



Australian Government
Refugee Review Tribunal

Country Advice

Turkey

Turkey – TUR40010 – Situation for Kurds and Alevis – Seyid Riza statue – Incidents in Erzincan – Kurds obtaining passports

13 March 2012

1. Please provide an update on the situation of Kurds and Alevis in Turkey.

Alevis

According to the US Department of State (USDOS), Turkish law “is interpreted to recognize only three religious minorities – Armenian Orthodox Christians, Jews, and Greek Orthodox Christians – and no other ethnic and religious minorities – such as Alevis, Yezidis, Assyrians, Catholics, Protestants, Kurds, Jafaris, Circassians, Laz or Roma”. These groups were reportedly “prohibited from fully exercising their linguistic, religious and cultural rights”.¹

In a separate report, USDOS noted that in 2010, there were “reports of societal abuses and discrimination based on religious affiliation, belief, or practice...[m]any Christians, Bahais, Jews, and Alevis faced societal suspicion and mistrust”. Despite this, Alevis reportedly “freely practiced their beliefs and built cem houses (places of gathering), although these have no legal status as places of worship”.²

There are an estimated 77.8 million people in Turkey, 15 to 20 million of whom are believed to be Alevis.³ While the traditional concentration of Turkish Alevis has been central Anatolia, “there are important pockets of Alevi villages throughout the Aegean and Mediterranean coastal regions and in the European part of Turkey”. Kurdish Alevis were reportedly in the north-western part of the Kurdish settlement zone, “with Dersim (approximately the present province of Tunceli) as the cultural centre and with important pockets further south, east and west”.⁴ According to *Associated Press*, Alawites⁵ in Turkey “live largely in Hatay, a Turkish province that was once part of Syria”.⁶

The below map illustrates the concentration of Alevis in Turkey.

¹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Turkey*, 8 April, Section 2.a

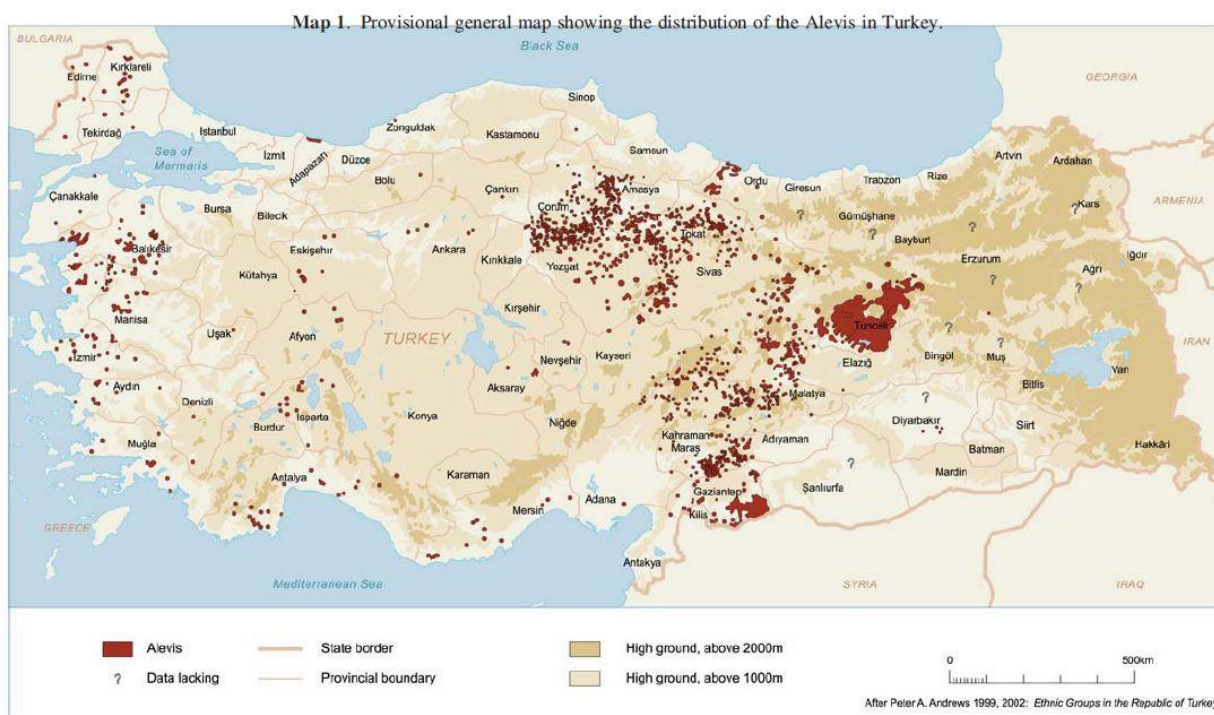
² US Department of State 2011, *International Religious Freedom Report for 2010 (July-December) – Turkey*, 13 September, Introduction, Section II

