

Events in the city of Cizre



Cizre is a town in Şırnak Province in the Southeastern Anatolia Region of Turkey, on the border with Syria, just to the northwest of the Turkish-Syrian-Iraqi tripoint. It is populated by a majority of Kurds in addition to Assyrian/Syriac people, Arabs (and Armenians previous to the Armenian Genocide). Cizre is located in a valley, surrounded by hills and the population is almost 120.000 persons.

Barricades start to appear in Cizre at the end of 2014, in support and solidarity of the Kobane resistance against ISIS attacks. As said, the barricades were a form of protests but also an instrument to protect the peoples protests against police raids and repression.

The barricades were build by the "Patriotic Revolutionary Youth Movement" YDG-H (Yurtsever Devrimci Gençlik Hareket); as the name suggest, a youth organisation involved in the political struggle for the Kurdish issue.

Several sources mention that, as a result of the police forces' aggressive behaviour towards the citizens in Cudi²⁴ neighborhood (arbitrary raids and detentions), in which four people were killed, the local youth had dug trenches. Cizre's co-mayor and Ercan Demir, Chief of the Police in Cizre ("İlçe Emniyet Müdürü") negotiated and after a promise that no more arbitrary raids

²⁴ Cudi is a Cizre neighbourhood.

and detentions would take place, the machines of the municipality refilled the trenches. However, as soon as the barricaded streets were accessible again, the police forces entered the neighbourhoods again with armed vehicles and started randomly firing in the area. Many people were injured, and one boy named Umit Kurt (14) got killed on 6 January 2015.²⁵

Police claimed that the boy was armed and that he was shooting at them, but ballistics investigation, conducted later, showed that the boy had not shot any gun while no traces of powder were found on his hands and no gun was found close to the boy's body.²⁶

New negotiations between representatives of the population and the authorities started after these events. Hatip Dicle²⁷ addressed the people of Cizre, reading out a message of Abdullah Öcalan about the necessity to protect the peace process. Dicle stated that the youth should stick to the non-protest decision in order to secure the peace process, in spite of the recent events in Kobane and Cizre.²⁸

All of this, including the growing tension in the region due to the war in Syria, contributed to creating a feeling of tension and fear amongst the population of the area.

In accordance with Provincial Administration Law no 5442 Article 11/C^{29 30}, a first curfew has been declared in Cizre district by the governor of Şırnak on 4 September 2015 at 20.00. It lasted until 12 September 2015. The second curfew was imposed on 13-14 September 2015 and a third one on 14-15 November 2015. The longest and continuous curfew was implemented between **14 December 2015- 03 March 2016** and lasted for 79 days.³¹

²⁵ <https://m.bianet.org/bianet/sivaset/161338-cizre-de-14-vasindaki-umit-kurt-polisin-actigi-ates-%20sonucu-oldu>

²⁶ Newspaper T24: <http://t24.com.tr/haber/cizrede-oldurulen-umit-kurtun-balistik-raporu-polisleri-yanladi,294137>

²⁷ Hatip Dicle is the co-president of the Democratic Society Congress (DTK- "Demokratik Toplum Kongresi"). He visited Öcalan as a part of the Imrali Delegation. During the peace process Hatip Dicle was one of the people negotiating with the Government.

²⁸ Newspaper article: <http://www.hurriyet.com.tr/hatip-dicle-cizrelilere-ocalan-in-mesajini-ilettileri-27969349>
Newspaper: <http://diclehaber50.com/news/content/view/439761?page=3&key=f2b7fad2fc3f84654b937cd18d84> Video: <https://www.youtube.com/watch?v=qVDb4impF50>

²⁹ "Article 11 of Act No. 5442 Law on Provincial Administration : A)The governor shall be the superior of all general and special law enforcement forces and organizations. He shall take necessary measures to prevent crimes from being committed, protect public order and security. For this purpose, he shall employ the general and special law enforcement forces of the State; the superiors and officers of such organizations shall be obliged to immediately execute the orders issued by the governor.

B) B) The governor shall secure the border and coasts of the country, and execute all affairs relating to border and coastal security according to the provisions in force.C) C) The governor shall have the duty, inter alia, to secure peace and security, personal immunity, safety of private property, public well-being and the authority of preventive law enforcement. The governor shall take necessary decisions and measures to this end. Provisions of Article 66 shall apply to those who do not comply with such decisions and measures."

³⁰ The Diyarbakir Bar association argues that this law is insufficient to infringe on a massive scale on rights guaranteed by the Turkish Constitution and international human rights instruments to which Turkey adhered.

[https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20\(1\).pdf](https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20(1).pdf)

³¹ In according with Cizre Field Report: <http://en.tihv.org.tr/wp-content/uploads/2017/10/Cizre-Field-Report.pdf>



Picture of Cizre after the last curfew, in March 2016.

According to a report published by the Diyarbakir Bar Association Ahmet ADANUR (Cizre District Governor) stated that *"The need of operation has emerged in order to neutralize the armed groups and remove trenches and barricades. The curfew and the length of the curfew are determined by the Governor upon briefing from security offices. The length of the period could change according to observations and assessments."*³²

Most reports regarding the first curfew gave a number of casualties of 21. However, a report dated 20.10.2015 and prepared by the Türkiye İnsan Hakları Derneği - Human Rights Association of Turkey (İHD), TİHV (Türkiye İnsan Hakları Vakfı – Human Rights Foundation of Turkey, Diyarbakır Tabip Odası - Diyarbakır Chamber of Physicians (DTO) and Pratisyen Hekimler Derneği - Association of General Practitioners (PHD) raised the figure to 22, including the death of Mülkiye Geçgel, who suffered a wound caused by firearms during the curfew.

After the first curfew in Cizre the Commissioner for Human Rights of the Council of Europe, expressed his concerns regarding the situation in Cizre, underlining how *"public life, including essential services such as healthcare, and means of communication had been severely disrupted, and that entry and exit from the city had been barred, amid reports of disproportionate use of force by security forces against civilians"* and *"called for access to be granted to independent observers, in particular, the national human rights structures in Turkey"*³³.

Between 4 September and 12 September 2015, according to the report drafted by Mr. Tahir ELÇİ (President of Diyarbakır Bar Assoc.) and published on 21st September 2015, *"all main roads which provide entrance and exit to Cizre including the roads which pass from Turkey to Iraq and the International Silk Road, were blocked by military barricades; barricades were covered with barbed wires and security officers took up their positions behind sandbags. In the first few days of the curfew, vehicles were allowed to pass partially and after control."*

³² Curfew in Cizre A survey report of events:

[https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20\(1\).pdf](https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20(1).pdf)

³³ Council of Europe: Commissioner for Human Rights, Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-Eastern Turkey, 2 December 2016, CommDH(2016)39, available at: <http://www.refworld.org/docid/58c68e9f4.html> [accessed 17 February 2018]

The armoured military or police vehicles and tanks besieged all around the town including highways which provides entrance and exit to Cizre. Our committee has observed on their limited visit on 5 September 2015 that all the barrels of tanks and armoured vehicles which were located on high hills and all dominant points were aimed at the city. During the curfew, it was not possible to enter or exit the town.

*From the 4 September to 12 September during the curfew, all networks of cell phone operators were cut on the instruction of the Governor of Şırnak. During this time all communication means connecting Cizre to the outside world had been cut with a very few exceptions.*³⁴

According to Amnesty International the "operations by police and the military in these areas have been characterised by the abusive use of force, including firing heavy weaponry in residential neighbourhoods"³⁵.

Amnesty International (while erroneously describing the operations as "law enforcement") underlines that: "*The operations appear to be conducted with the intention of killing – rather than arresting -- members of the YDG-H, ignoring the requirement that intentional lethal force only is used when strictly unavoidable to protect life. Evidence also points to the fact that security forces have been reckless in their use of firearms, using heavy weapons in built-up areas in a way that is likely to cause casualties to unarmed residents. In the course of on the ground research following an earlier curfew in Cizre from 4 – 12 September 2015, Amnesty International found evidence that several deaths may have been caused by snipers at locations far from where clashes were taking place. Among those killed were children, women and elderly people, who are very unlikely to have been involved in armed clashes. More recently reported deaths have also followed this same troubling pattern. Investigations into deaths have failed to show any sign of progress. International standards protecting the right to life require that **lethal force by law enforcement agents, and particularly their use of firearms, be limited to self-defence or defence of others against imminent threat of death or serious injury. Intentional lethal use of firearms may only be made when strictly unavoidable to protect life. (Principle 9, UN Basic Principles on the Use of Force and Firearms).** While it is difficult to paint an accurate picture of the scale of the violations in the areas under curfew, there is little doubt that the Turkish authorities are putting lives at risk by using lethal force excessively and recklessly. The Turkish authorities must rethink both the aims and the methods of their law enforcement operations*"³⁶.

On the 16th of September, two days after the end of the first curfew, **President Recep Tayyip Erdogan** said in a television interview: "*The state has taken the steps that had to be taken. The governors have the authority. If one is to go on the street, he is a terrorist. The operation has to be able to be conducted freely. If my citizens want serenity, they will have it. [...] The more steps we took, the more some people felt disturbed. Why was the terrorist organization in search of representatives? Let us have a place in this as well, they said. First, they entered*

³⁴ CURFEW IN CIZRE A SURVEY REPORT OF EVENTS:

[https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20\(1\).pdf](https://www.diyarbakirbarosu.org.tr/filemanager/cizre%20raporu%20ingilizce%20(1).pdf)

³⁵ Amnesty International, Turkey: *End abusive operations under indefinite curfews*, 21 January 2016, available at: <http://www.refworld.org/docid/56a077e4.html> [accessed 16 February 2018]

³⁶ Amnesty International, Turkey: *End abusive operations under indefinite curfews*, 21 January 2016, available at: <http://www.refworld.org/docid/56a077e4.html> [accessed 16 February 2018]

*parliament independently, then as a group. Then what is this situation now? The terrorist manifestations that are taking place in several parts of our country are disturbing our people. We took precautions for this." And also " Cizre was the clearest example of this", concluding "There is a decision we took earlier about this parallel terrorist organization: to pave the road for operations against all legal and illegal organizations that are threatening our national security. Our government has made all the legal arrangements for this. This is being followed up in all fields and we have started getting positive outcomes already. If you noticed, they are all fleeing out of the country. If you didn't commit any crime, then why are you fleeing? Because they don't know what's playing in the background. Our justice and our police are continuing the fight against them."*³⁷

Human rights organisations referred to a recent internal circular of the military encouraging forces on the ground by stating they should not fear prosecution as the institution would back them anyways. This suggests the authorities not only are aware of the violations committed but are also ready to cover them. As such, human rights organisations pointed to a centralized, planned and fully deliberate policy implemented by the Ministries of Interior and Defense³⁸.

