

Indiscriminate Use of Force: Violence in South-east Turkey

Fact-Finding Mission Report



October 2006

Kurdish Human Rights Project
KHRRP
Established 1992



Bar Human
Rights
Committee
OF ENGLAND AND WALES

INDISCRIMINATE USE OF FORCE: VIOLENCE IN SOUTH-EAST TURKEY

FACT-FINDING MISSION REPORT

OCTOBER 2006

KURDISH HUMAN RIGHTS PROJECT
BAR HUMAN RIGHTS COMMITTEE OF ENGLAND AND WALES

Acknowledgements

This report was written by Michael Ivers (a KHRP Board and Legal Team Member) and Brenda Campbell, both Barristers at Garden Court Chambers in London and members of the Bar Human Rights Committee of England and Wales (BHRC). It was edited by Pranjali Acharya, Rebecca Sammut, Rachel Bernu and Mustafa Gündođdu, at the Kurdish Human Rights Project (KHRP).

The authors are grateful to all those who agreed to speak to and co-operate with them during the course of this fact-finding mission. In addition to all the families and individuals with whom they met, they extend their thanks to Celil Kaya who assisted with interpretation and the following organisations and individuals:

Diyarbakır: *Demokratik Toplum Partisi* (Democratic Society Party, DTP); *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP); Mayor Osman Baydemir; Shopkeeper's Association; Diyarbakır Democracy Platform; *İnsan Hakları Derneđi* (Human Rights Association of Turkey, İHD); Vice Governor and Diyarbakır Bar Association. **Batman:** Journalists' Association; Mayor's Office; and İHD Batman Branch. **Kızıltepe:** DTP Kızıltepe Branch; İHD Mardin Branch; Mazlum-Der *İnsan Hakları ve Mazlumlar İçin Dayanışma Derneđi* (The Association of Human Rights and Solidarity for the Oppressed People in Turkey; Mazlum-Der) Batman Branch; Mayor Cihan Sincar; İHD Mardin Branch and the Prisoner's Association.

Finally KHRP gratefully acknowledges the financial support of:

The Big Lottery Fund (UK), The Sigrid Rausing Trust (UK), European Action Council for Peace in the Balkans (Netherlands), Ministry for Foreign Affairs of Finland (Finland), Oak Foundation (USA), Bishop's Subcommission for Misereor (Germany), Oakdale Trust (UK), Sticing Cizera Botan (Netherlands), The Bromley Trust (UK), and UN Voluntary Fund for Torture (Switzerland).

Layout & Design: Torske & Sterling Lawyer Marketing
www.lawyermarketing.co.uk

Keywords: Turkey, fact-finding mission, freedom of expression, PKK, violence, Special Forces, Diyarbakır, Batman, Kızıltepe, demonstrations, police brutality.

Printed in Great Britain, October 2006, Published by KHRP (London)
ISBN 1-905592-02-7
All rights reserved

Kurdish Human Rights Project



Established 1992

Kurdish Human Rights Project

11 Guilford Street

London

WC1N 1DH, United Kingdom

Tel: +44 (0)20 7405-3835

Fax: +44 (0)20 7404-9088

khrp@khrp.org

www.khrp.org

Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living within the Kurdish regions, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.



Bar Human Rights Committee of England and Wales

BHRC

Garden Court Chambers

57-60 Lincoln's Inn Fields

London, WC2A 3LS, UK

Tel 020 7993 7755

Fax 020 7993 7700

bhrc@compuserve.com www.barhumanrights.org.uk

The Bar Human Rights Committee is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. It is also concerned with defending the rule of law and internationally recognised legal standards relating to the right to a fair trial. The remit of the Bar Human Rights Committee extends to all countries of the world, apart from its own jurisdiction of England & Wales.

Contents

Foreword	
1. The Geo-Political Backdrop	9
<i>a. EU Accession and Government Policy</i>	11
<i>b. The Kurdish Question and the Conflict in the South-east</i>	12
<i>c. Political Representation</i>	13
<i>d. The Police</i>	15
<i>e. Anti-Terror Legislation</i>	15
2. Event Precursors: Şemdinli to Diyarbakır	17
<i>a. Bookstore Bombing, Şemdinli, November 2005</i>	17
<i>b. The Killing of 14 PKK Guerrillas and Four Funerals, Diyarbakır, March 2006</i>	17
3. Repercussions: Batman to Kızıltepe	29
<i>a. 'Arrival of Unrest', Batman, March 2006</i>	29
<i>b. 'Suspension of Law', Kızıltepe, April 2006</i>	33
4. Conclusions	39
5. Recommendations	43

Foreword

In response to the escalation of violence since 28 March 2006, the Kurdish Human Rights Project (KHRP) sent a fact-finding mission to the Kurdish cities of Diyarbakır, Batman, and Kızıltepe district of Mardin in south-east Turkey from 19 to 24 April 2006.

The mission's task was to investigate the impetus for and implications of the violent clashes between demonstrators and security forces, which left 17 civilians dead including four children, and hundreds more injured and detained. The violence was precipitated by the funerals of four of 14 Kurdish guerrilla fighters killed by the Turkish army in the mountains in Diyarbakır, on Tuesday 28 March 2006. Although the circumstances surrounding the killings of the guerrillas' remains unclear, there has been wide speculation that chemical weapons were used in the attack which took place during a one week stand-down during Newroz festivities.¹ The funerals attracted thousands of mourners in the Diyarbakır and Siirt provinces, and appear to have been a flashpoint for the unrest which quickly took hold across the Kurdish regions of south-east Turkey.

The mission found credible evidence of an excessive and disproportionate use of force by the police and security forces, which inflamed otherwise peaceful protests by civilian demonstrators. Despite attempts to downplay these as a series of isolated incidents, clear evidence collected by the mission suggests that the local administration, particularly in Batman and Kızıltepe, was overridden by 'higher powers'. Whether intended to pre-empt or provoke the subsequent violence, the mission believes it was this which contributed to the spread of violence from Diyarbakır to Batman and Kızıltepe.

Meetings with those in the Kurdish communities resonated with the fear that political advancements have regressed by seven years. The need to rebuild their faith in the Turkish political and judicial system is both urgent and integral to restoring calm and preventing further unrest. In particular, the mission calls for a

1 Newroz ('New Day') is an ancient Kurdish festival that celebrates the New Year and first day of spring on 21 March every year.

thorough, independent and transparent investigation, by a body that would enjoy the confidence of those affected, into the activities of the police and security forces, and for a just and expeditious trial process for those presently detained. It also makes recommendations to find ways to secure greater accountability from the army, police and Office of Governors and for those living in the Kurdish regions to have better political representation throughout the Turkish system.

We hope that the Turkish government and international community will pay serious heed to the mission's findings and recommendations, particularly in light of the current EU-Turkey accession negotiations. Central to the establishment of a stable, democratic and peaceful Turkey, capable of entering the EU, is a resolution of the Kurdish conflict. It is therefore of utmost importance that the accession process is used as an opportunity to cultivate a vibrant human rights culture, which better secures rights and protection for Kurds and other minority groups in Turkey. Attempts by subversive elements to thwart negotiations must not succeed in jeopardising and undoing the hard-won reforms and progress which has hitherto been made by the Kurdish and minority communities living there.

The mission members were Michael Ivers (a KHRP Board and Legal Team Member) and Brenda Campbell, both Barristers at Garden Court Chambers in London and members of the Bar Human Rights Committee of England and Wales (BHRC). The mission met with a cross-section of groups and individuals; victims and their families, NGOs, Bar Associations, lawyers and representatives of the local Office of Governors. KHRP is grateful to all of those who agreed to speak to and facilitate the mission.