³ US Department of State 2011, *International Religious Freedom Report for 2010 (July-December) – Turkey*, 13 September, Section I

⁴ Van Bruinessen, M. 1996, ‘Kurds, Turks and the Alevi revival in Turkey’, Faculty of Letters of the University of Utrecht website http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/Alevi_revival.htm – Accessed 6 November 2006

⁵ For the purposes of this response, Syrian Alawites and Turkish Alevis are considered to be of the same religious denomination.

⁶ ‘Rising sectarianism sees Alawites lose their sense of security’ 2012, *The Independent*, source: *Associated Press*, 24 February <http://www.independent.co.uk/news/world/middle-east/rising-sectarianism-sees-alawites-lose-their-sense-of-security-7440042.html> – Accessed 24 February 2012



Map: Provisional general map showing the distribution of the Alevis in Turkey – Ctrl Click to enlarge⁷

While to date there has been no reporting of a direct government backlash against Alevis in Turkey in light of the Turkish government's recent position against the Syrian regime, it is possible that pro-Syrian sentiment among the Turkish Alevi community may attract adverse attention from authorities. According to *Aljazeera*, many Syrian refugees living in camps in Turkey close to the Syrian border are reportedly calling for international intervention in Syria to help remove Bashar al-Assad's government. However, the article noted that "many Turkish Alawites – a branch of Shia Islam to which President Assad's family belongs – living in the city of Antakya have come out against intervention in Syria, calling it 'imperialist intervention'"⁸.

According to *Associated Press*, Alawite refugees arriving in Turkey due to the instability in Syria "are disliked because they are perceived as being religiously conservative and their presence would change the demographics of the local population if they stayed in Turkey". There was an apparent increase in sectarian tension in Turkey according to a local Alawite business owner, which had led to increased fear in the community. According to the business owner, the "big problem" was the ruling Sunni-Islamist Justice and Development Party (AKP), which he believed was "supporting the Syrian opposition because they wanted to promote Sunnis"⁹.

In February 2012, *The Globe and Mail* reported that the Syrian uprising "is beginning to stir resentment among the millions of Alawites who live next door in Turkey. Fearing a massacre of their fellow Alawites if the regime in Damascus falls apart, the community here is starting to take sides in the conflict that puts it in opposition to the Turkish government's policy of

⁷ Shankland, D. 2010, 'Maps and the Alevis: On the Ethnography of Heterodox Islamic Groups', *British Journal of Middle Eastern Studies*, 37:3, December, pp.227-239

⁸ 'Syria unrest fuels local tensions in Turkey' 2012, *Aljazeera*, 23 February <http://www.aljazeera.com/video/middleeast/2012/02/2012223163013423263.html> – Accessed 24 February 2012