After the first curfew the situation in Cizre gradually became again more tense, since there was an escalation of tension and fear.

A gradually militarization of the city was going on since September, but only after the national election on the 1st of November there was a constant inflow of police and military forces in the area. The Human Rights Foundation of Turkey reported on government side the participation of "*Police Anti-terror Combat Team, Police Special Forces, Gendarmerie Special Forces, Military Forces and Riot Police.*" Also, *there are some unofficial teams which are both by themselves and publicly defined as JITEM, Esedullah, Hançer [Dagger] Teams etc...*³⁹.

In particular, in the middle of November a new wave of arrival in the city of tanks, panzer and other kinds of armed vehicles lining up on the top of the hills around Cizre city occurred.

Local newspapers report that on the 16th of December Special units forces (military, police special forces and gendarmerie special forces - ten thousand strong) from Isparta, Bolu and Sivas had been sent to Cizre and Silopi for a major operation under command of two brigadiers of the Cakirsogut Gendarmerie brigade and the Silopi brigade. According to these sources, the military is also present and is leading the operation in coordination with the other forces.⁴⁰

An Amnesty International report published on the 21th of January 2016 states that "*The law enforcement and military operations conducted in areas under curfew has been characterised*

³⁷ Article: <http://t24.com.tr/haber/erdogan-bunlar-lafa-geldigi-zaman-saz-lafa-geldigi-zaman-caz,309896>

³⁸ Euro-Mediterranean Human Rights Network (EMHRN), EuroMed Rights and FIDH High-level Solidarity Mission To Turkey, 20-24 January 2016, 24 January 2016, available at: <http://www.refworld.org/docid/56fcc9a4.html> [accessed 17 February 2018]

³⁹ THIV report on Cizre: <http://en.tihv.org.tr/recent-fact-sheet-on-curfews-in-turkey-between-the-dates-16-august-2015-5-february-2016/>

⁴⁰ Newspaper: <http://www.sozcu.com.tr/2015/gundem/iki-ilcede-dev-operasyon-1010848/>

Newspaper: <http://www.internethaber.com/dev-pkk-operasyonu-10-bin-kisilik-ekip-iste-ayrintilar-1495264h.htm>

by the use of heavy weaponry and sniper fire by the police and army, putting the lives of trapped residents at risk", and in order to allow that, "details provided by the Minister of the Interior to parliamentarians from the ruling AK Party during a 8-10 January retreat ... that a total of **6,182 soldiers** and **7,889 police** took part in the operations"⁴¹.

The premeditated and organised nature of the subsequent operations appears clearly from the fact that at the end of the first week of December, teachers (which represent the majority of government workers and 80 % of which come originally from Western Turkey) received an SMS calling them to participate in a training program that started on 14 December and which was to be conducted in their hometowns

"Our teachers can (are suggested to) follow these seminars in their hometowns. We demand our teachers to avoid the coach station and find alternative ways to exit the Town."

Therefore, 1.298 teachers from Cizre and the surrounding villages, left the district.⁴²

Few days later the longest and bloodiest curfew declared in Cizre started.

A document, dated **13 December 2015**, classified as "**secret**", signed by the Prime Minister M. AHMET DAVUTOGLU gives instructions for the organisation of the curfew in the cities of Cizre and Silopi.

Below we produce the translation of the original document:

SECRET

TURKISH REPUBLIC PRIME MINISTRY

Directorate General for Security

Number:

Subject: Sirnak peace and freedom operation

Date: 13/12/2015

The state of the Republic of Turkey is carrying out operations effectively and resolutely, within the framework of the democratic rules of law, against the rural and urban structure of the separatist

⁴¹ Amnesty International, *Turkey: End abusive operations under indefinite curfews*, 21 January 2016, available at: <http://www.refworld.org/docid/56a07f7e4.html> [accessed 16 February 2018];

- Human Rights Foundation of Turkey, http://en.tihw.org.tr/fact-sheet-on-declared-curfews-between-august-16th-2015-and-march-18th-2016-and-civilians-who-lost-their-lives/#_ftn1

⁴² http://www.bbc.com/turkce/haberler/2015/12/151214_cizre_silopi

terror organization, that has been threatening the national security and the public order, targeting the security forces and the life and property security of the citizens. It has been confirmed by our security and intelligence units that the separatist terror organization "PKK", in particular using their urban structure, has;

- Been carrying out attacks that directly target the security forces and, in the first place, the right to life of our civilians, the right to freedom and security, the right of property and other fundamental rights and liberties alike,
- Been carrying out, by means of their armed forces, activities like blocking roads, verifying identities, racketeering and abduction, with the aim to impose a political and social pressure upon the region's people; and has not been permitting individuals, groups, communities, civil society organizations or political parties with different political, religious or world views to exist and forcing them to migrate, using systematic attacks,
- Been restraining our civilians from continuing their daily lives and profiting from fundamental civil services such as education and health, through acts like building mine and explosive loaded barricades and digging trenches, in the districts of Cizre and Silopi being in the first place, in our Province of Sirnak.

For these reasons, in order to establish a climate of peace in which our civilians will be able to exercise their fundamental rights and liberties, and the public order in a permanent way, in our Province of Sirnak, especially in the district centers of Cizre and Silopi, I request these requirements regarding;

1. The assignment of the Turkish Armed Forces with all of their means and capabilities for operational purposes, as a reference to the governors force request, within the framework of the provisions of the 5442 numbered Provincial Administration Law, in the districts of Cizre and Silopi and all other critical provinces/districts where it is deemed necessary,
2. The enforcement of the operations that will be executed in our province of Sirnak, within the command of the therefore dispatched senior commander of our military units, in the districts of Cizre and Silopi in the first place, within the framework of the provisions of the 5442 numbered Provincial Administration Law, under responsibility and coordination of the Governor of Sirnak,
3. The usage of all components assigned for the operation (the Turkish Land Forces, the Special Forces, the Gendarmerie General Command, the General Directorate of Security and the Security Forces Command) according to the plan that will be made by the Operation Commander,
4. The announcement of a curfew by the Governor of Sirnak for the timeframe that is deemed necessary for the operations and the necessary precautions to be taken in order to provide the fundamental needs of our civilians, to provide the compulsory health services, to close off Ipek Road for as long as the operation requires and to secure a controlled traffic flow,
5. The reinforcement of the State Hospitals in Sirnak, Cizre and Silopi with specialists, medical staff and equipment for an uninterrupted twenty four hour service, by the Minister of Health, starting on 14th December; the assignment of ambulance planes and helicopters in Mardin Airport and the continuation of these precautions throughout the duration of the operation,

6. The temporarily closure of the schools in Cizre and Silopi by the Governor of Sirnak in coordination with the Ministry of Education, from the 14th December 2015 on,
7. The assignment of a sufficient amount of judges and prosecutors in the legal services of both districts, in order to assign one prosecutor on duty in all neighborhoods (nine neighborhoods in total), by the Ministry of Justice, from the 14th December 2015 on,
8. The precautions to be taken by The Ministry of Transport, Maritime Affairs and Transportation in order to ensure Mardin Airport and Serafettin Elçi Airport to continuously stay open throughout the duration of the operation,
9. The running of the operation centers assigned for the operation with the presence and cooperation of representatives of the National Intelligence Organization, the General Directorate of Security, the Gendarmerie General Command and the Prosecutors Office,
10. The waging of the procedures regarding the estimation and compensation of the damage in that might occur as a result of the operation, in the framework that applies, by the Governor of Sirnak,
11. The urgent provision of the Turkish Armed Forces, the Governor's Office, the Gendarmerie General Command and the General Directorate of Security with financial resources for all of their needs regarding this operation,
12. The assignment of experienced staff to the Governor's office of Sirnak, Cizre and Silopi, by the Ministry of Interior,
13. The conduct of press, public relation and strategic communication activities regarding the operation by, the Office of Public Relations Coordination, and therefore the assignment of more staff to the Governor's Office of Sirnak; and the support of the public organizations in this field, regarding strategic communication to be given to the Office of Public Relations,
14. Not allowing any actions to take place that would distance our citizens from the State and that could be subject of exploitation by the terrorist organization, during the operation and the application of the measures representing the State's authority; showing the affection of our State and making our citizens feel that the State is on their side, to be fulfilled.

Signed by AHMET DAVUTOGLU

LIST OF DIVISION

Order:

- General Staff of the Republic of Turkey
- National Intelligence Organization's Office
- Office of Public Relations

- Ministry of Justice
- Ministry of Interior
- (General Directorate of Security)
- (Gendarmerie General Command)
- (Governor's Office of Sirnak)
- Ministry of Finance

Information:

- Ministry of Defense

The document shows clearly the magnitude of the planned operation, the involvement of the Turkish Armed Forces leaving little doubt as to the fact that the operation goes far beyond a law enforcement action.

The curfew that started on 14 December 2015

The curfew was imposed on several neighbourhoods, in particular, Cudi, Nur, Sur and Yafes. But all the city was affected by this military operation.

The curfew was announced by a declaration of the Governor of Sirnak, Ali Ihsan Su⁴³:

English translation:

Press release 14.12.2015

In accordance with the Article 11/C of Provincial Administration Law no 5442 a curfew is declared on 14.12.2015 at 23:00 in our Cizre and Silopi cities in order to counteract members of Separatist Terrorist Organizations, eliminate barricades and ditches trapped with mines and explosives by members of separatist terrorist organization and to provide security for life and property to our citizens and public order.

Separatist Terrorist Organizations have carried out attacks with mines, explosive-trapped barricades and trenches aimed at our citizens', fundamental rights and freedom such as the right to live, freedom, security and property. These acts have caused pecuniary and non pecuniary damages to our citizens, disrupted daily lives and hindered the access to basic public services and mainly health services.

⁴³ Report of THIV: <http://en.tihv.org.tr/wp-content/uploads/2017/10/Cizre-Field-Report.pdf>

In the district centers of Cizre and Silopi, with the intention of providing an atmosphere of peace and public order where our citizens can enjoy their fundamental rights and freedom, all kinds of moral and financial support will be provided to our citizens. In this sense, I ask my citizens to feel reassured and offer my sincerest love and respect to all of our citizens.

