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Turkey Chronicle 3 – Civilian ownership of firearms in Turkey

by hCa

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Arif Dallı (11), was watching the fireworks with his family from the balcony of their house during the first minutes of 2013. Suddenly, Arif fainted. Thinking Arif was dizzy, his father immediately took him to the hospital. There, it was understood that Arif was shot at the head by someone who most likely fired his pistol up to the air as a way of celebrating new year. Arif died 9 days later. The bullet in his brain was the only evidence that could help to find the shooter. The person who killed Arif “accidentally” has not been found yet and probably will never be.¹

Arif is only one example of numerous victims in Turkey that have died because random gun firing. In a country like Turkey, where being a man is characterized by the possession of three things, a horse (car), a woman, and a gun and where people never find themselves in lack of a reason for firing their guns, firearm ownership and gun related crimes appear to be an important problem affecting people’s security.

In most countries, civilians are permitted to purchase and possess firearms, though with certain restrictions. While only a fraction of the world’s civilians own guns, they possess a total of some 650 million—representing nearly three-quarters of the global firearm arsenal or approximately three times the number held by national armed forces and law enforcement. Permitted civilian uses of firearms typically include sport shooting, hunting, self-defense, and some types of professional work. (Small Arms Survey, 2011, Chapter 9, 1). While there are certain formal international initiatives and regulations for the monitoring and control of arm trafficking in conflict and post-conflict areas, states are mostly left alone in their regulations regarding the non-conflict types of gun ownership and related legal framework. Turkey has adopted both the UN “Program of Action To Prevent, Combat, Eradicate the Illicit Trade of Small Arms and Light Weapons (SALW) in All its Aspects”, as well as the OSCE framework for SALW. According to Small Arms Survey’s -an independent research project on SALW- calculations, Turkey is among the major importers of SALW, categorized as a tier four country with arms imports between USD 10-49 million, while also listed among the major exporters categorized among tier three countries with export levels between USD 50-99 million. Same project’s transparency barometer calculated by taking into account countries national arm export reports, submissions to the UN Register of Conventional Arms, and submissions to the UN Commodity Trade Statistics Database, ranks Turkey 37th out of 55 countries, having the same score of (8.5/25) with Mexico and Columbia. According to most recent international estimates, average number of small arms in Turkey is estimated as 9 million (3 million registered, 4-8 million unregistered), while lowest and highest estimates for number of guns per 100 people is 10 and 16 respectively. (Small Arms Survey, 2007). Turkey has rank 14 in 178 countries in terms of civilian gun ownership.

Civilian Firearms Ownership and Unlicensed Firearms

According to Law No. 6136 on Firearms, Knives and Other Sorts of Weapons and the related Regulation, firearms are listed as weapons, guns, semi-automatic guns, non-automatic rifles with grooved barrel. Two kinds of authorization can be obtained for firearm ownership; possession-only licenses to keep firearms either at workplace or home and licenses to carry firearms. All Turkish citizens over 21 years old without any legal and mental health obstacles can obtain a possession-only licenses. Any previous sentence for crimes committed with firearms, for causing someone to commit a crime with firearms or committing suicide as a result of negligence, for using firearms in a residential area or public road are among legal restrictions listed for possession-only gun ownership. People applying for a license has to present a mental health report obtained from a governmental hospital. There is also another type of possession-only license allowing the owner to carry their guns only to polygons in certain times. Carrying licenses are given to certain officials, as well as to citizens who have life risk due to the nature of the work. All firearms bought should be licensed within six

¹ <http://www.hurriyet.com.tr/gundem/22329759.asp>

months. There is no special regulation for hunting or target shooting firearms for which a permit document from the highest civil authority should be obtained upon buying and licenses should be obtained within one month. For rifles, the applicant should present a mental health report, while no such documents are needed for shotguns. Gun ownership fees for 2013 is announced as TL 3.092,5 (app. 1.314 Euro) for carrying license and TL 989,55 (app. 430 Euro) for possession-only license. Licenses are renewed in every five years.

In June 2013, Turkish National Police reported that according to police and gendarmerie records, the total number of firearm/rifle license in Turkey is calculated as 940.826, while the National Police have provided 287.599 carrying, 325.959 possession-only, and 6.244 rifle licenses. In addition, there are 1.850.130 shotguns licenses in Turkey. The share of gun-related deaths (homicides) in total committed crimes is calculated as 0.02 % for 2010, while the share of all types of gun-related crimes is calculated as 1 percent for 2012. Between 2007-2011, in 82.79 percent of gun-related deaths, unlicensed guns had been used.²