⁹ 'Rising sectarianism sees Alawites lose their sense of security' 2012, *The Independent*, source: *Associated Press*, 24 February <http://www.independent.co.uk/news/world/middle-east/rising-sectarianism-sees-alawites-lose-their-sense-of-security-7440042.html> – Accessed 24 February 2012

calling for the resignation of Syrian President Bashar al-Assad”. According to the report, at least three demonstrations have taken place in Istanbul supporting the Assad regime in recent months.¹⁰

In March 2012, Alevis in the south-eastern province of Adiyaman protested against the marking of Alevi homes, which had caused members of the community to fear that they would be attacked. According to Turkey’s Interior Minister, the markings were not indicators of an impending attack, and were rather the work of “a couple of kids”.¹¹

According to *Hurriyet Daily News*, Alevi leaders in Turkey “have expressed pessimism over Parliament trying to produce a truly democratic constitution, charging that the ruling Justice and Development Party (AKP) was not sincere in pledges to respect all religious and ethnic groups”. One Alevi leader reportedly noted that the “government had failed to meet basic Alevi demands despite initial promises of reconciliation”. Alevis are seeking greater equality in Turkey; as Alevi places of worship are not officially recognised, they lack the state assistance that mosques received. Alevis are also seeking an apology for the deaths of thousands of Alevis in the 1930s, and the inclusion of their faith in school textbooks.¹²

Kurds

Turkey has not collected ethnic data in censuses since 1965. However, Kurds are estimated to number between 11 and 15 million, in a country with a total population of 74 million people. According to the International Crisis Group (ICG), approximately half of Turkey’s Kurdish population lives in the south east, and the other half reside in the country’s major western cities.^{13 14}

The below map illustrates the concentration of Kurds in Turkey:

¹⁰ ‘Assad’s fellow Alawites in Turkey pose threat of counter-uprising’ 2012, *The Globe and Mail*, 16 February <http://www.theglobeandmail.com/news/world/assads-fellow-alawites-in-turkey-pose-threat-of-counter-uprising/article2341474/> – Accessed 24 February 2012

¹¹ ‘Alevis protest door markings in southeast Turkey’ 2012 *Hurriyet Daily News*, source: *Anatolia News Agency*, 4 March <http://www.hurriyetdailynews.com/alevis-protest-door-markings-in-southeast-turkey-.aspx?pageID=238&nid=15183&NewsCatID=339> – Accessed 5 March 2012

¹² ‘Alevis not hopeful on Turkey’s new charter’ 2012, *Hurriyet Daily News*, 16 January <http://www.hurriyetdailynews.com/alevis-not-hopeful-on-turkeys-new-charter.aspx?pageID=238&nid=11541&NewsCatID=339> – Accessed 19 January 2012

¹³ International Crisis Group 2011, *Turkey: Ending the PKK Insurgency*, Crisis Group Europe Report N°213, 20 September, p.1 <http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/213%20Turkey%20-%20Ending%20the%20PKK%20Insurgency.pdf> – Accessed 14 October 2011

¹⁴ ‘Turkey’ 2010, *Political Handbook of the World Online Edition*, http://library.cqpress.com/phw/phw2010_Turkey – Accessed 4 June 2010



Map: Distribution of Kurds – Ctrl Click to enlarge¹⁵

The US Department of State reported in April 2011 that “Kurds who publicly or politically asserted their Kurdish identity or promoted using Kurdish in the public domain risked censure, harassment, or prosecution”. The same report describes various restrictions on the public use of Kurdish dialects, and documents a number of prosecutions of Kurdish politicians for speaking in various forms of Kurdish in the parliament during 2010.¹⁶

According to Human Rights Watch, the Turkish government has “made little concrete progress towards realising its 2009 plan to improve the human rights of Kurds in Turkey”.¹⁷ This sentiment was echoed by Amnesty International, who concurred that little progress was made on enhancing human rights protections, citing reports of torture and ill-treatment.¹⁸ In July 2010, workplaces and property belonging to Kurds were attacked in a number of towns, resembling similar ethnically-motivated attacks in recent years.¹⁹