**Respectfully announced to the public.
14.12.2015 Governor of Şırnak”**

The day after the curfew was announced, the Prime Minister Ahmet Davutoğlu spoke to the press: *"Several of our districts have been cleansed of terror elements through successful operations. Inshallah, a secure environment will also be established in Cizre and Silopi. The operations there are only directed at the terror organisation"* ⁴⁴

On 13 or 14 December, as results from a recent commemorative declaration describing the birth of the group, the so-called "second phase of resistance to self-management" was started, through the establishment of the YPS.

According to the statement *"The aggressive and military-backed, war-principled way in which the resistance that was developed through our people's self-administrative organizations such as the neighbourhood councils, the communes and the YDG-H type youth movements were received, has caused the process to evolve completely into a military fight and war. In such an environment, the founding of the YPS by our people, which is their local self-defence body, has turned into a resistance epos that would last ten months in total, from its very beginning"* and underline that *"components of the military and the police were put in action, such as the Police Special Forces (PÖH), the Gendarmerie Special Forces (JÖH), the Bordeaux Helmets, the Blue Helmets etc. ... A strategy was used, using all these forces and methods of warfare, in which all areas of resistances were surrounded first and then targeted for annihilation."* ⁴⁵

On the 16 December, in a public speech, the Prime Minister Davatoglu declared *"The Special Operations Gendarmerie (JÖH) and Special Operations Police (PÖH) teams will work together. The operations will be carried out with air support. Addresses that were previously chosen by the intelligence services will be entered simultaneously. If necessary, troops from the land forces will also provide support"* stating that *"the button on the operation was pushed, to ensure 'unconditional' and 'literally' safety with 10,000 teams"* and then that *"If necessary house by house, street by street and neighbourhood by neighbourhood will be cleansed."* ⁴⁶

At the start of the operation the electricity supply in several districts of the city was cut i.a. by the destruction by state forces of local distribution cabins. The water distribution system was also cut. State forces fired also into water reservoirs placed on the roofs of the houses.

On 18 December, a serious water shortage was felt.

⁴⁴ <http://www.imctv.com.tr/davutoglu-cizre-ve-silopi-yi-ozgurluk-alani-haline-getirecegiz/>

⁴⁵ Newspaper article: <https://anfturkce.net/guncel/yps-unutmak-lhanettir-unutmayacagiz-100107>

⁴⁶ Article: <https://www.haberler.com/buyuk-operasyon-icin-dugme-vasilidi-7972536-haber/>

The same day, a public employee, İrfan Uysal was ordered to reopen the water central valve of the water distribution system. İrfan Uysal declared that this operation was organized with the knowledge of and after consultations with the police. While opening the valve he was shot by an armoured vehicle and was wounded, losing an arm⁴⁷.

At the same time, in parallel, the YDG-H, previously involved in demonstrations on the streets, started to organize themselves in order to protect the people from arbitrary attacks. The barricades and trenches, as mentioned above, were already present in the city. But due to the increase in the militarization of the territory, in the middle of December, the YDG-H established the YPS as Civil Protection Units.

On December 20, the activities of the police showed a significant increase.

Targeting civilians

According to HRFT documentation centre, a constant number of civilian killings were recorded over the following days⁴⁸ resulting from a pattern of attacks by State forces. Güler Yamalak, 8 months pregnant, was shot in her belly by a sniper whilst trying to get her child to a doctor. She got dragged back into the house by family members. After long efforts and phone calls, they managed to get a permit to bring her to a hospital. She was saved but lost her child⁴⁹.

Civilians began to be targeted while doing their daily chores, even in neighbourhoods where there were no barricades, trenches or clashes.

Cahide Cikal, died after being hit by a shrapnel shell in her kitchen, in a neighbourhood (Kale Mahallesi) where previously and at the moment there were no conflicts.⁵⁰

Several dossiers report similar events that took place in the following days.

A delegation of TIHV, İHD and SES reported that they “... could make some observations and communicate with the people on the street. According to this report it was clear that “Families never came face to face with state security forces at the barricades. The barricades could be removed through dialogue. People were killed mostly by snipers and armoured vehicles that were deployed on the hills outside the city. ...”

Some of the civilians that were killed in Cizre by snipers are:

- Güler Yamalak, 20/12/2015 (pregnant, targeted on her belly, lost baby)
- Miray Ince (baby Miray), 26/12/2015
- Aziz Yural, 30/12/2016
- Cabbar Taskin, 01/12/2016
- Biseng Garan, 06/01/2016

⁴⁷ Cizre Report, pag. 63 e 64.

⁴⁸ CURFEWS IN TURKEY ACCORDING TO HRFT DOCUMENTATION CENTER (16.08.2015 - 22.03.2016)

⁴⁹ CIZRE 2ND CURFEW (December 2015-March 2016) HDP CIZRE REPORT (p. 35)

⁵⁰ CIZRE 2ND CURFEW (December 2015-March 2016) HDP CIZRE REPORT (p. 27)

- Veysi Elçi, 12/01/2016
- Mehmet Kaplan, 18/01/2016

According to the Human Rights Foundation of Turkey document “Curfews-Table-18-March-2016”, the number of civilians killed in Cizre during the 79th days curfew, is 160 (34 children, 32 women, 14 people over the age 60). Besides, there are at least 59 bodies that were buried without waiting for the identification process.⁵¹

Access to health and medical treatment

A joint Euromed and FIDH mission reported regarding the sanitary situation and the access to health and medical treatment: *“the overall situation in areas affected by the armed conflict and the curfews is adverse to health: houses are in very poor conditions due to bombings, corpses are left in the streets and there is limited or no access to health facilities and personnel. The curfews and the fighting have heavily disrupted health services and made access to health very difficult for inhabitants of the concerned areas. Daily and routine care, for example to pregnant women and chronically ill persons (for example of diabetics), is highly disrupted or even impossible. The eviction or escape of hundreds of thousands of people also makes medical follow-up difficult and can have long-term effects on health (it is the case as children are not vaccinated, for example).*

*The death of fighters and civilians in many cases directly results from limited or no access to health services. **Ambulances and medical staff are not allowed to enter zones under curfew.** In some cases, doctors have mentioned that they managed to ‘sneak in’ on their personal capacity and rescue people, and to take ill or injured persons out to treat them. [...] **To make the situation even more complex, human rights organisations reported that in many districts, security forces are using health facilities as their headquarters or barracks, and that armed forces sometimes fire from these buildings, making them de facto inaccessible to people in need of health assistance and endangering the lives of medical staff as well. In Cizre, 2 floors of the hospital are occupied by security forces, while the rest of the building is supposedly still working as a hospital, although the doctors’ room was recently bombed. [...]***

The Human Rights Association of Şırnak reported that several injured young people from Cizre and Silopi were detained and brought to Şırnak for interrogation and prosecution. Several observers also reported that injured people were left to die on the streets, while persons trying to rescue them (medical personnel or citizens) were fired at or detained.

*Indeed, as mentioned above, even interim measures ordered by the European Court of Human Rights regarding injured people were not applied and people died. **This is a clear violation of international humanitarian law and international human rights law.***

The State has an obligation to support and enable access to health to all without discrimination, and security forces as well as non-state fighters must guarantee that the

⁵¹ XLS [HRFT-Curfews-Table-18-March-2016.xlsx](#) - TIHV

wounded are spared and medically treated whatever their status of wounded (combatants) or civilians. **Medical staff members are also victims of violence**, either as “collateral victims” or because they are directly targeted. Furthermore, one doctor was recently detained in Mardin and is now facing trial, while another 6 medical workers face judicial investigation for “propaganda of a terrorist organisation” for exercising their duties.

Medical staff that cares for the injured irrespective of their side in the conflict faces pressure and harassment from their hierarchy within the Ministry of Health. Professionals, as well as institutions (such as the Dicle University Hospital), have been subjected to smear campaigns depicting them as “supporters of terrorists” for treating injured fighters of PKK as well as governmental forces.⁵²

Physicians for Human Rights (PHR) report: “Since July 2015 numerous health care workers have been charged with the crimes of making terrorist propaganda and being part of an illegal organization. Those not formally charged have been subjected to administrative inquiries by the Ministry of Health for participating in protests calling for peace in the southeast, making statements to the media about the need for peace, and, in some cases, for providing medical treatment in areas under curfew to alleged members of armed opposition groups.”⁵³

Turkish authorities have charged health care workers using both provisions of the Turkish Penal Code and of the Law on Fighting Terrorism.

The Law on Fighting Terrorism defines selected provisions in the Turkish Penal Code as “terrorist offences” and prescribes specific criminal procedures for addressing them when committed on behalf of a terrorist organization, as defined by Article 1 of the Law on Fighting Terrorism.

Provisions often used include:

- Article 220 of the Turkish Penal Code: “A person who makes propaganda through the medium of press and media about the goals of an organization which has been established in order to commit crimes” can be imprisoned for three to nine years;
- Article 7(2) of the Law on Fighting Terrorism: “Those who assist members of organizations constituted in the manner described above or make propaganda in connection with such organizations shall be punished with imprisonment of between one and five years.”
- Article 7(1) of the Law on Fighting Terrorism includes Articles 313, 314, and 315, which include offences committed as part of an illegal organization, which are then criminalized under the Law on Fighting Terrorism when committed for an organization defined by Article 1 of the Law.

⁵² Euro-Mediterranean Human Rights Network (EMHRN), Turkey Human Rights under Curfew, Report of a EuroMed Rights and FIDH High-level Solidarity Mission To Turkey, 20-24 January 2016, 24 January 2016, p.7, available at: <http://www.refworld.org/docid/56fcca9a4.html> [accessed 22 February 2018]

⁵³ Southeastern Turkey: Health Care Under Siege “A hospital that was damaged by clashes during a 79-day curfew from December 14, 2015 to March 2, 2016 in the city of Cizre in southeastern Turkey”.

The city was completely under siege and surrounded by security forces. Civilians were trapped in their houses. No efforts were made by the State to organise humanitarian corridors to evacuate the civilians.

On the 29th of December there was a huge explosion in the Nur neighbourhood and 3 police agents were killed. After this event, the situation became worse.

After two weeks of curfew, most of the upper floors of houses had been hit by shells⁵⁴ and snipers were posted on the roofs.

