

THE ANATOMY OF BRUTALITY

COMPREHENSIVE AND UPDATED

REPORT ON TURKEY'S BLOCKADE ON

CİZRE DISTRICT



PEOPLES' DEMOCRATIC PARTY

5th March 2018

Introduction

The “Democracy and Resolution” announcement made at Newroz in Diyarbakır on 21 March 2013 signified the publizingof an ongoing process of dialoguethat had begun in 2012 with the aim of finding a lasting peace. The text of an accord, that was to pave the way for a more transparent negotiation, was shared with public opinion in the presence of government officials and the Imrali Delegation on 28 February 2015. The President’s denial of the process, saying: “There is no such accord. There is no question of this government having an accord with a terror organisation,” brought the process to a halt. It had been the President himself who had said previously of the call forthe laying down of arms which was contained in the accord: “It is an appeal we have longed for”, and he who had maintained control of the process. The HDP achieved a vote of 13.1% at the 7 June 2015 elections after a campaign during which the party faced many obstacles, including a bomb attack on an election rally in Diyarbakır. The HDP thus exceeded the ten per cent electoral threshold and entered the Turkish Parliament, while the AKP was unable to gain enough MPs to form a government.

As anticipated, efforts to form a coalition would be unsuccessful,a bomb attack in Suruç on 20 July during a press conference held by members of the Federation of Socialist Youth Associations taking aid to children in Kobanê resulted in the death of 34 people. This was followed by the killing of two police officers in Ceylanpınar and the process of non-conflict ended. On 16 August a curfew was declared in the districts of Varto in Muş province and Şemdinli in Hakkâri province. While it was announced that these curfews, the legal validity of which will be discussed below, would be short-term, continuing until mid-September, the curfew announced in Cizre on 4 September and which ended on 12 September, during which 22 people died, signalled that this process would be more prolonged. During these curfews, which witnessed clashes and led to damage, the people’s freedom of movement was restricted andthey were unable to obtain food and water. There were also fatalities amongst civilians during these curfews.

Although in all reports regarding the first curfew, the number of fatalities was given as 21, a review dated 20.10.2015 of the report 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) on 15.09.2015 raised the figure to 22, including the death of Mülkiye Geçgel, who suffered a

wound caused by firearms during the curfew.

As of October 2016 a total of 114 curfews had been declared, in 9 provinces and at least 35 districts. In Diyarbakır 63, Mardin 18, Şırnak 13, Hakkâri 11, Muş, Batman and Bingöl two and in Dersim one. Again, as of October 2016, since curfews began in August 2015 in Cizre, Silopi, İdil, Şırnak, Yüksekova, Nusaybin and Sur, a total of 863 people had died and the right to life and right to access health of at least 1 million 671 thousand people was adversely affected¹. As a result this groups fundamental rights where severly violated. Such rights included the right to freedom and security, travel, communication, environment, respect for private and family life, freedom of assembly; freedom of religion, freedom to access information, right to protection of property, right to education, prohibition of torture and inhuman or degrading treatment, the right to life and physical integrity were severely violated.

During the curfews announced in December numerous crimes were committed, first and foremost mass killings and forced depopulation, as curfews began to last for months. It has been established that no precautions whatsoever were taken to protect fundamental rights and freedoms during these long lasting curfews. During this process,while absolutely no measures were taken to evacuate civilians from the conflict areas,groups of people attempting to leave urban areas carrying white flags were fired upon. Cizre was the place were the worst incidents occurred. During the curfew which was declared in Cizre on 14 December,and lasted for 79 days, as far as is known by public opinion, 31 peopled died in the first basement, 62 in the second basement and 50 in the third basement. It is known that a total of 177 bodies were carried from the area.

In reality, many people During the curfew in the entire Cizre area, including 41 children, one a baby, lost their lives. Due tobodies not being handed over to families and the difficulties in identifying bodies, on account of the damaged state of corpses and the failure to carry out effective and transparent investigations,the total of dead is estimated to be 280. Of these only 262 have been identified. 18 corpses remain in common graves. There is still delay in the process of matching DNA samples given by families with human remains.

¹According to data from the TİHV Documentation Centre in a report covering the period between 11 December 2015 and 8 January 2016: <http://tihv.org.tr/16-agustos-2015-16-agustos-2016-tarihleri-arasinda-sokaga-cikma-yasaklari-ve-yasamini-yitiren-siviller-bilgi-notu/>

The aim of this study is to ascertain what took place in Cizre by listing the incidents in chronological order, including meetings that were held, data in investigation files and other legal applications and observations. Additionally, to unearth possible violations of human rights and the rules of war ensuring readers gain an insight into what took place in Cizre.

Within this framework the events may be divided into three sections. The first section covers the declaration of the curfew in Cizre and the period until public opinion learned that people were besieged in basements. The second section deals with the basements and the third with the period between the end of the operations being declared by the government and the end of the curfew. Within this framework, initially the legality of the curfews will be discussed, following that an evaluation will be made of the Cizre process, which cannot solely be defined as a curfew on account of all that happened there, along the above mentioned lines.