In November 2010, parliament discussed an initiative aimed at addressing the human rights concerns of Kurdish citizens, as well as ending the conflict with the Kurdistan Workers’ Party (PKK); the government indicated steps to enhance human rights protections but provided no timeline for implementation.²⁰ While Turkish law provides for freedom of speech and of the press, the government limits these freedoms in some cases. In some instances individuals have been unable to publicly criticise the state or government for fear of criminal charges, and the government has restricted expression by individuals sympathetic to some religious,

¹⁵ ‘Distribution of Kurds’ (undated), Global Security website

<http://www.globalsecurity.org/military/world/iraq/images/kurdistan1.gif> – Accessed 5 March 2011

¹⁶ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Turkey*, 11 April, Section 6

¹⁷ Human Rights Watch 2011, *World Report 2011 – Turkey*, 24 January <http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011

¹⁸ Amnesty International 2010, *Amnesty International Annual Report 2010 – Turkey*, May.

¹⁹ Human Rights Watch 2011, *World Report 2011 – Turkey*, 24 January <http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011

²⁰ Amnesty International 2010, *Amnesty International Annual Report 2010 – Turkey*, May.

political and Kurdish nationalist or cultural viewpoints. Authorities also routinely censor media with pro-Kurdish or leftist content by confiscating materials or temporarily closing down the media source.²¹

Turkish law provides a single nationality designation for all citizens and does not recognise national, racial or ethnic minorities. While millions of Turkish citizens identified themselves as Kurds and spoke Kurdish, Kurds who publicly or politically asserted their Kurdish identity risked censure, harassment or prosecution.²² Freedom House stated that minorities in Turkey – including Kurds – have faced restrictions on language, culture and freedom of expression, and “alleged collaboration with the PKK is still used as an excuse to arrest Kurds who challenge the government”.²³

Kurds in Turkey can be at risk of being harassed or ill-treated, and can be tarred with the terrorist brush, due to general perceptions associating them with the PKK. Turkish courts continue to use terrorism laws to prosecute hundreds of demonstrators considered to be PKK supporters as if they were the group’s armed militants, with most spending prolonged periods in detention.²⁴

Arrests of Kurdish politicians and political activists continued throughout 2011, primarily on charges of supporting the PKK. In August 2011 *BBC News* reported that “Turkey has charged more than...100 Kurdish politicians for demanding better conditions for the imprisoned ex-rebel leader, Abdullah Ocalan...Prosecutors said the demand, which the 98 former mayors and eight other politicians signed two years ago, constituted terrorist propaganda”. *BBC News* adds that those charged “could face up to 20 years in jail”.²⁵ In early October 2011, Turkish authorities detained a further 140 Kurdish political activists, members of the Union of Kurdistan Communities, on charges of supporting the PKK.²⁶

At the time of writing, the conflict between the Turkish Army and the PKK is escalating. The PKK launched an attack on a military installation in Hakkari province, killing “at least 24 Turkish soldiers”. The day before, a bomb attack in Bitlis province “killed five police officers and three others”. *BBC News* reports that these represent the “biggest loss on Turkish forces since 1993 and President Abdullah Gul has vowed to avenge them”. Within hours of these attacks, Turkish troops entered Iraqi territory to pursue the PKK, “backed by fighter jets and helicopter gunships”.²⁷

It is well-documented that police in Turkey have in the past harassed, and in some cases harmed, Kurds, accusing some of connections with the PKK. A number of Kurdish activists in Turkey continue to be arrested and charged with having connections to the PKK. Furthermore, the US Department of State reported that during 2010, Turkish police “continued to detain and harass members of human rights organizations, media personnel, and

²¹ US Department of State 2010, *Country reports on Human Rights Practices 2009 – Turkey*, 11 March, Section 2.a

²² US Department of State 2010, *Country reports on Human Rights Practices 2009 – Turkey*, 11 March, Section 6