*"The attacks intensifying. Shelling continued in the town, as did the constant fire from armoured vehicles. **On 1 January 2016**, the 19th day of the curfew, those who thought the curfew would be of around two weeks duration, like the previous ones, left the neighbourhoods and went to the town centre, close to the municipality. Although talks were held with security officials regarding citizens who had been forced to leave their homes being put up in the Education Support Building, security officials told Cizre Co-Mayor Kadir Kunur that if citizens were placed there they would intervene harshly. A very small proportion of those who left the neighbourhood went to the Konak neighbourhood on the other side of the Tigris or to Şırnak city. **Three people were wounded after people were fired on as they left Cudi neighbourhood en masse. 6 people were also reported wounded in various ways.**"⁵⁵*

While people remained trapped and were targeted even when they tried to leave the city or the neighbourhoods under siege, some decided to seek refuge and safety in the basement of the buildings.

Targeting civilians carrying white flags

On the **6th of January**, following a warning from the police to leave their house, the Garan family was targeted. 12-year-old Bişeng Garan was killed as the family tried to leave a basement carrying white flags with the knowledge of the police.⁵⁶

This act clearly constitutes a war crime as defined in article 8 (2) (e) (i) of the Rome Statute:

"Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely, any of the following acts:

(i)

Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;"

⁵⁴ Cizre Report (p.71)

⁵⁵ Cizre Report (p.75)

⁵⁶ Cizre Report (p. 77)

Subsequently the conflict in the city continued to deteriorate.

On **15 January**, government forces are able to force the barricades and enter the Nur district. But killing incidents continued to happen everywhere in the city; civilians continue to be targeted even in different neighbourhoods without clashes. In particular, from the data collected, it emerges that a large number of the killed, was hit in vital points of the body and reached by one or two shots of firearms, enough to be lethal.

On **20 January** a delegation (30-35 people) of civilians, journalists and local representatives, among whom Cizre Co-Mayor Kadir Kunur and MP Faysal Sariyildiz, are targeted in broad daylight whilst trying to help the wounded and recover of the bodies. After they had taken the bodies of Serhat Altun, Ahmet Tunç and Mehmet Kaplan and four wounded civilians, they left Cudi and headed towards Nusaybin Street (Cizre city centre). Although the delegation carried a white flag and was clearly identifiable as a humanitarian mission, the group was fired at by an armoured vehicle. This resulted in the deaths of two people and the wounding of **iMC TV reporter Refik Tekin**.

The local authorities had been informed and the delegation had been given the permit to move the bodies and wounded. In addition, a special application had been made to the ECHR, which had given an order of precaution on this specific request. So, MP Sariyildiz called the HDP group representative Idris Baluken, who on his turn contacted the minister of Interior Affairs but got ignored several times. Also, the governor decided to only respond via WhatsApp.

In this regards, HDP group representative Idris Baluken declared: "*We had made several phone calls with MP Sariyildiz. He had informed the **authorities** among whom the **governor** and had been told that they wouldn't experience any difficulties getting the bodies and wounded out of Cudi. Here in Ankara we had also informed the **minister of Interior Affairs**. They gave them the permit and there wouldn't be any trouble they had said. After a parliament sitting that day, we went to see the minister personally and he there expressed his worries concerning this event. He said he would take care of it. We then got the news that the delegation still couldn't move. After not leaving the minister's office for another few hours, we heard that our friends had been taken to the municipality. In the meantime, two of them had died.*"

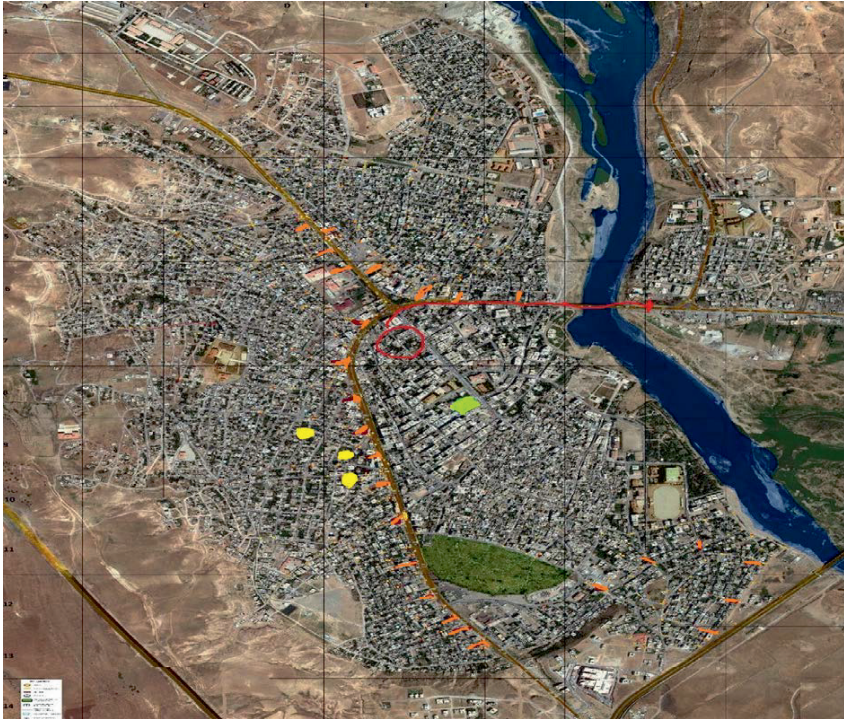
There is a video showing the attack conducted by an armoured vehicle on the group.

This constitutes clearly a war crime as defined in article 8 (2) (e) (i) of the Rome Statute cited above but also a the war crime of "*Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*" as defined by article 8 (2) (e) (iii).

The attacks on basement shelters.

During this conflict, 3 series of incidents require a special attention. Due to the intensification of the armed conflict, people started to take refuge in basements.

Hereafter three attacks on basement were persons were seeking shelter from the violence will be further discussed in detail.



Legend: Yellow - basements Orange - barricades Green - Municipality

1st basement

On the 22 January the existence of the first basement became known.

The 1st Basement was located in Bostanci street n. 23, in Cudi neighbourhood under a 5-storey apartment block that was partially demolished after being hit by a mortar shell. This building was located 150 and 200 meters from the nearest barricades.

The HDP Şırnak MP Faysal Sarıyıldız was informed that from the 31 persons blocked inside the basement two had died and that many were wounded. He forwarded this information to the authorities and made it public through his twitter account.

From that moment on communications between the persons in the basement and the MP Faysal Sarıyıldız were organised daily.

On 25 January in the light of the detailed information received from those in the basement, the correct address had been shared with all the authorities, first and foremost the Cizre district governor.

On the same day Selami Yılmaz, one of the people hiding in the basement, died. Negotiations in Ankara between HDP MPs and Interior Minister Efkan Ala regarding ambulances being sent to the basement did not produce a result either.

Faysal Sarıyıldız reported on the meetings taking place in Ankara to DBP Assembly member Mehmet Yavuzel, who was one of those in the basement, in a short exchange of messages:

(Faysal Sarıyıldız)

13:49:27 Friend, they are not allowing a delegation. Our colleagues are still with the minister. We asked at least for them to stop firing.

13:51:14 A person who said that it was his house, called and said the address was 'Bostancı st, n.23"

13:51:32 We immediately forwarded this to our colleagues who are with the minister.

13:52:36 I'm sending your messages immediately.

13:52:46 I'm sending this one, too.

Mehmet Yavuzel

13:55:52 Aren't you coming to collect us in that delegation?

13:56:02 The apartment is being demolished over our heads.

In a continuing exchange of messages on the same day, Mehmet Yavuzel told Faysal Sarıyıldız that they were in a desperate situation and asked for a solution to be found immediately.

Mehmet Yavuzel

14:23:19 Let me say that for two days now some things are being said but now it is evening again and we haven't understood anything.... Tonight they could wipe us out. At least, the attitude to the building which we are in shows this clearly. You should know this.

If something concrete could be said to us as soon as possible. Let us at least know if we are to live or die.

(Faysal Sariyıldız)

14:24:38 My friend, I am forwarding your message to the colleagues at the ministry and to our co-presidents.

Mehmet Yavuzel

14:29:24 No, there is no such thing ... Let them come if we can come why should we insist. Do we really want deaths to occur? At least if a few of you could come and take us one by one... N. B: They have begun to shell us again...

(Faysal Sariyıldız)

14:13:28 The minister rang the governor while our colleagues were with him, saying: "if that building collapses there will be trouble. Don't let it happen." Nothing is clear as to what the method will be. But if it continues like this and we don't get a result by this evening, I will set out with the mothers tomorrow. The colleagues say: 'if we don't get a result here, definitely do not go out,' but at 09:30 tomorrow morning I will definitely come.

14:14:10 Is the building still being fired on?

Mehmet Tunç

14:19:51 A mortar hitting the chimney really scared us. Anyway, it exploded on the third floor, and all the dust from the stoves came into the basement. They are shelling the house.

14:20:56 And very badly.

After two hours:

Mehmet Tunç

16:51:51 Very bad and they are getting closer.

16:52:27 It doesn't seem like the world has heard the voice of Cizre, but what is there left to do for me? What can I do if I've upset some friends? I'm not well. There is a seriously wounded girl here, called Soltan. She is constantly "saying don't leave me, dad" and it's killing me. There is a thirteen-year-old boy who keeps asking for water, but we can't give him water as he has internal bleeding. Our heart is with you, comrade, I can't go downstairs, so tomorrow it should definitely be done.

(Faysal Sariyıldız)

16:55:17 Be careful, don't go outside. We will not be part of this crime against humanity. We will definitely set out with the mothers tomorrow.

On 26 January HDP MP Faysal Sariyıldız again tried to reach the place where the basement was situated along with a group of 15 family members of people known to be in the basement. They were stopped by the security forces in front of the Cizre Municipal building.

The same day Faysal Sariyıldız is informed by the people in the basement that the building is constantly being hit and the 2nd and 3rd floors are damaged very badly. The ceiling is said to no longer hold.

At the same time, in a public speech President Erdogan said to the governors: *"When you deem necessary, put aside the situation and act with your own mentality."* He hereby reassures that no one will be held responsible for their actions, no consequences.⁵⁷

On 27 January HDP Group chair İdris Baluken, HDP Adana MP Meral Daniş Beştaş and HDP Urfa MP Osman Baydemir met the Interior Ministry. As a result of the HDP members' efforts, permission was granted for the wounded to be collected from the basement. Following the meetings in Ankara, Şırnak MP Faysal Sariyıldız met the district governor of Cizre and sought guarantees that ambulances could go to the basement to collect the wounded.

