

JULY 11, 2016

Turkey: State Blocks Probes of Southeast Killings

Allow UN to Investigate Cizre Abuses; Repeal New Law to Block Prosecutions

(Istanbul) – The Turkish government is blocking access for independent investigations into alleged mass abuses against civilians across southeast Turkey, Human Rights Watch said today. The alleged abuses include unlawful killings of civilians, mass forced civilian displacement, and widespread unlawful destruction of private property. The government should promptly grant the United Nations Office of the High Commissioner for Human Rights permission to enter the area and investigate according to its standards.

Since the July 2015 breakdown of a peace process to end the decades-long conflict between the Turkish state and the armed Kurdistan Workers’ Party (PKK), violence and armed clashes in the southeast region have escalated. During security operations since August, the authorities have imposed blanket, round-the-clock curfews on 22 towns and city neighborhoods, prohibiting all movement without permission. The curfews also prevent non-governmental organizations, journalists, and lawyers from scrutinizing those operations or any resulting abuses by security forces or armed groups. Authorities have blocked rights groups – including Human Rights Watch, Amnesty International and Physicians for Human Rights – from trying to document abuses even after curfews and operations ended.

“The Turkish government’s effective blockade of areas of the southeast fuels concerns of a major cover-up,” said Emma Sinclair-Webb, senior Turkey researcher at Human Rights Watch. “The Turkish government should give the UN and nongovernmental groups immediate access to the area to document what’s going on there.”

Most of the deaths, destruction, and mass displacement occurred in nine towns, including Cizre. More than 355,000 people have been temporarily displaced within

towns or to other nearby towns and villages, or to other regions of Turkey. At least 338 civilians have been



killed in places where security forces and the Civil Protection Units (YPS), the armed group linked to the PKK, have clashed.

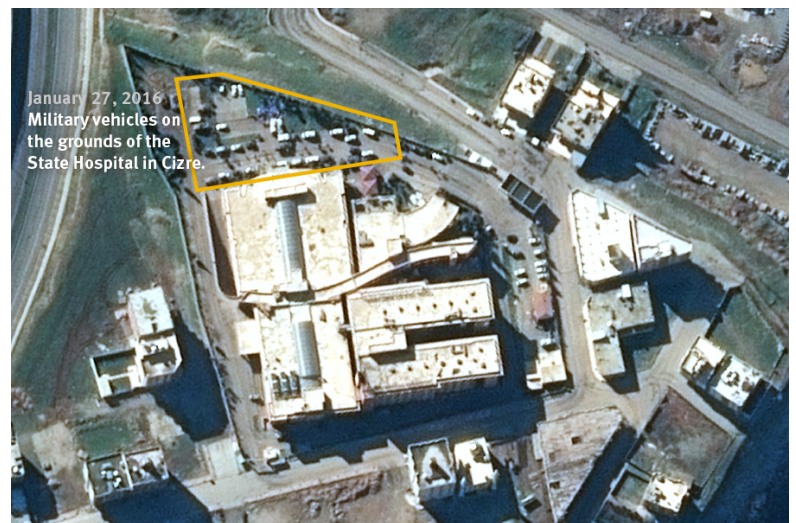
Human Rights Watch reviewed lists of the dead compiled by Cizre-based lawyers which show that as many as 66 Cizre residents, including 11 children, were killed by gunfire or mortar explosions during security operations between December 14 and February 11, 2016. According to witnesses and victims interviewed by Human Rights Watch, in some cases the security forces opened fire on civilians on the streets carrying white flags. The available information also indicates that security forces surrounded three buildings and deliberately and unjustifiably killed about 130 people – among whom were unarmed civilians and injured combatants – trapped in the basements.



Satellite imagery recorded before and after building demolition in the neighborhoods of Cudi and Sur.

The majority of deaths of Cizre residents occurred in neighborhoods where the YPS had erected barricades and dug trenches, and clashes took place between security forces and armed groups. However, some civilians were killed in neighborhoods where there were no clashes or barricades.

In April, the police blocked Human Rights Watch from interviewing families of victims and witnesses to the deaths. Before authorities obstructed its work, however, Human Rights Watch was able to document in detail eight civilian deaths in Cizre. In addition, Human Rights Watch had already documented eight deaths that occurred in September 2015, also during a curfew and security operations.



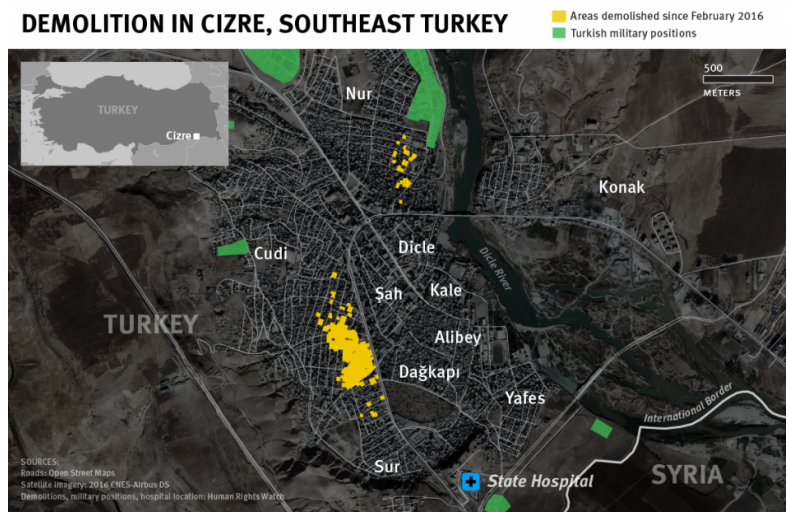
Satellite imagery © 2016 CNES- Airbus DS

Human Rights Watch also documented widespread property destruction in Cizre and interviewed people whose homes and property had been damaged during the clashes, and in some areas subsequently demolished.