²³ Freedom House 2010, *Freedom in the World – Turkey (2010)*, June

<http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7937> – Accessed 10 September 2010

²⁴ Human Rights Watch 2011, *World Report 2011 – Turkey*, 24 January <http://www.hrw.org/en/world-report-2011/turkey> – Accessed 31 January 2011

²⁵ ‘Turkey charges Kurdish politicians over Ocalan appeal’ 2011, *BBC News*, 3 August <http://www.bbc.co.uk/news/world-europe-14393231> – Accessed 18 October 2011

²⁶ Arsu, S. 2011, ‘Turkey Detains 140 in Inquiry on Kurds’, *The New York Times*, 4 October http://www.nytimes.com/2011/10/05/world/europe/kurdish-activists-detained-in-turkey.html?_r=1&scp=3&sq=turkey&st=cse – Accessed 18 October 2011

²⁷ ‘Turkish troops pursue Kurdish rebels into Iraq’ 2011, *BBC News*, 19 October <http://www.bbc.co.uk/news/world-europe-15369352> – Accessed 21 October 2011

human rights monitors. Police continued to detain persons on suspicion of ‘membership in an illegal organization’ and for ‘promoting terrorist propaganda’.”²⁸

No sources were located that indicate that ordinary Kurdish citizens are currently being detained on similar charges. However, the US Department of State notes that in 2010 it was routine for the police to detain Kurds without charge during clashes between authorities and Kurdish protestors.²⁹

No information was located indicating that Turkish citizens of Kurdish ethnicity who are at risk of harassment or harm by non-state actors are withheld state protection by authorities. Media reports indicate that Kurds who have attended demonstrations in Istanbul have been attacked by Turkish ultra-nationalists. Police have reportedly intervened to break-up fighting between Kurds and the ultra-nationalists.^{30 31}

In March 2012, a Human Rights Association report noted that during 2011, the Kurdish region of Turkey saw 29,366 rights violations. According to the report, “a notable increase took place in gunfights, civilian deaths and arrests compared to previous years as well as a rise of over 100% in torture and inhuman treatment”. The report claimed that during 2011, 169 PKK members were killed, 129 civilians were killed and 259 injured in unsolved murders, extrajudicial killings and gunfights, 1917 people were gaoled, 6306 people were taken into custody, and that there were 15555 cases of torture and inhuman treatment.³²

Despite this, in December 2011 Deputy Prime Minister Bulent Arinc reportedly said that “Turkey will recognize all cultural and constitutional rights of Kurds”. Arinc noted that Kurds “may have been exposed to policies of denial and assimilation in the past, which has been the cause of many of today’s troubles in Turkey”. According to a spokesperson for the pro-Kurdish Peace and Democracy Party (BDP), Arinc’s words would “mean nothing to Kurds unless concrete action is taken to boost the rights of Kurds”, and noted that Kurds are not currently recognised in any Turkish legal document.³³

2. Is there any available information about a ceremony to unveil a statue of Seyid Riza in Dersim (Tunceli) in August 2010?

While no information was located regarding the specific date, one article indicates that a statue of Seyid Riza was erected at the entrance to the “Old Town” by the Tunceli City

²⁸ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Turkey*, 8 April, Section 1.d

²⁹ US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Turkey*, 8 April, Section 2.b

³⁰ Ozguven, K. 2011, ‘Turkey: Ethnic Tension Rises Further as Street Clashes Erupt in Istanbul’, Global Voices Online website, 24 July <http://globalvoicesonline.org/2011/07/24/turkey-ethnic-tension-rises-further-as-street-clashes-erupt-in-istanbul/> – Accessed 25 July 2011

³¹ Hudson, A. 2009, ‘Kurds, Turkish nationalists clash in Istanbul-agency’, *Reuters*, 14 December