However, a short time later it appeared that instead of ambulances, armoured vehicles had gone to the area where the building was situated, that armoured vehicles stopped the ambulances and that health teams had been taken to the Police HQ in Konak neighbourhood. When the ambulances approached the area where the basements were situated, shots were fired from the armoured vehicles to give the impression there were clashes.

This situation was to continue in the following days.

The Şırnak governor's office issued a written statement in the evening regarding the 24 wounded. In the statement, it was said that: *"as a result of the organisation's barricades with booby trap bombs, trenches and their armed attacks on our ambulances and health teams our ambulances were unable to reach the address in question.*

Our ambulances were brought to the closest possible place and, if there were injured, they were asked to be brought to this point, but despite all our efforts, a positive response was not forthcoming from the injured and the callers."

⁵⁷ Cizre Report Türkiye (p.249)

On **27 January** Cizre People's Assembly co-chair Mehmet Tunç was connected to Med Nuçe Television, making the following statement regarding ambulances:

"The situation is really critical. They are intervening in the house. Let me inform colleagues of what will happen next. At the moment we have 5 corpses alongside us. People are facing execution or extermination. The situation is critical. At the moment I am upstairs. The sound of gunfire can be heard....The ambulance didn't reach us. They are firing at the building from armoured vehicles. The door has been torn down. Everything is visible. The entire street can be seen.

The situation is really critical.... Speak to Faysal. It's as if they are inside the building. ... Our security of life is not important. From now on these people have no security of life left. Whatever will happen, let it happen.

If I go down they will probably firebomb. At the moment I'm on the second floor.... You can't hear anything except the sound of gunfire.. ...We have just exchanged messages with our friends.

They said: 4 municipal employees have set out to reach you. But just at the time they are about to leave it seems as if they are trying to finish the job with execution or a plot. So we connected to you and we said let's inform you of the latest situation.

This is the situation. Panzer 104 is visible. From the door I see an armoured vehicle is only ten metres away and it has completely demolished the door."

Baki GÜL (Med Nuçe Speaker): Can you see the ambulance?

Mehmet TUNÇ:

No, we've never seen an ambulance... We should at least get those who are alive out of here and leave the wounded. If the colleagues approve it we can leave this house. But while leaving there is the possibility of being shot by snipers. So we will either wait to be executed in the basement or leave the house and become targets of snipers. So colleagues, we must make a decision now. ...either we go to the basement and await execution, or we leave the building, at least 5 or 6 friends are okay, I mean they can get up. If we leave even if 1 or 2 people are shot dead at least 3-4 will have a chance of survival. I don't know the situation of the governor, or the district governor. But at the moment the forces here are firing at the house with the intention of destroying it."

Cizre People's Assembly co-chair Mehmet Tunç also made this appeal to public opinion in Europe and Turkey in a phone call to the 12th International Kurdish Conference being held on the same day in the **European Parliament on 27 January 2016**:

English translation:

"...The fine for breaking the curfew is 100 TL, but we go out and they give us a death sentence.

They are firing mortars. In Cizre they are using heavy artillery, mortars, everything.

A great massacre is taking place in Cizre and we are facing a huge genocide. All the houses have been bombarded. Tanks are being used. The AKP government and the Republic of Turkey are using weapons, which are supposed to be used against the enemy, against its own people in the 21st century. A tragedy is taking place in Cizre.

For 60 days the people have been hungry and thirsty.

Only ten thousand people are left out of a population of 120,000. The people have been forced to leave. Such policies were also used in the 1990s. 4 thousand villages were emptied and the people settled in districts like Cizre.

They emptied the villages saying the PKK would be finished off.

But now they say they will empty cities and finish off the PKK. I call on our friends in the European Parliament. A real tragedy is taking place in Cizre. 28 people were wounded in one house. Four of the wounded died. Of the 24, Nusret Bayar (she died soon after the phone call), Veli Çiçek and Sultan Irmak are graves. All the water has gone. We go out to get water and we are hit by snipers. We can't go out. The four-storey building has been demolished by mortars. In order to get a connection, I am in that demolished building. And the situation is critical. For this reason, we say to our friends there. Please stop this savagery. You have the power to stop this massacre in Cizre. You have the power to warn the AKP government and lift the blockade on Cizre. Otherwise, in the event of a massacre taking place, we will see you as an accomplice..."

On **28 January** the ambulances were despatched 4 times, but permission was not given by the security forces for the ambulances to access the site, claiming a clash was taking place.

Minister of Health Muezzinoglu declared *"We have ambulances waiting around the corner. If they would have been honest they would have taken the wounded out and brought them to the ambulances, who are placed only 500 m away. But they're not honest, it's propaganda they're trying to make over the so-called wounded."*⁵⁸

In the same day, then Prime Minister Davutoğlu made the following statement regarding the basements in Cizre: *"Since the subject has come to the notice of our Interior Ministry our ministers and myself have followed it. All efforts have been made for our ambulances to access the scene of the incident. Everyone must be sincere. We are engaged in combatting terror, but whoever is wounded we will take all measures to get them to hospital. First, we'll treat them then we'll try them. No one can claim that while fighting terrorism in Turkey extra-judicial acts have taken place. If the injured in question are to be reached, which we want, then first of all*

⁵⁸ <http://aa.com.tr/tr/saglik/saglik-bakani-muezzinoglundan-cizre-aciklamasi/511727?amp=1>

*terror centres must make sincere calls for them to surrender. We are monitoring developments, wherever there is a wounded person efforts will be made to reach them.*⁵⁹

Contrary to these claims of Prime Minister Ahmet Davutoğlu, on **28.01.2016** DBP party assembly member Mehmet Yavuzel was connected by phone to the Med Nuçe Television channel, saying that for 6 days the authorities had strung them along by saying "we are sending ambulances, which cannot get there because of clashes", and misleading the public.

Mehmet Yavuzel said the following regarding what they were going through in the basement, and the situation of the wounded:

"...At this moment there are 19 wounded. 5 of them are in a serious condition. The others are unable to walk. There are also 6 dead bodies, people who've been murdered. Some of the people here are KJA activists, some are DEM-GENÇ, there are university students, civilians. For 5 days I know ambulances have been coming. They say they'll take us, I don't know what else. Every time they send the ambulances back, saying there's a clash. So we have understood this: the fact that they send the ambulances, then prevent them getting here, shows they have different intentions. At least that is the conclusion that emerges.

Now today the Constitutional Court has taken another decision: 'there may be armed people amongst them, military people'. As they are so interested they should come and look. We are already surrounded. Next to and behind the building there are armoured vehicles. They're playing janissary music.

We can hear them 24 hours a day. Reconnaissance flights come over. Then they say these things, which are solely designed to deceive the Turkish people and public. Public opinion should know this. For 5 days the same things, the same lies are being uttered. For 2 days people here have had no liquids. People will die because of this. They should be aware of this.

Our people who are waiting outside Cizre should know this. Our people in Cizre should know this. Our people living in Europe should know this. There are 6 civilian corpses next to me. And 19 wounded, they cannot get any liquids. They are all on top of each other. Has there ever been such a scene in human history?

The area of this building is being bombed every day. Three floors have collapsed. Every time a bomb falls the place fills with dust and people here cannot breathe. Today a youth has probably died from thirst and cold during the bombing. (As he speaks the groans of the wounded can be heard).

Ferhat Karaduman is gravely ill and may die at any moment. Sultan Irmak, Serhat Saltikalp, Mustafa Gazyak. They may also die at any time. As I said they have had no liquid for 2 days. They say: 'safe area'. 'Bring them to a safe area'.

People cannot go 20 metres to get water. People who can hardly walk cannot go and get water. The building is being bombed from all sides. 20, 50 times a day. People are tired of explaining the situation. We can no longer find anything to say.

⁵⁹ <https://www.birgun.net/haber-detay/davutoglu-ndan-havalimaninda-cizre-aciklamasi-ambulanslarin-olay-yerine-ulas-tirilmesi-icin-calismalar-yapiliyor-102132.html>

All public opinion should know that what has gone on for the last 6 days has been a delaying tactic. That is, by doing this they want the people here to die. Or they want the security forces to finish the job. If they are delaying it means they have different plans. So public opinion and our people should know this. Our people waiting outside Cizre, all the educated people in the whole of Kurdistan, young people, women, likewise our people in Europe should know. These people have not had liquid for 2 days. If this goes on for 2 more days, even if they are healthy they will die. And no one will be able to explain, so our people should come to the neighbourhoods of Cizre without worry, recognising no obstacle. They should come and take their children."

On the **29th January** President Erdogan, answering a question from journalists, declare: *"They're lying that no ambulances were sent. The ambulances were there, maybe there were just no wounded."*⁶⁰

In the same day, from the basement they send a message in which was written *'we have a phone with a camera, but we don't use it because when it is switched on the battery runs out. We will try and if we can send them we will.'* Then they used a normal phone, one which had a long lasting battery, to send the names of 25 people who were still alive. 16 of them wounded and 9 uninjured but exhausted. According to this, the names of the people trapped in the **1st Basement**, are: Mehmet Yavuzel, Rohat Aktaş, Feride Yıldız, Ferhat Saltıkalp, Ali Fırat Kalkan, Mustafa Vartiyak, Mustafa Aslan, Tahir Çiçek, Rıdvan Ekinci, Dersim Aksay, İslam Balıkesir, Serdar Pişkin, Ferhat Karaduman, Sultan Irmak, Sercan Uğur and Fehmi Diñç were wounded, while Hacer Aslan, Gülistan Üstün, Sakine Şiray, Berjin Demirkaya, Ramazan İşçi, Mahmut Duymak, Kasım Yana, Osman Gökhan and İzzet Gündüz were worn out from hunger and thirst.

On **29 January** those in the basement told to MP Faysal Sarıyıldız that the security forces had got quite close to the building, that their shoes were visible and their conversations had been heard.

On **30 January**, after receiving guarantees from the **Crisis and Coordination Desk** established by coordination of the Prime Ministry, Interior Ministry and Health Ministry, the health teams and ambulances waiting at the Cizre municipality set out for the basement at around 09.30.