1. A LEGAL EVALUATION OF THE CURFEWS

1.1. From the domestic legal viewpoint

The declaration of curfews was based on paragraph (c) of article 11 of law no. 5442 on Provincial Administration. This article, under the heading: "*The legal position of governors, their duties and powers*" states the governor is in charge of security forces within provincial boundaries and lists his duties and powers. In paragraph (c) the governor's duties and obligations are listed. According to this, "*within the provincial boundaries, the ensuring of public calm, welfare and security and the inviolability of the person, and the authority to take preventive security measures are amongst the duties and obligations of the governor*". In the same article, the necessary preventive measures which the governor will take are given legal power and reference is made to article 66 of the same law for those who do not comply with the decisions and measures taken by the governor.

Article 9 of the Law on Provincial Administration no. 5442 defines the duties and powers of provincial governors, stating they are responsible for the general administration of the province as the government and state's administrative and political representative. These duties do not include carrying out acts which suspend fundamental rights and freedoms. According to this law, along with having the "discretionary power" to carry out an action, they do not have the "power of appointment" as regards the nature of that action. This is enshrined in article 123/1 of the Constitution dealing with "statutory administration". Civil authorities cannot exert authority or carry out acts that are not granted by the Law on

Provincial Administration.

Article 6 of the Constitution entitled Sovereignty is clear as regards the use of state authority. It states: *“No person or organ shall exercise any state authority that does not emanate from the Constitution.”* Also, according to article 13, entitled: *“restriction of fundamental rights and freedoms”, “Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be contrary to the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular republic and the principle of proportionality.”* Fundamental rights and freedoms may be restricted if two conditions exist at the same time, according to this article: (1) provided that it is linked to the grounds mentioned in the Constitution (2) By law.

In a way that complies with the governing law of the Constitution, the situations and procedures in which curfews that restrict freedom of movement, that is a fundamental right and freedom, shall be declared have been clearly outlined in legislation that deals with martial law and state of emergency measures that suspend normal law. Article 15 of the Constitution states: *“In times of war, mobilization, martial law, or a state of emergency, the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures derogating the guarantees embodied in the Constitution may be taken to the extent required by the exigencies of the situation, as long as obligations under international law are not violated.”* While this provision permits these limitations, there is no such provision in periods of normal law. Concordant to this provision, in article 3 of the Law on Martial Law is the following sentence concerning duties and powers: *“Registering and banning presence on the street and when necessary taking all or some civil defence measures.”* There is a similar provision in article 11 of the Law on State of Emergency: *“Restricting or banning being on the street”* In the legal system of the Republic of Turkey there is no authority granted for the proclamation of a curfew apart from these situations. In the periods when curfews were declared there had not been the proclamation of martial law or state of emergency (OHAL) in any district of Turkey. Following the declaration of OHAL on 20 July 2016, too,no proclamation of curfew was announced, and some of the existing bans continued. In districts where normal law was in force, the declaration of curfew, the conditions, powers and procedures for which are clearly set forth, without a legal basis is in clear violation of law.

Following the 12 September 1980 coup, a curfew was declared from 05.00. This curfew lasted until 08.00 on 13 September. Between 13 September 1980 and 31 March 1981, when the coup was at its height, there was a curfew between midnight and 05.00. After that date the curfew was modified to 01.00-05.00 and a month later to between 02.00 and 05.00. Apart from the day of the actual coup, even during martial law periods there was no curfew that lasted for a whole day. It is thus clear that curfews lasting months without the declaration of OHAL or martial law are in blatant contravention of existing legislation. Any measure taken for which the need is not absolute, including under state of emergency, is under normal conditions a severe rights violation.

Paragraph 10 of article 38 of the Constitution states: "*The administration shall not impose any sanction resulting in restriction of personal liberty. Exceptions to this provision may be introduced by law regarding the internal order of the armed forces.*" However, decisions that launched the declaration of curfews were of an administrative nature. It is beyond dispute that as a result of these decisions fundamental rights and freedoms were restricted.

Article 11 of the Provincial Administrative Law, referring to article 66, sets forth the sanction to be applied in the event of non-compliance with measures taken by the governor, as contained in article 32 of the Law on Misdemeanour and consists of an administrative fine. However, in regions where curfews were announced, residents had no security of life, and despite being in their homes were wounded and killed. In particular during curfews declared after December 2015, it became impossible to live in the areas subjected to curfew, and those people who refused to abandon their homes died in the basements in which they were forced to take refuge.

