issue. One of the most important things that is opposed when this issue is discussed is the limiting of freedom of expression in some way. In your opinion, if there are some actions taken either in terms of hate speech or in terms of hate action, is this some kind of limitation on freedom of expression?**

No way. In addition to what I said before, political immunity must be removed. The immunity of bureaucrats and the procedures used to judge state employees must be quickly removed. There must be a society where

those in authority cannot escape from their responsibilities. There must be a way for prosecuting, if necessary, state authorities, parliamentarians, and even the judiciary itself. The only exceptions to freedom of expression and freedom of thought are those statements which praise racism or incite hatred. These sanctions need more than just a jail sentence, which is not a very constructive punishment. Those who express hatred or call for hatred can be punished or sanctioned in different ways. For instance, one can be introduced to the group he hates, he can serve that group in some manner, he can serve in an orphanage. The one who tries to eliminate drug using street urchins should be led to work with them in some sort of social work. The one who expresses hatred towards women should work in a women's shelter. Hate is not simply directed at race, but against gender, minorities and children also. There can be more creative, more peace building, more active things that allow the perpetrator to change his understanding of what he did. So in this way I am not thinking of a jail sentence. Sanctions which bring about social change and social connection and friendship must be developed quickly.

**OK, can the changes to the definition of Turkishness in Article 301 or some other legal arrangements be used as laws to hinder hate crimes or do we have to come at this from some other direction?**

Articles 301 and 305 must be removed. As long as they remain in their present form, these articles never get beyond articles that produce hate or are used in racist activities against the system. These articles themselves are directly used by the political and judicial branches to create or racist and hate speech.

Now because the application of 301 targets one religion and one race, when the criticism by different factions of the state's application of this law are reversed, the issue of 301 becomes one of insulting Turkishness. Even if the purpose behind the thought was not that, the issue has become that.

For example, Hrant, even though he proposed societal order and brotherhood, after being judged for "insulting Turkishness," he was penalized with a political and legal murder. In the same way in Malatya, the state saw the work of Christians with regard to their own religion as a threat to the future of the Turkish republic. This is important from the perspective of how the Turkish Republic was built. A handful of Christians lead the list of those the State Security Group considers to be



security threats. In each of these cases this approach and this logic at the level of the state and the judiciary don't just find a place for themselves. These are things that need to be fought for in terms of the continuation of the state and the future of society in reports and in judicial decisions, this is what is recorded and will continue to be recorded.

Inside the state there is sometimes what we call deep state 'gladyo' structures. In these structures there are organized "lumpen" structures that target killing people from different spectrums who speak about freedom of thought and speech, or work for religious freedom. These people see no problem with this and are often displayed either in the realms of the state or society as heroes. This is true violence. These people go beyond just random killings. They kill, and stab, and end up Turkish Republic state heroes. It used to be that those who perpetrate the famous "unsolved murders" were not found. Everybody condemned them and continued to do so during the time they were not captured. Now, in a new state structure, the "lumpen" groups that have organized as if being promised hero status have actually seen political and legal structures built for them. Before our laws in battling hate, or before societal change, that which organizes or nourishes this mechanism and hate in the societal structures, in the state mechanisms, and the legal structure. The focus whether it be gladyo or Ergenekon, must be brought into the open. The state must be freed from this gladyo. Without this, all our legal regulations and attempts at education will be futile. A strong structure and mechanism is continually inciting hate and the desire to make everybody different. There can be several publications concerning this which affect the judiciary, the security forces, bureaucracy and politics. From this perspective Turkey's greatest priority is the elimination of gladyo structures. Without this happening, all efforts to remove hate will be insufficient and a fantasy.

**From the beginning of our conversation we have talked about the perception of security. In the increase of these crimes and structures was the state's and society's perception of security a key factor?**

This perception of security is in every state but it has become a serious phobia in Turkey. Because in the state itself, from this perspective it is the security concerns, almost phobias, that drive the battles between the state and the ruling government. This brings along with it almost a fascist approach. In other words, in the name of security, basic rights and freedoms are destroyed. For the sake of security, any ethnic or religious structure or different idea is destroyed. The slogan is, "When the issue is

the state, all else is detail.” This is actually an overturning of Mustafa Kemal’s statement “When the issue is the homeland, all else is detail,” in the state’s perspective. When one uses the word “homeland,” one is talking about all that live there, no matter what their ethnic or religious background. So, one person considered part of the homeland and anything related to or done to the homeland should not be considered a “detail.” Once one puts “state” in place of “homeland,” everything works inversely.



*“(...) those who look at the Malatya event indictments can’t tell if these are murderers or victims who are being tried. A file is being prepared and the prosecution supposedly tried to implicate the victims. We don’t come across this in the West. Let’s turn this situation around. If an Imam had been murdered in the West, half of the prosecuting attorney’s prepared files wouldn’t have been filled with reports declaring how dangerous the Imam’s activities were. The same thing is seen in the Hrant Dink murder case. We have never seen in the West anything like the security policeman who took a picture with Ogun Samast.”*

**Ömer Laçiner\***

### **How do you define hate crime in a political or social arena?**

At the heart of a hate crime is an attitude which begins to keep a distance from strangers and others, which feeds the idea that one’s own existence is threatened, and which can be satisfied only with the other’s elimination. I think this attitude comes from the base of our natural existence. In other words, man’s natural, animalistic, biological existence corresponds to his advanced drives. If we define becoming civilized as the development of those characteristics that make us human and more in control of our base behaviors, then consequently, we can conceive of this attitude as being uncivilized and a drive that leads us towards being

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uncivilized. Because of this, dividing people for any reason –because of gender, handicaps, race- turns us completely away from our orientation towards humanity’s civilizing process. From this perspective, for the civilization to which we are referring, this is a necessary goal which needs to be given top priority for every culture and political movement that gives importance to these criteria.

**Okay so can wetalk about clear criteria that separates these kinds of crimes from acts of prejudice?**

Yes, of course. All people are different from one another. I mean that understanding ourselves is to accept the existence of another. This other, is to a certain degree different than us. To determine this difference is a precondition to knowing ourselves. However, the moment we see this difference as a threat or competitor to our own existence then the things we call hate crimes begin. To think of or see our distinctiveness is a neutral event; we can even extract the attitude which feeds off this difference. I mean that someone who is different perhaps can tell me something in which I am deficient. Seeing a person who is more insightful than I am can awaken a desire to emulate. Or if he can transfer a skill, a desire to receive it can be awakened. You could interpret this as a threat against you. One who is smarter, more insightful, or more innovative can be understood as restricting and domineering over me or can irritate me by reminding me of my shortcomings and pointing out my deficient existence. I could be directed to consider this an exception and remove it. This is a very important point, if people and communities are established on their unchangeable differences from other people and communities, and they bring these differences to the forefront as the pivot of their very existence, then it is very likely that communities and people who define themselves around these differences will create at best an abrasive competition and at worst a destructive enmity with one another.

**When we started this effort, we came across data from the FBI in our internet research. According to research done in America there was a serious increase of this type of crime in America after September 11, 2001. It is possible to get relevant data regarding this from the Euro zone as well, but what do you think are the similarities and differences between the West and Turkey regarding lynch mobs, murders, and the rise of nationalistic fervor?**

Of course, it is possible to predict the landscape or the prejudices that would rise to the top when we place September 11 as the event that changed the currents of the last few years, but I don't view it this way. September 11 was a result which came about from the dynamics of a certain time period, it was not a cause. I prefer to explain this with more general, more universal developments. It is the wave of change which entered the world in the 1980s, that is at the center of scientific and basic technological changes which have affected the basic levels of all societies, and affects every part of our lives. In western societies and especially in what we call third world nations, this wave strongly proclaimed the feeling that there might not be a better future or a promised period of welfare and happiness. If it needs to be explained very specifically, before the 1980s, way back following the beginning of modernism, the idea of scientific and technological development, increase in production, material abundance, consumer choice, and reduction of problems by gaining a bigger share was largely destroyed. This was because until the end of the twentieth century, scientific and technological development was mainly seen as a multiplying force for the welfare of people. New work places were being created, new tools were making our lives easier, average incomes were increasing, and you were able to think more positively about your future. At the root of these changes were scientific and technological changes. There were subordinate problems here too but after the 1980s scientific and technical advancement was something that to a large degree decreased the thing we called "work" which was a legitimate reason for people receiving a share of this increasing production. Due to this, people saw scientific and technical advancements as something that threatens their personal existence. Unemployment began to increase on every side. At the same time, after these developments in the 1980s, in countries outside the developed world beginning with Muslim countries and people in Africa, their hope that the developmental differences between the nations would be minimized were extinguished. After the 1980s, for the first time this economic development and growth developed a concern that more production, more change of the world around us, could be our doom. The growth of the nuclear threat, climate change, global warming, increase of drought, etcetera... I mean, in order to achieve a better standard of living, the idea has finally begun to spread that our activities could arrive at a point of destroying nature and our development turn against us. The idea has sprung up that technological, scientific, and economic developments might not be in the interest of people. Of course, the idea has collapsed that as the economic developments increase and as the pie grows larger our problems will decrease. This has also produced the feeling in people

that modern dynamics will produce no deliverance. In other words, as scientific developments increase, as new machines and products come to market, the shrinking labor market has a character which takes away your legitimate share of production. And this triggers a sense of insecurity in people and societies. Because of this, after the 1980s, it isn't just in Islamic countries that we have seen the rise of religious movements. In the West, we have seen the rise of mystical movements and the rise of what we could call irrational tendencies. If you remember, in America, 900 people committed suicide. These weren't the same actions as Al-Qaeda or Hezbollah of course. Second, this didn't result only in the rise of religious movements. At the same time, it also opened the way for nationalist, neo-Nazi, and neo-racist movements. Modernism told us that we could achieve a better society and a better human existence by sharing, increasing and developing our acquisitions. However, foundational to our acquisitions were scientific and technological advancements. Now in regard to these, the hopelessness was directed toward finding the possibilities of defending people's renewed natural and unchangeable characteristics. For this reason, after the 1980s during the Reagan era, I saw the rise of nationalism. The Reagan era wasn't just the era of neo-liberalism's rise but also a rising era for a variety of American nationalism.

**These hate crimes are being written for certain situations in different laws and as these laws are written a set of expressions are being used which defines against whom these crimes are committed. A bunch of definitions are being used like groups that are most susceptible to pressure, defenseless, and could be harmed. I wonder if by studying this closer, could the groups that are the target of hate crimes be a class analysis, or ...?**

In my opinion, we shouldn't look at the appearance of these groups and see them as if they were the cause. We need to ask this: Why is it that in all societies, people's response is directed towards those who are the weakest and can be injured the most? Look carefully, the carriers of this response are unable to cope and are from society's low strata. Generally, those who commit these crimes personally or in a mob are from the middle or low end of society. Those at this level of society are the ones that feel most alienated from the social mechanisms at work. Now, in general, there are several responses you have to the arrangement of your life. But we have probably directed most of our responses toward the upper strata in the modernization period. If we have a complaint about the social order we would blame those in power or who manage us. In the

modern period, social democrats, who carried these movements, would direct the response of people in leftist movements toward those at the top of society. After the 1980s, again we see the anger of those at the bottom as horizontal. In other words, the unemployed nationalistic white racist in America joins a movement and his anger is directed at yellow Chinese, black Americans, or Hispanics. Muslims, who are a minority in America, are included among this group. In Turkey, much of the response is directed toward minority Christians. This is when even two missionaries can be a threat to you. There is no rational thought that says, "What can come from two people?" Their presence represents a gigantic Christian world which is behind them. When three missionaries are killed, or a priest is killed in Trabzon, it is thought that a victory has been won against the Christian world. This can be the result of an irrational conclusion but that's the way it is. One considers himself a hero and can consider himself satisfied that at least a response was given. The important thing here, more than why a priest or minority was murdered, is the fear and dissatisfaction with life that is directed toward the section of society which is the simplest to react to, and the easiest to harm. Because those at the top are protected, if people can't do anything to those at the top, if they can't cultivate a response to them, than this comes from the people not accepting their natural status. For example, if you are a jackal, you don't go fight with tigers and lions. If you can't find meat and food, you go and compete with small carnivores like yourself. That is the way it is here, they don't have a problem with the powers above them or their achievements because you won't accomplish anything there. You know that your strength won't be enough for them. Let's not look just at the events in Turkey. In Holland, a new racist party has come on the scene and received 30% of the vote.