Ambulances from the Health Ministry were accompanied the municipal ambulances. The ambulances and health teams went to within 150 – 200 metres of the basements and waited for approval from the **Crisis and Coordination Desk**. From the desk the HDP delegation was told that if the wounded emerged from the basement within 15 minutes, approval would be sent for their collection. The delegation maintained constant telephone contact with the wounded in the basement while awaiting approval. After a delay of about half an hour, while

⁶⁰ Cizre Report Türkiye (p.112)

waiting for approval from the **Crisis and Coordination Desk** a loud explosion and the sound of gunfire was heard from the basement, which were heard over the telephone. The screams of the wounded were heard, and they said: *"They are firing at us, a bomb has been thrown in, they're going to kill us. Help, what do they say."* These moments were recorded.

A dialogue that took place between DBP PM member Mehmet Yavuzel, who was wounded and later died in the raid, and Meral Daniş Beştaş while the ambulance was moving and at the moment of the raid: (This dialogue was also listened into simultaneously by government officials by means of tele-conferencing.)

First transcription

Meral Daniş Beştaş: At the moment we are monitoring the ambulance. It's on the way.

Mehmet Yavuzel: Yes.

Meral Daniş Beştaş: Let it arrive, then we will call you.

Mehmet Yavuzel: Okay. It's quiet here....

Meral Daniş Beştaş: Okay, okay. I will call you once the ambulance arrives.

Mehmet Yavuzel: Just so you know, it's quiet here.

Second transcription

Meral Daniş Beştaş: We've just spoken to the ministry. Everyone will be on the phone.

Mehmet Yavuzel: Yes.

Meral Daniş Beştaş: Get prepared. They have just given approval, but...

Mehmet Yavuzel: Okay.

Meral Daniş Beştaş: When we call you, you will go out.

Third transcription

Meral Daniş Beştaş: Have the noises stopped? The sound of the police.

Mehmet Yavuzel: Ha, they're here, in the corridor.

Meral Daniş Beştaş: They are in front of the door from which you will exit.

Mehmet Yavuzel: Yes, they're inside.

Meral Daniş Beştaş: They're inside.

Mehmet Yavuzel: Maybe they can hear your voice. The phone is on. Is the Interior Minister with you?

Meral Daniş Beştaş: At the moment that telephone...(Just at that moment there is the sound of an explosion, gunfire and screams from those in the basement)

Fourth transcription

Meral Daniş Beştaş: Hello

Mehmet Yavuzel: My ears are bad, I can't hear.

Meral Daniş Beştaş: Your ears are bad. Can you hear me?

Mehmet Yavuzel: Very little.

Meral Daniş Beştaş: Very little. I'm shouting at the moment, shouting. If you're not in a position to leave we'll have to find another formula.

Mehmet Yavuzel: We're under rubble. How can I explain!

Meral Daniş Beştaş: Okay, okay, so you're not in a position to get out.

Mehmet Yavuzel: we're under the rubble, rubble!

Meral Daniş Beştaş: Okay, okay, keep the telephone on. They can't leave, they can't get out.

Despite government officials saying the necessary humanitarian interventions would be made immediately, no positive development occurred while there was telephone contact between the wounded and the delegation. Following the attack, only two telephone conversations took place at intervals. During these calls the wounded said they were under rubble, that they were having difficulty breathing, that they were unable to move and would be unable to leave the building without support. Those stranded in the first basement said another person had died during the telephone conversation.

Following this conversation, the telephone connection was entirely broken.

Along with these developments, in telephone conversations made by the HDP delegation with the Prime Ministry, Interior Ministry and Crisis and Coordination Centre it was stated that the situation was of the utmost seriousness, that there were grave concerns regarding all the wounded and that those who were unable to move had to be taken from the building by health teams. Despite insisting for hours, they were informed by the Crisis and Coordination Centre that a rescue or health team would not be able to go there and that it would not be permitted. After a time, the HDP delegation's demand for two municipal employees and health workers to verify the truth of this information on the ground and administer first aid to the wounded was rejected by government officials, but after persistent talks with the Interior Ministry the demand was granted and two officers from the Cizre municipality and two health workers set off to reach the basement. However, this attempt failed on account of increasing gunfire and explosions. When the Health Ministry and Cizre district governor said it was not possible to guarantee the safety of these people, this attempt did not produce a result. While saying that since the officials could not ask the security forces to cease firing, such a thing was impossible, they said the municipal and health personnel would only be able to pass through the line of fire. As the firing continued, both the 112 ambulance, and the Cizre municipal ambulance and the health personnel had to withdraw around 3 pm.

On 31 **January** a ten-person women's delegation consisting of relatives of those in the basement headed towards the basement carrying white flags with the intention of rescuing

the wounded and of retrieving dead bodies. Those who approached the building were detained.

On the **2 February** a statement was made by the **Yekîneyên Parastina Sîvil - Civil Defence Units (YPS)**, which was involved in clashes with the security forces in Cizre, to the effect that they did not have any forces in the area where the basement was situated and that no clash had occurred there⁶¹.

In according with the pre-investigation report on Cizre, made by Sebnem Korur Financi on the 3rd March 2016, *"When arriving at the first basement, an object likely to be a tank bullet was noticed on the window sill. [...] On the left-hand side, many burned bones and bone particles were found next to the wall. Amidst these particles, a piece was recognized to be mandible. When the length of the eyeglasses (belonging to an adult), as seen on the photograph, were compared to the measurements of the mandible, taking into account the loss of size as a result of a fire, it had to be accepted that the mandible was still not proportionate with the frame, thus did not belong to an adult but to a child around the ages of 10-12."*⁶²

According to statements by Human Rights Watch *"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."⁶³

The report further states that on **January 28**, *Human Rights Watch executive director, Kenneth Roth, met with a senior government minister in Ankara and reminded the Turkish government*

⁶¹Article:<http://diclehaber50.com/news/content/view/497454?page=4&key=c4f60ee8111bf32c1b270ddb2b9e977c?&key=c4f60ee8111bf32c1b270ddb2b9e977c>

⁶² Forensic Dossier: <https://tihv.org.tr/wp-content/uploads/2016/03/3-Mart-2016-Cizre-%c3%b6n-rapor.pdf>

⁶³ <https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>

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.

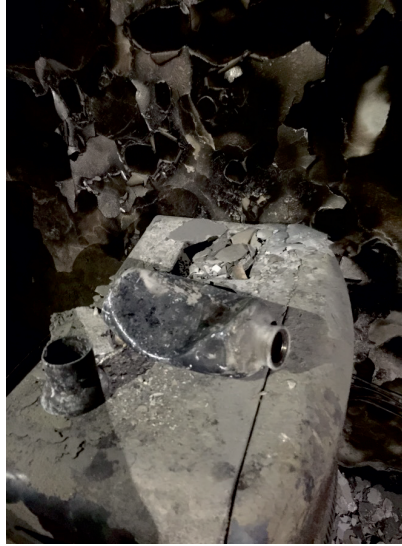
Pictures of wounded and death sent by persons in the basement



Pictures taken after the attacks on the basements







2nd Basement

A few days later, on the **4th February**, information was made available through the television channel Özgür Gün TV, that sixty-two people, most of them wounded, were forced to take refuge in the basement of a building located in Narin Street n. 6, always in Cudi neighbourhood, close to the 1st basement.

Amongst those in the basement was Mehmet Tunç who had escaped from the attack on the first basement later taking refuge in the second basement 150-200 metres away⁶⁴ Tunc called on telephone the TV channel to unveil the existence of the second basement. Mehmet Tunç explained what occurred in the following way:

[Empty rectangular box]

⁶⁴ Cizre People's Assembly co-chair Mehmet Tunç had called the Kurdish Conference held at the European Parliament on 27 January, explaining what was happening in the first basement and making an appeal for international awareness. Since the area was entirely isolated and blockaded and communications were limited, although it is not certain what happened, most probably Mehmet Tunç left the first basement on the evening of 27 January or on 28 January and took refuge in the second basement. Mehmet Tunç died in that basement.

"...As a fire broke out on the second floor and mortars and tank shells had made holes in the building, all the old furniture and sofas and possessions from the house are in the basement, we are facing a Madımak Hotel incident.

This is a shame for humanity. ...

And this smoke has completely filled the building and the fire has begun to slowly come in through the holes. Although I'm trying to wet the sofas a great fire is coming down from above.

I know that at this moment there are fires everywhere in Cizre.

If we look from the Alize Künefe or the other side of the Nusaybin road, everyone who looks from three sides will see this fire. For that reason, I am calling on all humanity.

At least, rather than ambulances, the fire brigade should come and put out the fire. Otherwise there are people here without feet, gravely wounded people and children who will be burnt. I have no doubt that this will go down in history as Turkey's, as the whole of humanity's, even the United Nations' shame.

The householder left 17 demijohns of water downstairs, presumably for a day. In the last four days we have finished 5 or 6 of them. I have given them to the friends and they have finished them.

They are wounded people, they drink water. I have poured some on the radiators to dampen them, but upstairs is ablaze ... The fire broke out because of grenade launchers, tanks and mortar shells ... If only we had a video cell phone so that you and the whole world could see these sights, the house which is ablaze".

On **5 February** Mehmet Tunç was connected to Med Nuçe television, saying incendiary weapons were being used against the second basement.

He said:

"Here conventional or incendiary weapons are being used. Last night we used four or five demijohns of water to prevent the whole house being burnt, but 9 people lost their lives. Şervan Adıgüzel, Ercan Pişkin, Muhammed Öztürk, Nizar Isırgan, Cengiz Samsak, Ramazan Çendek and others we don't know, their faces were completely burnt. I am underlining this: when tomorrow or another day these bodies are found the AKP government will endeavour to bury them quickly because they know what they have done is shameful.

Chemical or incendiary weapons (flamethrowers) were used.

The house turned into a fireball. My hand and face are burnt. The faces of those who died have puffed up. When we removed their clothes we saw they were charred. I couldn't touch those who died, who were slaughtered. Those who were wounded have puffed, swollen faces and I am as sure as I am of my name that banned weapons were used.

I, therefore, call on the United Nations, to existing humanity, to say that there must be an examination made. They must examine what weapons these people were killed by. I don't

think it was by fire. The fire was small. It's true that it reached the house, but as we were putting it out inside it suddenly turned into a fireball. This was a weapon and we saw people burning.

In my bag I had nearly 100 doctor's masks, just in case. These masks have gone black, with a flammable smell. Perhaps they will intervene now. These dead, murdered people should definitely not be buried by their families.