The curfews are announced as being valid until further notice. Hence, the restriction of fundamental rights and freedoms is left to the arbitrary whim of a governor, or even a district governor, not subject to any normative provision of law. At the same time, the principle of proportionality regarding security measures to ensure public order is fundamental. The complete removal of the right to travel on the grounds of maintaining security is in blatant contravention of the principle of proportionality, in addition to being a violation of the right to life and the right to access health care. This matter is in violation of the necessity for the implementation of deprivation of liberty to be in accordance with the principle of security of law, as emphasised by the European Court of Human Rights (ECtHR), and to meet the standard of 'legitimacy' as set forth in the European Convention on Human Rights. This

situation has also been noted by the Venice Commission report on Turkey. The Commission examined the curfews in two stages, addressing their compliance with both national and international law. The Commission examined whether the curfews had been declared for a specific time, the area they had covered, and, of course, whether the restrictions introduced by the curfews² had been connected to the declaration of OHAL or martial law³. The Venice Commission underlined the obligation of curfews declared during periods of 'normal' conditions complying with the limits on restrictions of fundamental rights and freedoms.

Since the curfews were in contravention of constitutional and administrative law, the orders issued under them were also unlawful. Members of the security forces who carried out these orders implemented orders that constituted an offence according to the third paragraph of section J of article 137 of the Constitution. The third paragraph of article 24 of the Turkish Penal Code (TCK) states: "*An order constituting an offence should never be carried out. Otherwise, the person carrying out the order and the person giving the order is held responsible at the same time.*"

The curfews are based on paper in the announcements made by the governor's or district governor's offices on rising "incidents of terror" and the need to restore public order. If the incidents in question constitute a contravention of law then there is an obligation to arrest those responsible, hand them over to face justice and re-establish public order. If they are found guilty then it is the culprits who will have to put up with the consequences of the acts they perpetrated. This is a requirement of the principle of "individual criminal responsibility". This principle is one of the principles that a state ruled by law shall never abandon or violate. Collective punishment for an entire district or neighbourhood is unthinkable. However, if we consider what has happened since 16 August 2015, then it is the restriction of freedom of an entire district and of those wishing to gain access to it.

Curfews are a systematic, clear and continuous violation of people's freedom to travel and this situation constitutes the offence of deprivation of liberty as laid down in article 109 of the TCK. This offence has at the same time been committed against the whole population of a district. "*The depriving a person of the freedom in contravention of law of travelling to a place or remaining in a place*" is an offence. The fact that there is no legitimate reason for the act of depriving a person of their liberty is sufficient for it to be deemed that an offence has

²Venedik Komisyonu Raporu paragraf: 20.

³Venedik Komisyonu Raporu paragraf: 21.

been committed. The reasons given above are not lawful grounds. Paragraph 2 of the same article of the TCK refers to the use of violence in restricting the freedom of movement of those resident in a district or those wishing to enter, and paragraph 3 mentions the use of a weapon or the commission by more than one person as being aggravating factors.

Article 77 of the TCK states: “*Execution of any one of the following acts systematically under a plan against a section of a community for political, philosophical, racial or religious reasons, creates the legal consequence of a crime against humanity.*” This provision takes the events that took place under curfew to a new dimension. Crimes against humanity transcend the individual, directly harming the interests of a much broader segment than the individual wounded party. In regions where curfews were proclaimed the people had made clear their will for self-government and political preference by voting by an overwhelming majority for the HDP. This demonstrates that the acts in question were committed against a certain section of the population. The arbitrariness and the length of the curfews, stretching to a year in the case of Sur, the similarity of rights violations committed during these curfews, in addition to the number of people who died, some from loss of blood on account of being unable to access health care, in spite of cautionary judgments of the ECtHR, indicates that the offence of depriving people of their liberty was committed in a systematic way. This makes the curfews into crimes against humanity as far as Turkey’s domestic law is concerned.

Furthermore, offences such as violence (article 108 of TCK), prevention of education and training (TCK 112), violation of freedom of work and labour (TCK 117), deterioration of peace and order (TCK 123), prevention of communication (TCK 124), damage to property (TCK 151), damage to places of worship and cemeteries (153), endangering public safety intentionally (TCK 170), causing noise (TCK 183), threat with the intention of causing fear and panic among the people (TCK 213) and provoking or denigrating people to rancour and hostility (TCK 216) were all perpetrated systematically during this process.



During the curfew the gravestones of people who had died previously were demolished by state forces

Despite these legal grounds, applications made to first degree administrative courts have proved fruitless. Applications requesting cautionary measures to the Constitutional Court have also been rejected systematically with reference to "combatting terror"⁴. Cases filed for the prosecution of those responsible have concluded with judgments of no case to answer. As for the application regarding the basements in Cizre⁵, following correspondence between the governor's office and lawyers the court maintained its prior stance, saying: "curfew decisions were taken by the civilian authorities in order to protect the lives of civilians"⁶.

1.2. From the viewpoint of International Law

It will be necessary to dwell briefly on what Turkey's obligations arising from international law will be during the curfews. Various criteria and steps have been prescribed for the determining of the law relating to a violent action⁷. The suppression of a single violent action utilises normal law and is subject to international human rights law. If there is a more

⁴*Mehmet Girasun ve Ömer Elçi* (TAK), B. No: 2015/15266, 11/9/2015, § 14; *Meral Danış Beştaş* (TAK), B. No: 2015/19545, 22/12/2015, § 16

⁵Mehmet Yavuzel ve Diğerleri, Başvuru Numarası: 2016/1652, Karar Tarihi: 29/1/2016.