Human Rights Watch assessed the scale and extent of building demolition in Cizre using satellite imagery recorded between February and June 2016 and identified two distinct demolition zones in the city measuring approximately 95,000 m² (9.5 hectares) in total area. The majority of building demolition occurred between

late February and late May, and was concentrated in the neighborhoods of Cudi and Sur. A second, smaller round of building demolition occurred between late May and early June in the Nur neighborhood.

There has been little sign of effective investigations by Turkish prosecutors into civilian deaths and destruction of civilian property in Cizre and other towns in the southeast. The Cizre prosecutor told Human Rights Watch that some investigations were under way, but no family Human Rights Watch interviewed had been called by the prosecutor's office to give a statement about relatives killed between December and February. The Cizre district governor did not respond to Human Rights Watch requests for a meeting to discuss the events in Cizre and its research findings.



Demolition in Cizre.

© 2016 CNES-Airbus DS

“Credible accounts of Turkish security forces deliberately killing civilians, including children, when they were carrying white flags or trapped in basements should be ringing loud alarm bells,” said Sinclair-Webb. “The prosecutor in Cizre should conduct a full, effective, independent investigation capable of delivering justice for the victims.”

The Turkish government has not responded to UN High Commissioner for Human Rights Zeid Ra’ad al Hussein’s public [statement in May](#), nor to his letter requesting permission for a UN team to conduct an investigation in the region to examine potential violations by the security forces during military operations in urban areas against armed groups associated with the PKK. The government has indicated that Zeid himself would be welcome to visit Turkey. Turkey’s international partners should urgently express support to the request for access made by the UN High Commissioner for Human Rights, Human Rights Watch said.

Concern that blocking the UN and local and international human rights groups from documenting the events in the region indicates efforts to cover up abuses and prevent accountability for serious crimes is compounded by parliament passing a new law on June 23. The law will require pre-authorization from the prime minister’s office or the local district governor’s office (depending on the rank of the implicated soldier or official) to investigate and prosecute soldiers and public officials alleged to have committed crimes in the course of counterterrorism operations. Similar frameworks tying the prosecution of public officials to administrative permission (Law No. 4483), and others introduced during the state of emergency in the southeast in the 1990s (Statutory decree No. 430), contributed to the systematic impunity enjoyed by security forces despite widespread violations of the most serious kind including extra-judicial killings, enforced disappearances, torture, and the unlawful destruction of thousands of homes.

Turkey is party to both the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), which protect the rights to life, bodily integrity, and security. Turkey’s

history of failing to carry out effective investigations into killings in the southeast, in particular in cases in which state agents were alleged to have been responsible for unlawful killings, resulted in a series of rulings by the European Court of Human Rights that Turkey violated the right to life.

The court also ruled on multiple occasions that the laws that required pre-authorization from administrative or political authorities to prosecute state employees for offenses committed when exercising official duties led to violations under the European Convention on Human Rights, as they prevented effective, independent investigations of violations of the convention. The new law is likewise incompatible with Turkey's obligations under the convention.

The deaths of an estimated 130 people trapped in three basements in the Cudi and Sur neighborhoods during security operations in Cizre in early February urgently require a full investigation, as the circumstances that have emerged to date suggest they could be the result of unlawful killings constituting extrajudicial killings or murder. The seriousness of the potential crime means it should be a priority for investigation by the UN fact-finding mission if it is granted access, Human Rights Watch said.

Just before the deaths of those trapped in the basements, the European Court of Human Rights had issued separate injunctions – known as “interim measures” – in five cases involving injured people in Cizre neighborhoods requiring Turkish authorities to protect their life and physical integrity. Only one of the five applicants in whose favor the court had issued an injunction was given medical treatment. The other four died, and their bodies were later recovered. The Court had rejected other applications for interim measures, including from those trapped in basements who later died, but will review their cases before the court as a matter of priority.

“Amid a mounting death toll and a spiralling conflict, real accountability in Turkey's southeast is crucial” Sinclair-Webb said. “Prosecutors should thoroughly and effectively investigate all allegations of abuse by state forces and armed groups, and no legal or extra-legal measures should be taken to try to ensure impunity for personnel responsible for these crimes.”

Blanket Curfews

The deaths in Cizre occurred during the period that Turkish authorities placed the town under a 79-day blanket curfew, from December 14, 2015 to March 2, 2016 as well as during a nine-day curfew in September 2015.

The government has justified the curfews based on Turkey's Provincial Administration Law, which gives governors powers to take “decisions and measures” to ensure “peace and security, protection of the person, public well-being.” Before August 2015, the law had not been interpreted for use to impose blanket, round-the-clock curfews. According to the Human Rights Foundation of Turkey, it has been used in this way 65 times since August. On June 13, the Council of Europe's Venice Commission issued an opinion on the legal framework governing curfews. The opinion found that “the Provincial Administration Law, on which decisions imposing curfews were based, and the decisions themselves, do not meet the requirements of legality enshrined in the Constitution and resulting from Turkey's international obligations in the area of fundamental rights, in particular under the ECHR and relevant case-law.” The Commission recommended that the Turkish authorities end the imposition of curfews on the basis of the Provincial Administration Law.

Violations of the curfew are subject to a fine of 100 Turkish Lira (US \$30), but in practice those who have ventured out have also risked being shot at or detained, as demonstrated in some of the cases documented by Human Rights Watch.