Kerim Yildiz
Executive Director, KHRP

Mark Muller
President, BHRC

1. The Geo-political Backdrop

a. EU Accession and Government Policy

As Turkey bids to join the European Union (EU), it must first meet with the accession criteria as set out and regularly monitored by the European Commission (EC). As with its predecessors, this includes honouring and demonstrating a respect for international human rights standards, which in Turkey's case is contingent upon making particular progress in respect of the Kurdish issue, with the EU hitherto critical of Turkey's efforts to grant basic freedoms to its Kurdish population.²

However, just as there are camps of those for and against Turkey's EU membership externally, evidence suggests that the same is true internally, not just within the country but within the state apparatus itself. The governing *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) has committed to Turkey joining the EU, underlining this as their chief policy objective. Yet it appears that there is friction not only between the AKP and the military— with many of the AKP's members politically blocked by the military in past years— but also within the ranks of both the armed forces and party themselves.

Some commentators suggest that nationalistic elements within the state have deep misgivings and may seek to frustrate Turkey's EU accession, since it will diminish the military's power and erode the current definition of what it means to be 'Turkish', specifically allowing for the concept of ethnic minorities inside the Turkish state. Indeed, the army's perceived lack of commitment to Turkey's EU accession was seemingly reinforced by comments critical of the EU's approach to the Kurdistan

2 The Kurds are an Indo-European people of at least 26 million; the largest stateless population in the world. The area they settled in, known unofficially as Kurdistan, is located throughout the Zagreb Mountains which straddle the borders of modern-day Turkey, Iraq, Iran and Syria. Following the break-up of the Ottoman Empire, 'Kurdistan' was suddenly divided between five states, which each sought to rule the Kurds and assimilate them into the majority population. In Turkey, Kurds numbering 15 million, are not legally recognised as a national, racial or ethnic minority and though not officially barred from participating in political and economic affairs, several laws impede their access.

Worker's Party (PKK)³ and the whole prospect of EU membership,⁴ by the then Chief of General Staff, Özkök, at the War Academy in İstanbul in April 2005.⁵

b. The Kurdish Question and the Conflict in the south-east

In an effort ostensibly to combat the insurgency of armed Kurdish groups during the war between the PKK and the Turkish military from 1984 to 1999, over 3,000 Kurdish towns and villages in the south-east were torched and destroyed by state security forces. Unlawful detentions, the endemic use of torture or ill treatment and extrajudicial executions also took place, both by state forces and village guards. This left an estimated three to four million, mainly rural Kurdish villagers, displaced from their homes and forced to flee to nearby cities.⁶

After over 15 years of armed conflict, the 1999 unilateral ceasefire declared by the main armed opposition group, the PKK, presented an opportunity for peaceful reconciliation and genuine progress towards a solution. However, the PKK called off the truce in June 2004, claiming that Ankara's steps to expand Kurdish freedoms had been insufficient. Today, the majority of these villages remain demolished, there are no plans for their reconstruction and their former inhabitants are still not allowed to return, mostly due to obstruction by village guards, landmines and poor socio-economic conditions. In Diyarbakır alone, the population has soared from

3 As a result of their historical persecution and forced assimilation, several Kurdish tribes and political organisations have rebelled against their governments. In Turkey, the most notable is the uprising instigated in 1984 by Abdullah Öcalan, the then leader of the PKK. Although these rebellions have been somewhat successful in drawing international attention to the Kurdish situation, the Kurds continue in their struggle to have their basic human and cultural rights recognised, as gross human rights violations at the hands of their entrusted governments persists.

4 In his speech in April 2005, General Özkök was both critical of the EU's approach to the PKK and the PKK's alleged exploitation of the EU accession process: 'it is quite puzzling that an active measure has not been taken against this organization by now. PKK must definitely be deprived of external support...they developed their policies on the axis of the European Union by exploiting the favourable atmosphere created by the democratic steps taken by our country in the process of EU accession' further adding, 'It is really inappropriate to consider the membership as a favour done by the EU to us... If no agreement is reached and Turkey does not enter the EU, it would, of course, not be the end of the world.'

5 'Annual Security Evaluation', speech made by former Chief of General Staff, General Hilmi Özkök at the War College in İstanbul on 20 April 2005. For the full text of the speech see <<http://www.tsk.mil.tr/eng/konusma/harpakademisikonusma20Nisan.htm>> (last accessed 25 September 2006).

6 The Ministry of Interior counts less than 400,000 IDPs, but this figure includes only persons displaced as a result of village and hamlet evacuations in the south-east, and does not include people who fled violence stemming from the conflict between the government and the Kurdistan Workers' Party (PKK), which included evacuations, spontaneous movement, displacement and related rural to urban movement within the south-east itself. For more information see: The US Committee for Refugees and Immigrants, World Refugee Survey - Turkey, at <<http://www.refugees.org/countryreports.aspx?id=1336>>(last accessed 25 September 2006).

around 350,000 to 1.2 million in the space of 15 years. The population in Batman has grown at a similar rate.⁷

The social effects of such a large movement of persons are predictable; a lack of infrastructure and housing; insufficient educational facilities and problems with crime, which feeds and exacerbates the natural politicisation of those persons who have been displaced. However, this situation is itself, perhaps, partially caused and perpetuated by a more general, strategic underinvestment in the Kurdish regions, a legacy of the historical and ongoing discrimination and oppression of the Kurdish population by the Turkish State.

Further, a natural by-product of displacement is that a large number of young people fall not only outside of the Turkish system, but also outside of traditional social and political circles in their region. Caught in the poverty trap and confronted with continual discrimination, they are left increasingly disaffected and disillusioned. This has led to an increasing number of young people who are disenchanted by political engagement, and act accordingly. Hence, assumptions made about the control exercised over such individuals by particular political groups, and their subsequent conduct in the unrest, may not be accurate.

Although intermittent clashes between the army and PKK guerrillas in the mountains have followed, there is no question that all sides have enjoyed a period of relative calm over the past seven years; even after the end of the ceasefire, there was no return to the wholesale war of the past. Rather, the PKK have indicated that they will respond to acts rather than initiate them. Additionally, reforms borne from the EU-Turkey accession process have brought some economic and political advancement towards the Kurdish situation. Yet, despite a widespread desire to continue towards normalisation, the mission found a real and common fear among almost all of those with whom they met (and thus seemingly shared across social and political divides), that recent events have undermined seven years of progress, hence the need to stop this perceived reversion to the past.

c. Political Representation

The power of centrally appointed Governors with responsibility for the police, the health system, and economic development, often usurps and undermines that of the mayors elected by the municipalities. This often leads to local needs being

7 For more information please see ‘The Status of Internally Displaced Kurds in Turkey and Compensation Rights: Fact-finding Mission Report; September 2005; jointly published by KHRP, BHRC and EU-Turkey Civic Commission, September 2005.

undercut by national agendas.

As in other Western democracies, members of parliament are elected and are responsible for representing their constituents at the legislature. However, with the ‘ten percent rule’— only those parties which achieve ten percent of the popular vote nationally can hold seats in Parliament— the Turkish system has thus far prohibited political parties advocating for Kurdish and minority interests from reaching Parliament, and hence receiving just and proportionate representation. Although able to receive an overwhelming local majority, parties with minority rights platforms have been unable to cross the ten percent threshold. Yet without this, their votes are transferred to more mainstream parties, which risks further undermining accountability.

In the last election in November 2002, although the parties which are known to be ‘pro-Kurdish’ had by far the largest number of local seats in the region, they only achieved 6.2 percent of the popular vote nationwide. Thus, the mission was informed that in Diyarbakır, the overwhelming prevalence of the *Demokratik Halk Partisi* (Democratic People’s Party, DEHAP), in local elections meant nothing in terms of national representation for the regions. Votes that went to DEHAP parliamentary candidates were transferred to those from the ruling AKP. By contrast, in each of the municipalities, where such a threshold does not exist, the mayoral seats are held by the newly formed, ‘pro-Kurdish’ *Demokratik Toplum Partisi* (Democratic Society Party, DTP).

During the mission it was observed that a number of the victims affected by the violence appeared to have trust in the local DTP representatives. However, indicative of the disenfranchisement of the local minority population from national governance structures, none had had any contact with their national representatives or the Governors’ offices. Furthermore, this disenfranchisement is further compounded when controversial incidents resulting in harm of the local population⁸, are attributed to the ‘deep state’,⁹ with blame cast on rogue elements, which supposedly fall outside the state’s control. By casting blame on ‘uncontrollable rogue elements’, and implying that the government must themselves tread a careful line in the process of modernisation lest this ‘deep state’ resist, government officials appear to absolve themselves of any real sense of responsibility or accountability for the incident itself or for bringing its perpetrators to justice.