The United Nations should analyse them to see what banned weapons did this to these poor people. There are 13 and 14-year-olds in the basements. It's as if there are armed people there and they are burning and destroying the basements. They are just burning the basements and destroying them, but people are dying! ... I spoke to İdris Baluken too.

The fourth floor has collapsed, these people here could all die. At the moment there are 28- 29 wounded and 9 corpses. Ekrem Söğülgen, Mehmet Aslan and the faces of 14 year old children have been burnt. Savaş Balcan, Fidan, Felek Çağdavul young student girls of 13-14. Yasemin Çakmak.

They are all middle school graduates.

Arin Pişkin, as I count them there are close to 28, some of them are unable to say their names because their faces are entirely burnt. Our fear is that with an intervention with a different weapon, with pepper gas, that these people will be slaughtered. I have been saying this for 60 days.

It is not too late, these people can be saved. Perhaps it is true, there are at the moment hundreds of people under rubble in Cizre. Maybe there are dozens of basements like this. This is just the tip of the iceberg. By chance, we came to this basement. These people are involved in a race against death. There are people in a really serious condition. They have suffered burns and there is no way to treat them ..."

It was stated that the police, who surrounded the building with armoured vehicles, made constant calls on the wounded to surrender, saying those who complied would be taken to hospital by ambulance. 16-year-old Abdullah Gün⁶⁵ went outside to look for an ambulance but was shot dead. Since his body could not be identified for 15 days, correspondence was sent by the Silopi Public Prosecutor's office to the District Governor's office for it to be buried in a common grave.

On **6 February** the Şırnak Governor's office made a statement regarding the second basement, claiming: "Terrorists *who fled the building set it alight.*"⁶⁶

On **7 February** Cizre People's Assembly co-chair Mehmet Tunç spoke by telephone for the last time on Med Nuçe Television, explaining the savagery what had happened in the second

⁶⁵ « Cizre HDP Report" (p. 120)

⁶⁶ Article: http://www.bbc.com/turkce/haberler/2016/02/160204_cizre_dokuz_kisi_olum_aciklamalar

basement, replying to the allegation made by the Şırnak Governor's office regarding the building being set alight by people who fled:

"At the moment there are 51 people in this basement and I estimate that there are dozens of such basements in Cudi, Nur and Sur neighbourhoods. Some are wounded, some have serious burns. If these people are not treated their faces and hands will be detached. We applied emollient cream last night but this morning we saw that the cream had stuck to people's faces ... When we listen to FM radio they say people set themselves alight. So we need an urgent delegation of doctors and lawyers to come to Cizre to examine the wounded and the dead. Although we tried to keep the dead bodies in the basement, due to the smell we have had to put them outside.

We know that tomorrow or in the future guns will be placed next to the bodies and they will tell the press: 'they were terrorists, members of an armed organisation,' but these people were killed in the basement by flame throwers.

Wounded friends are still with us.

No one should be buried before they are examined, because for days we have seen the AKP burying these bodies hurriedly in order to portray itself as in the right to the UN and the world. Our people are also remaining silent, therefore from now on no bodies should be buried in Cizre."

The same day, on the **7 of February**, there was a **huge explosion** in the city, heard by all the people living in the area.

TRT's news item concerning the 60 people 'rendered ineffective' was denied the next day by then Prime Minister, Ahmet Davutoğlu. The HDP's constantly asked question regarding the whereabouts of the remaining people which remained without answer.

Between 9th and 10th of February, the number of corpses brought to the Cizre state hospital was thirty nine. On 11 February thirty-one more bodies were brought to the Cizre state hospital.⁶⁷

After the end of the curfew, the place where was located the building was completely destroyed and parts of bodies were found by citizens in the rubble and on the banks of the Tigris river.

Events in a third basement are also documented in the Briefing prepared for the Tribunal. For reasons of space, this section is omitted.

⁶⁷ Cizre Report (p.122)

Events in the district of Sur in Diyarbakir city

Sur is the name given to the old city of Diyarbakir within the old city walls. The first settlement in the area is dated 5000 BC and since Diyarbakir has been a very important meeting point at the intersection of East and West. It is a multilingual, multi-cultural and multi-layered city.

There were 569 registered historical buildings in Sur. Many of these were destroyed in the conflict as explained hereafter.

Sur consists of 15 neighbourhoods and in 2015 had a total population of 50.341.⁷⁶

Forced displacement⁷⁷

In Surici totally five times curfews have been declared by the governor between beginning in September 2015 and lasting several days. Particularly the six neighbourhoods Cevat Paşa, Dabanoğlu, Fatih Paşa, Hasırlı, Cemal Yılmaz ve Savaş have been affected by these 24-hour blockades through the security forces. The last curfew dating on December 11, 2015 is valid for five neighbourhoods. Armed skirmishes, curfew and blockades set up by special police forces and the gendarmerie, continued in five neighbourhoods, and were extended to the neighbourhoods of Ziya Gökalp, Süleyman Nazif, Abdaldede, Lalebey and Alipasha from 27 January 2016 to 03 February 2016. The Diyarbakir governor's office declared on the 10 March 2016 that operations had come to an end.

During these curfews similar attacks as those described above on the population of Cizre occurred in Sur.

Hereafter however the emphasis will be on a different type of problem: the chain of successive and complementary actions by the authorities that have led to the forced displacement of more than 20.000 inhabitants of Sur.

The successive steps that have led to this result were:

- The systematic destruction of buildings, including historical buildings, houses, mosques etc. by artillery bombardments during the clashes in Sur with Kurdish militants in the period of 9 September 2015 to 10 March 2016
- The decision taken by the Council of Ministers on 21 March 2016 to expropriate 6292 out of 7714 parcels in Sur.

⁷⁶ Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site "DIYARBAKIR FORTRESS AND HEVSEL GARDENS CULTURAL LANDSCAPE", DAMAGE ASSESSMENT REPORT, Conflict Period and following Demolition of the Old city (SURIÇI) of DIYARBAKIR, August 1, 2017

⁷⁷ Unless otherwise indicated all data in this part are drawn from Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site "DIYARBAKIR FORTRESS AND HEVSEL GARDENS CULTURAL LANDSCAPE", DAMAGE ASSESSMENT REPORT, Conflict Period and following Demolition of the Old city (SURIÇI) of DIYARBAKIR, August 1, 2017

- The continued destruction of buildings under the pretext of cleaning the area of debris after March 10, 2016 leading to the total demolition of several districts turning large parts of the old city into flatlands.
- The modification of the Urban Conservation Plan by the Ministry of Environment and Urbanization in December 2016 paving the road for speculative so-called urban renewal plans that denature and distort completely the city and in particular its historical center.

The systematic destruction of buildings, including historical buildings, houses, mosques etc. by artillery bombardments during the clashes in Sur with Kurdish militants in the period of 9 September 2015 to 10 March 2016

Tanks were positioned around the districts of Sur in which curfews were declared. Initially the State Forces attempted to break through the barricades and trenches in one point, not far from the area where many historical monuments such as the Armenian Church are situated.

This led to heavy fighting in which State Forces opposed heavy weapons, mainly artillery mounted on tanks, to mainly light weapons in the hands of a limited number of Kurdish fighters. These clashes resulted in considerable destruction in that area.

On 10 December 2015 the curfew was lifted for a limited number of hours. As a result of this that thousands of inhabitants of the districts under curfew left their houses and became refugees in their own town. The authorities took no measures to provide food, shelter, medical assistance etc. to these refugees. This resulted in the almost complete depopulation of this part of the city. Nevertheless a limited number of civilians did not leave their houses for various reasons.

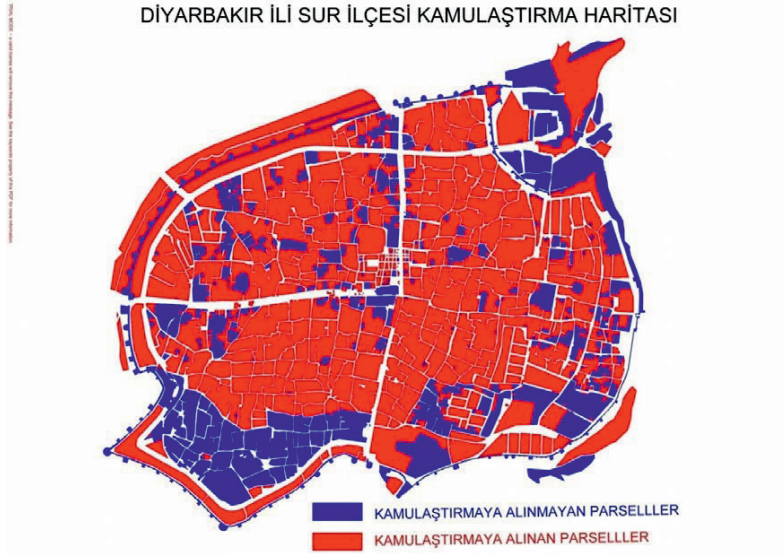
After a few hours the curfew was re-established and witnesses report that from that moment on the systematic shelling of houses everywhere in Sur by artillery mounted on tanks started. According to the witnesses houses were shelled story by story, including in areas where there were no or very limited clashes on the barricades.

That systematic destruction process continued later, after the fighting stopped. Satellite images from 10 May 2016, shortly after the end of the fighting, show that 10 hectares of buildings were completely destroyed (this will double later as seen hereafter to 20 hectares).

The decision taken by the Council of Ministers on 21 March 2016 to expropriate 6292 out of 7714 parcels in Sur.

After the end of state operations, on 21 March 2016 the Council of Ministers took a decision on the expropriation of 6292 out of 7714 parcels in Suriçi based on the article 27 of the law on expropriation. By this decision, 82% of the parcels in Suriçi shall be expropriated by the Turkish government. A large part of the remaining 18% is in the possession of the Housing Development Administration TOKI and the Treasury, i.e. of the Turkish state. As a result, Suriçi will be entirely passed into public ownership. This also means that the residents of these five affected neighborhoods will not be able to return.

Map of the area to be expropriated. Red indicates the parcels marked for expropriation. Blue parcels were previously already in the hands of the State:



The continued destruction of buildings under the pretext of cleaning the area of debris after March 10, 2016 leading to the total demolition of several districts turning large parts of the old city into flatlands.

Under the pretext of cleaning up the rubble and creating roads necessary for security reasons the authorities continued the destruction of several districts in a period of more than 1 year after the end of the fighting.