⁶adı geçen karar, 32. paragraf

⁷TAŞDEMİR Fatma, "İnsan Hakları Hukuku ve İnsancıl Hukuk Açısından Türkiye'nin Ayrılkı Terör Örgütü PKK ile Mücadelesi", http://webftp.gazi.edu.tr/hukuk/dergi/16_1_4.pdf.

collective, but not entirely organised, violent action, then in order to ensure public safety, state of emergency or martial law that may suspend some fundamental rights and freedoms is implemented. Article 15 of the European Convention on Human Rights and article 4 of the UN Covenant on Civil and Political Rights provides for this exceptional situation. In the event of armed conflict that surpasses this, international human rights law and humanitarian law shall be implemented in tandem.

At this juncture it is necessary to look at what constitutes armed conflict. The Geneva Conventions contain a lot of grey areas when it comes to evaluating concrete events, avoiding making a firm definition. Nevertheless, in the Tadic judgment seen in the International Criminal Court regarding Former Yugoslavia a framework was set forth⁸: "*armed conflict continuing between a state authority and organised armed groups without the character of a state and which lead to the requirement for the state to resort to its armed forces or to armed conflict between such groups within the territory of the state*" calling this internal armed conflict. It is a matter of debate whether international humanitarian law may be applied in internal armed conflict. It is accepted by international public opinion that when incidents of violence considered an internal matter by a state transcend a certain level and when certain conditions are met they become internationalised. At this juncture it is necessary to point out that in internal conflicts that are not internationalised, whether belligerent status may be recognised is a subject of fierce debate. First of all, it has been discussed whether a non-state actor may benefit from the protection of Common Article 3 of the Geneva Conventions. While there are those who argue that these norms introduced to regulate the international rules of war should provide a minimum protection in all conflicts, it has also been argued that these norms cannot be applied for terrorists, those who commit sabotage or spies⁹. As for article 75 of the additional Protocol, it states: "*In so far as they are affected by a situation referred to in Article 1 of this Protocol, persons who are in the power of a Party to the conflict and who do not benefit from more favourable treatment under the Conventions or under this Protocol shall be treated humanely in all circumstances and shall enjoy, as a minimum, the protection provided by this Article without any adverse distinction based upon*

⁸ The Prosecutor v. Dusko Tadic, "Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction", Case No.: IT-94-1-AR72, Appeals Chamber, 2 October 1995 ("Tadic Decision on Jurisdiction"), Tadic (1995) I ICTY JR 353), para. 70, aktaran, AKKUTAY Ali İbrahim "*SİLAHLI ÇATIŞMALAR HUKUKUNDA İÇ SİLAHLI ÇATIŞMALARIN ULUSLARARASILAŞMASI Internationalization of Internal Armed Conflicts in Armed Conflicts Law*", dergiler.ankara.edu.tr/dergiler/38/2080/21543.pdf.

⁹DÖRMANN Knut, "The legal situation of "unlawful/unprivileged combatants", p. https://www.icrc.org/eng/assets/files/other/irrc_849_dorman.pdf

race, colour, sex, language, religion or belief, political or other opinion, national or social origin, wealth, birth or other status, or on any other similar criteria. Each Party shall respect the person, honour, convictions and religious practices of all such persons." Prior to the additional protocol, it was possible to ensure protection by relying on an evaluation of Common Article 3 as common law.

It is firstly necessary to state that, as stressed above, in the period when curfews were implemented in Turkey and when the most serious consequences occurred, there had been no declaration of state of emergency or martial law to suspend rights, as set forth in both UN documents and the European Convention on Human Rights. The state of emergency in Turkey was proclaimed after the attempted coup of 15 July 2016. Even if there have been curfews after 15 July, the period in which towns were bombarded by heavy artillery and during which mass fatalities and grave rights violations took place, was before 15 July. The debate over which law should be applied during curfews should take place within the framework mentioned above. As there had not been a proclamation of a regime under which certain rights are suspended, it will be considered that the normal system of law would draw the boundaries of how the state would treat its citizens. However, this situation should not be interpreted as giving the state the opportunity to act without recognising any norms as regards a non-state actor, relying on the government's preferred discourse of combatting terror.

Even in situations where there is no international element and where it is accepted that terror activities have been carried out by non-state actors, the measures, means and scale of violence taken by a state to combat this are not free from supervision. Both the limits of security powers and the events that took place during the curfews should be debated within the framework of international human rights law and humanitarian law.



During the curfew that began on 14 December 2015 houses in were shelled at random by mortars.