8 For example, see ‘Promoting Conflict – the Şemdinli Bombing: Trial Observation Report; jointly published by KHRP & BHRC, September 2006.

9 The ‘deep state’ refers to the means by which the state maintains control through covert, though highly politicised branches of the military.

d. The Police

The lack of representation of Kurds and minority groups in the Turkish system appears to be apparent at all levels; within the government but also within the police and security forces. Based upon interviews with several of the groups with whom the mission met, many of the officers policing the Kurdish regions were non-Kurds drafted in from elsewhere in Turkey. Further, despite the mission having been made aware of clear examples of efforts to build bridges between the police and a large section of the local population (particularly in Batman), an ‘us and them’ attitude seemed to prevail, with a deep distrust pervading both sides. Through the course of interviews the mission was given numerous accounts of police officers in all three towns directing insults at the local population during the unrest. The mission was thus led to believe that the situation in the region is still far from ‘policing by consent.

e. Anti-Terror Legislation

As elsewhere, the global ‘War on Terror’ continues to set an uncomfortable precedent, as national governments push for new domestic Anti-Terror legislation in the face of fierce public opposition fearing an attendant impact on individual civil liberties in the name of ‘security’. The violent clashes which broke out during April have already been seized upon to provide a rationale for the introduction of Turkey’s draconian, new emergency Anti-Terror bill, with similar terror legislation in the UK drawn upon to further strengthen their case. As Amnesty International warns, the ‘more dangerously ambiguous definition’ of terrorism increases the scope for individuals to be tried under Anti-Terror legislation, for exercising rights including freedom of expression and right to a fair trial.¹⁰ Unlike the UK and Europe, Turkey has not yet committed itself to the recognition of public dissent as a tool for democracy, as manifested in its recent attempts to prosecute renowned author Orhan Pamuk (following his comments concerning the killings of at least 30,000 Kurds and one million Armenians¹¹ to a Swiss newspaper), the publisher of Aram Publishing House, Fatih Taş (for its Turkish publication of John Tirman’s book, ‘Spoils of War: The Human Cost of America’s Arms Trade’), and Professors İbrahim Kaboğlu and Baskın Oran (after urging the government to change its policy

10 ‘Amnesty International warns against anti-terror bill’, *The New Anatolian*, 15 June 2006, at <<http://www.thenewanatolian.com/tna-8899.html>> (last accessed 25 September 2006).

11 In February of 2004, Mr. Pamuk made the statement “We killed 30,000 Kurds and a million Armenians. Nobody in Turkey dares talk about this, but I do,” in an interview he gave to “Das Magazin” published in Switzerland.

and recognise Kurds as a distinct minority in a government-commissioned report on minorities). This has no doubt fed the widespread concern amongst NGOs both locally and internationally, that the practical effects of the legislation will be regressive and oppressive; giving rise to further abuses in breach of international human rights law and committed by persons who will acquire impunity as a result.

2. Event Precursors: Şemdinli to Diyarbakir

a. Bookstore Bombing, Şemdinli, November 2005

The events in Şemdinli caused widespread concern in Turkey, particularly in the Kurdish regions. On 9 November 2005, local people in the small town of Şemdinli, close to Iraq, apprehended three individuals who had just placed and detonated an explosive device in a local bookshop, which left one man dead and five others injured. The culprits were effectively caught 'red-handed', together with incriminating material in their car, including grenades identical to the one used in the attack, plus a sketch mapping the scene of the bombing. Two of them were non-commissioned army officers, raising the spectre of 'deep state' activity.

The subsequent inexplicable and virtually unprecedented dismissal of Ferhat Sarıkaya, the public prosecutor who had prepared an indictment against the perpetrators (which occurred during the mission, on 21 April 2006), is further indicative of 'deep state' involvement and the likelihood of state protection being extended to the culprits, in a clear attempt to whitewash the events in Şemdinli. The prospect that elements of the state may have planted explosives in a population-centre and not be held accountable for their actions is a matter of internal friction within state bodies themselves, and a crushing blow to any confidence in the region's political progress.

b. The Killing of 14 PKK Guerrillas and Four Funerals, Diyarbakir, March 2006

On 24 March 2006, during a one-week stand-down by guerrillas to mark Newroz festivities, 14 guerrillas were killed in the mountains outside Diyarbakir by the Turkish army.

The funerals of four of the 14 guerrillas killed in the mountains took place in Diyarbakir on Tuesday 28 March 2006. In the four days between the killing and the funerals, rumours abounded that chemical weapons had been used by the

military. In the absence of an independent autopsy of the deceased (none were performed), the mission was unable to substantiate this.¹² However, the families of the dead, together with the Imams who washed the bodies in preparation for their burial, reported them to be covered in burns, but with no visible bullet holes.¹³ Nonetheless, according to the Mayor of Diyarbakır, the suspected use of chemical weapons which the government failed to deny until 29 March 2006 'increased the tension in the city. It inflamed people'.¹⁴

Each of the four guerrillas killed were from Diyarbakır. They were Bülent Tanışık from Diyarbakır central district, Muzaffer Pehlivan from Lice district of Diyarbakır, Fatih Çetin from Çınar district of Diyarbakır, and Mahmut Güler from Kulp district of Diyarbakır. Estimates of the number of people attending their funerals vary from 5,000 to 10,000 (according to the ruling party AKP) to 100,000 (according to the records of the DTP and the Diyarbakır Democracy Platform). Whatever the number, it is clear that the majority of those in attendance were doing so either as a show of solidarity with the families of these four men from Diyarbakır and/ or in response to a PKK-coordinated effort to generally protest the killings.

Despite the sheer number of people attending, and a heightened security presence, the funerals passed off peacefully. Nevertheless, the clear sense of anger and discontent amongst some of those attending was manifested in shouts and chants from the crowd, together with the waving of flags and the Kurdish colours of red, green and yellow¹⁵. According to the Mayor, great efforts were made by him and local NGOs to urge both the attendees to go home and the security forces to return to their stations. Although the mission did hear reports that some of the young men in the crowd were throwing stones and were being pleaded with to calm down by those around them, there was no evidence that the funeral goers were armed with weapons. As echoed by the Diyarbakır Democracy Platform 'the funeral goers had no weapons but stones'.¹⁶ It is worth noting here that although the PKK is an armed group, it appears that in their efforts to protest the killings, they had explicitly decided to avoid recourse to arms and encourage a public but peaceful protest.

12 Although according to İHD, blood samples have been sent to Istanbul to establish whether chemical weapons were used. KHRP FFM Interview with İHD Diyarbakır Executives, 21 April 2006, İHD Diyarbakır Branch Office, Diyarbakır.

13 KHRP FFM Interview with DTP Diyarbakır Branch Executives, 20 April 2006, DTP Office, Diyarbakır.

14 KHRP FFM Interview with Mayor Osman Baydemir, 20 April 2006, Diyarbakır.

15 Such displays of Kurdish nationalist colours is now an offence under the aforementioned Anti-Terror act.

16 KHRP FFM Interview with Executives at Diyarbakır Branches of trade unions Tüm Bel-Sen and Tes-İş No1, together with a spokesperson of Diyarbakır Democracy Platform, 20 April 2006, Diyarbakır.

It was when people passed 10 Nisan Police Station on leaving the cemetery that trouble flared. Some reported that the police had mounted a road block,¹⁷ and reports of police attacks on funeral goers with tear gas, water canons and batons were common, with several reports that firearms were also used by the security forces at this point. It is clear from the general opinion expressed by several individuals with whom the mission met (both relatives of victims and organisational representatives), that there was unlikely to have been any significant unrest had the crowd not been met with violence and weapons from the security forces, and that this was the catalyst for the rapid escalation of violence which unfolded.