**If that's the case, can simple legislation prevent this type of crime?  
What needs to be done?**

No, not at all. A very grave mindset needs to be changed. We see the current problem, even more in the pivot of Turkey but that doesn't mean that the other side doesn't have the same problem. The difference could be in this, if a committee there is organized they can fight crimes like this more effectively and with a more open process. Today, in France or Holland, when someone beats up a Muslim, they aren't protected by the system. Or when a Jewish cemetery is vandalized, they can't say "it just happened and burned." When we return to Turkey, those who look at the Malatya event indictments can't tell if these are murderers or victims who are being tried. A file is being prepared and the prosecution

supposedly tried to implicate the victims. We don't come across this in the West. Let's turn this situation around. If an Imam had been murdered in the West, half of the prosecuting attorney's prepared files wouldn't have been filled with reports declaring how dangerous the Imam's activities were. The same thing is seen in the Hrant Dink murder case. We have never seen in the West anything like the security policeman who took a picture with Ogun Samast. The system in Turkey covers this up, it doesn't respond against this with the necessary clarity, conviction, and decisiveness.

**When Constitutional Article 301 is changed, do you suppose this problem will go away?**

No, sir. Will it go away with a change in law? This sociological phenomenon is situated at the base of their mentality. When we look at the chain from our police to our judges, we see there is a sympathetic understanding towards the killers rather than the victims.

**Regarding changing this mentality, when you tried correcting legislation, when you create your fighting arena, or when you enter into it, the other side's response is to limit your freedom of expression. In your opinion, to organize a societal response against hate crimes and this type of speaking, does making legislation limit freedom of speech or is this essentially seen as a guarantee of freedom of speech?**

Of course it can be seen as a guarantee. As soon as we are faced with it, we can distance ourselves from this thing we call hate crimes and otherness but when you back away a very serious core is left and this is more permanent. In other words, behind racism, hate crimes, homophobia, etcetera are certain social mindset characteristics that resist them. In time the reaction to them subsides but its certainly still there. This is why I say that it is important to transform this mentality. The arguments you bring can't be effective to sit and say "hate crimes are bad." Its not that this hasn't already been said. You can go and say "enmity towards others is bad" or threaten prosecution with a bunch of laws but this hasn't convinced people. This is because these days we are hearing some of these statements from men who don't usually say these kinds of things. We heard words like "foreigners are buying land and our country is being sold piece by piece" from Ecevit and his wife, who for a long time have been the spokesmen for the democratic left in Turkey. It was the Ecevits, not the religious people, who said how dangerous missionary activities were.



Today in Turkey, someone who puts a Marxist label on himself, such as magazines like the “Turkish Left” (Türk Solu), and newspapers like “The Republic” (Cumhuriyet\*) are able to say how dangerous missionary activity is. Now it’s not being said, “Hey buddy, what’s it to you? Are you an Islamist, is that why you are becoming so protective of your religion?” People have completely joined in with the vein of literature that says missionary activity is dark and dangerous and at the same time these people can give material. The Cumhuriyet and Akit newspapers are doing this. In times past, these newspapers would say something else, at least one of them would never have spoken of this subject, but now they are speaking. What I want to say is, the things with which we establish our actions and thoughts are elusive and because of this we aren’t able to have a serious fundamental discussion. We aren’t able to discuss the actual elements of our mindset and ideology. We have our own opinion about our society’s history, it’s taught in school, it’s gone over in the media in various ways. Let’s say that the problem of the Armenian deportation or how the Republic was declared is being discussed. You receive a very big reaction as soon as you begin to say something that isn’t said in the official history regarding the subject.

**In the West, beginning in the 1960s, organizations like Amnesty International began appearing. However for us, we can see that these kinds of movements began in the second half of the 1980s and that these aren’t very effective in Turkey. Within the last 10 years, by transforming themselves non-governmental organizations are making an effort to be interested in these problems and create a social awareness regarding them. Their effectiveness is something to be discussed. What can non-governmental organizations do in this area?**

Non-governmental organizations work like a community. They don’t have a relationship with society. For example, let’s say Amnesty International worked against torture. I’ve never seen it explained in a coffee house why torture is a bad thing. But we know that in Turkey there is a widespread understanding that “when necessary, torture is performed.” These efforts, the efforts that can be transferred to the popular level, to what degree these organizations have done it, this needs to be looked at. There is an argument that says torture is a bad thing, and nobody objects to this. This is the problem anyway, in Turkey and other countries; nobody openly says that torture is a good thing but some see it as a tool and think that when used at the proper time it is a good thing. For example, a person will not find the penalty given to a despised enemy enough or the proper retribution for what he has done. He might think, if only they would torture this guy too. And

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\* Daily Newspaper in Turkey.

look, this is what sustains the phenomenon we call torture. In other words, you can't find someone who says categorically torture is being done and it's a wonderful thing. The one who says this is sick. For example, a person says "I'll have you taken to the police station." This means "I'll have them beat you with clubs at the police station." Some people think that something like stick beatings at the police station should remain, but only used when deserved or necessary. And now look, a robbery suspect is caught and says he didn't do it. I mean, in Turkey the thought "even if they lock him up, even if they beat his feet, even if they make him confess" is considered normal and the police won't be ashamed because "he committed the robbery."

**When Hrant Dink was murdered from within society itself there was a reflexive reaction with a massive response. Should this reaction be viewed positively or is it just part of the ebb and flow on a slippery slope?**

No, "society" shouldn't be said. Of course within this society people from certain sections were terribly ashamed of this murder, very sorry, and were deeply hurt, but there were also people who weren't affected this way. Immediately afterwards an excuse was found on the day of Hrant Dink's funeral. People with a bit of intelligence understand that the "We are all Armenians" slogan doesn't mean we are suddenly all Armenian. In other words, the slogan meant "I am sharing your pain and this is the best thing I can say." These words were embracing emotion, mutual feeling, and a sharing of sentiment. The one who says, "How can you say we are all Armenian" and the men who put on the same beret that Ogün Samast wore. Because of this, in this society there are those who approve and disapprove of this. It will always be like this, only the ratios will change. The important thing is those people who responded to Hrant's murder with hatred, anger, and shame as well as those who share these ideas have the predominant influence. If you go and wear Ogün Samast's beret the next day this means this does not have a dominant influence. A little while after the murder were the republican rallies where there were people who criticized Hrant Dink. Nobody rose up and said, "Wait a minute, how can this be?" Yes, in Turkey nobody could have predicted that a vigorous crowd would come to Hrant's funeral. Suddenly everyone was overcome with shame, but we can't say that this was a lasting effect. For example, currently there are a bunch of abnormal and heart aching developments in the Hrant Dink court case. How many media outlets do we see talking about these disturbing developments? In Turkey, it looks as though radical ideas that will change our accepted attitudes are embraced, or supposedly embraced, up to a certain point. People can't bring this to a completely logical conclusion.

For example, those who commit these crimes, do it either with a religious or nationalistic chauvinism, because they see a threat to their religion or their people. This is the motivation. Someone said, "Hrant's killer

murdered him as a nationalistic reaction” and they try to close the subject. These nationalists keep killing but you can’t directly criticize nationalism. In England someone said, “Nationalism is the last refuge of the scoundrel.” They are treating the man who said this as an intellectual, in other words, they accept that what he said is true. In Turkey, you can’t say this. A reaction will come from all directions as soon as you say “Nationalism is harmful to the last degree and all scoundrels legitimize their actions under the banner of nationalism.” You can’t say it will come just from the MHP, it will come from the CHP and even from the TKP. Because of this, in order to be cleansed of the elements which give birth to the racism, hatred, and nationalism mentality in Turkey, we aren’t able to run a real effective campaign to change this. We have come here from the non-governmental organizations. The areas in which I’ve seen non-governmental organizations active in Turkey is in the media, preparing reports, and doing research but this is where they stay, there is nothing behind it.

**Did the reasons you explained a little earlier show themselves more after the 1980s or were they essentially there from the first moments of the republic?**

They were always there. Turkey’s basic problem is that the necessary activities are not being done in order to penetrate the depths of awareness of the essential form of newly entering concepts into this society’s ideological world. Democracy, for example! What is this democracy? In the 1950s was the Demokrat Party. So what is a democrat? What efforts did the party that carried this name make in order for its own partisans and organization to attain a knowledgeable attitude? Democracy is something that is over a set of democratic rights. Democracy speaks first of a set of individual basic rights and freedoms. You are only able to create democracy on top of these.



*“A general program which explains that peoples’ happiness does not depend on ethnicity, religion, or gender but on values that makes them human, that people can be connected through human values must be implemented so that this problem can be dealt with at least partially even if not completely. At least this atmosphere of legitimisation by society of expressions and actions of hatred and discrimination or hate crimes must be eliminated and these types of actions should become reproachable, punishable.”*

**Ali Koç\***

**If you were to define hate crimes, which crimes would be placed in this category? Is it possible to explain such crimes purely as the outcome of prejudice? What are the things that feed this?**

Prejudice cannot be stated as the only reason for these crimes despite it being one of the fundamental causes. It is more a question of how people are raised; are they instilled with values regarded highly by a particular community or culture rather than common human values of living an honourable, decent life? If the former, this means they are disconnected from the common human condition and grew up with the values that their community esteems. To accept a certain community’s values as superior implies the values of other communities or groups and the attitude or behaviour of other peoples as inferior. With this culture of comparison – where you are brought up comparing people according to their communities and groups, thus giving your own a higher status – come natural prejudices towards different groups, which in turn encourages hostility and discrimination towards other groups. This prejudice is not

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acquired at birth. It is related to the education system, the structure of the government, and the functions of higher institutions.

### **So what distinguishes hate crime from discrimination?**

Discrimination is denying a certain group certain rights that other citizens are able to benefit from. This is more a violation of civil rights. A hate crime, however, denotes the removal or assimilation of those who are regarded as being outside the mainstream group which is accepted by and reflects the values of society, as they are seen as enemies or dangerous to the majority. For example if we look at Turkey, we find that those who are outside of the mainstream 99%, i.e. the 1% of the population that adheres to other religions or beliefs are demonized as a whole. The legitimatisation for both verbal and physical attacks against this minority who are not Muslim is based on them not being a part of the majority.

### **The FBI's data**

The hostility that started in the West towards foreigners after 9/11 was in part related to the Muslim identity of those who took part or were said to have taken part in the attacks. Transferring how the suspects are perceived to the whole group visibly resulted in the demonization of the whole group that the suspects came from. Actually, the debate about nationalism and discrimination goes back a long time. This debate has also made it possible to create some checks regarding long-held assumptions. For example, the debate about the pros and cons of nationalism has included discussion over its dangers too. It is evident that in practice, nationalism can turn into racism, genocide and extermination. These occurrences have resulted in various lessons learned, documentation of incidents, and certain executive and legal precautions being taken. In Turkey, the effort to develop a Turkish identity since the beginning of the 1900s has created a certain atmosphere. Nationalism cannot be questioned in Turkey. Preconceived notions such as "Turkish nationalism is always good" and "A Turkish nationalist is never racist" have been formulated from the start. This has both encouraged and legitimatised hate-speak in the eyes of society. Our expression of discrimination and hatred has in this sense created a history which has not been confronted. Whether left or right-wing, except for some political groups or non-governmental organisations none of the governmental or political institutions that are able to organise the masses have a stance against nationalism. This means there is no emphasis made on equality

and harmony. On the contrary, they all emphasize the sanctity of Turkish identity. This is a fundamental problem. An interesting situation is that the increase in crimes against minority groups has raised the question, "Where are we going?" Yet when we trace the past and look behind the scenes, we find that the instigators of the hate rhetoric, of targeting numerically small groups as enemies or as suspicious, whether they are religious, sexual or any other minorities, is the state itself. So we see the state as the organ continuously warning society that these groups – Armenians, Kurds, the Roma, at times women, Alevis and Christians – are a threat to national unity and identity. At the same time, to protect international prestige, steps were taken to partly subdue societal echoes of this state propagated view. The paramilitary groups, those who perpetrate these acts, didn't take it upon themselves to act assuming that as this was the state's stand they would surely take preventive precautions. Now that we are in the period of EU candidacy and membership negotiations, the state has partially stopped expressing this view. For example, we know that during the period of 1999-2003 various people sharing their Christian faith were taken into custody throughout Turkey with court cases being opened against them even though it is not a crime to propagate one's faith. We find that with the period of compliance to the EU this approach has been abandoned. However, while the state is no longer openly pointing out groups or minorities as enemies this has not turned into a declaration of equality and fraternity either. Rather the tone has been lowered to one of silence, with a partial reduction in court cases or government imposed actions. But instead we have seen an increase in non-governmental organisations with paramilitary connections who are pursuing this stand. In other words there is a change of roles here; this in fact could be related to what is said about the possible activation of the civil arm of gladio or counter-guerrilla structures. After this we can see a rise in the climate of fear, attacks and murders. In truth, the state has not abandoned its position; it has passed on its role in this area as the guardian, protector, and securer of unity to its civil extensions.