During the recent curfew, joint police and military operations were conducted against the armed Civil Protection Units (YPS), which had sealed off neighborhoods with barricades and trenches planted with explosives. The group was formerly named the Patriotic Revolutionary Youth Movement (YDGH) and renamed itself the Civil Protection Units (YPS) in December 2015.

Rights Groups' Fact-Finding Efforts

Fact-finding missions in Cizre undertaken by Turkey's leading human rights groups, Mazlumder, the Human Rights Foundation of Turkey, and the Human Rights Association have been unable to arrive at a final estimate of civilian deaths. A report by the Peoples' Democratic Party (HDP) puts the combined number of dead among named civilians and combatants at 251, while highlighting that the identification of bodies is continuing. A much higher but unknown number of people sustained injuries, the human rights groups said.

Human Rights Watch carried out research in Cizre in early March and mid-April. Researchers spoke to victims and witnesses, lawyers, and nongovernmental organization representatives. In mid-April, police officers from the Anti-Terror Branch blocked Human Rights Watch from interviewing families of victims in Cizre and said that permission was needed from the Cizre district governor to conduct such interviews.

There is no legal basis for requiring official permission for a third party to interview consenting victims or witnesses. Among the 66 civilians identified as killed, Human Rights Watch documented eight deaths in detail, including those of a 3-month-old baby and two children ages 13 and 11. The circumstances, location, and witness accounts all suggest that security forces killed these eight civilians outside of the context of active hostilities.

The Turkish Armed Forces stated on February 22 that in Cizre 665 PKK members had been "rendered ineffective," which usually means killed and apprehended. However, there has been no official acknowledgement of any civilian deaths. Media reports estimate that 23 soldiers and police were killed during the operations in Cizre between December and February.

More than three months after the operations in Cizre ended, the Turkish authorities have made no official announcement about an investigation into what occurred in the town.

After domestic human rights groups Mazlumder, the Human Rights Foundation of Turkey, and the Human Rights Association documented violations of the right to life and multiple other abuses in reports about Cizre, President Recep Tayyip Erdoğan on April 7, criticized them strongly, although he did not explicitly name the groups, and challenged their role in sending large delegations to the region and writing such reports. Following the speech, police and local authorities prevented several domestic groups from operating in Cizre. A delegation from the international nongovernmental organization Physicians for Human Rights was not allowed into the town in May and Amnesty International researchers were prevented from visiting in June.

The Conflict in the Southeast

The breakdown in July 2015 of a ceasefire and political process lasting over two years to end the decades-long conflict between the Turkish state and the PKK has led to spiralling violence in southeast Turkey and a resumption of armed clashes, which are taking a huge toll on the Kurdish civilian population. Unlike in previous periods, when hostilities between Turkish armed forces and the PKK took place in rural areas, there has been a major shift to urban-based hostilities.

There is no agreement on the overall death toll since August. The Turkish military claimed in May that 6,623 “terrorists” had been “rendered ineffective”, of whom 4,571 were killed. Media reports indicate that more than 450 soldiers and police have been killed since July. The Human Rights Foundation of Turkey estimated the overall civilian death toll during curfews to be at least 338 by late April. On top of this, media reports indicate that the PKK killed at least 76 civilians between January and June in attacks in Diyarbakir province, Ankara, and Istanbul. That death toll included 16 civilians killed in May when a PKK truck bomb exploded in a village near Diyarbakir.

With the breakdown of the peace process, the PKK urban youth wing groups – originally known as the Patriotic Revolutionary Youth Movement (YDGH) and since December as the Civil Protection Units (YPS) – recruited local youth, including children, and tightened their grip on some neighborhoods of towns in the southeast by planting explosive devices at neighborhood entrances and organizing guard duty at barricades. The PKK ensured that guns, ammunition, rockets, and improved explosive devices were stockpiled, according to government reports. Some municipal officials and mayors in the southeast simultaneously made symbolic declarations of self-governance, which led to the arrest and detention on terrorism charges of hundreds of political representatives. Eighteen elected co-mayors of Kurdish political parties are currently in pretrial detention.

In response to the sealing off of neighborhoods by the PKK, the government authorized police and military operations that involved the use of armored personnel carriers and, increasingly, heavy artillery. These operations were conducted under extended strict curfews. In addition to civilian deaths, there has been huge temporary displacement of civilians since August 2015. The health minister said on February 27 an estimated 355,000 people had been driven from their homes, and security operations since then have displaced large parts of the populations of İdil, Şırnak, Nusaybin, and Yüksekova.

Entire neighborhoods of towns such as Diyarbakir’s Sur district and several parts of Silopi and Cizre sustained damage during armed hostilities and were subsequently demolished under government orders. Tens of thousands of residents from those neighborhoods face prolonged displacement. The towns of Nusaybin and Şırnak remain under curfew. Meanwhile, the operations of the security forces, which were initially led by the police, have increasingly become led by the military.

Killings of Civilians in Cizre

Miray and Ramazan İnce, Sur Neighborhood

On December 25, in an area of Sur where no barricades had been erected and no armed groups were operating, members of the security forces fired on and killed a 3-month-old baby, Miray İnce, and her 82-year-old great-grandfather, Ramazan İnce, relatives of the victims told Human Rights Watch.

Ramazan İnce's son, Abdurrahman İnce, 61, said:

As baby Miray, my brother Hasan's granddaughter, was carried down the steps in the courtyard by her aunt they were shot at from the hill opposite where the military had placed snipers and armored vehicles. Miray was hit by a bullet. At first we thought she was dead but then she cried and we called 155 [the police] to get her to hospital. The emergency services told us that we should go as two men and a woman carrying a white flag as far as the ambulance. That's exactly what we did.