The violence that erupted at the interface of 10 Nisan Police Station on 28 March 2006 rapidly spread to different parts of the city and several flashpoints emerged. The mission was shown video footage of a group of youths stoning the AKP headquarters, which at the time was surrounded by armed security personnel. Although none of the youths appeared to be armed, some of those inside the building were calling for armed force to be used by the soldiers. During the meeting with Abdurrahman Kurt, Chairman of the AKP, the mission was shown a bullet hole in the window attributed to the incident and said to have been fired from demonstrators in the street.¹⁸ The mission was also informed by Mr. Kurt that a youth had been detained holding a Molotov cocktail inside the building. This was surprising to the mission, as, considering the security force presence, access must have been difficult. This youth, the mission was told, had not been handed to the police.

The day before the funerals, shopkeepers in Diyarbakır were called upon to close their shops in protest.¹⁹ According to the Shopkeeper's Association, many did close, some out of protest, others to avoid becoming targets for protestors. Indeed, on 28 March 2006 and the following day, funeral goers and demonstrators used stones to attack shops which had stayed open, damaging windows and entrances in retribution for the owner's perceived defiance. However, as confirmed by members of the Shopkeeper's Association, there was no evidence to support the Vice Governor's suggestion that the demonstrators went so far as to also loot these shops. Subsequently after the second day, all the shops remained closed; it was said that this then provoked the police, who began to attack shops in punishment for closing, using stones and sling-shots²⁰ to fire metal pellets.

According to figures from the Shopkeeper's Association, 335 shops, 33 private cars,

17 Ibid.

18 KHRP FFM Interview with Abdurrahman Kurt, Chairman of AKP Diyarbakır Branch, 20 April 2006, AKP Diyarbakır Branch Office.

19 KHRP FFM Interview with Alican Ebedinoğlu, Executive at Shopkeeper's Association, 21 April 2006, Diyarbakır.

20 A catapult type device.

and 144 houses were attacked (excluding attacks from the police after the third day). Alongside, official buildings and banks were burned, and 22 bank branches, three official cars and 60 bus stops belonging to the municipality, were attacked.

Several organisations with whom the mission spoke, confirmed that during these initial days of violence, the Governor and other officials were trying to mitigate tensions and call for calm. Although the mission was unable to speak directly to the Governor, the impression given was that he did take active steps to intervene and to urge restraint on the part of the police. Although the mission did speak to the Vice Governor, it is worth noting that this individual's remit did not cover the security situation; her mandate focused on economic development. It seemed clear that she did not have a detailed knowledge of what was happening on the street, nor what the precise response of the Office of Governors was.

According to Abdurrahman Kurt of the AKP however, by the second day, the police were beyond the Governor's control.²¹ This was vividly demonstrated on Friday 29 March 2006. En-route from meeting the Governor to discuss taking steps to calm the people, the convoy in which the Mayor of Diyarbakir, Osman Baydemir was travelling was attacked by armed police. Police held a pistol to the head of one of the Mayor's guards, and threatened to kill Baydemir, while another of his guards was cut on the forehead. The Mayor perceived this as a 'serious threat'. As noted by a member of *İnsan Hakları Derneği* (Human Rights Association of Turkey, İHD) who was travelling in the same group, 'If they can behave this way with the Mayor, imagine how they behave with ordinary people in the street.'²² İHD reported that police also racked and pointed their weapons at them from a distance of just one metre, and damaged the cars in which they were travelling by throwing stones.

Although the Mayor told the mission that the Governor subsequently sent his apologies for the incident, the Vice Governor denied its very occurrence, seemingly epitomising the extent to which there was an unclear and uncoordinated response to the protests, not just within the different state apparatus, but even between those in the local Governor's Office. 'This did not happen. It would not happen' she stated, 'It is the duty of the police to provide security to the people living here – they would not attack the Mayor.'²³

According to İHD 'until 28 March 2006, the city was under the control of the

21 KHRP FFM Interview with Abdurrahman Kurt, Chairman of AKP Diyarbakir Branch, 20 April 2006, AKP Diyarbakir Branch Office.

22 KHRP FFM Interview with İHD Diyarbakir Executives, 21 April 2006, İHD Diyarbakir Branch Office, Diyarbakir.

23 KHRP FFM Interview with Vice Governor of Diyarbakir, 21 April 2006, Diyarbakir Governor Office, Diyarbakir.

Governor. After that the military and Special Forces moved in. They ignored local administration.²⁴ This analysis is borne out by several sources despite the Vice Governor's insistence that she was unaware of any external security forces in the city. The mission also had the opportunity to speak to a local police officer who, off the record, confirmed that the army had been brought into the city, thus overriding the authority of the local administration and in doing so, had undone years of hard work by local police forces to foster confidence from the local communities. He also felt that as a result, the situation in Diyarbakır had regressed by seven years. He thought the main problem was a complete lack of accountability for the army's actions, with senior police officers having absolutely no control over them.

The exact date that external military and police forces became involved is unclear, though it is clear that it was no later than the day after the funerals, the date suggested by several people. Whatever the date, it is clear that tensions increased further as a result.

On Friday 29 March, responding to the unrest in Diyarbakır, the Prime Minister made a television statement indicating that all necessary action would be taken to quell the protests, irrespective of whether women or children were involved.

*If you cry tomorrow, it will be in vain. The security forces will intervene against the pawns of terrorism, no matter if they are children or women. Everybody should realise that.*²⁵

The impact and effect of this statement was recounted by almost all the groups and individuals with whom the mission spoke. For many, it was perceived as a *carte blanche* for the security forces to use indiscriminate violence. Even Mr Kurt of AKP acknowledged a 'mistake of style and expression' on the part of the Prime Minister, and one for which he 'should perhaps apologise'.²⁶ He added that he had written to the Prime Minister asking him to clarify his statement. He went on to indicate that if he had believed the statement was designed to encourage violence against women and children, he would have resigned.

Around the time of this statement, armoured tanks moved into the city. In the violence that ensued, many were killed and hundreds more were injured. Armoured vehicles were attacked with stones and, in some locations, with Molotov cocktails.

24 KHRP FFM Interview with İHD Diyarbakır Executives, 21 April 2006, İHD Diyarbakır Branch Office, Diyarbakır.

25 'Turkey warns children off clashes' BBC News Online, 1 April 2006, at <<http://news.bbc.co.uk/2/hi/europe/4867934.stm>> (last accessed 25 September 2006).

26 KHRP FFM Interview with Abdurrahman Kurt, Chairman of AKP Diyarbakır Branch, 20 April 2006, AKP Diyarbakır Branch Office.

The army and other security forces responded with tear gas, plastic bullets and open fire. Reports of attacks from the air were also commonplace.

According to figures from the Governor's Office, 199 police officers were wounded with knives, stones or sticks during the four days of unrest; one was allegedly wounded with a firearm. This compared to 161 civilians who were treated at hospital. İHD however, puts the number of civilians treated closer to 200. With regard to the nature of injuries, based upon estimates made by representatives of the Shopkeeper's Association who visited wounded civilians in hospitals, 20 percent of those admitted suffered injuries from batons, leaving an overwhelming 80 percent suffering injuries from either plastic bullets, tear gas bullets or real bullets (with plastic being the exception, and real bullets the norm). Among the wounded was a 16-year-old boy who lost an eye after being exposed to tear gas, and a 72-year-old woman who was shot in the stomach while praying; together they signal the apparent indiscriminate nature of the military onslaught.

Furthermore, the mission heard repeated and credible reports that the hospitals in the city were surrounded by security forces and as a result, wounded people chose not to seek treatment for fear of being arrested. Being injured, it was said, would have been interpreted by the security personnel as being involved in the demonstrations, and would therefore justify an arrest. Taking this into account, it is likely that the number of civilian wounded far exceeds İHD's estimate of 200. That said, the Vice Governor denied that hospitals were surrounded, suggesting the presence of some 15 to 20 soldiers was merely to protect the building from demonstrators who were stoning it. This account was not supported by any other group with whom the mission met.