It is also necessary to point out that there is a gulf between the statements of government officials and events, which began to show itself from the very beginning. The state of the Republic of Turkey has from the very outset refused to accept it is involved in conflict with the PKK, describing the issue as “a few bandits” or “a handful of brigands”, calling the struggle conducted as combatting terror. In this way it considers it has prevented the PKK gaining status as a party to the conflict, and that it will be able to carry out operations without complying with the rules of war.

The government and local officials declared on 04.09.2015 that the reason for the announcement of a curfew was “the capture of members of the Separatist Terror Organisation and ensuring the safety of our people and their property.” In the announcement of the curfew on 14.12.2015 the aim of the curfew was given as: “The neutralisation of members of the Separatist Terror Organisation in the Cizre and Silopi district centres, the removal of barricades and ditches primed with mines and explosives by separatist terror organisation members and the securing of our citizens’ lives and property and of public order”. In

statements that appeared in the press during the curfews they said “they were combating terror.”¹⁰. It is a matter of fact that prior to the curfew and security forces’ operations there were no civilian deaths and fundamental public services continued, while after the declaration of a curfew public services ground to a halt.

Although state officials said the aim of the curfews was to prevent people from being harmed by the 'terror organisation', the words ‘it will be cleansed house by house’ were used by the Prime Minister regarding the operations, and it was stated that longterm curfews would be proclaimed and that a 10-thousand strong gendarme and police special forces unit would work in co-ordination¹¹. When the unit it was said would be deployed and the military hardware used with the legal mechanisms, along with the picture that emerged following the end of the total curfews is taken into consideration, it is apparent that what took place was not a simple matter of law and order. To top it all off, while carrying out these operations, the state did not declare a state of emergency, while resorting to these legal and military methods under a normal judicial regime. Independently of these definitions, from the viewpoint of domestic law, as explained in detail above, in normal circumstances a curfew cannot be declared, fundamental human rights, first and foremost the right to life, cannot be suspended, and freedoms cannot be restricted by administrative procedures.

¹⁰Dönemin başbakanı Ahmet Davutoğlu: “Birçok ilçemiz başarılı operasyonlarla terör unsurlarından temizlendi. Cizre ve Silopi’de de güvenlik ortamı inşallah tam anlamıyla tesis edilecek. Cizre ve Silopi’deki operasyonlar sadece ve sadece terör örgütüne yöneliktir. Orada yaşayan halkımıza sesleniyorum, terör örgütüne karşı sesinizi yükseltin.” 15.12.2016 günlü açıklaması: <http://www.imctv.com.tr/davutoglu-cizre-ve-silopiyi-ozgurluk-alani-haline-getirecegiz/>

¹¹<http://www.haberler.com/buyuk-operasyon-icin-dugmeye-basildi-7972536-haberi/>



A view of Cizre after the curfew. A street that was shelled constantly for two months.

The reasons why Turkey does not address the struggle against an armed organisation in accordance with Common Article 3 of the Geneva Conventions has been addressed in various academic articles. These reasons, broadly speaking¹², may be listed as follows: 1. A reluctance to recognise even a qualified legal status, with obligations and rights, to a non-state actor, 2. An unwillingness to give the message to the international community that it is incapable of even ensuring internal security, 3. The guarantees recognised in domestic legislation as regards the ban on discrimination, in particular.

Commenting on the first curfew announced in September 2015, which was the precursor of the second, lasting 9 days and leading to the deaths of 21 people as a result of attacks by the security forces, Erdoğan said: "*The state has taken the necessary steps there. The district governor, governor, have the power to declare a curfew. Between certain times you cannot go out on the street. If someone is on the street, they are a terrorist*"¹³.

During this curfew, during which there was no mass exodus from the district, civilian fatalities occurred.

In this report, the concept of **civilian** refers to anyone who is not within the scope of those referred to in articles 3 and 4/a-1, 2 and 3 and 6 of the Geneva Convention relative to

¹²TAŞDEMİR Fatma, "İNSAN HAKLARI HUKUKU VE İNSANCIL HUKUK AÇISINDAN TÜRKİYE'NİN AYRILIKÇI TERÖR ÖRGÜTÜ PKK İLE MÜCADELESİ", http://webftp.gazi.edu.tr/hukuk/dergi/16_1_4.pdf

¹³<http://www.evrensel.net/haber/260860/erdogandan-cizre-aciklamasi-sokaga-cikma-yasagi-varken-sokaga-cikan-teroristtir>

the Treatment of Prisoners of War and article 43 of the 1st Protocol. Article 4/a-1¹⁴ refers to members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces. Article 4/a-2 refers to Members of other militias and members of other volunteer corps, even if this territory is occupied, and lists the following conditions:(a) that of being commanded by a person responsible for his subordinates;

(b) that of having a fixed distinctive sign recognizable at a distance;(c) that of carrying arms openly;(d) that of conducting their operations in accordance with the laws and customs of war. Article 4/a-3 encapsulates members of regular armed forces who profess allegiance to a government or an authority not recognized by the Detaining Power. As for article 4/a-6, it covers inhabitants of a non-occupied territory, who on the approach of the enemy spontaneously take up arms to resist the invading forces, without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war. Additional Protocol 1, article 43, entitled Combatants and Prisoner-of-War status, says: The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. The criteria of internal discipline is mentioned in paragraph 1 of article 43: articles 2 and 3 state: Those other than medical personnel and chaplains are combatants. Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict.