My brother Hasan and his wife Rukiye and my father Ramazan set off with baby Miray, holding up a white flag. Despite all these precautions and guarantees and giving clear information to the police, my father Ramazan and baby Miray were shot again from the open hill where the security forces were positioned. We weren't able to reach them and when we phoned 155 again, the police asked us if two injured people were our relatives, but we had no idea what they were referring to because they were shot at a distance of 200 meters from our house and we didn't see it. My brother's wife was wounded in the shooting too. Finally, a member of parliament, Faysal Sarıyıldız, got an ambulance to them but both my father and baby Miray died. My father lived for some hours and died in hospital in Adana.

Even when the police told you things were safe, the security forces kept on shooting.

Abdurrahman İnce said that although a police team sent by the prosecutor's office had inspected the locations where Miray and Ramazan were fatally shot, at the time of the interview in mid-April no one from the family who had witnessed the incident had been called to give a statement to the prosecutor. Nor had the family been given information about progress in the prosecutor's investigation. Abdurrahman İnce told Human Rights Watch in June that he had subsequently gone in person to the courthouse and had requested to give a full statement to the prosecutor. This had been accepted.

Dağkapı Neighborhood

There were no armed clashes between security forces and armed groups in Cizre's Dağkapı neighborhood and no barricades or trenches. However, the Cizre state hospital is strategically located south of the neighborhood near Şahin Hill and security forces had taken over the hospital at the outset of the curfew, moving patients from the top floor to accommodate security forces and positioning tanks and armored vehicles in the hospital grounds. Human Rights Watch was able independently to confirm with satellite imagery the presence of several military vehicles within the state hospital compound on four separate dates: 18 and 24 December 2015 and 12 and 27 January 2016. Hospitals, and all medical and healthcare facilities and units, are civilian structures with special protection and should not be the object of military operations. Medical personnel and patients should not be endangered or harmed by military operations and the presence or occupation by military forces of hospital premises puts the hospital at risk of becoming a target, and unjustifiably interferes with access to healthcare.

The areas between the hospital and Şahin Hill were entirely under security force control throughout the curfew, although Turkish media reported that, on December 17, groups associated with the PKK attacked the hospital with rockets. Human Rights Watch documented two incidents in which the evidence indicates security forces located between the hospital and the hill fired mortar rounds on the neighborhood and shot at residents in

Dağkapı neighbourhood.

Yusuf Akalın, Büşra Yürü, and Dilan Akalın

On January 14, mortars fired at the Dağkapı neighborhood killed two children – Yusuf Akalın, 13, and his cousin Büşra Yürü, 11, and seriously injured Yusuf’s sister Dilan Akalın, 10.

Mehmet Yürü, 42, Büşra’s father, a construction worker, said:

Our street, Mirabdal Street, looks directly on to the cemetery and rising up beyond it is Şahin Hill and to the left the Cizre State Hospital. There were no trenches and barricades near here. That’s why our relatives came to stay here on the very first day of the curfew from the part of Sur neighborhood where there were a lot of trenches. On January 14, at around 1 or 1:30 p.m., mortar rounds were fired at our front door behind where the children were playing. There is a large hole in the metal front door and holes in the metal shutters of the building next door.

I believe the mortars came from the direction of Şahin Hill, where there were military positions including tanks and armoured vehicles visible to us from here. My nephew Yusuf and my daughter Büşra died in hospital. My niece Dilan was badly injured but is recovering now.

After burying the two children we moved to Kızıltepe and everyone moved out of this area.

Halil Yürü, 22, Büşra’s brother, a student, said:

The children were playing downstairs behind the front door with my aunt’s two sheep. We had made a place for them under the stairs in the entrance to the building. We were in the sitting room upstairs. We heard three explosions and rushed downstairs to see the children covered in blood, their feet blown off. I can’t remember much about it because we were all in shock. My cousin Orhan Akalın ran out into the street crying and shouting for an ambulance and they fired at him too.

Orhan Akalın, 25, Yusuf’s brother, confirmed this when Human Rights Watch spoke to him. No one in the family knew if there was an ongoing investigation into the killings and, in early June, said the prosecutor’s office had not contacted the family or called them to give a statement though the police had visited to record the details of what had happened.

Halil and Nihat Sömer

On January 7, two brothers, Halil Sömer, 41, who worked as a driver, and Nihat Sömer, 21, who worked at the Provincial Forestry Directorate, were fatally shot from the direction of the Şahin Hill or Cizre state hospital.

Their sister Asiye Sömer, 37, told Human Rights Watch:

There were no clashes in our Dağkapı neighborhood, and no barricades or trenches.

We were at home and at about 7 p.m. on January 7. Nihat was talking on the phone and went to the end of our street where the mobile phone reception is better. That area is overlooked directly by Şahin Hill and to the left

the Cizre State Hospital. I looked out of the window and someone shouted that Nihat had been shot, so I ran outside with his older brother Halil to get him. There was shooting from Şahin Hill or from the direction of the hospital and we couldn't get to Nihat. All the neighbors were there too and Halil threw himself on the ground and crawled toward Nihat to get him. We didn't realize at first that as he was doing this he too was shot. He had managed to reach Nihat but was shot.

Our neighbors called 112, the ambulance services, but were told they couldn't come. We phoned a member of parliament, Faysal Sarıyıldız, and he sent the municipal ambulance. It was raining heavily at that time and the shooting continued and the ambulance had to withdraw two or three times before it finally reached the two.