Between 29 March and 3 April 2006, the following people lost their lives:

- Mehmet Akbulut (18) was seriously injured on 28 March 2006. He was taken to the Faculty of Medicine at Dicle University and placed in intensive care, but died on 31 March 2006. According to an autopsy report, he had been shot.
- Halil Söğüt (78) was wounded by a blow to the head on 28 March 2006. He lost his life as a result of his injuries on 3 April 2006.
- Tarık Atakaya (22), a furniture maker, died on 29 March 2006. The cause of death noted in an autopsy report dated 30 March 2006, is brain damage and severe internal bleeding. He had been shot in the head with a tear gas cartridge.

- Mehmet Işıkcı (19), a furniture seller, died on 29 March 2006. According to an autopsy report dated 30 March 2006, he died of a fractured skull, internal bleeding to his brain and right lung and liver rupture. All were caused by head, chest and stomach trauma, internal bleeding and shock. Eye-witnesses are said to have reported that he was beaten by the police.
- Abdullah Duran (9), a primary school pupil, died on 29 March 2006. He was watching ongoing events from the balcony of the flat where he lived when he was shot. According to the autopsy report dated 30 March 2006, he died due to injuries caused by bullets to his lung and heart.
- Enez Ata (8), a primary school pupil, died on 30 March 2006. His father reported seeing a bullet hole between his heart and stomach.
- Mahsum Mızrak (17), a PVC door and window artisan. He was detained on 30 March 2006 by police officers from 10 Nisan Police Station. His family discovered his body in the State Hospital on 3 April 2006. According to the autopsy report dated 30 March 2006, he died due to tear gas bullet wounds to the head, injuring and destroying his brain and causing severe internal bleeding.
- Emrah Fidan (17), a final year high school student, died on 3 April 2006, following injuries sustained on 29 March 2006. According to the autopsy report dated 3 April 2006, he died following a gunshot wound to the head.
- İsmail Erkek (8), a primary school pupil, died on 30 March 2006 as a result of a bullet injury.
- Mustafa Eryılmaz (26) died on 29 March 2006 following injuries received from the security forces.

Both Abdurrahman Kurt of the AKP and the Vice Governor were keen to stress that the police only reacted violently on having had their families and homes abused by demonstrators. The Vice Governor reported that the wife of one officer received a cut to the wrist and having been thus provoked, officers may have reacted emotionally. According to her, 'all action was implemented according to the law, nothing less, nothing more'. Although two of the reportedly 563 people arrested were in possession of unregistered firearms, there was 'never any authorisation (for the security forces) to use firearms'. If firearms were used by the security forces, she

stated, they were used in an unauthorised manner.²⁷

Nevertheless, Mr Kurt did accept that some of the violence used by the police was excessive and disproportionate and that by the third or fourth day, the actions of the security forces had become more severe. In his opinion, there were however, 'some suspicious deaths'. He stated that injuries received by the child who was killed on the balcony of his home suggested that the shooter was on the same level as the balcony, rather than shooting from below. He implied that if this was the case, the security forces could not have been responsible for this death. Yet Mr Kurt accepted that he did not have sufficient details at the time of our interview to fully support this contention.²⁸

According to an investigation and observation report into the events by İHD, 563 persons were arrested and of those, 382 were charged with offences and detained.²⁹ The 563 arrested included 200 children under 18 years of age, 91 of whom were charged and detained. The youngest person detained was 12 years old. 34 children were released after challenging their detention on appeal.

İHD reported receiving 350 applications detailing torture and ill treatment during detention. These were independent applications referred to İHD and not sought by them. Most of the 34 children who were released on appeal complained of being hosed with cold water for three to four hours at a time; being beaten; made to sit on the floor; and being deprived of sleep. They were kept for a maximum of four days and the abusive treatment was reported as being consistent during the whole period of detention. Reports by İHD revealed that some detained children did not dare ask for water when thirsty, because they were afraid of having to go to the toilet and being beaten en-route. Some children's hands were beaten in punishment for using their hands to throw stones.

The Diyarbakır Bar Association concurred with these reports of torture and ill treatment, and added that lawyers endeavouring to visit those detained have been subject to both verbal and physical abuse. When the mission met with them, they were trying to meet the Governor to discuss the torture and ill treatment of detainees and lawyers, but had not yet been successful.³⁰

27 KHRP FFM Interview with Vice Governor of Diyarbakır, 21 April 2006, Diyarbakır Governor Office, Diyarbakır.

28 KHRP FFM Interview with Abdurrahman Kurt, Chairman of AKP Diyarbakır Branch, 20 April 2006, AKP Diyarbakır Branch Office.

29 'Investigation and Observation Report into Human Rights Violations which occurred during the funeral on 28 March 2006 in Diyarbakır', İHD, 6 April 2006.

30 KHRP FFM Interview with Diyarbakır Bar Association Board members, 20 April 2006, Diyarbakır Bar Association Office, Diyarbakır.

According to İHD, these allegations fly in the face of the Prime Minister's zero tolerance policy on torture. The mission therefore put the allegations of torture and ill treatment to the Vice Governor. There was, she said, no maltreatment of detainees and that this would not be possible as it is forbidden under Turkish law. She recommended that anyone making such an allegation should lodge a criminal complaint.

Conversely, the mission heard many reports of individuals being subjected to physical beatings following arrest and en-route to police stations. Procedurally, if someone is taken into custody injured, they should be taken to the State Hospital for a medical examination. During these events, this procedure was apparently suspended and doctors and nurses went to the police station to examine those detained. Reportedly, their medical examinations were cursory and performed from a distance. Although this was not confirmed, the mission was told that the Chamber of Doctors complained about the way they were being asked to examine patients. The mission was also informed that the Trade Union of Health Workers said the nurses who were chosen to conduct such examinations were mainly the wives of officials, the military or the police. It was, according to İHD, a pretence that medical assistance was being provided.

The Death of Emrah Fidan³¹

KHRP is grateful to the family of Emrah Fidan who shared their story with the mission just two weeks after the painful and tragic loss of their son.

'We were a family of three girls and two boys. Our oldest boy, Emrah, is the one who was killed. He was just 17 and in the last year of high school, preparing for university. He was a brilliant student and wanted to be a doctor. We are poor but we saved for him to go to university. He had never been in trouble with the police before. He was not political.

On Wednesday 29 March 2006, he was at home at about 3pm. We had told him not to go far as there was trouble brewing. He was outside playing football with his brother. Some of his classmates came by and he went to hang out with them. He never came home again.

When we realised he was missing we went to the State Hospital. According to their records he had been treated there on 29 March for a leg injury but he was a 'walking

31 KHRP FFM Interview with the family of Emrah Fidan, 20 April 2006, family house in a shanty area of Diyarbakır city centre.

wounded⁷. The police officers there suggested he had probably been arrested or was afraid to come home. Their attitude was very negative. On Thursday, the next day, we went back to the hospital with our lawyer, but we could not find him. The police suggested going to the University Hospital and that he maybe there with a different name.

There were many police at the University Hospital and initially they would not let us in. We eventually found him there under the name 'Nurşen Doğanşahin'. This is not even a real name – it is made up. He was still alive and in intensive care. He had been in hospital from the day before. We were asked if we could identify his clothes and we did. His identification was in his pocket. Police could have called or contacted the family at any time. There was no sign that he ever had a leg injury.

He died on Monday 3 April 2006.

The doctors at the hospital were excellent, but no official person came to see us, although the Chair of AKP was at the hospital. Throughout Emrah's time in intensive care, civilian police were following us. They also came to the house when we brought him home to bury him. Two cars of about 10-12 civilian police arrived and warned us not to let any outsiders or non relatives attend the funeral. They even walked into our home before the funeral and read prayers over Emrah's body. When they came in, the family went out. Despite this level of provocation, we asked people to be controlled and not to react or say anything.

During the funeral, the police were obviously noting the number plates of those who attended. They were among the crowd of mourners. Four times during the funeral an officer approached Emrah's uncle and asked if outsiders were there. He was told there was not and was asked to leave the family to mourn. Almost 600 people attended the funeral, including 150 students and teachers from Emrah's school.