The problems that thus emerge involve the situation of civilians during the conflict process, measures taken for their protection and security, or, if this is not possible, their safe evacuation, and to establish whether they were deliberately put in danger. As is well known, the civilian population is the segment most adversely affected by conflict and increasingly likely to become a target of the warring parties¹⁵. During the curfew in Cizre which is the subject of this report, civilians were increasingly targeted. No prior notification was made to the populace regarding the curfew, with only teachers being sent text messages informing them of the need to attend training programmes outside the town.

¹⁴Konvansiyonun bu metni esas alınmıştır: <https://www.icrc.org/eng/home/languages/turkish/files/sozlesmeleri-protokolleri-conventions-protocols.pdf>

¹⁵Eve La Haye, War Crimes in Internal Armed Conflicts, p. 57.



A view of Cizre during the curfew

In previous curfews, too, absolutely no advance notification was made to the inhabitants of the district.

The announcement of the curfew was only made from an internet site in Turkish, and the people of Cizre only became aware of it after it began to be implemented. Prior to the curfew commencing and during the period of implementation no information was given to the inhabitants regarding their legal rights and obligations. The announcement of the curfew and its period of implementation were excluded from the remit of legal review.

During the period of the curfew, the existing periods for making judicial and administrative applications continued. Neither the governor's office, nor the district governor's office instituted any procedure halting the period for lodging complaints or making administrative applications. It is apparent that the Prime Minister's office decided on a military operation and curfew, and that the office of governor implemented it. There is no question of article 11/c of the Law on Provincial Administration being applied, as claimed. It is evident that the governor's office only decided on the duration of the curfew according to the requirements of the operation.

In correspondence no. 03333 dated 13.12.2015 from the Security Affairs Directorate of the Prime Minister's Office, the area where the curfew was to be declared and the operation

carried out was given as the district centres of Cizre and Silopi and Şırnak provincial centre. It does not include any information regarding in which neighbourhoods the operation would be carried out or pertaining to educational establishments, health centres, service areas etc. The principle of judicial trust and clarity has been violated. There is also no mention of an instruction to evacuate houses in the area under curfew. It is apparent that the Prime Minister's office decided on the military operation and curfew, and that the office of governor implemented it.

According to statements made by residents in interviews, at the outset the local people expected the curfew to last between 10 and 15 days, like previous curfews. However, as attacks intensified in a short space of time they realised they were facing a different reality. Below the day by day situation of civilians in Cizre is documented. From the beginning of the curfew the town of Cizre, which is surrounded by hills, was pounded by artillery and tank fire. During this time, people who were unable to leave the town became targets. When the security forces began to advance from the hills towards the centre of the town announcements were made calling on the people to leave, but absolutely no measures were taken to ensure the safe evacuation of civilians. As attacks with heavy weaponry continued unabated it became impossible for people to sustain their daily lives in their homes. With houses in particular becoming unsafe as a result of shelling, people took refuge in groups in basements that they considered were more protected. When some basements collapsed and food shortages began, several families or a group began to congregate in a basement in that street or neighbourhood. There were absolutely no initiatives taken by the authorities to assist people who wanted to escape from this perilous environment by leaving the town. The governor's office, the district governor's office and the police were even aware of the fact that people trying to leave the basements they had taken refuge in, carrying white flags, were fired upon, with 12-year-old Bişeng Garan being killed. Below, along with other similar incidents, this incident has been explained in detail.



No corridor was established for civilians who were forced to leave their places of refuge as clashes continued. Bişeng Garan and her family were hit by bullets, resulting in 12-year-old Bişeng Garan's death.

People who managed to flee the town or take shelter in relatively safer neighbourhoods were confronted by other difficulties. The treatment these people who had been forcibly displaced within the country received, and the conditions they encountered, were far below international standards. People who are forced to leave their homes due to violent conflict, grave human rights violations and other traumatic incidents are defined by the UN as internally displaced persons. Guiding principles adopted by the UN in 1998 set forth principles containing safeguards regarding protection against arbitrary forced displacement, protection during the forced displacement and guarantees concerning a safe return and reintegration. In the forward to the principles it states: "*Guiding Principles on Internal Displacement, internally displaced persons (also known as "IDPs") are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border"*¹⁶. According to the principles laid down in the First Section states have the primary responsibility for the protection and assistance of internally displaced persons, and discrimination is prohibited. In

¹⁶<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>

the second section priority is given to the prevention of forced displacement. That is, it is emphasised that it is the responsibility of all authorities and international groups to prevent situations that may lead to the forced displacement of people. Unfortunately, international authorities have not taken action to halt, limit or control the curfews that have alas turned into massacres in towns in Turkey, first and foremost in Cizre.