**In order to address the issues of hate crime, would it be sufficient to make adaptations or changes to the Turkish Criminal Code (TCC), or how could other laws be used to formulate in this area?**

Firstly it is necessary to develop a culture and education system where it is possible to observe history from a distance, with the capability of self-criticism and objectivity. The practice and declarations that the dominant majority base their pursuit for this dominance goes back a long time. It is

known that this started in 1453 and has continued till this day. It is something that recreates itself continually, strengthening it each time and gradually turning in to something sacrosanct. In order to stop this atmosphere of hate, the racism and the language and actions related to this, the education on history must be adapted to a level that is more human, especially in common education. Battles and wars must be portrayed not just as heroic exploits but also as periods of great human suffering.

Firstly, it is this education system, which degrades peoples or groups who are not Turkish and Muslim, labelling and certifying them as past and future enemies. That must be changed. This is a long process, perhaps it will need two or three generations to take effect. Secondly, one of the institutions with the greatest power to manipulate and steer society is the media. A program to somehow change the attitude of the media over time as regards to discriminatory language and its applications must be set in place. In other words, certain endeavours must be taken in both public and private sectors. A general program which explains that peoples' happiness does not depend on ethnicity, religion, or gender but on values that makes them human, that people can be connected through human values must be implemented so that this problem can be dealt with at least partially even if not completely. At least this atmosphere of legitimisation by society of expressions and actions of hatred and discrimination or hate crimes must be eliminated and these types of actions should become reproachable, punishable.

As regards the clauses of the TCC that cover criminal acts attributed to discriminatory and hate crimes, Turkey has only partaken in what is called the modern judicial system for the last 70-80 years. The State Security Courts or similar courts of Turkey, even if their titles vary, see their roles as continuously protecting the state and they have their own special applications and temporary or long-term laws. Furthermore both the security bodies responsible for tracking criminal cases and the judicial authorities trying these cases have developed its own judicial culture during these 70-80 years. Within this 'culture', unless a law is absolutely clarified in name, in its clauses and rationale, it is not possible to bring about practical justice from the criminal law clauses to prevent discrimination and hate crime. Look at clause 301, you can interpret the term "Turk" however you want; even if it said "Turkish Nation" it would still be understood as Turkishness as that is what has been understood for the past 70 years. Within these 70 years not a single critique against this presumption or an objection within the legal system has been in question.

Therefore it is not possible for these laws as they stand to prevent discrimination and hate crimes. It may, however, be possible to take some steps by preparing a separate law specific to this subject.

**Well, could these laws be utilised for hate crimes through the well-meaning interpretations of judges, prosecutors, and law enforcers?**

No, they cannot. In any case we can't look at this as the well-meaning interpretation of law enforcers. It is a system issue and we can't talk about the well or ill meaning of systems; systems have a position based on conjuncture or tradition. The traditional position of the Turkish legal system is to take decisions in line with the state's political or ideological leanings or to apply it on those norms. For example in the training of judges and prosecutors the subject matter stressed is not how Turkish domestic law is to be applied in light of the European Convention on Human Rights or the rulings of the European Court of Human Rights (ECHR); but how to by-pass the Convention without getting penalised by the ECHR. When we look at applications we see that a similar mentality is in command. Let's give an example: say in England or Germany a judge is called in to look at a possible rights restriction, before passing judgement, the judge will look at the file to assess whether the criteria for the restriction is met. But in Turkey when a judge's ruling is required for a rights restriction, the applications are prepared in the security departments, signed by the prosecutors, go to court and are ratified exactly. If files were investigated one would find that executive judges or Magistrate Criminal Courts or the specially empowered High Criminal Courts, which are the substitutes for old State Security Courts, in nearly all the cases have ruled in favour of the police or the prosecutors with no sign of any judicial inspection being carried out. Therefore in such a judicial culture a Turkish Criminal Code norm that has not been clearly named, that has not been anchored to a sound rationale and that has not brought along with it any societal deliberation, cannot be effective. If a special law is brought out, although it won't be very effective at the start, it will provide the basis for efforts in this area and will be a means to bring it into view or at least expose it.

**In many countries there are varying laws and various definitions. When legislating they have reached definitions by taking examples of vulnerable groups prone to persecution and have determined what are criminal acts based on such situations. If such definitions were sought in Turkey what could we openly determine?**



There are various groups within Turkey who are blatantly subject to discrimination, to hate speech, who are targeted as public enemies. Even if not questioned, problems regarding these do surface from time to time. In more developed states there is greater familiarity with other cultures because they have immigrants. With us we have an increasingly 'purified' society and apart from the Kurds, who are at the assimilation stage, a societal makeup that has finished its work with most groups. So rather than a law that stresses specific groups, a law is needed that will guarantee the rights of all those outside of the favoured Turkish Muslim identity that has been pounded for years, that will stress that these outsiders have as much right to live in this society with reference to human values, collective human consciousness or honour. In Turkey if you bring out a law to protect certain specific groups it will not be possible to stop the rights violations against any other groups.

**One of the issues on this matter that raises most objections is the following: At least on a verbal level there are various international agreements and regional declarations proposed to stop these hate crimes. Some groups who oppose these declarations claim these restrict freedom of speech. Is it possible to argue such a thing, or, if you like, what sort of link is there between freedom of speech and making laws or agreements to prevent hate crimes or speech?**

Freedom of speech has limits accepted through both international discourse and judicial applications. These limits are very clearly specified. For example one of these is to do with the subject we are discussing. Speech that contains hate, racism, discrimination and violence is seen as outside of freedom of speech and it has been stipulated that freedom of speech can be restricted in such cases. So objections on this basis are invalid. When viewed from this angle, the objection that freedom of speech will be obstructed is not realistic. What lies underneath this is this: There is a need for restricting how much the ruling Turk-Sunni-Muslim can say against others. Those who come up with such objections are actually objecting against the restrictions on this identity, on the restrictions to its superiority emphasis. This is not a genuine defence of 'freedom of speech'.

**Apart from making such legal regulations, can we say that hate crimes are related to society's perceptions of security in general?**

Well we are a society of fears. Starting from childhood we hear the perennial rhetoric that our country is surrounded by enemies on all four sides, that we have set up 16 Turkic states and that 15 of these were destroyed by traitors within and enemies without, and now as the last state Anatolia is all we have left, and that they want to take this from us too! This rhetoric creates a sense of insecurity in the public and suspicion against the 'other'.

**What then has to be done in parallel to this? Legislation or education? What sort of counter arguments need to be formed outside of the alignments in cultural and media areas? In other words do we need to give reference to human rights or is it essential to have initiatives showing some alternative political will?**

Of course there needs to be some initiatives and trends that show serious political will. In reality when we talk of a society we are talking about a political organisation and its forms of management. Therefore a political actor and a political will in this area are needed. But as I said at the start, in both the creation of a culture and the renewal or re-creation of a culture, we need to abandon ascribing values to people or the world according to racial, sexual or religious identities which people have from birth or feel they can't change. We need to abandon the thinking that attributes value, importance or holiness sanctity to these identities or that sees them as the source of all evil. We need to see steps in correcting this. There needs to be an emphasis on the complete equality of all humans. Maybe we can even start by having students recite at least once a week the introduction of the Universal Declaration of Human Rights in place of the 'Pledge'.



“The discrimination practices in everyday life have something that enables and creates the infrastructure for hate crimes. In the making of an identity together, with the establishment of the republic, and in the ways that it becomes reality, the superiority is concealed.”

**Ayşe Gül Altınay\***

### **What do you think about hate crimes in general?**

In order to understand hate crimes, we need to perceive that nationalism, militarism, sexism and homophobia are intertwined. They feed off each other and there is a certain mentality behind them. So when we focus on one of them, something always remains missing. The relationship between hate crime and prejudice is why the phenomenon we called hate crime recently becomes visible as an important issue. There is no clear answer, but I can talk about what it makes me think. Its point of origin is othering. Starting with the distinction between me and the other, seeing and defining the world in this way, and assuming that the other is inferior and feeling uncomfortable with them brings lots of things to the forefront. So far in Turkey, people are requested to conceal their otherness, everything that makes them feel different. As long as you do not say that you are Kurdish, Alawi, and homosexual and request to exist with such an identity overtly in a public space, you can go on living. Your life will have serious boundaries but to hide your otherness was only one of the things that is demanded. It's obvious that concealment of some identities is impossible. Especially, minority identities... It's a problem

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for non- Muslim minorities to conceal their identities if s/he carries a name which ends with “-yan”<sup>\*\*</sup> indicating her/his minority status. They are always requested to manifest themselves and they are discriminated against through their visibility. We want them never to forget their differences. They have always had differences. They are so different from us that it can also be seen in text books. They can never penetrate in ‘us’, they can never be part of ‘us’ which is established from the very beginning. We do not mean by saying, “we have lived together on the streets for centuries” the thought that only Turkish, Kurdish, Muslim and Circassian had lived together is dominant. Consequently, it is assumed that minorities are different from the beginning and these differences have never been overcome. They cannot get rid of these differences whatever they do. But certainly to be treated differently; to be afraid of differences is a second step. If othering is the first step, then after that the dialogues defining the relationship between us and the other is changing in time. While non- Muslim others can never be a part of ‘us’, Kurdish people and other Muslim minorities are told, “never manifest your difference; mask it.” They tried to be part of “us” for centuries. Non- Muslim minorities did not have the right to not to be different while Muslim minorities did not have the right to be different. Hence, when non-Muslims demanded to define themselves within that “us” and to claim that identity, in other words, when they adopted the manner which is out of the habit of living as a guest and the others started to talk about their differences as Kurdish, Alawi and Circassian, tensions became visible. In my point of view, this tension has existed throughout all the history of the republic, but what happened recently? Identity politics has started to reign over the country after eighty years. Different segments of Turkey have started to say something via their identities and nevertheless the relationships between these different identities has emerged in the form of the space of politics, and in some cases, violence. In my opinion, to perceive differences as an enormous threat brings along hate crimes. I thought that the transformation of many things in everyday life into hate crimes stems from the belief that the groups who are biased are enormous threats. Fearing them, the perception of that fear and threat turns into violence, and hate crimes come into view. Homophobia against homosexuality is possibly the most notorious among hate crimes. Quite frankly, I don’t know whether there is a proliferation or not, it seems to have always existed but undoubtedly it has been expressed in several forms in different periods. I do not have too much knowledge of this issue. Historically there are not too many studies. When trying to

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<sup>\*\*</sup> “-yan” is commonly used as an ending Armenian names.

comprehend why hate acts and discourses have increased in the context of nationalism recently, the works of two scholars from international literature becomes salient considering Turkey. One of them is Paul Gilroy's book entitled "Postcolonial Melancholia," related in the United Kingdom. The other is Arjun Appadurai's work named "Fear of Small Numbers." They have suggested an enlightening perspective with regard to Turkey. Arjun Appadurai analyzes acts of violence against minorities in the world. Appadurai suggests that what is beneath the proliferating acts of violence against minorities all over the world, especially in the 1990s, such as the genocide in Gujarat towards Muslim minorities in India, the instances in Rwanda, Bosnia and in other countries, is globalization. Together with globalization individuals start to feel insecure. The insecurity in question is equally related to their existence in the world (to locate themselves), their identities and their economic level. At the same time, globalization brings the collapse of all the identity stories we tell about ourselves. Namely, the stories giving the message that we are so different from others, and we make a whole have ailed. Upper identities are being challenged. Nevertheless, people start to feel fear when their stories about themselves and their identities collapse. Minorities are the expression of national 'unwholeness'; they are groups reminding of un-wholeness. Because they are reminiscent of this fact, we feel anger towards them. This anger could turn into acts of violence as people realize that we no longer make a whole, and are not powerful.