We have spoken to Emrah's friend who was there when he was injured. There had been people clashing with the police in the area, but some distance away from Emrah. The police were using water to disperse people. Emrah's friend heard an explosion and was injured in the leg with a piece of metal. There were dozens of holes in the shop shutters in the area. Another person died at the same place and four others were treated at hospital. People have mentioned that the police were filming the incident, but we have not seen anything. Some people have suggested he was fired at from a helicopter.

Emrah was shot from behind in the back of his head, just at the top of his neck. The doctor told us in hospital it was a bullet wound, but the autopsy report said it was not a bullet but some kind of pellet wound.

We have asked police to start an investigation and go to the place where he died. They said they would but we have no confidence in them. It was clear they had no intention to come back. Our lawyer has called the police, who said they cannot pay it any attention yet – they are too busy and will do it later. The incident happened 500 metres from Huzur Police Station. At the time, the police at that station were from outside Diyarbakır.

Two civilian police officers came to us and asked for Emrah's father and brothers to give a statement. They asked for the SIM card of his mobile phone, suggesting they could find out if he had had an argument with anyone which resulted in his death! The police suggested it may not have been the security forces but that perhaps one of his friends was firing at the police and shot Emrah! If people had had weapons, the police would have been shot. They were not. The police did ask who was with him but his friends are too scared to come forward. No police have since come back.

We have absolutely no trust in the police. We know that the state killed our son. It was not random. Who do you turn to when the state kills your son? We have no where else to go.'

3. Repercussions: Batman to Kızıltepe

a. 'Arrival of Unrest', Batman, March 2006³²

Although one of the guerrillas killed in the mountains was brought to Batman for burial, reports suggest that things were initially quite calm in this city. It was not until after the events that started in Diyarbakır had begun to spread to other regions that *unrest arrived in Batman*. It started on Friday 31 March 2006, with the shopkeepers closing their shutters. According to the Batman Journalists' Association, 99 percent of shops in the city shut.³³ Only one pharmacy that historically has never closed remained open. It was, according to many, the first time in seven years that shops in the city had shut in this way. People either wanted to show their solidarity with the people in Diyarbakır, or felt that they had to close following a PKK call to protest and show solidarity, was made on the Brussels-based ROJTV.³⁴ Meanwhile, police were warning shopkeepers to remain open.

In the course of the morning people gathered in front of the DTP offices and planned a protest walk to the AKP offices, where a press conference was to be held. Some 3,000 to 5,000 people gathered. The Institute of Journalists suggested that this figure included some 500 to 1,000 people who were not local to the city, although this was subsequently refuted by the Mayor's office. In any case, as confirmed by *İnsan Hakları ve Mazlumlar İçin Dayanışma Derneği* (The Association of Human Rights and Solidarity for the Oppressed People in Turkey, Mazlum-Der), all those subsequently arrested were from Batman.³⁵

In the course of the march, as accepted by almost all of the organisations and individuals with whom the mission spoke, there were isolated incidents of violence.

32 Batman is a medium sized city of 350,000 people. Like many cities in the region, its population has rapidly risen due to the influx of internally displaced people.

33 KHRP FFM Interview with Executives of the Batman Journalists' Association of, 22 April 2006, Batman.

34 KHRP FFM Interview with Executives of Mazlum-Der Batman Branch, 22 April 2006, Mazlum-Der, Batman Branch Office, Batman.

35 Ibid.

Some young men stoned buildings, including some banks and the aforementioned pharmacy, but on the whole, the marchers were peaceful and called for others to be controlled.

The Mayor was among the crowd, urging calm but also having stated words to the effect of 'I commend you for your democratic action. You have succeeded now. Let's end it here,' the Mayor was charged with offences relating to the glorification of violence and is to be tried. If convicted, the maximum penalty is 18 years imprisonment.

There was also an increased security presence in the city, with The Institute of Journalists estimating that there were 1,000 gendarmerie (rural military police) and 1,500 police. According to Mazlum-Der, 'both sides were preparing'.³⁶

Some 500 metres from the AKP building where the press conference was due to take place, the marchers were met with a barricade of police. Reports then vary as to who made the first move, with Mazlum-Der accepting that it is possible that stones were thrown by demonstrators first. All parties maintain however, that the reaction of the police was disproportionate and indiscriminate. The mission heard nothing to suggest that the security forces had attempted to engage in dialogue with the marchers. There was never, according to İHD, any announcement or order to disperse, 'they just started attacking'.³⁷

İHD reported that the police initially attacked with tear gas before allowing soldiers to come forward to continue the assault. As in Diyarbakır, there are consistent and credible accounts of the police using sling-shots. Those members of İHD present at the march reported that almost all police officers had metal pellets in their pockets, which they were firing at the crowd with slingshots. One İHD monitor also witnessed a uniformed police officer expose his penis to people.

According to Mazlum-Der, it was as though the police had many years of pent-up violence which they 'let loose' on the crowd. The demonstrators had sticks and stones as weapons and were met with iron bars, tear gas, batons and slingshots. No one was wounded with firearms during the initial conflict, although there were reports of the police and army firing into the sky. One member of Mazlum-Der reported witnessing four police officers violently attack a person after asking him if he had attended the demonstration.³⁸ İHD members similarly reported witnessing

36 Ibid.

37 KHRP FFM Interview with İHD Diyarbakır Executives, 21 April 2006, İHD Diyarbakır Branch Office, Diyarbakır.

38 KHRP FFM Interview with Executives of Mazlum-Der Batman Branch, 22 April 2006, Mazlum-Der, Batman Branch Office, Batman.

20-30 police attack one man, and other police officers setting cars alight and rounding up and beating children as young as 13 or 14 years old.

Eye-Witness Account:

Five İHD monitors attended the march in total. Three of us were together, wearing monitor badges. We were trying to avoid tear gas when we were stopped by the police and questioned. We explained that we were monitors but they said, 'you are the real terrorists, more dangerous than the others'. They arrested us and when they were bringing us to the police van they beat us, insulted us and asked why they should not kill us. I heard police shouting 'why don't you kill them?'. They put us in a van with three other detainees.

As soon as we arrived at the chief police station, there were many police who again started attacking me. It was as if the police accompanying me tried to protect me but the others were attacking me using their feet and hands. My nose was bleeding, lip was torn and glasses were broken.

When I was taken inside the building they said 'no one goes to this kind of demo in a suit, who are you?' When I explained I was a monitor and the secretary of İHD, they offered to take me home or to hospital. I went to hospital and was signed off work for nine days. My nose was bleeding very hard and my lips were swollen. I think perhaps they got frightened given my injuries and the fact that I am the secretary of İHD, so they let me go. I explained that my friends were there and they are also human rights monitors. They said they would release them later. Although I did not see exactly what happened to them, they were subjected to the same treatment as me. They are still in detention. I have spoken to them – they said they have been assaulted by soldiers both in the police station and prison.

Someone else who was detained and sent to the same prison spoke to them. When he was released he came to tell me that they said hello and to tell me that from 2am to 6am when they arrived at the prison, they were physically beaten. I asked if he would make a formal complaint, but he said that he had been to that hell hole once and that he did not want to go back. He would not even give his name.

I have not yet made a complaint about my ill treatment. We are producing a report and we will give it to the prosecutor to treat it as a criminal complaint and start an investigation. I have to admit that I am not very hopeful. I talked to the prosecutor and he said that others who are appealing their arrest have mentioned ill treatment. He reminded me that if my complaint results in a conviction it will be against the police, but if I should lose, it will be against me. He asked me who did it but so many

police were there... they do not have any will to find those responsible.'