With the increase in attacks during the curfew, the damaging and demolishing of houses and the daily deaths and wounding of civilians, people were forced to abandon the town in large groups.

Public statements made by the President and government officials have appeared frequently in the press. For instance, President Erdoğan made the following statement regarding the destruction and daubing of slogans detailed below on 10 February 2016¹⁷: *"Yesterday colleagues showed me a tweet; two special forces operatives were stood with guns and a Turkish flag in their hands. Behind them is a slogan saying: 'We love you, tall man'. Now in the southeast they are waging a struggle. We stand alongside these brothers, these youngsters. We are together and have never and will never abandon them. They also believe in martyrdom. There may be those who disparage them. They are those who believe in this truth. I kiss the forehead and eyes of these soldiers, police and village guards."* A similar slogan was photographed by a delegation in Cizre writing a report for the HDP. The slogan

¹⁷<http://www.hur24.com/erdogan-bal-gibi-teror-orgutu-1666h.htm> Ayrıca bkz. <http://www.diken.com.tr/erdogani-duygulandiran-fotograf-seni-seviyoruz-uzun-adam/>

written on the wall by the security forces, saying: "He gave the order and we carried it out" reveals who gave the order.



All individuals and organisations that called for compliance with human rights and humanitarian law regarding these operations, that were carried out with the direct involvement of the state authorities, were subjected to repression. For instance, on 11th January 2016 academics from Turkey and all over the world published a petition against the rights violations that took place during the curfews and calling the parties to the peace table. Subsequently, they were targeted by many individuals and organisations, first and foremost the President. Cases were filed against them

and they received threats with crosses being daubed on university gates. Administrative and disciplinary investigations were launched and, after the declaration of OHAL, the academics were dismissed by edict. In the same fashion, Şebnem Korur Fincancı, a forensic science expert who went to Cizre following the curfew to carry out an examination on behalf of the Human Rights Foundation of Turkey, was arrested. Members of Parliament who raised the state's practices, which violated law in Parliament, had their statements used as justification for arrest after their immunity had been lifted. This situation will be dealt with in detail below in the section on freedom of expression.

The example of events at Cizre should be addressed in line with the 6th principle. This principle protects people from being arbitrarily displaced from their homes, İnsanların, and sets forth the scope of the prohibition. This provision bans practices based on a policy of racial discrimination, ethnic cleansing or of altering the ethnic, religious or racial composition of the population. It also prohibits such practices in situations of armed conflict unless civilians are in danger or there are imperative military reasons. Paragraph (e) also prohibits them being used as a means of collective punishment. For a whole town to be besieged by the military and to be bombarded without prior warning is by itself a violation. As pointed out above, the fact that these attacks were carried out on a section of the population with a clear ethnic identity and a specific political view is a clear violation of paragraph (a).



Cizre after the clashes

The justification for the curfew in Cizre was given as: *“the neutralising of members of the Separatist Terror Organisation in the district centre, the removal of barricades with booby trap mines and explosives and trenches, and the ensuring of citizens’ security of life and property and of public order”*. As mentioned in the introduction, with the failure of the process of resolution and of the state to take any concrete steps towards an honourable peace, the people continued to put forward self-government as a political demand. In particular with the strong showing by the HDP at the 7 June elections the peaceful environment was replaced by one of conflict. Despite applications for an investigation into state officials’ involvement in and responsibility for ISIS massacres such as Diyarbakır, Suruç and Ankara receiving the answer from the relevant governors’ offices that “there were no grounds for an investigation”, the fact that victims were not permitted to be interlocutors indicates that the authorities had to intention of seeking a solution. During this process, self-government was proclaimed in certain provincial and district centres where the Kurds make up a large proportion of the population. The first proclamation was made by the Şırnak People’s Assembly on 10 August 2015. In the declaration, reference was made to an incident that had occurred 3 days previously: *“The latest all-out attacks on our people in Silopi slayed three of our innocent*

people. Following this atrocity we, the Şırnak People's Assembly, declare that, while not rejecting the state, we will no longer be able to work with state bodies, hence all state institutions in the province have lost legitimacy for us. In this way no one appointed by the state will govern us. From now on, as a people, we will construct our life on a democratic basis, grounded on our self-government. We will also realise our democratic self-defence against all attacks". The attack mentioned occurred on 7 August 2015 in the Başak neighbourhood of Silopi district of Şırnak province. Three people died as a result of the police opening fire, and ten were wounded¹⁸. In a clash that resulted, one police officer died. HDP Şırnak MP Faysal Sarıyıldız said that they had met Şırnak Governor Ali İhsan Su, who told them: "there are no people in the neighbourhood, there are terrorists" and that they had intervened¹⁹. On 12 August 2015 the KCK made a statement, announcing that self-government had also been proclaimed in Silopi, Cizre and Nusaybin, adding: "No alternative to self-government remains for the people of Kurdistan". Following the statement, self-government was also declared in Hakkari and Batman and in the Yüksekova district of Hakkari province, the Varto and Bulanık districts of Muş, the Edremit and İpekyolu districts of Van, the Sur, Silvan and Lice districts of Diyarbakır, the Doğubayazıt district of Ağrı and the Hizan district of Bitlis. Self-government was also proclaimed in the Gülsuyu and Gazi neighbourhoods of Istanbul. Following these announcements, which did not have an armed element, curfews were declared in Varto, Şemdinli, Silvan and Lice.