This evolution is clearly illustrated by the following images:

On 10 May 10 ha are completely destroyed.



From the satellite image of August 16, 2016 below it has been assessed that a total of 1519 buildings and other constructions have been destroyed completely, among them registered civil and monumental buildings. The destruction covers 20 ha (double of the surface destroyed at the end on 10 May 2016).

Inside the walled city 19 April 2017



Picture taken from a commercial flight 4 May 2017 showing ongoing destruction



The modification of the Urban Conservation Plan by the Ministry of Environment and Urbanization in December 2016 paving the road for speculative so-called urban renewal plans that denature and distort completely the city and in particular its historical center.

Urban Conservation plans have subsequently been modified. The Diyarbakir branch of the Chambers of Architects and Engineers of Turkey has examined those plans and found 17 different violations of urban and conservation norms. The most important conclusion is that all the changes introduced are all justified on grounds of security and thus planning is

reduced to an instrument of defence. The new houses that are built in the area are inaccessible to the original population of the destroyed districts.

The sequence of events and decisions of the Turkish authorities resulted in the forced displacement of 20.000 to 50.000 people from Sur. This amounts to a form of collective punishment of these persons for their supposed participation in § or sympathy for what started as an action of civil disobedience against the termination of the peace process by the Turkish State and the continued violation of the right of the Kurds to self-determination.

This constitutes:

- **a grave breach of the Geneva Conventions of 12 August 1949, namely the war crime of causing extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly as defined in art. 8 2 (A) (iv) of the Rome Statute**
- **as well as the war crime of unlawful deportation or transfer as defined in art. 8 2 (A) (vii) of the Rome Statute**
- **as well as the war crime of Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand as defined in art. 8 2 (e) (vii) of the Rome Statute**
- **as well as the war crime of destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict as defined in art. 8 2 (e) (xii) of the Rome Statute;**

Destruction of world heritage

Suriçi district as a whole, was registered as “Diyarbakir Urban Archeological Site” in 1988. Since the first master plan to protect this area could not be implemented, a new draft of the master plan was prepared and put into action in 2012. Following adoption of the new master plan, Diyarbakir Metropolitan Municipality started to work for recognition of Diyarbakir Fortress and Hevsel Gardens as world heritage by the UNESCO as of 2012. In parallel to this, a “Site Management Plan” and conveyed to World Heritage Center in August 2014. During the 39th meeting that took place in 4th of July, 2014, World Heritage Center approved Diyarbakir Fortress and Hevsel Gardens as a cultural landscape that is the world heritage. Diyarbakir Fortress, İçkale, Anzele Water Body and Hevsel Gardens are considered as the heritage zone while Sur and Tigris Valley area were registered as the buffer area.

The Sur buffer area is since then protected by international laws as well as by the Turkish Cultural and Natural Heritage Protection Act no. 2863. These international agreements signed by Turkey: UNESCO Universal Declaration on Cultural Diversity (2001), The Convention for the Safeguarding of Intangible Cultural Heritage (Paris, 2003), Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972), Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954), Venice Charter (1964) and The Declaration of Amsterdam (1975).

A report drafted by the Diyarbakir Metropolitan Municipality⁷⁸ reports e.g. the following damages to historical buildings:

- Kurşunlu Mosque, which is a registered intangible cultural heritage located in Fatihpaşa neighbourhood, suffered irrevocable damage at its northern front walls as well as its' stoop pillars located within the mosque. A fire destroyed the sanctuary and created distortions in walls, decorations and ornaments were destroyed as a result of the fire. Moreover, the fountain of the mosque that was reconstructed is now totally destroyed (Photos 1 & 2).



COURTYARD OF KURŞUNLU MOSQUE



⁷⁸ Diyarbakir Metropolitan municipality, "Cultural heritage Damage Assessment report on Sur, Diyarbakir, 30 March 2016, p. 4-5

- Sheikh Muhattar Mosque, that is quite well-known with its Minaret on the Four-Pillars was equally damaged. Two of four carrier pillars of the minaret were targeted by heavy weaponry and carrier lintels of the minaret were also damaged.

The MINARET ON FOUR PILLARS (ON THE LEFT)



Moreover, visual evidence also shows that walls of the mosque were partially destroyed to facilitate entrance of armoured vehicles into the street.

- With the same pretext, registered historical shops were destroyed which are located at Yeni Kapı Street which adjoin the biggest Armenian church in the Middle East, Saint Giragos and Chaldean Church next to it and thus the historical texture of the street was also destroyed too.



The Yenikapı street, with an original width of 8m before the demolition, has been turned into a 15 m wide street.

- One of 7 public baths/hamams in Suriçi which could survive up until today, Pasha Hamam, was damaged in the early days of armed clashes. Afterwards the cooling section of the hamam was totally destroyed as a result of a fire outbreak.
- Another registered historical building, an example of traditional civil architecture, turned into Mehmed Uzun Museum House by Diyarbakir Metropolitan Municipality was partially destroyed. Amongst the part destroyed, there is also kabaltı (street veil) section, which represents one of rare examples of traditional street texture of Diyarbakir which enabling pedestrians to walk under the physical structure. Furthermore, it is also detected that a series of other historical civil architecture examples were partially or totally destroyed. As a result of devastations, the area characterised as “Urban Archeological Site” has lost its’ unique street and physical structure fabric in a way that cannot be restored.



Other destructions are reported by Nevin Soyukaya, Archaeologist ⁷⁹:

- Aerial photographs underline that the Hasırlı Mosque, located at parcel no. 235/19 has been completely destroyed and the debris removed, without a trace left in its place.



- **Armenian Catholic Church:** The bell tower, south courtyard wall and pool in the courtyard have been destroyed completely and the main entrance door and church outbuilding located to the west of the church have been destroyed partly. Also a wide road through the area has been opened.

⁷⁹ Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site “DIYARBAKIR FORTRESS AND HEVSEL GARDENS CULTURAL LANDSCAPE”, DAMAGE ASSESSMENT REPORT, Conflict Period and following Demolition of the Old city (SURIÇI) of DIYARBAKIR, August 1, 2017



After restoration in 2014



March 2016



May 2016

Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site reports⁸⁰:

“The Diyarbakir governor’s office declared on the 10 March 2016 that operations had come to an end. The governor of Diyarbakir declared the end of the operations in the affected area on March 10, 2016. But before the completion of the operations in February 2016 heavy equipment and bulldozers of state institutions have started with demolition in the area under curfew and the excavation of debris. A part of the debris has been dumped at a site of the Diyarbakir Dicle University and afterwards it has been covered with soil. This illegal action has been documented by the Environment Conversation Department of the Diyarbakir Metropolitan Municipality on February 29, 2016. In an area registered as urban conservation site and buffer zone of a World Heritage Site demolition and excavation of debris have been executed without assessing the state of the operations and clashes, without obtaining permission from the responsible Diyarbakir Region Conservation Board of Cultural Assets. The necessary permissions for the removal of the excavation were taken out only about a month later. The Conservation Board of Cultural Assets has stated in its decision with the no. 3873, dated 23 March 2016, that “the removal of debris obstructing streetways may be allowed under the supervision of the experts of the museum directorate; if debris from partially or completely destroyed registered buildings is encountered, then all significant construction elements should be kept at the original site in a proper way, under the supervision of the museum experts, for later assessment. An aerial photograph taken and handed by a citizen on April 4, 2016, and two satellite images commissioned by the Diyarbakir Metropolitan Municipality on May 10 and August 16, 2016, it could be determined obviously that this decision has not been followed by the state institutions in the affected area. Hundreds of buildings have been destroyed, roads have been broadened, areas have been erased and squares created and schools have been turned into police/military posts. The wide roads now connect these police/military posts. By conducting the demolition under the observation of the local personnel of the directorate of the Ministry for Culture and Tourism it has been aimed to give a legitimate situation. The demolition actions, which have violated the Urban Conservation Plan and the World Heritage Site Management Plan, have been conducted without the permission of the responsible municipality, responsible for enforcing these plans, and the information of the Site Management. Suriçi as an urban conservation site is object to the Law on the Conservation of Cultural Assets (No. 2863) and as part of the World Heritage Site under the conservation of international laws. For the destruction of any registered buildings, it is necessary that;

- 1) *from the Conservation Board of Cultural Assets for each monument separately a decision is taken which states the imminent danger of collapse,*
- 2) *the technical personnel of the directorate for construction control at the relevant municipality prepare a report permitting the demolition of each individual building,*

⁸⁰ Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site “DIYARBAKIR FORTRESS AND HEVSEL GARDENS CULTURAL LANDSCAPE”, DAMAGE ASSESSMENT REPORT, Conflict Period and following Demolition of the Old city (SURIÇI) of DIYARBAKIR, August 1, 2017

which state a risk for life and propriety, according to the Article 39 of the Law on Zoning (Town Planning) numbered 3194.

3) after the documentation on the claimed risk of collapse the relevant commission of the city council approves the demolition.

However, for the demolished buildings in the blockaded neighbourhoods, neither any technical assessment has been made nor any required permissions have been obtained from the Conservation Council for Cultural Assets and the relevant municipality. Today the actions and procedure continue which violate the national and international rules and regulations and lead to further destruction of the affected area. Without any design of surveys, restoration and restitution plans for the affected registered buildings, the remainings of qualitative building elements have been excavated with heavy equipment and dumped outside of Surici by personnel which have no expertise on this subject.”

Nevin Soyukaya ⁸¹ concludes: *“The destruction of historical Surici took place in two different periods. The first was the period of armed conflict lasting from 9 September 2015 to 10 March 2016, the second period is characterized by systematic demolition and annihilation started on March 10, 2016 after the stop of the state operations an still continues. In the first stage heavy weapons, artillery, tanks, bombs and explosives were used. But the irreversible damage was inflicted in the second stage when demolition and excavations uprooted even the foundations of the buildings.”*

The Turkish State and its operatives have therefore committed the war crime as defined in art. 8 2 (e) (iv) of the Rome Statute of intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments,... not being military objectives.

⁸¹ Nevin Soyukaya, Archaeologist, Former head of the UNESCO World Heritage Site “DIYARBAKIR FORTRESS AND HEVSEL GARDENS CULTURAL LANDSCAPE”, DAMAGE ASSESSMENT REPORT, Conflict Period and following Demolition of the Old city (SURIÇI) of DIYARBAKIR, August 1, 201, p. 11