In "Postcolonial Melancholia," Paul Gilroy suggests a similar phenomenon considering the UK. The UK has lost something. It's very much like melancholia. What is lost is uncertain. There is a difference between melancholia and mourning, we know what we are mourning for. In this way, we can overcome it. However, in melancholia we do not know what we have lost, therefore there is nothing we can mourn for and overcome. In that case, we live with the feeling of paucity. Gilroy uses these terms in order to understand UK's state of mind. The immigrants in UK, which now turn out to be the minorities, are reminding the UK that it is no longer a powerful empire. The wholeness there is collapsed. Consequently, what post-colonial melancholy creates is fear and insecurity but there is the state of being unable to name this feeling. Since it's uncertain what you fear for, the ratio of this feelings' transformation into violence is increasing. I think there is a similar process in Turkey. When we look at the era after coup d'état, it could be seen that there exists a country which has been getting out from the imagined identity of the 1930s, challenging those stories one by one and writing new ones. All in all, this is done daily. Turkey is in the course of deep questioning and re-identification. Whereupon the people need to

determine their relationships in a new language and framework; this is meant to be the collapse of the story of 'us' which has inspired us so far. This story of 'us' has been the state's coercion through text books and laws up until now. It was difficult to get away from it. When people started to refrain from it, and the endeavours for abstention became widespread, the state cadres felt uncomfortable (the annoyance of the organizations like Ergenekon and their supporters and their expression of it in the form of violence are the matters in hand) as well as large numbers of people.

Globalization on the one hand, the decline of the nation-state on the other and the necessity of redefining the identity and efforts to realize it, therefore to perceive everything which reminds them that they are not powerful and make whole as threat and to be inclined to show reaction to them are matters in hand. But I think that another factor is equally noteworthy: challenging the act of questioning, re-defining, being on a new quest, getting irritated by questioning and the potential of transforming the fear and threat produced by them into an attack on the others. Both of these factors are manifestly powerful at the same time in this country. Consequently, in my point of view, this struggle is very widespread and about which factor will be dominant in the end. However, what will be the situation of the state regarding this? What about the media? It should be discussed, in my opinion. While the state could play a role in condemning hate crimes, it plays an instigating one in contrast. The assassination of Hrant is exactly the result of such a process. The trial, in fact the unfair trial, in the framework of existing laws is the subject of concern. What he wrote is misunderstood. It could not have happened, it could not have been misunderstood, but a trial process in which laws are forced is the case. All kinds of media support followed this trial, transforming it into a lynch campaign. As a result of the campaign this awful moment was passed off. Therefore, not only was the person who pulled the trigger responsible, but also the ones took place in the background. These people wanted to murder Orhan Pamuk as it appeared in the Ergenekon case, splashing him in thousands of headlines. Movements against Hrant Dink and Orhan Pamuk fed off from the same ground. I think that Hürriyet Newspaper had a direct role here. It had such a role by splashing Orhan Pamuk's name across thousands of headlines and launching a hate campaign against him. After that, however much they wept, they should turn back and question themselves. Although they contributed the discourse on hatred to pervade. I have not yet seen such a questioning. I am claiming it in the context of Hürriyet Newspaper. I do not talk about only Hürriyet newspaper, rather this is

something which is very widespread. During the last five years, the media played an active role in the discourse on hatred. It should be questioned in detail. If only as a part of this study, some of the examples would be unfolded. It could have been very beneficial to publish the development process of discourses on hatred against Armenians and the Kurdish as well as of homophobia as case studies through some examples.

**After September 11, there is an increase in the number of hate crimes; how do you evaluate it?**

Against Muslims or in general?

**According to FBI statistics, there is an increase in the number of hate crimes in general, and hate crimes against Muslims in particular. September 11 is like a milestone. For Turkey, it can not be reduced to a date or an event. For instance, could hate crimes have a source which could be searched throughout the history of the Republic?**

Certainly, we can define the crime in the first place and afterwards tell something through the increase over there. There is not such a statistic yet. Is there really such an increase? Provided that there is such an increase; against whom? For instance, we should go back to the period of Sultan Selim in order to research the historical space of hate crimes against Alawis. This does not mean that the Alawis have been oppressed for 500 years, and in the same way, exposed to discourse on hatred. The situation is changing historically, it's becoming very different. But, we are talking about a hate crime which is confronted very frequently in history extending to forms of discrimination that took place from Maraş to Çorum, in many places. Likewise, violence against women in everyday life on grounds of being women, hatred against women, hatred of men when they attack women. If only we would have more data on it and talk about it. It's obvious that there is excessive perception of fear and threat. For example, in September 6-7, an attack was made because of perceptions of hatred. It can be seen that these kinds of attacks, collective acts of violence, are related to the state in a way. They are all alike not only in Turkey, but also all over the world. It's very rare to find massacres that the state does not support or condone. As a matter of fact, the perpetrators of the massacres have been propped up by the states in a way, the states have acted with them, or the massacres have been made in the absence of the states. Consequently, we are confronted with a state mechanism which does not execute but condones acts of aggression. Similarly, there has been state structures in Turkey which prop the

discrimination in everyday life up by its structures and practices during the history of the Republic. For example the Kurds. Kurdish people do not even have their names written in their identity cards, their names are changed. There is a systematic discrimination against Armenians, they could not be state officials, etc. Consequently, the discrimination practices in everyday life have something that enables and creates the infrastructure for hate crimes. In the making of an identity together with the establishment of the republic and in the ways that it becomes reality, the superiority is concealed.

“Turks are the masters”. “They are such a nation who reigns over the others”. We do not talk about an understanding of identity which has parallel content and is depending on horizontal relationships. Ziya Gökalp’s understanding of nationalism is very distinct. He wrote in the beginning of 1921 that there is not such a thing as racial segregation and should not be such a thing; there is no difference between races and they are equal and religion is a sociological case. Therefore, he perceived nationalism as something which has been created by the people living in this geography altogether.

In fact, we should deal with the reason that why a huge fear is felt in a period in which Turkey should feel very good and comfortable. Namely, the expression of cultural diversity and richness economically and politically... The awful gap created by the economy is a problem which should be considered seriously and separately. But beyond this, when we look at Turkey in general, it’s seen that we feel fear in a period in which we should have confidence in ourselves very much and feel very comfortable. We have the fear of collapse, the fear of division, fear of disintegration and fear of vanishing. These should be clamped down on. It’s evident that there is an unbelievable paradox.





*“What I understand to be a hate crime is statements that deprive a human being or a group of humans of the nature of being human, the possibility to speak about it that criminalizes it and pushes it outside the parish of humans. Something that produces "hatred" just like the word says. There are, of course, some ideologies that we can expect to systematically contribute to it.”*

**Tanı́l Bora** \*

**If we had to make a first statement, make an initial definition of hate crimes, what might these crimes be? Is it possible to explain these crimes only with terms such as prejudice, nationalism or discrimination?**

As far as this notion is a judicial term I don't have profound, but only superficial knowledge of it. But rather than looking at the ideological frame behind a speech that could be termed hate crime, one might focus on the wording, the formulation itself. What I understand to be a hate crime is statements that deprive a human being or a group of humans of the nature of being human, the possibility to speak about it that criminalizes it and pushes it outside the parish of humans. Something that produces "hatred" just like the word says. There are, of course, some ideologies that we can expect to systematically contribute to it. There are

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ideologies that because of their own theoretical leaders or their own conviction take it for granted that some human groups can be exempt from humanity. Nationalism, racism and fascist ideologies are the first ones that come to mind. It is sure that these ideologies are most suited for such statements. But it is also possible that other ideologies than these can produce such statements. Therefore, the definition should not be limited to ideologies and not follow such a perspective. But repeating myself, racism, nationalism and fascism are by nature suited to produce such statements. For them such statements are an effective and powerful way of action.

**Well, is there a sharp edge at this moment that could separate such statements and actions according to them in general terms from nationalism or discrimination or other problems closely related to them? Or can we say that they are interwoven and feed each other? For instance, if we consider that discriminating statements or actions can develop from other ideologies are fascist or racist ideologies different? For example discrimination can be defined in international literature, in social science, in law and in other areas. We also can define prejudice or stigmatizing. But related to this subject we cannot reach a clear definition. Yet, the notion exists. What can be the characteristics? Is a separation possible or can we turn it into something different?**

To be honest, there is nothing taking shape in my head. Maybe we can get some place by talking about sample texts, by looking at examples. To my mind the most effectful sample incident is a campaign in Izmir, run by an association called "Buduncular"<sup>26</sup>. They asked for signatures to the demand that Kurds are banned from having children and from migrating to other places. On complaint the campaign was forbidden and a court case was opened. To my mind this is one of the few exceptional and positive examples during the last years. Their action was seen as a crime, but I do not well know how the complainants and the persons running the court case defined the crime. I believe that this could be an example for a hate crime. Because this is a statement that systematically denigrates a group of humans, sneers them and produces enmity against them and what is important here, tries to exempt them from being humans and deprives them of their basic rights. It is a very typical example. And it is a very exceptional and positive example, since it was interpreted as a crime.

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<sup>26</sup> Budun means nation and Buduncular nationalists.

**When we made the research and looked into the Internet, we interestingly came across data from the FBI. According to their research they found that after September 11 there was a serious increase of such crimes. They say this quite frankly. If we look some years back, even if serious statistics have not been put together and serious research has yet to be done there is an increase in Turkey, if we look at some actions including the one by the Buduncular Association. Are there parallels to September 11, or what kind of historical development can some kinds of actions be placed into?**

As you said such a finding is based on the rule of thumb and it is possible that it is not absolutely correct. For instance, it might be possible that we discover that the increase is based on the increased use of the internet and its becoming very popular. We also might get the artificial impression of such an increase, because we use the Internet. But extracted all elements of error we can see that there is an increase. However, the milestone was not September 11, but in broad terms the year 2002. In 2000 the irregular war seemed to have come to an end, the Kurdish question appeared to have cooled down, the elections resulted in a stable government, the relations to the EU seemed to get settled and related to all this there was a temporary, misleading and positive atmosphere. But right after that, pessimism arose from the fact that the Kurdish question was not solved, despite the military victory. There was an outrage that the Kurds still raised their voices. The relations to the EU did not result in the great economic wealth and the entry to the EU did not take place since the acceptance was missing and it became apparent that this would be a long process with lots of demand. In particular the nationalist philosophy felt that all this was difficult for Turkey to fulfill, and might even threaten the unity and togetherness.

In broad terms the period of 1999 to 2002 was a time of seeming optimism. We have to add the economic crisis of 2001, after which a strong pessimism and a very powerful impression of threats developed. The importance of the economic crisis of 2001 in particular for the middle classes lies here. The impressions were "We have done whatever the EU wanted, but they do not accept us," "Our economy is based on cotton," "Small movement on the international financial market can bring us to an end," "The Kurds continue to raise their shameless demands." Parallel to this the impression of threats quickly developed and an increased potential of aggression spread. Therefore, I consider this time to be the turning point. That is, after the atmosphere of the 1990s of civil war temporarily dispersed it began to glow more by means of reaction.

Related to the cycle statements that produce criminalization, denigration and definitions of enemies based on the notion of powerful threats got the basis of becoming popular.

**Is it possible to speak of some sources in the political history of Turkey that have contributed to it or does it appear to be of a different dimension since the 1980s?**

Well it is like this... Looking at Turkey, in particular since the foundation of multi party life, looking at the institutionalized political scene, there was always a powerful atmosphere of contest, of violent competition. The 1970s, for instance, was a phase of covered or partial civil war. The motives were creating enmity rather than being political. The subjects of such political statements continue to exist on the political platform, even if they changed directions. If we, for instance, think of the MHP<sup>27</sup> they use the language of civil war since the 1970s or rather the middle of the 1960s. Even if the political strategy changes the elements of their rhetoric does not disappear. Therefore, we can speak of continuity. But to me their actual symbols are more important. We have to add the changes after 12 September 1980<sup>28</sup> in particular in the formation of national education. The new school books are not only based on recitation, the texts have turned to Kemalist, and nationalist agitation texts. Thus the minds have been formatted. Adding the atmosphere of war in the 1990s and the pessimism that developed after the temporary optimism at the beginning of the century... We have to think of all these things as waves, and seriously consider the affect of cycles. There are continuities. You somehow asked for them. There are ideological continuities, but I think that the concrete political-social ties are more decisive.