When a Human Rights Watch researcher examined the place where the two were shot in April, she saw the wall of a pharmacist's shop on one corner of the street that had recently been plastered to hide at least 24 bullet holes, and several visible holes where bullets had exited through the metal shutter of a shop on the opposite corner of the street. The family said they had had the wall plastered because Halil and Nihat's father had begun to visit the site and cry there every day and they did not want there to be a constant visible reminder of the loss of two of his sons.

The family showed Human Rights Watch photos showing the same location with the 24 bullet holes before it was plastered. The location of the holes on the pharmacy wall and angle of the entry and exit points of the bullet that hit the metal shutters on the opposite corner were consistent with shots fired from a position between the hospital and Şahin Hill, under security force control, though it was not possible to assess the firing range.

Human Rights Watch found no claims or evidence of any attack or activity by armed groups in the neighborhood where the Sömer brothers lived on January 7 to which the security forces could have been responding.

İlhan Sömer, 30, another brother, said that police officers beat him at the hospital where his brothers died:

I ran into the ambulance as it was leaving the neighborhood and initially had no idea my brothers had been shot. My father, Ali Sömer, and I went with them in the ambulance to the Cizre state hospital. I saw that Nihat had been shot in the throat, chest, belly, and shoulder and Halil in the chest and legs. They died at the hospital. I was beside myself when I heard the news that one then the other was dead despite efforts to give them blood transfusions.

I shouted at the police and a group of them attacked me and beat me. I hope there was a camera at the hospital to show it. They took me to a room and one said, "Kill him, let him be the third." They saw me as a terrorist. A plainclothes police officer stopped the others who were in uniform and then gave me a cigarette. I was terribly upset and my 60-year-old father was crying. We took the bodies to the morgue in Şırnak. We couldn't bury my brothers in Cizre because of the curfew and we buried them near İdil.

I feel there is no law here that the state regards us all as terrorists. If there was law here this wouldn't have happened.

The prosecutor's office sent a police unit to conduct an on-site investigation of the location where the Sömer brothers were fatally shot, and the Cizre prosecutor's office told Human Rights Watch that an investigation into the two deaths is under way.

In mid-April, however, İlhan Sömer told Human Rights Watch that, although he had spoken to the police unit when it came to investigate, no one from the family had been called to give a statement to the prosecutor about the incident.

Abdülhamit Poçal, Selman Erdoğan, and others, Şah and Cudi neighborhoods

Human Rights Watch interviewed five witnesses to an incident that occurred around midday on January 20, when the security forces opened fire on a group of civilians, including local council members, municipal workers, and journalists and led by Faysal Sarıyıldız, the Şırnak member of parliament from the Peoples' Democratic Party (HDP). The group of about 30 people carried white flags and walked from the municipal building in Şah neighborhood across one of Cizre's main streets, Nusaybin Street, into the Cudi neighborhood to retrieve dead bodies and injured people. Sarıyıldız said the group had decided to take this action after hearing many reports that ambulances were prevented from reaching injured people or collecting the dead in Cudi:

After the district governor failed to answer my repeated calls to his mobile phone, I informed him by SMS that as a group we were going to go into the Cudi neighborhood to collect injured people and dead bodies. We carried white flags and proceeded in daylight and the security forces saw us go without preventing us. We collected several dead bodies and injured people and as we were coming back with them, we were shot at.

Selahattin Ecevit, 42, a Cizre local council member, and the acting mayor at the time, was among the group:

We went as a group of people including Faysal Sarıyıldız and council members, the deputy mayor, and some older people to retrieve the bodies and injured and put them on two hand-carts. Faysal had informed the district governor. We held white flags as we crossed the main Nusaybin Street and were clearly visible to the security forces in armored vehicles. Again we carried white flags as we crossed back again. On the return journey across the Nusaybin Road all of a sudden and without warning the security forces opened fire on us from armored vehicles in the direction of Dört Yol.

Everyone fled in all directions, some back into Cudi, some into Sur and some fell down in the street. I was hit in my left foot along with several others. Our council member, Hamit Poçal, died of his injuries and so did another man whom I didn't know called Selman Erdoğan. Faysal managed to call the municipality ambulance for the badly injured. We managed to get to a house across the street with Faysal and others and then had to stay there for three hours. Faysal was repeatedly calling the district governor who still didn't answer his calls.

In the end he had to get the head of the Chamber of Trade and Industry, Süleyman Çağlı, to call the district governor to convey the message. It's disgraceful that a district governor can ignore a member of parliament's urgent phone calls! Only hours later did we get the municipal ambulance, which we called because the state ambulance, which we're meant to call, didn't turn up on the grounds that it was too risky because there was a

clash. The state Anatolian Agency reported the incident saying that three terrorists had been killed and nine injured in a clash. There was no clash.

The municipal ambulance came to us very late because it had picked up the badly injured and then got stopped by the police and searched.

All the bones in my left foot were smashed, I spent eight days in hospital in Batman and am still (nearly two months later) walking with difficulty.

Refik Tekin, a cameraman for the IMC TV station, was among the group and was shot in the leg but managed to continue filming the incident. The United Nations Office of the High Commissioner for Human Rights later issued a statement condemning the shooting of Tekin while expressing broader concerns about restrictions on media and developments in the southeast. Tekin said:

We went as a group with HDP Member of Parliament Faysal Sariyıldız to fetch the dead bodies and some injured people from Cudi neighborhood. We carried a white flag. I was among the group and there was a colleague from the Dicle News Agency. We crossed Nusaybin Street, and I could see clearly that there were tanks and armored vehicles on both ends of that street.