³² ‘29,366 Rights violations in Turkey’s Kurdish region in 2011: The Human Rights Association (IHD)’ 2012, Kurd Net website, 2 March <http://www.ekurd.net/mismas/articles/misc2012/3/turkey3804.htm> – Accessed 5 March 2012

³³ ‘Deputy PM says all rights of Kurds will be recognized’ 2011, *Today’s Zaman*, 22 December <http://www.todayszaman.com/news-266399-turkeys-deputy-pm-says-all-rights-of-kurds-will-be-recognized.html> – Accessed 5 March 2012

Council in the summer of 2010.³⁴ A second source, dated 29 July 2010, reported on the opening of the Seyid Riza statue, suggesting that the unveiling took place in late July 2010.³⁵



Unveiling of Seyid Riza statue³⁶

3. Is there any information about recent (since 2008) incidents involving Kurds or Alevis in Erzincan?

Limited information was located regarding incidents that have occurred in Erzincan since 2008.

In August 2008, *Aljazeera* reported that nine Turkish soldiers were killed in a landmine ambush in Erzincan province, which the military blamed on members of the Kurdistan Workers' Party (PKK). According to *Aljazeera*, "Erzincan province rarely witnesses separatist conflict but neighbouring Tunceli is the scene of frequent clashes between the PKK and Turkish armed forces".³⁷

According to *Bianet*, in May 2010 Turkish police and the gendarmerie arrested more than 120 members of the Democratic Confederation of Kurdistan (KCK) – the umbrella organisation that includes the PKK. The majority of those arrested were reportedly 'young people', and were located in a number of provinces across Turkey, including Erzincan.³⁸

4. Do Kurds generally have difficulty getting passports in Turkey and is it common to be able to bypass the usual channels by paying for a passport?

³⁴ 'Ein (fast) vergessenes Massaker' 2011, *Welt Online*, 19 November

http://www.welt.de/print/die_welt/vermischtes/article13724950/Ein-fast-vergessenes-Massaker.html – Accessed 29 February 2012

³⁵ 'Kurdistan: Dersim'de Seyit Riza'nin heykeli dikildi' 2010, Rojaciwan website, 29 July
<http://www.rojaciwan.com/haber-60705.html> – Accessed 5 March 2012

³⁶ 'Kurdistan: Dersim'de Seyit Riza'nin heykeli dikildi' 2010, Rojaciwan website, 29 July
<http://www.rojaciwan.com/haber-60705.html> – Accessed 5 March 2012

³⁷ 'Turkish troops killed in blast' 2008, *Aljazeera*, 11 August
<http://english.aljazeera.net/news/europe/2008/08/200881114722961924.html> – Accessed 12 August 2008

³⁸ 'Kurdish initiative continues: 120 detentions' 2010, *Bianet*, 26 May
<http://www.bianet.org/english/minorities/122260-kurdish-initiative-continues-120-detentions> – Accessed 3 June 2010

Limited recent information was located to indicate that Kurds would have difficulty obtaining passports in Turkey as a consequence of their ethnicity alone. According to the Immigration and Refugee Board of Canada (IRB) in 2005, the Turkish Embassy in Ottawa advised that “all Turkish citizens are equal under the law and must follow the same procedures in order to obtain a passport, ‘regardless of their religion, ethnicity or background’”. The IRB further noted that an immigration counsellor from the Canadian Embassy in Ankara advised that “there were no restrictions on the issuance of passports to any minorities in Turkey”. IRB cited an assistant professor of Islamic studies, who “was not aware of any reports by state or non-governmental organizations that indicated any formal discrimination specifically against Alevis or Kurds with regard to the issuance of passports in Turkey”. The professor also stated that he was not aware of informal restrictions placed upon Kurds or Alevis in this respect.³⁹

It is possible, however, that a person of interest to Turkish authorities could be prevented from obtaining a passport and departing the country under Turkish law.