**Well, if we consider the concrete political-social ties of today and move outside judicial books more towards social covers, who are the potential victims of hate crimes?**

That can only be a hunch. We can make a definition and develop assumptions as to who might be the one to trigger such reactions. But this will not lead to a lasting definition, because we do not know. At this point, for instance, the notion of threat appears to me to be the most important element. Because the threat can be projected mainly in demagogic statements, even if the political impression of threat is not the

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<sup>27</sup> MHP (Milliyetçi Hareket Partisi = Nationalist Movement Party)

<sup>28</sup> The date of the military coup d'etat.

source, but it can easily be imagined as the source, can be brand marked as such and groups can be shown as targets in demagogic speeches. In Turkey there are qualifications such as "those who want to destabilize Turkey," "who cooperate with the powers of the Western world," "who are their henchmen." The so called intellectuals are the ones that suit this qualification first. These circles are among those that get the strongest reaction in Turkey. Beside the so called or non-national intellectuals it is the Kurds that first come to mind. But we cannot categorize it, it is a question of fashion and here we cannot make a clear cut definition. I believe that the impression of threat has an important affect in sociological terms. It happens by projecting the threat that cannot be explained or named in all aspects. This can be projected on a more vulnerable, as you said, or an element that you can take possession of. Something that can easily be segregated, easily be termed the other and be brand marked. This will be done by the mechanism of segregation.

**Since racism was forbidden for instance on the Internet or other means of publication many international documents, more and more conventions appeared. One of the basic points of discussion is the question of whether restrictions and bans conflict with freedom of expression. We have seen a pretty concrete example. When the clip of Ismail Türüt<sup>29</sup> appeared on the Internet Izmir Bar Association supported him and said that he had used his freedom of expression. Everybody considered his act to be a hate crime and expressed that this was a serious kind of disrespect. There were demands to punish him for it, but the opposite was also the case. If such a comparison is made can it be said that statements of hatred restrict freedom of expression or do they not restrict freedom of expression?**

This is obviously a difficult question. What jumps to mind in Turkey first is disproportion in practice. This does not only refer to Article 301 TPC. In general, if people very carefully in scientific or academic statements or in literature criticize various things, subjects that are taboo, they can very easily be tried for it. Possibly some of them end in acquittal, but others result in convictions. However, many expressions that include the threat of violence that restrict the freedom of others, include the threat of a coup d'etat, carry insults and might easily be termed hate crimes, do not result in prosecution. If you take the example of YouTube, this is no institution based in Turkey, but measures were taken to ban access to their pages on

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<sup>29</sup> The singer Ismail Türüt composed a song after the killing of Armenian journalist Hrant Dink showing an understanding for the perpetrators. See the English Wikipedia [http://en.wikipedia.org/wiki/%C4%B0sma%CC%84l\\_T%C3%BCr%C3%BCt](http://en.wikipedia.org/wiki/%C4%B0sma%CC%84l_T%C3%BCr%C3%BCt)

the grounds that Atatürk had been insulted. But in many examples like the Hrant Dink case people are threatened with death and clearly shown as a target, but this does not result in prosecution. There is a serious disproportion.

If you ask for the point of balance and say that the hate crimes should be prosecuted just like the other cases, you would end up with an unsolvable number of cases. The balance cannot be reached by prosecuting them like the others, but to evaluate the cases on the basis of freedom of expression and not to prosecute the ones that fall within that freedom, but the ones outside that scope. This is how it should be. At this point the threat of violence is a very clear distinction. It has to be an open and concrete threat of violence, the appraisal of violence, killing and murder. In the example of Türüt this obviously was the case; the appraisal of a killing, the murder of a human being was not really covered up. The measures should be very clear, I suppose. They should not benefit from the umbrella of freedom of expression. In addition, what I said at the beginning should be considered a problem. What is prosecuted, what is not investigated and what does not become a court case? The prosecutors do not act on their own initiative. I think that this comparison has to be made public with certain documents. That can alert people or at least can serve the duty of dropping a note in history.

**Well, is it possible to use the current legislation with slight changes against this kind of crime?**

From the judicial technique I don't know, whether this is possible. It would need serious activities of education so that the expressions that we defined as hate crimes are actually seen and accepted as crimes. That also needs to be done among jurists, because they have difficulties to regard things that we thought to be hate crimes as crimes. The tendency to say "So what?" does not only exist among the population, but also among jurists. I tend to believe that this needs a serious effort, a renewed activity of education. But, of course, one should not only wait for that. Effective judicial measures and their implementation could open the minds and bring about changes. To my mind this category of crime should be defined and known as a new category on a clean basis. It must be an obvious subject as a kind of crime.

**Would it be enough to term this a crime in law?**

It needs to be well explained in order to get a provision in law and is met in the public conscience. The curriculum has to be checked completely.

This can be meaningful towards human values, crimes against humanity, taking possession or not taking possession of human values. These values have to start at elementary school and have to be included in the world of thoughts. Talking about it we should not lose the dimension of "everybody is a human being" and have to move on this moral ground. I think that we cannot put the effort in place, if there is no basic humanistic value. Others may propose different grounds, but you need to have the moral ground first so that you can set your foot upon it. This ground does not exist today and needs to be founded. Judicial means are very important, too and will be encouraging, but this will not be enough

**Shortly before we talked about comprehension of security and bound to it a threat or rather the fear that developed lately, we talked about a situation of conflict, in which one group considers the other group to be outside humanity or deprives a person from the human dimension. Can the behaviour of someone or the way she addresses the other person be explained in this way? Or can we say that other economic or political conflicts are a contributing factor?**

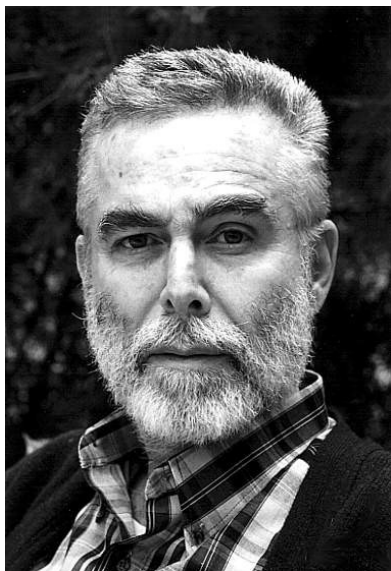
Certainly... When I talked about the comprehension of security and threat I meant macro processes that in broad lines have a direct affect. But you also have to look at the background, into the depth of the turning upside down during the last 20 years, that what is known as the social economic change that has created erosion for the world and has made everyone insecure. But it would be too much sociology to explain everything this way. Political and social problems can on the surface be made invisible, if you spread them out over a long time. Therefore I dealt with them in the first place. Behind it is certainly a rather macro sociological change, I believe, and this strong notion of threat does not only exist in Turkey, it is also getting more intense in the world.

**For a long time you have dealt with nationalism and you have some findings or you have worked on nationalists. What is the difference to practical nationalism or what kind of legs put all this together with nationalism? In many studies a correlation is made such as someone carrying out a homophobic attack is led by nationalism, but at the same time very sexist, at stages led by racist emotions to run against different people.**

Yes, all ideologies create a "we" and "the others." They explain the world in these terms. The ideology that is widely known to compose the "we" and "the others" best is nationalism. It is most stable, based on powerful

institutions, most effective, bedded for years in motives and rituals can reproduce itself and has a legitimate basis. We can call the ideology of nationalism the generator of the separation between "us" and "the others." It provides the opportunity to create "we" and the "others," and leads to other phobias like homophobia and xenophobia and generates them. It also provides for legitimacy. As a construct nationalism has such a historical function, I believe.





“At the top of list of those who are fearful in Turkey is the justice system because the judges do not consider their job to “provide justice in Turkey” but “to save Turkey.” As long as they see themselves as having that mission their job is truly hard.”

**Baskin Oran\***

**In your mind what are hate crimes?  
Can they be explained simply as  
prejudice?**

The European Security and Cooperation Organization’s definition of “hate crimes” covers everything from crimes against people to those involving property. If we were to summarize that in a way that could be more easily understood, we would say this: “*Hate crimes are those crimes directed at damaging human beings objective or subjective identity.*” Objective identity is that which we carry from birth, in other words our family or group identity. Subjective identity is that which people personally adopt as they come to personally answer the question, ‘Who am I? These two identities could be the same, they could be different, or they could be mixed together (I have explained this at length in my book “Minorities in Turkey”). Hate crimes attack both identities as well as everything included in these identities, including property.

The cause or reason for these crimes include *prejudice*, *fear* (and its cousin superiority complex) and *education*.

People do not wrestle with things they do not fear. For instance the reasons why someone may show an “allergic” reaction to someone who calls himself “Armenian,” could be one of the following: 1) Things either explained to him by his family or things the person has accepted without question 2) fear of losing property taken from the Armenians by their forefathers 3) official ideology of the state taught in primary and

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secondary schools. Sakallı Celal's proverb; "This kind of ignorance only comes by education" points to this last factor wonderfully.

When these three factors come together it creates what we call '*hate speech*,' which ultimately leads to hate crimes. During the discussion over the European Union Harmony Accords, Turkish Penal Code paragraph 216/1 was to be used to punish hate speech, but in the present dominant atmosphere of Turkey it is being used in a completely opposite way. This rule is even being used in a case opened against the Minorities Report, which was written against discrimination and hate speech.

**What are the factors that differentiate between hate crimes and discrimination?**

Discrimination includes all the negative ways we treat others who are different from us. The worst thing is to deny them their rights. Hate crimes are more active and tend toward violence. For example turning away a non-Muslim is a form of prejudice but does not rise to the level of a crime. But if you confiscate that person's association's land or murder him, that is a hate crime. The threesome of prejudice-fear-education produce *discrimination* first, *hate speech* second, and lastly *hate crimes*.

**According to data from the FBI hate crimes have risen since Sept 11. We also see that in Turkey, at various times, hate crimes increase. Are there times in history that cause this increase or is it a potentiality all the time?**

First let me say this, this potential is naturally in everyone all the time. For instance, if people cannot find something else they come up with something like, "why is our next door neighbor hanging sheets over the balcony??" The reason for this thinking is for people to feel safe (their most basic need) they use one of two methods that appear opposites but are in reality two parts of a whole: either emphasizing the similarities of others with whom they resemble (the "we" consciousness") or emphasizing the differences of others with whom they differ (the "them" consciousness). Because the first one is usually insufficient, the second one is used to make up the difference. The difference between "patriotism" and "nationalism" is that exactly: the first idea never has any contact with the "them" mentality, while the second nurtures that mentality.

There has always been prejudice in the USA. Along with Sept 11 came fear. At the same time the Bush administration started “education.” The rest is history.

When these three factors come together for us the same thing occurs and will continue to do so. For example there has been a prejudice against non-Muslims (as second class citizens) since the founding of the Millet system in 1454. This prejudice has continued since the founding of the Turkish republic and reached its zenith during World War II with the Nazis. It again raised its head in the 1950’s with the Cyprus issue. Now it is again at a high level because of the fear of globalization (European Union). Of course, at this time, because of “anti-imperialist speech,” those citizens who are thought to be connected with “foreign powers” are the targets of those who count themselves “leftist,” they do this simply to avoid condemning those on the right. The memory of the Turkish left has never been any less robust than the memory of the Turkish right.

At the present time both non-Muslims and Kurds are the targets of hate speech and crimes.

**There have been various Hate crime laws enacted in various countries. Some countries in establishing these hate crime laws (if permissible) point out the groups who are “exposed to persecution” or “defenseless” and then count any action against these groups as hate crimes. Others do not classify a group, but keep the hate crime definition as broad as possible. If there is going to be any such hate crime legislation enacted in Turkey, should there be such an identifying of a group? If so, which groups should be so identified?**

These distinctions would be a “luxury” for us. In Turkey there are no regulations for either discrimination or hate speech. Without these can there be any regulations for hate crime? In reality there is a “seed” for discrimination regulations (even hate speech): The Constitution article 10 (concerning discrimination and equality before the law), article 24 (freedom of religion and conscience), Turkish Penal code article 216/1, article 20 of the United Nations 1966 Personal and Political Rights Contract which we approved of in 2003. Actually, if desired, these directives provide more than an adequate foundation for punishing hate speech. But the Turkish justice system has not been able to reach that page yet.