We went into Cudi, where the bodies were. As we left the neighborhood, we took another route and again crossed Nusaybin Street, and on the road there were tanks and armored vehicles everywhere.

All of the sudden there were the sounds of gunshots. At first bullets were being fired very closely above our heads, so people started crouching and tried to get out of the line of fire, but two seconds later they started to fire salvos at us. The shots came from the eastern end of the road [Dörtüol direction], from one side. Suddenly people started dropping to the ground. I felt a heat on my leg and I fell down and crawled. There was blood everywhere, people were on the ground. I kept filming.

An ambulance and funeral vehicles came. Both belonged to the municipality. The MP had immediately called for them, and because the municipality building was about 500 meters away they could come quickly. When the ambulances arrived on the scene, the shooting stopped. I really do not know what would have happened if those ambulances had not shown up. I think they might have killed us all right there and then. Two people were killed in the shooting. Some of the injured were put into the funeral vehicles because there were so many wounded. I was put in the ambulance with two others who were also injured.

The ambulance was stopped by the police near the deputy governor's building. They dragged everyone out of the ambulances and started hitting them, including myself. I could see that they had also forced the ambulance driver out of the vehicle. He was standing pressed up against a wall, and policemen were hitting him, shouting abuse at him and saying: "Why did you go to that place without our permission?"

I told the police that I was with the press, and I showed them my press card, but they hit me anyway.

A policeman dragged me along the ground to the ambulance. He could see that I was hurt. The policeman shouted at me, telling me not to look at him, ordering me to close my eyes while he kept hitting me. He said: "You are all terrorists, you will see the strength of the Turks!" This struck me as an especially strange thing to

say. Am I not a citizen of this country? He said unspeakable things to me, curses I do not even want to repeat. The police kicked my leg and my head. All this happened in front of the deputy governor's building. The policeman who had hit me then ordered me to get back into the ambulance, but I couldn't stand up. I tried to crawl, and he dragged me, and finally lost patience and shouted at the ambulance driver to put me back into the ambulance.

In front of the Cizre state hospital there were many soldiers and special operations police. There were so many that I could not even see the ground. They all took my picture with their phones, and we were kept there still in the ambulance while everyone was taking pictures of us and shouting and cursing. It felt like they gave the policemen and soldiers that time to take pictures to boost their morale, so they could show that they had "caught terrorists." After about five or six minutes of that I was put in a wheelchair.

When they took me past the soldiers all the soldiers hit me hard on the head while I was in the wheelchair. Everyone who was able to reach me hit me. They shouted abuse at me, like: "We will finish you all off," "You are all terrorists," and "You will see the strength of the Turks." This happened all the way from the ambulance to the hospital entrance.

While I was in the hospital the police started an investigation against me, for "being a member of a terrorist organisation." Right after the events of January 20, the Anatolian News Agency announced in their report that I was a "terrorist." I was questioned in the anti-terror branch of the Mardin police force after I was discharged from hospital, but the prosecutor in Cizre decided to drop my case. When I gave my statement in Mardin I told the prosecutor that I wanted to file two formal complaints: one against the people that opened fire on us, and another against the policemen who had hit and insulted me. So far I have not been called to make a statement in either case, and as far as I know there has not been any progress in the investigation.

The Anatolian News Agency and *Hürriyet* newspaper reported that three "terrorists" had been killed and nine injured in a clash with security forces, among them a TV cameraman, that a gun had been recovered from a coffin and that the municipal ambulance and funeral vehicles had attempted to get the "wounded terrorists" out of the neighborhood. A photograph purporting to show a police officer removing a pistol from a coffin was published with the news report. The news reports did not identify any source for this information or account of events.

Having interviewed five witnesses involved in the incident, Human Rights Watch believes that the news reports have no credibility and the accounts reproduced in the papers represent a deliberate attempt by authorities to cover up an incident in which the security forces opened fire, killing and injuring civilians who presented no threat and were seeking only to rescue injured people and retrieve dead bodies.

The authorities should conduct an effective investigation into the events that is capable of leading to the identification and prosecution of those among the security forces responsible for the shooting, and any criminal investigations into the actions of the group of civilians seeking to recover injured persons and retrieve dead bodies should be dropped.

Allegations of Extra-Judicial Killings of People in Three Basements

The death of an estimated 130 people in three basements in the Cudi and Sur neighborhoods at the end of the security operations in Cizre in early February raises serious concerns that many of the dead may have been victims of extrajudicial killings, and the circumstances of the deaths urgently require a full investigation.

So far, the picture of what happened in the three basements is incomplete. The evidence suggests, however, that the basements were fully surrounded by the security forces at the time the alleged killings took place. Furthermore, the authorities have given no compelling explanation as to why it was not possible in these circumstances to detain individuals alive or to evacuate allegedly injured people and civilians who were among those sheltering in the basements. The government has not claimed that those sheltering in the basements violently resisted while being evacuated.

The picture of what happened after the alleged killings is also incomplete. Municipal workers told Human Rights Watch that they transported the bodies to the morgue in body bags after the military and police ordered them to collect the bodies from streets near the buildings where the three basements were located.

The municipal workers also said some of the bodies were burned, in some cases so charred as to be unrecognizable, and that others were missing limbs and heads. An *imam* who saw some of the bodies gave a similar account. Human Rights Watch also saw eight of the autopsy reports on the recovered bodies, which indicated that six bodies lacked body parts and four were burned. The autopsy reports note that such findings could be consistent with an explosion though did not explain why some were partially “carbonized”, and in three cases determined people had been shot dead.