On the other hand, according to recent statistics announced by Umut Foundation, one of the few NGOs in Turkey working on individual disarmament, there are 2.5 million legal and 17 million unlicensed guns (estimated according to the ratio of crimes committed with licensed and unlicensed guns) in Turkey meaning that one out of every four people (three people in some [estimates](#)) possesses guns. Firearms have been used in 65 percent of crimes committed by using individual arms, 84 percent of which is committed by using unlicensed ones. Each year 4.500 people on average lose their lives by small arms, a three times higher incidents to population ratio compared to US. A survey of news in the media on crimes committed with small arms between 2001-2011 shows that in the first six months of 2011 individual armed violence incidents increased by 83 percent, 23.5 percent of which was in the form of domestic violence. 57.3 percent of armed violence incidents took place among closed acquaintances. 13 in every 100 victims died as a result of random/accidental gunfire, while firearms were used in 67 percent of weapon related violence cases. Comparative results of the same survey -extended by also adding the local media- covering years 2011 and 2012 demonstrate that, between 2011-2012 crimes committed by firearms increased by 8.5%, while the share of incidents causing deaths in 2012 is an alarming 64 percent.³

2012 report of Turkish National Police Directorate of Anti-Smuggling and Organized Crime Branch noted that, 80 percent of guns seized during public order operations between 2010-2012 were unlicensed. The types of guns seized in last five years and their shares were recorded as: blank guns converted into real guns 16 percent, hand made guns 33 percent, fabricated guns 51 percent. The ratio of seized hand made guns is reported to increase to 48 percent in 2012, implying that more effective prevention of small arms smuggling leads people to buy home made guns. The report also notes that conflicts in countries like Iraq, Bosnia, and Libya increased illicit arms smuggling in neighborhood countries. The situation in Syria is also alarming in that regard. In addition to the factors stated in that report, also the internal conflict in Turkey on the Kurdish issue has been a major reason behind increasing gun ownership in Turkey, as well as has created a suitable environment for illicit arms trafficking.⁴

Turkish Mechanical and Chemical Industry Corporation (MKEK), which sells varying models of pistols of 13 foreign 9 domestic manufacturers as of 2013, announced that its pistol sales increased by 54 percent in 2012 compared to 2011. Total number of sales recorded as 30.207 and 21.464 of those are manufactured domestically.⁵ The prices of domestically manufactured pistols range between TL 600-3700 (app. 260-1600 Euro), while the price range of foreign brands is USD 1600-7000. For comparison, the sales price of a 9mm Glock, a very popular brand, is around USD 525 in US. The same pistol's cheapest MKEK sales price is around \$ 2.600, while in online sales sites the prices of the same pistols can increase to \$ 4000-6000. However, there are other cheaper and less safe options for owning pistols for those who want to. For example, a blank gun sold around TL 100, which can be bought by presenting an official criminal record document, can be converted later into real gun later for a relatively small price.

In a recent motion proposed by an MP from Republican People's Party for parliamentary inquiry about civilian gun ownership, it is stated that existence of a gun in a house increase the risk of accidental killing, homicide and suicide by 41 percent. One in every ten killings occur in traffic.⁶ Gun ownership among teenagers appears as an important social problem as confirmed by the 2007 report prepared by a special Parliamentary Commission, which noted that one out of 20 teenagers carried a firearm, while one out of 12 was a gang member. The percentage of teenagers in secondary education bringing their firearms to schools was calculated as 5.9 percent in the same report. Teenagers usually use their guns are for committing suicide or against their peers. In Turkey, where violence against women increased by 1.400 percent according to official records, guns are the second most widely used weapon for killing women. Ministry of Family and Social Policy has announced in early 2013 that, since the Law on Violence Against Women entered into force in March 2012, guns of 15.125 persons were seized, 4.825 of which were policemen, army personnel, or other types of security personnel as a result of domestic violence related cases.⁷

For many times of crimes, Turkish Criminal Law regards the existence of firearms as a criminal element or a matter in aggravation. Gun related crime categories in Turkish Criminal Law consist of "deliberate killing" (Article 81), "qualified

² <http://www.memurlar.net/haber/380755/>

³ <http://haber.sol.org.tr/devlet-ve-siyaset/turkiyede-her-4-kisiden-birinde-silah-var-haberi-64682>

⁴ <http://www.haber7.com/guncel/haber/1024721-eminyetten-silahlarla-ilgili-korkutan-rapor>

⁵ <http://www.haber7.com/guncel/haber/1017199-turkiyede-silah-satisinda-buyuk-artist>

⁶ <http://www.gazetebizim.com/Politika-CINAYETLERDE-SILAH-KULLANIM-ORANI-YUZDE-60-TIR-12747.html>

⁷ <http://t24.com.tr/haber/15-bin-silah-iade-edildi-kalan-14-milyon-silah-beklemede/223253>

cases” of homicide (Article 82), “voluntary manslaughter by means of negligent behavior” (Article 83), “committing suicide” (Article 84), and “killing because of negligence” (Article 85). Moreover Article 21 of the same law defines intent and eventual event, which determines the level of reductions in penalties for crimes committed with firearms.