Any group not considered dominant could be an “identified group.” When we say “dominant” here in Turkey we mean secular, Hanafi Sunni Muslim Turk. Of course I am referring only to ethnic and religious

identities. For example sexual identity and tendencies should also be included.

**The Turkish Penal Code Articles 77, 115, 125 and 216 in general have had some sanctions added to help “prevent discrimination.” Are these articles enough in your mind to prevent hate crimes? Can these articles of the penal code be used under the rubric of hate laws?**

The 125th article about “crime against honor” could not, but the 77<sup>th</sup> article which discusses “crimes against humanity” and the 115<sup>th</sup> article which protects freedom of thought falls under the answer I gave for question number 5 above. Our justice system has not reached this page yet. At the top of list of those who are fearful in Turkey is the justice system because the judges do not consider their job to “provide justice in Turkey” but “to save Turkey.” As long as they see themselves as having that mission their job is truly hard.

**Can the word “Turkishness” in the Turkish Penal Code Article 301 be changed and made into a hate crime regulation?**

We are talking of 301/1 or 301/3 probably since 301/2 speaks of the defaming of state institutions. Yes, if here instead of “Turkishness” or the “Turkish State” we said something like “humanity, in all its expressions and qualities” it could work. But then we are left with a broader and more fluid concept.

We do not need to discover America again. If you take the average of the West’s laws and put them here, everything would be fine. What do we think Ataturk did? His greatest reform was to translate word for word and install the Civil Law. What about the Penal code? The Trade Law? Procedure Laws? The law removing the “hat” which was the “sign” of “paganism?” Ataturk was the greatest “Western copier” in our midst; do the Kemalists of today, the “nationalists,” consider this?

**Do the laws banning hate sometimes hinder freedom of speech?**

No. Never. There is no place in Western Europe where that is true. Punishment of hate speech can never limit free speech. Hate speech, open contempt, defending violence, child pornography; all of these absolutely fall outside freedom of speech.

**In order to stop hate crimes is it enough to set up legal regulations?  
What else needs to be done?**

As I said, the seed is here already. In fact, that seed can be regarded as sufficient. But the gathering of all these into a single law would be extremely helpful. But with the threesome of prejudice-fear-education at work, and with the justice system in their present condition, our job is hard.



*“You certainly have to consider prejudice as one of the factors that lead to hate crimes. A person with prejudice can be criticized, but if you define that as a crime it will be a "crime of thought or belief". On the other hand discrimination appears to me to be more of a crime. The problem with hate crimes is that it must be a phenomenon beyond discrimination, because you can discriminate against someone without hate.”*

**Ahmet Insel\***

**If a definition of hate crimes is needed, what would you say it should be? Is it possible to explain the concept of "prejudice" and "discrimination," or how far can we explain them?**

My impression is that prejudice is not quite the right expression to define hate crimes, because prejudice is not a crime. It is not a criminal act to carry a prejudice. It can be the subject for criticism. To my mind you have to separate crime and something that you can criticize. If you broaden the scope of a criminal act you reduce the value and make it something ordinary. You certainly have to consider prejudice as one of the factors that lead to hate crimes. A person with prejudice can be criticized, but if you define that as a crime it will be a "crime of thought or belief". On the other hand discrimination appears to me to be more of

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a crime. The problem with hate crimes is that it must be a phenomenon beyond discrimination, because you can discriminate against someone without hate. When we criticize discriminatory politics it would be problematic to equalize it with hate crimes. Hate crimes are special because they express a reaction that can go as far as taking the right to life away from the opponent. The most obvious area of hate crimes, as far as I can see, is racist hatred. I can give an example of this. If fascists kill communists because they hate them, is this a hate crime or a political crime? When fascists kill communists because they are communists it is the result of a political struggle. But if white people kill black people, this is a hate crime. Therefore, it does not seem sufficient to me that someone hates something or someone, in order to define that as a hate crime. I believe that the political aspect is less important than the racist aspect. Why should it be more important for a definition? Because crimes with a political dimension, human rights violations, what people cannot change themselves, the family or society they were born into or genetic specifics that they carry, if they are discriminated against because of that and because they will always be seen as the object of hate this is an attitude beyond a political standpoint.

**A simple search on the Internet reveals findings of the FBI, research in the USA... According to them there was a fast increase in hate crimes after September 11. Related to the killings in Turkey in the last time and looking at the potential of violence one speaks of a lynch culture. Is it possible to find a turning point in history? Is there a definite but different discrimination or can we speak of something continuous with its roots going far back?**

I believe that one dimension has to be kept in mind with these kinds of statistics. Whenever a new crime is specifically defined or separated from others, how new can statistics on crimes, just like statistics on diseases be? Or do we see something that we did not see before? The same is true for diseases. Were there less cancer incidents or did we not see earlier incidents when it was not possible to diagnose cancer? We can only turn back and build (statistics). Did hate crimes exist earlier, but because we did not define them as hate crimes or did not see them as hate crime and put them in different categories we could not see them? We always have to pay attention to that. Otherwise the factors leading to the new crimes would be seen as newly created factors that suddenly appeared. In Turkey hate crimes, in particular against people from the Christian faith have spread and increased recently. They increased in the framework of some incidents. But if, for instance, the pogroms of Sunnite fascist gangs

against the Alevite in the 1970s are counted as hate crimes than hate crimes were committed more at that time, because then crimes were committed by groups, now they have turned into individual crimes. Therefore, if we define a crime, statistics can only be meaningful if we are able to take the definition back in history. In that sense I do not believe that hate crimes are something new in Turkey. As I said, we have seen the pogroms against Alevites. Many people died in Çankırı, Malatya and Maraş and these were hate crimes. These were heavy crimes of the Sunnite population directed at liquidating the Alevite population. They expressed the hatred of the Sunnite group and the wish not to see the others here. Was the incident in 1993 in Sivas and the Madımak hotel not a hate crime? Therefore, if we take all of this together I believe that it is not correct to say that hate crimes have increased lately in Turkey. They existed before, and they exist today. The objects of hatred may have changed. In place of the Alevites, a handful of Christians may have become the object of hate, but I do not believe that there has been a change in the dynamics of hatred.

**Shortly before you spoke of something based on racism and religion, about the subject of hate, about a group that may become the victim. Are there other groups that can be added to it, groups open for pressure...?**

Certainly you can hate someone in your political struggle. That needs to be separated. If hatred in a political struggle is not directed at liquidating the other side, I may hate fascists, but as long as I do not attempt to kill a fascist... If I try to kill a fascist it is not a hate crime, but a crime with a political dimension. If, on the other hand, you see the person not because of the political specifics, but for their genetic or other characteristics. For example, hating gay and lesbians the moment you see them and believing that they are creatures that deserve to be liquidated, or talking about gypsies as lower humans and hating them... You know that besides hate there is also denigration, but denigration and hate are not the same thing. Important here is race and religion. That is, the things people were born into, a symbol they are wearing that existed before them and you may hate the symbol, but this is different than the political struggle. It can be race, religion or sexual preference. It can be related to homosexuals, but like in Rwanda there are two different tribes from the same race. Both are black, but you can separate them, because members of one tribe are big and the members of the other tribe are small. These tribes committed hate crimes in an attempt to wipe out the other tribe.



**Concerning social and political activities in this area that the OSCE has done there are different definitions in each country and different periods where the scope gets broader. Do you think that in Turkey it is enough to include provisions in the penal code in order to prevent such crimes? Or what would you say about additional steps?**

The formulation in law – to incite the people because of race, religion etc. – seems to be sufficient, if you look at the provision. I don't know whether the sentence is too low or too high, but in its definition it is sufficient. Under this provision, someone inciting part of the population against another part is punishable. As far as I know, it is seen as a violation of the rights of an individual or a group, if you point at them as a subject of hate. Rather than the provision itself, it is important that the judges, lawyers, and jurist make a good definition as to what is hatred and what is considered natural. For instance a Minister of Interior said "Armenian bastard", it may have been Meral Akşener. Once the term "Armenian sperm" is used as an insult, can the judge see this as an expression of hate against a group that exists and lives in society, or can he not? This cannot be achieved just by laws. Here the judges and the prosecutors have the duty to define hate in expression and actions, and to define hate and the space where subjects of hate can be found, and to make sure that all this is done within the borders of justice. In laws we cannot count one by one who the subjects of hate can be and who will be sentenced. Laws are not that specific. There cannot be a law saying that words against gypsies, Armenians, Christians, gay and lesbians are hate words and have to be punished. We are in need of a general public acceptance so that prosecutors and judges can grasp this seriously. At the moment, the general public acceptance has unfortunately not settled in Turkey. People sensitive to being Turkish do not show the same sensitivity for people of another race or religion, but those who are sensitive about one religion or one language generally do not show the same sensitivity to others. Even if these people are not racist, they make such a difference seeing themselves as superior and the others as inferior. This is not a question of law, it is a question of the state of mind, and is beyond a legal definition.

**While taking such measures there is also a discussion on whether restrictions or measures concerning hate crime would restrict freedom of expression. You dwelled on it a bit. How much would it conflict with freedom of expression in some situations and to what extent would it not restrict freedom of expression? What would you say?**

We are on the edge of knife. I can say "I don't like Germans." Would this be an expression of hate? Would it be discrimination? Words that need to be forbidden? Or would it only be an utterance of dislike? Is it something that should be criticized? I think that the important question is whether behind such an expression there is a real threat based on concrete data. Is it direct denigration? Do I feel myself under a real threat, or do I not get that feeling? I don't think that the Germans are interested in me saying, "I don't like the Germans." Germans may tell me, "you are a racist, a primitive enemy of Germans," but that should not reach the level of a hate crime. But if I put up a poster saying "I don't like gypsies, they should be driven out of Turkey." I say the gypsies because they are inferior creatures that have to be forced to leave Turkey. Besides the words about what gypsies are, I'm taking an initiative directed at the people living in Turkey, and creating criteria that the gypsies living in Turkey can feel themselves in concrete danger as the subjects of hate. From Turkey, I can say things about people in South Africa. They may dislike it and may say "what kind of man are you, you are no democrat," but this is not a crime. But if I say the whites or blacks in South Africa have to be wiped out, driven out of the country, because they are inferior humans, then a serious and concrete threat can immediately be seen. We have to measure whether the expression of an opinion is affecting the other or not. That means we must see whether the person or group that is targeted will be affected by it, or not? Today, in Turkey, we know that an expression of hatred against the Armenians has a serious affect of fear for the Armenian population. This is the point where we have to be sensitive. But, if someone makes critical remarks about the Turks, that won't leave the Turks in a direct fear for their existence. Therefore, we have to evaluate the weight and affect of the words. If such an evaluation is not done we can easily leave the line between doing something of dislike, and committing a crime. To do something nasty is not a crime. Whoever incurs that nasty thing should deserve that his idea is covered by freedom of expression.



*I think that the political, economic and social sources the people share, the fact that they are currently not rich enough on the neo-liberal plane has its effect... on the rise of hate crimes. The basic problem is that the political, economic and social sources are not shared equally.*

**Ayhan Kaya\***

**If a definition of a hate crime should be made, what could this definition in general include in your opinion?**

Of course the notion of "hate crime" is a bit new. It is a notion that we found in international literature lately. When we concentrate on examples and evaluations abroad I think that it corresponds to an area where the notion of racism is used on a broadened level. Therefore it is possible not only to think about colour, but also in connection with racism that in the last period got a cultural meaning. Therefore, if we talk about hate crimes we can think of a definition of hate that the individual develops against all identities outside his/her own ethnicity, social sex, colour, language, understanding of the world that is against ethnic, cultural, religious and sexual identities. As far as I can see, what we call "hate crime" corresponds to racism that has gained a cultural quality in literature. Earlier racism only expressed a notion directed on colour; but as of today when hate crimes are mentioned I personally think that it has to be

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defined as not to endure differences in a cultural sense or ethnic, religious, language or sexual sense and to feel hatred against them.