The Istanbul Forensic Medical Institute is conducting DNA testing to establish the identity of the dead. Of the around 130 people who died in the basements it remains unclear how many were civilians and how many were injured combatants. It is also unclear how many uninjured armed combatants had taken refuge in the basements.

Interviews with alleged survivors have been published in the media and by the HDP in the Cizre report, but Human Rights Watch could not reach any alleged witnesses to what happened in the basements.

Faysal Sariyıldız, the parliament member who was in telephone contact with people in the basements and made efforts to get permission for ambulances to reach them to secure their evacuation, said:

There were 25 named individuals in the building known as the first basement and the bodies of six who died while they were there or before. It became known that people were sheltering there around January 23 and we repeatedly spoke to them by phone and negotiated hard for their evacuation and provision of ambulances to reach them as they were injured or in an exhausted and defenceless state. I knew many of the names personally and they were not armed combatants, they were civilians and students. The bodies of all of those in the first basement were burned. In the second basement, which came to light a few days later, there were around 62 people and in the third basement about 40 people. Again we knew

many of them and there were civilians and badly injured people there too. It was all over in early February and they were all killed. I call them the basements of barbarity.

Three other HDP parliament members in Ankara supported Sarıyıldız's efforts to secure permission for ambulances to evacuate people from the first basement, in Bostancı Street in Cudi neighborhood. In late January they embarked on intense negotiation with the prime minister and interior minister for the evacuation and medical treatment of injured people. Twenty-five people in the Bostancı Street basement provided a list of their names in the course of the negotiation and among them were at least two juveniles, students, political activists, and a journalist.

On January 28, Human Rights Watch executive director, Kenneth Roth, met with a senior government minister in Ankara and reminded the Turkish government about its obligation to permit injured people access to medical treatment, regardless of their identity, and asked for detailed information on whether the basement was surrounded by security forces and if the area was entirely under their control. The minister did not answer Roth's question but claimed that those in the basements were providing "contradictory information." He did not explain what he meant by this. The minister also said those in the basements did not want the ambulances provided by the state and were seeking to escape from the basements without being caught.

On January 30, there was a three-way telephone negotiation between those in the first basement, the HDP parliament members, and the interior minister during which an agreement was reached to allow ambulances to retrieve everyone in the basement if everyone agreed to come out. At a February 1 news conference, the HDP played excerpts of the recordings of these negotiations, which support their assertion that such an agreement had been reached.

On the recordings it is possible to hear from within the basement sounds of explosions and shooting and screams suggesting that at the very moment the evacuation plan was supposed to be implemented the basement may have come under attack or been stormed. At that point the phone connection with those in the basement was lost. However, there is one further final brief telephone call, during which the speaker from the basement shouts that they are all under rubble and unable to move. After that all communication with the first basement was reportedly completely cut.

HDP deputy co-chair and member of parliament for Adana, Meral Beştaş Daniş, who was involved in the negotiation said:

We struggled for days to get the government to agree to get ambulances to those in the basement so they could be evacuated. On the final day while we were having a three-way telephone negotiation with those in the basement, the interior minister and health minister on the phone. We had got to a point where five or six ambulances were being sent to the basement and we were following that. It was all agreed and I was telling those in the basement on the phone to prepare themselves to come out to the ambulances. We waited for information, then we heard sounds down the phone line of the basement being stormed. Communication was cut. In the next conversation the person I spoke to shouted that they were under rubble. After that all communication was cut and we don't know exactly how those people were killed but it is clear to us that efforts to get them out of that basement were deliberately

prevented and they were all killed by the security forces.

The published recording of excerpts of the telephone negotiations corroborates this account.

Further local efforts were made to secure the evacuation of people in the other two basements. Two of those sheltering in those basements telephoned television stations from mobile phones, describing the situation they were in and alleging that the security forces had started a fire in the basements that had caused the deaths of several injured people who had been unable to avoid the fire.

On February 7, the state-owned television channel TRT reported in one bulletin that 60 PKK members had been killed in Cizre, but subsequent bulletins the same day did not repeat the claim and reduced the figure to 30. The following day the Şırnak governor said that there had been 10 PKK deaths. The authorities issued no confirmation of the veracity of media reports on February 10, claiming that in the midst of clashes two senior members of the PKK hiding in the basements had been killed.

On February 11, the interior minister announced that the security operations in Cizre had been successfully completed and the security forces were in full control of the town.

During the period from February 11 to March 2, the curfew in Cizre was maintained on the grounds that the security forces needed to clear neighborhoods of mines, improvised explosive devices, and other dangerous weapons that made the area unsafe for citizens. During this period a lot of demolition was also carried out in the town and rubble carried from the area in trucks to a site on the edge of the Dicle River. Lawyers and a forensic pathologist showed Human Rights Watch the decayed remains of a human arm discovered among the rubble dumped by the Dicle River and partially dug up again after children had buried it. That was also reported to the prosecutor and raises concerns that there may be other body parts and evidence among the rubble removed from the Cudi and Sur neighborhoods.

Representatives of the Şırnak bar association told Human Rights Watch that during the 19-day period prosecutors did not carry out an on-site investigation of the basements, nor did they oversee the collection of bodies from the basements or other places in the neighborhoods. The lack of prosecutorial involvement or oversight at the scene raises concerns that basic procedure on the collection of evidence for any potential criminal investigation was not followed and that critical evidence was not collected.