Both İHD and Mazlum-Der heard reports of individuals being beaten as they walked between lines of police at the police station; there are no recorded incidents of the police trying to restrain the actions of their colleagues. Rather, both groups concurred that as the unrest escalated, police attacked buildings, smashing windows and beating people in the street. Reports included police damage against both the DTP and municipality buildings, and of two journalists beaten by the police while taking photographs. In total, over 600 buildings were damaged and many cars were torched. İHD members further reported hearing and seeing gunshots from armoured vehicles in the city, as they shot 'randomly from a height of about five metres'.³⁹

During the disturbances, requested ambulances from the state hospitals were allegedly not dispatched, with further reports of up to 50 soldiers and police attacking an ambulance from a municipality hospital as it sought to get through a crowd to reach injured people, substantiated by a credible eye-witness. The witness observed windows being smashed with the shafts of guns and the doctor, nurse and driver being dragged from the vehicle. The back of the ambulance was then reportedly ransacked and the medical personnel, especially the male driver and nurse, were beaten, before weapons were cocked and pointed at all three individuals. The keys had been taken from the ignition to prevent the ambulance getting away and the wheels were punctured with gunshots. After what was inevitably a harrowing attack, the keys were thrown back at the driver. There was nothing to suggest that any police officer or soldier tried to restrain or prevent his colleagues partaking in this attack.

The violence continued into the next day. According to the Batman Journalists Association, 110 people were arrested with 92 of them detained, including the Chairman of the DTP, two members of the City Council and ten children.⁴⁰ Of those detained, four were treated at a private hospital, 15 people were treated at the women's hospital, 36 at the State Hospital and 35 to 45 at the hospital attached to the Chief Police Office. Again allegations of torture and ill treatment were common. It was, according to one observer, as though 'after the statement from the Prime Minister [on 31 March 2006] the law (there) was suspended'.

As in Diyarbakır, the mission heard credible accounts that many, if not most, of

39 KHRP FFM Interview with Executives of İHD Diyarbakır Branch, 21 April 2006, İHD Diyarbakır Branch Office, Diyarbakır.

40 KHRP FFM Interview with Executives of the Batman Journalists' Association, 22 April 2006, Batman.

those injured did not seek hospital treatment for fear of being detained by the police.

Fethi Tekin:

In Batman, Fethi Tekin, a three year old boy, was shot. He was one of a family of eight. His mother had sent him on the terrace to play but there were clashes in the street below. He was shot in the jaw. Although it is not known who shot him, there is no reported evidence of any demonstrators having weapons. When his mother ran onto the street with her child asking for help, no one came to her aid. A police officer saw her but ran away. He was buried without an autopsy. The Governor paid 15,000 Turkish liras (approximately £6,000-7,000) to the family.

On the whole, although as stated above, it seems that the Chief of Police and the Governor of Batman are perceived to be approachable by community and human rights organisations, there was in Batman, as in Diyarbakır, a sense that control of the security forces was held by powers outside the city. Many viewed the unrest as being very ‘convenient’ and as being beyond coincidence in helping to facilitate the easy passing of the new Anti-Terror law. ‘As long as the violence increases and continues, the focus of the officials will be increasingly security-based, and the social and cultural dimensions of this problem will be ignored again.’⁴¹

As also in Diyarbakır, many in Batman expressed the worry that progress in the city had been undermined and that they had regressed by seven years. As one lawyer working in association with Mazlum-Der put it ‘for five years we had struggled and had established rights...these were undermined in two days’.

b. ‘Suspension of Law’, Kızıltepe, April 2006

At 11am on Sunday 1 April 2006, the DTP, together with cultural centres, NGOs and human rights associations, organised a press conference in Kızıltepe, to express their opposition to the events in Diyarbakır and their solidarity with the people there. No shops opened in the city, and in the course of the morning people gathered in front of the DTP building. The evening before the press conference, there were some reports of a small group of young men protesting in the town.

41 KHRP FFM Interview with Executives of Mazlum-Der Batman Branch, 22 April 2006, Mazlum-Der, Batman Branch Office, Batman.

Police reportedly shot into the sky to disperse the demonstrators. Although there was said to be a feeling of tension in the area, people were gathering peacefully and talking to each other. Nonetheless, according to DTP officials, police had been drafted into the town from Mardin and Diyarbakır.

In order to ensure that the press conference went smoothly, the Chair of DTP had arranged a meeting with the local Governor and the Police Chief an hour earlier. However, according to reports, while the Governor was engaging in constructive conversation, the Police Chief was less accommodating and in the course of these discussions with a wave of his hand, gave an order to commence shooting. Furthermore, it would seem that there were external instructions to suspend the law and to take whatever steps deemed necessary to counteract the demonstration.

Whilst the mission was unable to speak directly to anyone who attended this meeting, the impression from others who were present to participate in the subsequent press conference, was that shortly before 11am, without warning and unprompted by any action of the gathering crowd of 1,000 to 2,000 people, police started shooting and using tear gas. This began before the press conference had started and while the meeting between the officials involved was still ongoing. No one was chanting slogans. Rather, all reports point towards an outburst of unwarranted and indiscriminate violence from security personnel. Once again, the mission heard reports of the police using sling shots, which they had apparently bought from the town's shops the previous day.

According to Kızıltepe's Mayor, there is evidence that the military was preparing for this in the days ahead.⁴² Sensing a demonstrated anger and hatred amongst the security forces towards the people, he reiterated the notion that this was not a sporadic local response against demonstrators, but an officially instigated and planned use of excessive force. 'The Chief of Police of this area is not new – if it was his personal decision [to employ violence] he could have done it on many previous occasions. He did not. The order must have come from the top'.

Having unleashed their aggression on the crowd, violence spread throughout the city. At 12.20pm, Ahmet Arau (see below) was killed. By the end of the first day ten people had been injured with baton strikes and five others with firearms. There is no record of anyone killed, injured or arrested having firearms in their possession, nor of any member of the security forces having been injured with firearms. Yet İHD members reportedly witnessed riot police, Special Forces and gendarmerie all

42 KHRP FFM Interview with Cihan Sincar, Mayor of Kızıltepe, 23 April 2006, Mayor's Office, Kızıltepe.

over the city shouting insults and proclaiming ‘shoot them!’ and ‘kill them!’⁴³ İHD estimated there were 10,000 security personnel in the city.

One of those arrested reported:

‘On 2 April 2006, I was walking along the street, when I saw people walking towards me. I moved into a doorway to let them pass. After the crowd left, the police spotted me still stood there and shot me in the mouth. I went to hospital but the police would not let me in. I was kept waiting for almost 20 minutes. A doctor came out and challenged them saying ‘what are you doing, he is bleeding, he could die.’ I was taken to hospital and transferred to Mardin, where the police insulted and swore at us with anti-Kurdish insults. At hospital the doctor said I had to stay for one week but the police refused to let me stay. I stayed for only one day before I was arrested, handcuffed and put in the car. They beat me again as soon as I left the hospital. There were so many police when I was taken to the station, swearing at me, punching me, and kicking me, until I got into the building. They put me in their cells in the basement and they swore at all of us – again anti-Kurdish swearing. After we gave our statement in the police station, we were taken in a bus and treated like animals and told to put our heads down or else... We were taken to the Prosecutor Office – anyone who raised their head on the way was beaten...anytime we wanted to go to the toilet they beat us. Then I saw the prosecutor and he released me.’

It was reported that on the following day, on the way back from visiting the family of Ahmet Aras, a crowd of people were chanting slogans but not using violence. Police attacked them with firearms, killing one person and injuring four others. Again, it was reported that many of the injured did not seek hospital treatment for fear of being detained by the police.

In total, 52 people from this area are in custody and are facing severe charges. According to reports from the Prisoner’s Organisation,⁴⁴

‘The people who were arrested were taken to [the] central police station and really badly beaten. They were then sent to the Anti-Terror branch and the beating and swearing continued there. One was injured with

43 KHRP FFM Interview with İHD Diyarbakır Executives, 21 April 2006, İHD Diyarbakır Branch Office, Diyarbakır.

44 KHRP FFM Interview with Executives of the Prisoner’s Families Organisation, 23 April 2006, Kızıltepe.

firearms but was not taken to hospital. Two others were seriously injured, one with a broken nose, another with a broken hand. None have had hospital treatment – even those wounded with firearms’.

Father of Mazlum Dölek

I’m afraid to tell you what happened in case they beat me again. The beating I received was so hard. At 11am on 1 April 2006, I went to the animal market to buy and sell sheep. Although I saw the police gathering and waiting, I thought “I’m an old man, not involved in anything –they would not do anything to me.” Then the police approached and just started beating me. I could not say how many there were. I lost consciousness and I came to in hospital. I was kicked in the head and they stitched it. One of my teeth was broken, others are loose. They were hitting my head. I tried to protect myself with my hands and they hit my hands. From the hospital I was taken to the police station, I lost consciousness again and was brought back to hospital. I am 60 years old.