**Well, what is the relationship between this crime and bias? Are they influencing each other or can we make a clear distinction?**

The definition I made right now is actually a component that does not exist, if prejudices do not exist. Because the concept of culture that we own and refer to in Turkey, what in anthropology we call "completing culture notion" is a notion of culture and because this completing culture notion carries some serious distresses on the subject of those being different and because it is a notion to act reserved against someone different than me, not to take the characteristics of someone different than me, to be in a permanent ontological struggle with him, the prejudices are related to this notion. That is, the completing culture notion is a notion that wants us to look at the world with a pre-acceptance that if the person opposite to me does not resemble me in cultural, ethnic, sexual terms I have to be biased against him/her, have to carry a prejudice. Racism stems from here anyhow. It is a notion of the 19th century. Nationalism, xenophobia, and hate crimes emerge from here. Since it produced a sensation like I am biased against someone different than me. Therefore, I think that be it racism, be it xenophobia, be it hate crime, underneath of all this lies the completing culture notion. If you ask what notion of culture is criticizing it, it is the syncretic culture notion that in particular expresses that in globalism, post-modern times, where the world has joined together, the geographical, political and cultural borders have mixed with each other. The syncretic culture notion tells you that culture makes it possible for the people of different races, languages and religions to be together and that it is normal that differences are together. I think that hate crimes in Turkey, the feeling of hate against the ones being different are related to the fact that we are away from the syncretic culture notion.

**When we made research on the subject based on countries among the data that we found was the data of the FBI. According to this data in periodical terms there was an obvious increase in hate crimes in the USA after September 11. In similar fashion we see that xenophobia, homophobic attacks, racist enmities and similar attacks do exist in the EU region. In the last period some measures have been taken on the subject; if we think about Turkey in general, can we talk about such a historic heritage for Turkey?**

This problem always existed in Turkey; sometimes it happened with its surface being covered, but in the last period, maybe because of the boom in the country or the world it started to appear up front. In particular because of the culturalist discourse the world entered in the 1990's our perception of societies changed. When I say culturalist discourse I refer to the discussions I remember. At the beginning of the 1990's, there were discussions after the disturbances in Bosnia and Herzegovina that Muslims and Christians or different civilizations cannot live together. After these discussions the clash of civilizations turned to a new paradigm. The paradigm was Huntington's thesis on the clash of civilizations. Until today we have lived with this dominant paradigm. With this general paradigm, with this model idea we have started to comprehend the world. This was accompanied by looking doubtful at those being different (in terms of race, religion, language). Turkey had its own place in this dominant paradigm. With globalism the societies started to develop reflexes to defend themselves; looking at it from the angle of the individual, we have seen that in a plane where everything is changing quickly the individuals protect themselves in rooms, places, affiliations they know, known houses, known countries and the world of perception they know. These mechanisms of protection turned into nationalism, racism, xenophobia and being strictly religious. Looking at it from this angle we can see that the perception of the world with the emphasis on religion that in Turkey is represented by the AKP can easily find its place in such a plane. In this connection started the world view that the AKP represents to dwell on the "thesis of alliance among civilizations" against the "thesis of clash of civilizations", but because unfortunately both, the clash of civilization and alliance thesis are based on the same notion of culture, they could not take the world to a more correct plane. Both theses are not different from each other; both result in the same problem. Because the thesis of clash of civilization starts with the assumptions that civilizations cannot live together in peace. Therefore, civilizations are seen as different from each other, as compartments that do not affect each other. From this aspect it is problematic. In anthropology we know that you cannot put borders between civilizations. They constantly deal with and learn things from each other. They transfer things and in this process of affects they bring about something of their own. A world view emerges. At times it is Western, at times it is Eastern, at times it is a place in between, and that is there are no borders.

**Parallel to this subject you are working on migration. Has migration had an effect in connection with the developing process?**

Let's say it appears to have an affect. The reality is an enormous movement of population in the world. In case you imagine that you are an individual in everyday life different than us, living in Western Europe and that you more often meet people different than you will the fast change in the process of globalism afterwards send some warnings to you to protect the values that you own and your identity. Therefore, if you frequently meet people different than you, you will try to protect yourself and you will start to develop hate and doubts against the 'other'. This information was underlined, the fear of constant illegal migration, constant migration... Yes, it is really true, after 1989 a very powerful stream of migration, a demographic change happened in particular in Western Europe. The reason for this demographic change was not the people coming from Africa, the East, India, China, or coming from Turkey or the Middle East. The actors of the demographic change were ethnic Germans, Russians, Hungarians, Croats and Serbs who left their countries when the Soviet Union dissolved.

Remembering the unification of the two Germany's, millions of people changed their places. In trying to solve the economic, political and cultural burden from the demographic change that emerged after the end of the cold war the nation-states developed several serious and negative reflexes. The political reigns defined the creation of an enemy syndrome within as right tactics, and created an enemy within ourselves in particular to continue their regime and broaden the pool of votes. The enemy became the Muslims. The enemy became illegal migrants. There were new migrants different in cultural or religious terms, whether they are illegal or not makes no difference. Therefore, it was experienced in the EU and countries like this.

Actually there was not a very different process in Turkey. The forced migration, because of the violence for the last 25 years there are 1.5 million victims of migration in Turkey. From time to time the Prime Minister, the Minister for the Interior Develop(ment?) says, "Let's prevent migration to Turkey. Whoever migrates to Istanbul should carry a passport, let's close the entries." In these sayings they deal with migration from the point of security. These sentinnets enter the world of understanding for people living in Istanbul, in big cities, ordinary people get a different message. The messageis: "Migrants are dangerous!" The migrants begin to be seen as the basic ground for the problems we have. These migrants are Kurds. In Turkey the migrant is a Kurd, in the EU it is a Muslim. Therefore, migration is perceived today as a problem of

"national security." Whereas, if we look at the EU countries, we see that migration is not a real problem. If we look at the movements of the populations in EU countries, we see that the "net migration" is almost zero. What is net migration? Net migration is the proportion of people coming to that country and people migrating from that country. Today for instance, the number of people leaving Germany and people moving to Germany is almost equal, that is the net migration has almost reached point zero. Therefore, there is no problem of migrants. The EU countries need migrants. A non-existent problem is launched as existent. The conservative governments show it as if a migration problem exists in Europe. Ordinary people see migrants as a scapegoat. Migration is not a real problem. Reactions against migration are symptomatic. The real problems are indifferent places. The real problems are in sharing and employment. Therefore, I think that the political, economic and social sources the people share, the fact that they are currently not rich enough on the neo-liberal plane has its effect on the rise of hate crimes. That is, the basic problem is that the political, economic and social sources are not shared equally

Therefore, conservative governments make a preference. In a sense they actually prepare the ground for increasing hate crimes by investing in the values and identities of the majority because of these reservations and directing them against the values and identities of those outside of it in alienating their conception of the world and their perspectives and directing the hate against these groups. Thus it becomes for them easier to rule the country and society. This is equal to what Michel Foucault called governmentality. If in this country hate crimes increase it is because someone makes a preference in this direction. Looking at it from their angle it is because this is the understanding of the lowest cost administration.



*“Sometimes that can be Islam, but in countries like Turkey that has some experience with secularism and the modernism of Republic it can be Islam, but also a secular nationalism. I think that there are hate policies stemming from both of them, not just one. In addition, in this geography the patriarchy is rooted very deep and whether it is secular or secular nationalist, or Islamic nationalist or just Islam, all movements (are) against the "woman" (I put woman in quotation marks, because being a woman is also part of the identity, not the whole identity).”*

**Fatmagül Berktaş\***

**If for a start we have to define hate crimes, what can be put in this category or how can we classify them?**

I'm no jurist and don't look at it that way, but it should all be qualities to belong to the field of essentialism. In the end it all has to do with our identity, the qualities that we count as the essentials of our identity. In a way it is because of this that it hurts the people in such a sharp way. I believe that we are not born with a single identity, but a variety of identities. They can be "given" identities, acquired by birth or characteristics that we later received. According to my understanding, they are in fluency, changeable... This of course is not a general understanding. They become a mold used to make humans into others, and brand them as if they were unchangeable qualities. It is seen as qualities of the person's centre. Often people see themselves this way and

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therefore, attacks on them and the affects of such attacks can be very violent.

**Is it possible to explain actions that start with hatred and are directed against the other only with prejudice and discrimination or are other dimensions like a politics involved?**

Certainly discrimination has more of a political, cultural, and sociological dimension that is the outer frame, but to my mind the hate crimes are characterized by violence against the personality and ego of the person. The personality, of course, does not develop at once in an empty space and has a number of dimensions, the socio-cultural dimension, political dimension etc... As I said earlier the specifics of the identity is to my mind completely changeable and to a large extent socially and culturally stressed. But since this is not seen as such, since it is believed to belong to the very nature of a person it can become the subject of hate crimes. Whereas, if hate crimes are defined this way, it has no basis I would say. Normally, people should not commit such crimes against each other. I don't say this as a norm, I want to say that it has no basis.

**Data of the FBI revealed that after September 11 there was a fast increase, hate crimes shown in the statistics. From time to time an increase of such actions was seen in Europe and in Turkey. If you think of Turkey's structure is there a milestone of a period in which hate crimes have increased, or can we speak of reasons that are rooted deeper?**

For me September 11 was not a milestone, not even for America. There is surely a history going way back into the past. But with September 11, hate crimes started to rise and this is an example about what I wanted to say earlier. This is a situation, in which people are not taken as individuals, as creatures formed in society, history, culture and psychology. Only one characteristic among the many identities, only one or two are stressed and he is only recognized by this characteristic. After September 11 it was possible to put people into a mold because they were Muslims, from the Middle East, without looking at who they are. People were judged by this characteristic, and further hate crimes were committed against their honor, ego, and personality. This has always existed. But periodically, it decreases or increases in some countries. Talking about Turkey and the milestone, we can go back to old ages, you

can take it from the coup d'etat of 1913<sup>30</sup> or the slaughter of the Alevites. You can find many incidents in the Ottoman Empire. But in our recent history, it is related to a division into political camps, somehow to the general situation in the world and the special situation in Turkey, you can see the rise of the nationalist wave. On the other hand if you broaden the dimensions of globalization the reaction against the modernization since the 19th century leads to important complexes in countries like Turkey. This leads people to make themselves and others in to clichés and molds. All of this is well known. But during the last 10 years, related to the dimension of globalization the countries that cannot keep up with the worldwide development, in particular countries of the Middle East and Muslim societies have come to a point where they define their identity only by one side of it. Sometimes that can be Islam, but in countries like Turkey that has some experience with secularism and the modernism of Republic it can be Islam, but also a secular nationalism. I think that there are hate policies stemming from both of them, not just one. In addition, in this geography the patriarchy is rooted very deep and whether it is secular or secular nationalist, or Islamic nationalist or just Islam, all movements (are) against the "woman" (I put woman in quotation marks, because being a woman is also part of the identity, not the whole identity). But they make this a complete addressable characteristic and in the hate crimes tendencies appear with extreme hate and disgust, the wish to suppress it etc. What I have seen in Turkey, unfortunately all of these are mingled with each other, and it is not correct to solve the clue by just looking at one thing. One has to look at the complete picture.

### **Thinking about crimes based on sex, can we include killings of convention or honour in hate crimes or are other elements involved?**

There are other elements. That is I don't think that we can look at them only as hate crimes. There are situations that need to be solved in a broader fashion and in many directions. You cannot only say, "they are women and honour killings happen because of that," this is just part of the story. But crimes related to sex, there was an action recently where women said, "we are conducting a shameless action." To "act shamelessly" means to me that there was a hate crime related to sex. But we cannot count the honour killings to be the same. But what happens in Istanbul? A woman stands on a bridge and in a way, and wants to exist just like she wants to. Because she is a woman, and because she showed a "female freedom," this resulted in a hate crime against her. This has to do

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<sup>30</sup> Some details in English can be found at [http://en.wikipedia.org/wiki/Coup\\_d%27%C3%A9tat\\_of\\_1913](http://en.wikipedia.org/wiki/Coup_d%27%C3%A9tat_of_1913)

with the patriarchal character of society and the conservatism of the society in particular towards sex. This incident looks to me pretty much like a hate crime.