It is significant that in January the European Court of Human Rights issued interim decisions with respect to five people injured in Cizre neighborhoods calling on the Turkish government to “take all measures within their powers to protect the individual’s life and physical integrity.” These interim decisions were issued pursuant to the “rule 39 procedure,” which allows the court to respond rapidly to an urgent situation in which an individual is judged to be at great risk.

The European Court’s intervention came after Turkey’s Constitutional Court had repeatedly rejected lawyers’ applications on behalf of families seeking emergency medical treatment for relatives injured in the Cizre clashes. Of the five individuals in whose favor the Court issued the decisions, only one was provided with medical treatment. The others all died and only their bodies were recovered. The European Court had decided not to issue similar decisions in respect of dozens of other individuals or to grant collective applications for

similar measures.

The population of Cizre and large sections of Turkey's Kurdish population believe that what happened to the people trapped in the basements was an atrocity crime in which the security forces deliberately killed a group of vulnerable people, many of whom were weak and injured and others who were not armed combatants, to take full control of Cizre and end their security operation. The persistence of a blanket curfew for days after all security operations had finished in Cizre, the failure by the Turkish government or local authorities to provide any compelling explanation of how the deaths could have lawfully occurred, the published excerpts of the telephone communications, and the signs that the prosecutors are not carrying out a proper investigation all help fuel speculation of a government cover-up. The streets where the basements were are among those entirely demolished after the security forces' operations.

Methodology

In March and April, a Human Rights Watch researcher visited Cizre and spoke to witnesses to human rights abuses, victims, their families, municipality workers, members of the local municipal council, lawyers from the Şırnak bar association, and civil society groups. Human Rights Watch carried out in-depth interviews with 26 people and spoke to dozens of others. The majority of the interviews were conducted directly in Turkish and a few in Kurdish with the assistance of an interpreter. During the April visit, the researcher was obstructed from carrying out further interviews by officers from the Anti-Terror Branch of the police who informed her that permission from the district governor was needed to conduct visits to families in Cizre. There is no legal basis for requiring such permission. Human Rights Watch met with the Cizre prosecutor in April to discuss research findings and to emphasize the obligation to conduct full investigations in all allegations of abuses. In June, Human Rights Watch sought a meeting with the Cizre district governor to share research findings and in order to be able to incorporate the views of the authorities in its report. Human Rights Watch received no response to its request for a meeting.

Region / Country

- [Europe/Central Asia](#)
- [Turkey](#)

Topic

- [Free Speech](#)

Source URL: <https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>

Links

- [1] <https://www.hrw.org/europe/central-asia/turkey>
[2] <https://www.hrw.org/view-mode/modal/291739>
[3] <https://www.hrw.org/about/people/emma-sinclair-webb>
[4] <https://www.hrw.org/view-mode/modal/291832>
[5] <https://www.hrw.org/view-mode/modal/291834>

- [6] <https://www.hrw.org/view-mode/modal/291849>
- [7] <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=19937&LangID=E>
- [8] [http://hudoc.echr.coe.int/eng-press?i=003-5293529-6585232#{"itemid":\["003-5293529-6585232"\]}](http://hudoc.echr.coe.int/eng-press?i=003-5293529-6585232#{"itemid":["003-5293529-6585232"]})
- [9] <https://www.hrw.org/news/2015/12/22/turkey-mounting-security-operation-deaths>
- [10] <http://www.mevzuat.gov.tr/MevzuatMetin/1.3.5442.pdf>
- [11] <http://en.tihv.org.tr/fact-sheet-on-declared-curfews-between-august-16-2015-and-april-20-2016-and-civilians-who-lost-their-lives/>
- [12] [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)010-e)
- [13] http://www.mazlumder.org/fotograf/yayinresimleri/dokuman/MAZLUMDER_CIZRE_REPORT_20162.pdf
- [14] <http://en.ihd.org.tr/wp-content/uploads/2016/04/Cizre-Report-2016.pdf>
- [15] http://bianet.org/system/uploads/1/files/attachments/000/001/642/original/Cizre_Raporu.pdf?1461164443
- [16] <https://www.hdp.org.tr/images/UserFiles/Documents/Editor/cizreraporuozet.pdf>
- [17] <http://www.milliyet.com.tr/genelkurmay-dan-sur-idil-cizre-gundem-2199152/>
- [18] <http://www.karar.com/gundem-haberleri/simak-cizrede-60-gun-icinde-23-asker-ve-polis-sehit-dustu-72887>
- [19] <http://www.takvim.com.tr/guncel/2016/04/07/erdogandan-onemli-aciklamalar>
- [20] <http://physiciansforhumanrights.org/press/press-releases/phr-investigative-team-denied-access-to-town-in-southeast-turkey.html>
- [21] <http://www.diken.com.tr/aci-tablo-son-dokuz-ayda-450yi-askin-guvenlik-gorevlisi-hayatini-kaybetti/>
- [22] <https://www.youtube.com/watch?v=-6bKXZ5E0II>
- [23] http://www.un.org/apps/news/story.asp?NewsID=53136#.Vwc_901JnIU
- [24] <http://www.hurriyet.com.tr/pkk-tabutlara-silah-sakladi-40043075>
- [25] <http://www.evrensel.net/haber/274538/cizredeki-infazlarin-tanigi-anlatti-silahsiz-insanlari-kursuna-dizdiler>
- [26] <http://www.imctv.com.tr/hdp-cizredeki-yaralilarin-son-ses-kaydini-yayinladi/>
- [27] <http://www.internethaber.com/cizrede-60-pkkli-olduruldu-iddiasi-1563825h.htm>
- [28] <http://www.sabah.com.tr/gundem/2016/02/10/bodrum-katin-mamosu-olduruldu>