I am the father of Mazlum Dölek, he is 26 years old. My son was working for a cultural centre playing music. On 1 April he was at home until 10.30am. He left to go to the centre and 30 minutes later I heard shooting. I was anxious and tried to call him, but I could not get through. Later he told me when he got to the centre the police started beating him. That evening I was called from the police station. They asked me if he was my son, and told me he was arrested. I went to the police station but they would not let me see him. There was a Kurdish police man there, so I asked him what was happening and he said that he had been struck to the forehead, but that he is ok. I then saw him a few days later and his face was swollen. He told me he was beaten all over and dragged by his clothes. He was beaten on the street, dragged on the ground, beaten at the police station, taken to Anti-Terror branch, beaten again and taken to prison. We are a poor family of nine. He is my eldest son. He used to go to the West as a seasonal agricultural worker. We are in financial difficulty now.⁴⁵

Family of Ahmet Aras

‘It was our son’s 26th birthday. His sister made a cake and bought him a pair of trousers. He never got to taste the cake or wear the trousers.

45 KHRP FFM Interview with Mr. Dölek, father of Mr. Mazlum Dölek, 23 April 2006, Kızıltepe, Mardin.

A few incidents occurred before he was killed which now suggest to us he was being targeted by the security forces. He was not a member of the DTP. He had wanted to work with the youth wing, but could not afford to give up his job and so was a volunteer working with young people

On the day he was killed, he was on his way to the press conference. He could not reach it so he turned to come back home with friends. The police were following them. When they turned into this street, it was blocked by police, so they turned back to go to another part of the city with other friends. We have been told that they said amongst themselves 'they are following us but do not run or react'. Suddenly more police appeared. They started running away when an armed vehicle crashed into him and forced him into a wall. His friends could only see his arm sticking out. A man in a black mask got off the panzer and shot him in the head. His friends ran to him and took him to hospital but it was too late. They aimed for him, crashed into him, shot him and killed him.

His brother who was nearby learned that he had been killed and started to cry. A man with paint on his face, a police officer, said in Kurdish – "go away, we have killed one, go away before we kill another"⁴⁶

The family was proud of their son's political awareness. His mother stated 'I am now the mother of a martyr.'

Family of Mehmet Sıddık Özer

"The first day of the demonstrations here, someone was killed. Our son went to pay his respects to the family. Coming home, the road was blocked by soldiers. I do not know if they were Special Forces. They started shooting at people. I believe they were shooting at the crowd, not specifically him. I was at home. He was probably with friends but I do not know how many. I was just called and told he had been injured and was taken to Mardin. When I got to Mardin he was dead. He had been shot in the back and the bullet exited through his stomach. He died and three others were injured. He was taken to the hospital by car. I do not know if he was dead when he got to the hospital.

He was 22 years old and had returned from his Military Service five months ago. He was commended for his hard work there. He was a tiler. That morning he had gone to work but because the others he works with did not turn up, he went to the funeral home. He was a hard working young man. He was never in trouble with the police.

46 KHRP FFM Interview with family of Mr. Ahmet Aras, 23 April 2006, Kızıltepe, Mardin.

He was not a DTP member. He was not political, he was just a Kurd.

What can I say? I was not there. I was at home and they told me my son was dead. If he had done something wrong they should have caught him, arrested him and tried him. They did not have to kill him.

We buried him on the same day. The police would not allow anyone else to go into the cemetery except me, my wife, his brother and a few other relatives who had brought his body from Mardin. We even had to argue to get the Imam in. There were 300 to 400 soldiers around, a maximum of 200 metres away. They were threatening the crowd.

It all happened after the Prime Minister's statement. The Prime Minister is responsible. After he made his statement they started killing people. We watched him make his statement on TV and I immediately thought people would be killed. What can you hope from a PM who calls for people to be killed?⁴⁷

47 KHRP FEM Interview with Family of Mehmet Siddık Özer, 23 April 2006, Mardin.

4. Conclusions

- Events started in Diyarbakır where the PKK aimed to mark the killing of four of 14 guerrillas killed during Newroz with a large funeral, to be followed by a demonstration. It was clear to the mission that although some responded directly to the PKK call, with a still elusive resolution to the Kurdish question and in the context of ongoing state violence, many would have attended the funerals and demonstration in any event;
- Rumours concerning the use of chemical weapons inflamed a large number of the local population; further exacerbated by the slow government response in denying their use;
- There had been a call both locally and on ROJTV for shopkeepers to close in protest;
- On leaving the funeral, the crowd were likely to have been at least vocal and agitated; some demonstrators may have been throwing stones;
- When the crowd encountered the police, the police responded to this display of support for the guerrillas by the use of excessive and disproportionate force;
- The situation thereafter deteriorated and Special Forces were deployed;
- The use of excessive force by the security forces from the outset precluded any democratic resolution of this demonstration and accelerated rather than contained the violence;
- It is worth noting here that although the PKK is an armed group, it appears that in their efforts to protest the killings, they had explicitly decided to avoid recourse to arms and encouraged a public but peaceful protest. The mission saw minimal and no reliable evidence of the use of firearms by protesters.

- If the Prime Minister's intention in making his comments concerning women and children was an attempt to persuade people to stop demonstrating, then it is unfortunate that another audience for the comments—the local police and security forces— seem to have interpreted this as an encouragement, or at least as permission to use greater and indiscriminate force, which had the opposite effect in only inflaming the difficulties. Whatever the Prime Minister's intention in making this statement, these comments were at best immaterial and careless, particularly given the complexity and history of the region and security forces;
- The clashes in Diyarbakır led to protests in Batman and Kızıltepe;
- By the time events started in Batman and Kızıltepe it seems clear that outside forces, emanating from Ankara, had decided to take a 'hard line,' perhaps fearing trouble may spread;
- The result was an excessive and disproportionate use of force. This was not in the context of an organic situation but in an effort to 'head off' trouble, which at that point had largely not arrived;
- There appears to be an overwhelming feeling that trouble *came* to both these places rather than developed there. This led the mission's members to conclude that had such outside forces not been in play, protests in Batman and particularly Kızıltepe may well have passed off peaceably with no injury or loss of life. This is particularly disturbing given the fact that in both places, some real progress had hitherto been made in normalising the local situation, despite the demographic challenges caused by the large numbers of IDPs;
- In each city/ district visited there is credible evidence that the police and security forces were involved in illegal activities, attacking shops and individuals and using unauthorised weapons, such as slingshots;
- There is also reliable and concerning evidence of the physical and psychological maltreatment of detainees in prisons and police stations;
- No evidence emerged of any explanation, still less justification, of the deaths which occurred as a result of police/ security force brutality;
- There is nothing to suggest that any serious efforts have been made to investigate these deaths or hold those responsible to account;

- The police and security forces have quickly reverted to tactics used prior to the legal reforms, which were designed to bring their activities in line with European norms;
- There is of course, a possibility of a replay of events and a particular concern that a large trial involving those who have been detained, might spark further trouble.

5. Recommendations

- A thorough, independent and transparent investigation, by a body that would enjoy the confidence of those affected, into the activities of the police and security forces both during the demonstrations and in the ensuing process of arrest and detention. This investigation must be open to those directly affected by the events, including those injured, detained and the families of those killed;
- A just and expeditious trial process for those presently detained conducted in accordance with European human rights norms;
- An explanation of the political decisions which determined the way events evolved; in particular the use and level of force employed by the police and security forces;
- Consideration should urgently be given to ensuring that the large population in the Kurdish regions are able to secure adequate political representation throughout the Turkish system, with the present democratic institutions deeply inadequate;
- Immediate imposition of a functional, transparent system of accountability in relation to the army, the police and the Offices of Governors;
- The events need to be thoroughly examined in the context of the EU accession process, with appropriate questions asked at the inter-governmental level.

ISBN 1905592027



9 781905 592029