Measures Needed and the New Draft Law

In a paper provided online by the Ministry of Interior, (2005)⁸ Yıldırım states that widespread misuse of guns damages the confidence among citizens in state, public order and security institutions and creates a psychology of insecurity, which in turn incites civilian gun ownership. The paper also notes that, especially in cases of shooting up to the air or carrying an unlicensed gun, people generally think that penalties are set at the lower limit and usually converted into penalty fines. Therefore the existing penalty system cannot create disincentives for misuse of guns. Yıldırım also argues that, falling prices, the complexity of conditions for getting a license and the high license fees increase the demand for unlicensed guns. In addition to social measures targeting especially teenagers and dealing with psychological and socio-cultural reasons of gun ownership, Yıldırım advocates that;

- people should be incentivized to own authorized firearms; therefore the license fees should be decreased and conditions for obtaining licenses should be simplified;
- a digital archive containing ballistic examples of all licensed firearms obtained as a part of license and renewal procedure should be developed;
- all people applying for/already owning licensed firearms should attend “Firearm Safety Basic Training” and should get a certificate in order to use firearms;
- because of the obvious correlation between alcohol consumption and celebratory or aggressive gunfire, the licenses of those caught above the blood alcohol limit while carrying firearms should be revoked;
- the penalties for possessing and carrying unauthorized guns should be increased and the related law should be amended to avoid conversion of prison sentences to penalty fees;
- random killings should be subject to Article 21 of Turkish Criminal Law defining eventual intent and the police forces should be educated about the implications of that clause;
- the import, manufacturing and sales of blank guns should be prohibited;
- in order to decrease the use of firearms and crimes committed with firearms.

This view of lowering gun-related crimes through simplifying licensing procedures and increasing penalties is also reflected in the new draft Law on Gun, which still awaits at the Internal Affairs Commission of Turkish Grand Assembly. The new draft law, which arrived to the Commission in April 2013 aims to regulate all types of small arms imports, manufacturing, sales and ownership in accordance with EU Regulation 91/477/EC and categorizes guns according to their features and importance. According to the draft;

- All types of different authorizations is brought together under a single procedure; for pistols the possession-only and carrying permits will be indicated in the license, while for rifles there is no distinction as such. License owners should inform authorities about their residence/workplace changes immediately and the number of places allowed to enter with a gun for those who have a carrying license have been narrowed.
- The minimum age for all type of licenses including rifles is set as 21.
- People who want to buy a gun obtain a permit beforehand valid for six months, and the application for license should be made within 30 days after the gun is bought. The licenses can be obtained from the highest civilian authority in a locality as before, while the procedure for physical and mental health reports has been simplified.
- License applications of those being arrested or investigated for crimes that prohibits authorization will be put on hold.
- People holding licensed guns are only allowed to sell or donate heir pistols to those who have a permit to buy a gun.
- In order to avoid unlicensed gun ownership, the Law brings a new clause limiting the sales of cartridges only those who already have a license.
- A central database for tracing and monitoring the import, export, and sales of firearms will be established.
- Illegal manufacturing and sales of firearms will be subject to a special penalty system.
- People who are caught carrying guns when their blood alcohol ratio is above the limits or when using other types of pleasure inducing substances will be subject to an administrative fee.

⁸ <http://www.arem.gov.tr/Arem/defaultarem.aspx?icerik=92>

The draft Law has been reviewed by the Internal Affairs Commission and sent to sub-commissions for their opinions in May 2013. Whether the above mentioned clauses of the draft Law will remain intact or not will only be understood when the proposal is finalized by the Commission. One should also that some new arrangements declared by authorities, particularly the Minister of Interior cannot be found in the draft law text provided online. The most important one among those, is the obligation to attend a 7 to 10 day course on safety and legislative framework on firearms before obtaining a license. Umut Foundation⁹ has announced that, although the new draft can be seen as a progress compared to the contentious one in 2010, there are still severe problems which will especially affect the tracing of guns and reaching real numbers. Though, it was declared to the media that entering to wedding ceremonies with guns would be prohibited, weddings are not even listed as one of the places where carrying guns will be forgiven.

An effective regulation of civilian possession of firearms include regulations relating to firearm safety and storage, appropriate penalties and/or administrative sanctions for offenses involving the misuse or unlawful possession of firearms, amnesty or similar programs to encourage citizens to surrender illegal, unsafe or unwanted firearms, a licensing system to ensure that firearms are not distributed to persons convicted of serious crimes and a record-keeping system for firearms (ECOSOC, 1997, para. 5). The new draft law regulates the licensing system in a better way, while bringing new penalties and administrative sanctions. Yet, even the law falls short of expectations of Ministry of Interior's own experts for a proper regulation. Moreover, a general amnesty for surrendering illegally owned firearms should be considered and advocated, especially as a part of the peace process in Turkey. Most importantly, public authorities should openly declare the data on civilian gun ownership and gun-related crimes in detail, including differences in between localities, sexes, age groups, etc., on a continuous for an effective monitoring of small arms in Turkey.

References:

Note: All data of National Police cited here is obtained from various news in the media. The original reports cannot be found in related authorities web-sites.

For material in English about civilian gun ownership in Turkey: <http://www.umut.org.tr/en/home.aspx>

For a general review of civilian gun ownership in the world: Chapter 2: Chapter 2. Completing the Count: Civilian Firearms, Small Arms Survey, 2007. <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2007.html>

⁹ <http://www.umut.org.tr/public/haftaninyorumu.aspx?id=29151>