Article 2 of Turkey’s Passport Law⁴⁰ requires a person to present a valid passport in order to exit Turkey. Article 22 of that law sets out the characteristics of persons to whom passports “are not issued”, including persons who have committed certain offences under the Criminal Code or the Labour Law. More broadly, however, paragraph 22(a) includes reference to “persons who are under general security control” or whose “departure from the country is determined as inconvenient regarding the general security”, and 22(b) refers to persons who are merely accused of certain acts. In full, article 22 states as follows:

a) Passports or documents are not issued to the persons who are under general security control, to the persons who are prohibited to leave for foreign countries, to the persons who cannot prove that they have adequate reasons and conditions to submit themselves to the persons whose departure from the country is determined as inconvenient regarding the general security by the Ministry of Interior, the persons whose tax responsibilities are informed to the officials having power to issue passports, in addition to these:

b) To the persons who are accused of acting against the Revolution Laws counted in the Article 153 of the Constitution and the law numbered 5816 related to the offenses committed against Atatürk.

c) To the persons who committed offense against the state itself written in the first chapter of the second book of Turkish Criminal Code.

d) To the persons who committed offense in inciting prostitution written in the third section of the eighth chapter of the second book of Turkish Criminal Code.

e) To the persons who committed offenses written in the articles; 179, 180, 188, 201, 236, 264, 313, 314, 315, 384, 385, 387, 388, 390, 391, 392, 403, 404, 405, and 406 of the Turkish Criminal Code.

To the persons who committed offenses against the awards of the law numbered 6136 concerning fire arms, daggers and other instruments as such, related to smuggling arms and bullets.

f) To the persons who committed offenses such as embezzlement, malversation, bribery, theft, fraud, forgery, abuse, fraudulent and bankruptcy.

³⁹ Immigration and Refugee Board of Canada 2005, *TUR43472.E – Turkey: Possible restrictions imposed upon Kurds or Alevis in respect of obtaining a Turkish passport (October 2001-April 2005)*, 29 April

⁴⁰ *Passport Law No. 5682 of 15 July 1950*, LegislationOnline website, source: Government of Turkey

- g) The other offenses other than the above require imprisonment.
- h) To the persons who committed offenses concerning labour providing comprised in the article 105 of the Labour Law numbered 1475.
- i) To the persons who committed offenses written in the articles 516 (except pursuing depends upon complaint paragraph), 517, 536 and 537 of the Turkish Criminal Code which are committed for political and ideological purposes, until their offenses become decisive.^{41 42}

No information was located to indicate that it is common to be able to bypass the usual channels by paying for a passport.

In 2005, the IRB reported on security and procedures targeted at preventing fraudulent Turkish passports being issued, or passports being obtained by fraudulent means. According to the report, “[p]assport applicants in Turkey are subject to thorough investigation. Entries and exits of persons are recorded in the computer network and checked with criminal information”.⁴³

⁴¹ *Passport Law No. 5682 of 15 July 1950*, LegislationOnline website, source: Government of Turkey

⁴² A number of paragraphs of Article 22 of the *Passport Law* refer to the Turkish *Criminal Code*. The currently available English translation of the *Criminal Code* indicates that the code comprises Articles 1- 342, whereas the *Passport Law* makes reference to articles numbered to 537. See: *Criminal Code, Law No. 5237 of 26 September 2004*, source: Government of Turkey, Official Gazette No. 25611

⁴³ Immigration and Refugee Board of Canada 2005, *TUR43480.E – Turkey: Security and administrative procedures in place to guard against the issuance of fraudulent Turkish passports or to guard against the issuance of Turkish passports by fraudulent means (January 2001-April 2005)*, 28 April

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<http://www.bbc.co.uk/news/world-europe-14393231> – Accessed 18 October 2011.

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<http://globalvoicesonline.org/2011/07/24/turkey-ethnic-tension-rises-further-as-street-clashes-erupt-in-istanbul/> – Accessed 25 July 2011.

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