**In many countries measures have been taken and laws have been prepared. Would you say these kinds of acts can be prevented with any kind of legal provision? Or what should be done in addition, and what has to be dealt with?**

First of all, laws are very important. I do not conform with the group that does not find laws important. Therefore, a fight for laws is an important struggle. Laws have the function of a lever. They are a lever for changes in culture and society. But cultural changes cannot bring about sociological changes. Only in the long term their effects appear and there is always an empty space between the law and the practice. It is up to human rights activists, as you are, and feminists to fill that empty space. But imagine that laws were not there, your work would be very hard, and in countries where they don't exist it is indeed very hard. If there is a legal basis this is a point to hold on to. Yet, this is only the beginning. But remembering the time when that was not the case, this should not be belittled. Among activists I often hear "Law is nothing, action is important." Surely, action is important. But it is important that it turns into practice, that people make change in their lives. In order to create that change you need legal backing. That is, if the Universal Declaration of Human Rights did not exist, would that be a good thing? It has to exist, and you must be able to make a reference to it. In order that this happens you must struggle. On the other hand, laws are weak. But apart from them, we do not have much of a foothold. I think that we are in no position to mock any law. The struggle to change the law is very important. It is also a means to create change in society. When I say lever I'm talking about something like that. But for it to become alive you need the "person", our subjectivity and subjective behaviour.

**In particular during the last 3 to 4 years there was an increasing nationalism and nationalist reflexes have become stronger. In some nationalistic actions women participated in the forefront. What kind of comments can be made about this?**

It is a part of society that is oppressed on the one hand, but on the other hand, ready to expose others to pressure. For a start, one has to look at the complete picture. I do not think that someone who has been made into the other cannot make others the "other," or that a victim cannot make

others a victim. Unfortunately there is no end to the chain of creating the "other." But I believe that one has to make a political analysis here at the same time. An important proportion of the women carry the tradition of modernization of the republic. This tradition has opened an area to women, helped them to become persons, and in particular enabled them to enter public areas and become individuals. At the same time it has restricted them, just like many nationalist projects have done. In all projects of erecting a nation the women have been given this role. On the one hand they were extolled as mothers of the nation, which in effect means that they were the mothers of the soldiers. In this respect they gained a certain status, which should not be forgotten. But at the same time they were formed by the project, defined and restricted. Of course, this could be felt much stronger during the first years of the republic and possibly it was much more important than now.

Now years have passed since the foundation of the republic. At this point, the women are the children and grandchildren of the women who made the republic, and they have begun to criticize the restrictions of the project. An important part of feminism has done this. But on the other hand, there is a revival of Islam during the last few years. In all the world there is a revival of religion, and one part is not only felt in Turkey, but in Turkey you can speak of a rise of political Islam. Because that project was patriarchal it made feminists afraid at the same time. Feminists became concerned about their own future. This is a fact. But at this point you have to separate the danger of making nationalism and secularism the poles and letting them become a dogma and the fight against patriarchy. Unfortunately, many things get mixed up here. I believe that the vast majority of women that participate in the meetings for the republic are women that are concerned about their own existence, their existence in the future. The same is true for many men that participate. But at the same time they do not see that secularism is a dogmatic ideology and that it can turn to a positive religion. Certainly this has much to do with the habit in Turkey not to think, or to think in stereotypes. When I think of it in philosophical terms, I see "you either belong to this or that side." It is almost impossible to understand a complicated argument or to present such an argument. You either use very concrete arguments, dogmatic arguments, or stereotyped arguments so that our people will understand it and in this case, you are either on this or that side. For women arguments of a different kind that show abstract perspectives are no arguments at all.

**Related to this subject and one of the most discussed issues is the question of whether measures that will be taken might be in conflict with freedom of expression. There is tension in this discussion. As an academic, and an activist do you see a restriction of the freedom of expression in such measures or do you tend to evaluate the question in broader terms?**

One needs to be very careful when taking measures, because freedom of thought and expression are the basis for a democratic society. And now there is a tendency not just in Turkey, but in all societies to easily take this away and point at September 11 as the reason. For Western societies, I believe this to be a sign of totalitarianism and find it very dangerous. In Great Britain, for instance, during a panel someone said that in Western societies the nation and state could be restricted so that the society would have moral values, the length of custody was extended to 56 days and a great majority of society is supporting this. If you look at research in America you will see that because of the fear of terror any kind of censorship is supported. In Germany and in all West European countries the measures taken against refugees are unbelievable. Actually I'm teaching "totalitarianism" for years and know that there is "democratic totalitarianism." The examples are just that. You'll get frightened if you ask what Western democracy is and where the world is going.

Leaving Turkey aside, there is such a question in the whole world. The other day I was reading the book "When Nazis came to *Schockey*," **a book concerned with hate crimes**. This book is about the Jews in Schockey quarter of Chicago, who escaped the violence of the Nazis. In the 1970's neo-Nazi's came to this quarter and wanted to conduct a demonstration. In those years this event was highly debated in legal terms and in front of a court. Just imagine that people who hardly escaped the terror of the Nazi camps and a group of people looking like the wardens of these camps (the neo-Nazis) come to your living space, would you ban such a demonstration or not. Even in such a situation you could give the government the argument to restrict freedom of expression whenever it wants to, and therefore, it was said that no ban should be issued. This is certainly an extreme example, but you could do that for any other reason and give the governing body such a tool. This would result in abolition of freedom of expression as the basis for democracy. In many places this has already happened. If we now look at the conditions in Turkey and in the world and start to produce pretences, freedom of expression will get lost. This development makes me very frightened and I get anxious that it might not be stopped. Incidents would start: you could issue bans because

of terror, because the unitary State is damaged or even because homosexuality is damaging the family order or not in line with the institution of family... In such a case many reasons could be given to legitimize it.

**Parts of it are legal measures. If we need to produce a solution, where could we start apart from legal measures and activists, bearing in mind that in general terms there are situations conflicting with each other?**

Understanding is very important, the understanding of an idea and the understanding of a person's situation... I believe this is very important. As one of the greatest obstacle to understanding and thinking, I see stereotype thinking, prejudice and the problem of not thinking. From my experience at University, I know that we educate young people, who do not know how to think. In particular young people from junior high school are that way. We are a society that does not like to think, because problems arise if we think. It is easier to take a dogmatic standpoint, to be on one edge or to follow a cliché and repeat it like a parrot. It is difficult to view a situation with all conditions, spend effort thinking about, and even going a step further and placing ourselves in the situation of someone else. This, however, cannot be done with subjects and people that we do not understand or that we do not want to think about. In that case you cannot put yourselves into their places and will make them into the "others," and they will make you to the "other."

If you have the power and you are in government today you can make the ones you don't like to be the "other," but later someone else will come and make you the "other." At this point, certainly I do not say that everyone is in an equal position. It should not be suspected that I am talking about a situation of equal vulnerability. The social groups at the bottom are different in each country, but in our country ethnic minorities are in such a situation. Even though the Kurds are no minority in its actual sense, but the Kurdish people are in such a position, the homosexuals are in such a position, women are sometimes in such a position, and sometimes they are not. An interesting characteristic for women is that they are inside and outside the regime. With one of their feet they are inside and with one of their feet they are outside the government. This can be true for all groups that we counted as vulnerable, but for women it is all the more true, since they constitute more than half of the social groups. They are different from ethnic minorities such as the Romani. Even though they are not a minority they

are treated as such, but in order to get rid of such a situation some of them cooperate with the male regime and come in to power themselves. The same is true for African Americans in America. Now the black people in the U.S. are no longer a minority, and cannot easily be hurt. They are an important power and looking at Obama as an example it can easily be understood, what I am trying to say. That is why women have a double status. This opens their way to the opposition that is they are at the edge of the power, from where they can voice their opposition, but when we abstain from certain things we can also join the power. It is, therefore, very difficult to speak collectively, if we talk about women, because women are among themselves split into classes, ethnic groups, cultural groups and sexual orientation.

It is much more common sense to define ethnic minorities according to one ethnicity. But if you look at it from the aspect of women, you may be a woman, but belong to the middle classes, you may be white and you are of Turkish origin. This is dividing you, and at this point the element of awareness is very important, which it is for all classes, at this point the subjective and collective awareness is very important so that women can overcome this separation. If that is not the case we cannot say that we are victims or that we are weak, just because we are women. Yet, I would like to say that despite all of this women are susceptible to hate crimes, just because they are women. I can show this by the following example. Tansu Çiller was the Prime Minister, a woman became Prime Minister, who played the role according to the men's rules. But from the papers I remember that she took off her shoes during a speech and her picture was taken. The message was "You may be Prime Minister, but you are a woman. Mind your position." It is your point of weakness that your social sexual identity requires that you are in a lower position in the hierarchy of power. You are reminded of this. In the same manner you may be a professor, but you will be reminded that this is not the position you should be in. All women share this. Therefore, I want to say that we speak of vulnerability, but this is not the complete picture. In a similar way, you may have the highest social status, you may be the richest person in the world, but for you as a woman it will always be a problem to go on the street late at night. Something like that is common to all women and can be a meeting point for them. Yet, it seems impossible to remain at this level and create politics from it.

A society of people, who have not grown up, always expects help from others. One of its signs is the fact that columnists are read that much, and to some extent are replacing philosophers. It is just that someone says

something and the other one can repeat it without having to think for themselves. If leading people of the State do so, what can you say? This is welcomed by the State, it is a habit since hundreds of years. It is one of the traditions that the Ottoman Empire gave the republic. For all States it is inevitably an advantage to have an obedient society. Therefore, we should not be astonished. As long as the State remains the "father," it will remain an important characteristic that the people are not individuals but will be held as "children."

**Starting from the obedience part relating to Turkey, would we speak of individual reflexes or is this more a reflection of a process, which the State directly puts into effect as part of a planned programme?**

My academic side is disturbed, if so much generalization is made, but I do not think that stereotype reflexes are concerned to a large extent. We should not forget one thing because it is important, there is a social group that has become an individual. They are people from Turkey and from the world and between them and the others the space is widening. I see that among the students. Unfortunately the nationalist ones cannot cope with the conditions of the world. If we cannot make them persons of the world, the others will take them away with their own conditions and opportunities. At the same time the nature of class becomes visible in nationalism. It is related to being underdeveloped, not being equipped well. The others live as individuals and are young people, who can live anywhere in the world as individuals. But we also have to think about the other group. If you leave them there they will be the subjects of nationalism and totalitarian ideas.

**Can we say the same thing about violence?**

Violence can come into it, and indeed sometimes does. Not thinking with your own brain and using stereotype will create people like Oğün Samast<sup>31</sup>. These are extreme examples, but such people will never get in line with the world, are in no position to become people of the world. Even if they do not know it, they feel it. There are many young people that have a sensation for it.

## **THE HUMAN RIGHTS AGENDA ASSOCIATION (HRAA)**

The Human Rights Agenda Association (HRAA) was established in 2003 in Izmir with the involvement of human rights defenders from different

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<sup>31</sup> The person charged with having killed Armenian journalist Hrant Dink



regions of Turkey with the aim of being active at the national and international level.

The HRAA believes human rights to be a value above all political ideologies and worldviews. It believes that rights can only be improved by developing an understanding of the source of the problem and by using appropriate tactics and strategies for the implementation of proposals for reform. The HRAA categorically denounces all forms of violence and, while acknowledging that the state is the main perpetrator of human rights violations, it stands equally opposed to human rights abuses committed by armed opposition groups. The HRAA concentrates on human rights violations regardless of the identity of the perpetrator or the victims and, with its independent and impartial stance, aims to develop a model that will make public opinion sensitive towards human rights violations and act as an example for society.

HRAA believes democracy is the best form of government for the protection of all human rights. In other words, there is an obvious interrelationship between democracy and human rights. Therefore, HRAA is working for protection and promotion of democracy and human rights.

### **Areas and Methods of Work**

- Although the HRAA considers all categories of human rights within its area of work, it periodically focuses on certain rights and violations.
  - In addition to Turkey's long-standing human rights problems such as torture and freedom of expression, the HRAA also operates in the areas of relatively new issues such as minority rights, discrimination, economic, social and cultural rights as well as the International Criminal Court.
  - The HRAA takes up problems from the point of view of universal human rights values and prepares thematic reports containing its own proposals for the resolution of these problems. It not only submits these reports to the attention of international bodies to which Turkey is a party but also lobbies the Turkish government to convince them to make the necessary reforms.
  - The HRAA cooperates closely with the existing human rights organizations in Turkey. It is exchanging opinions and experiences with other organizations for the strengthening of human rights activism

including by participating in coalitions which have already been established or that it itself has established.

- The HRAA is working to share the tactics and strategies it develops with organizations in Turkey and in other countries and in this way provide a common ground of experiences
- The HRAA is working to present new developments in the area of human rights for the information and evaluation of human rights defenders in Turkey and elsewhere through the training programs it has prepared.




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