During this period calls for mediation, first and foremost from HDP MPs, received no response from the government. On the contrary, on 11 August Erdoğan said: "Whoever is making these declarations will pay a heavy price. They will pay both a legal price and the other kind of price" giving the message that the process would become harsher.

¹⁸http://www.cumhuriyet.com.tr/haber/turkiye/339505/Silopi_yaniyor__3_olu__10_a_yakin_yarali.html

¹⁹<http://www.imctv.com.tr/silopide-polis-halka-saldirdi-2-olu/>



Cizre after the lifting of the curfew



Cizre following the lifting of the curfew

The language of peace and diplomacy required to prevent Cizre facing severe destruction, let alone turning into the “Area of freedom” mentioned by the Prime Minister, was not used by government officials. In addition to this, the civilian population was targeted in operations that were allegedly carried out to prevent the civilian population being harmed. In particular in the period after the operations had ended the things written on the walls by the security forces demonstrate that the operations targeted a specific ethnic group. In particular, the emphasis on Turkishness and betrayal and the sexist insults written on the walls are a message to the people. The writing of these messages inside people’s houses, on the walls, and the displays of damage to apparatus used in daily life indicate a planned policy. The damage rendered to people’s private space may be considered part of the policy of displacement.



Racist, nationalist and sexist graffiti was scrawled in many streets in Cizre

Then PM Ahmet Davutoğlu said, regarding the operations: "*If necessary it will be cleansed house by house, street by street and neighbourhood by neighbourhood*"²⁰. This was not the only statement by the Prime Minister that used the term “cleansing”. Davutoğlu, who frequently used the metaphor “cleansing” regarding the operations, said: “Lat there be not

²⁰<http://www.haberler.com/buyuk-operasyon-icin-dugmeye-basildi-7972536-haberi/>

one neighbourhood left intact in *Cizre or Silopi, not one house; they will be cleansed*²¹". HDP Co-President Yüksekdağ's reply to this was as follows: "*Davutoğlu there are people in those neighbourhoods, in those houses. If your own citizens are to be cleansed and have become targets you're finished (...)* " *You cannot break the power of the people with hostile terms such as 'We will cleanse', 'We will dispose of' and 'we will finish off' which have contempt for the will of the people. On the contrary, you will hone their stubbornness. If you haven't learned this in 30 years there is nothing to say to you.*" The reply of then Interior Minister Efkan Ala was: "*Didn't we cleanse the gangs previously? Now we will cleanse the terrorists,*"²² using the same analogy.

²¹<https://www.cihan.com.tr/tr/sirnak-cizre-sokaga-cikma-yasagi-bilanco-artiyor-1969578.htm>

²²<http://www.tgrthaber.com.tr/politika/efkan-ala-pkk-lilarin-geri-cekilmesini-gezi-olaylari-durdurdu--112781>



A tank shell found in the yard of a house after the curfew ended



Munitions, some unexploded, found in the yards of houses and mosques after the curfew ended.

In the book by Jacques Sémelin, *Purify and Destroy – The Political Uses of Massacre and Genocide*, the author argues that a massacre is first and foremost the creation of an ‘other’ being, of stigmatising him, debasing him, and obliterating him before actually killing him.²³ In this regard ‘the enemy’ is firstly they who have a different political stance to ‘us’²⁴. Generally, the enemy amongst ‘us’ becomes suspect, and even a traitorous figure²⁵. This definition, or invention, of ‘other’, which is nourished by the discourse of betrayal, may be realised in various ways. For instance, one of the frequently-used arguments in the creation and consolidation of a traitor figure is that Kurds use electricity illegally, thus ‘living for nothing’, in the same way it is said ‘they use the same pot they eat food from to defecate in’. According to Sémelin, *"The identity volition, based on the rejection of the other, is a fundamental expression of a desire for a perfect ‘unity’ achieved in principle"*²⁶. This search for oneness takes place in the main along with a seeking of ‘purity’. Here purity is that which is clean opposing the other classified as ‘dirty’. This discrimination is at the root of the

²³Jacques Sémelin, *Arındırma ve Yok Etme - Katliam ve Soykırımın Siyasi Kullanımları*, İletişim Yayınları, s. 23

²⁴age, s. 50.

²⁵ibid.

²⁶age. s. 52.

world's bloody past of genocides. It is for exactly this reason that the use of the discourse of 'cleanliness' is not innocent. The discourse of an imagined 'us' and 'other' is not sufficient to explain the dimensions of destructive violence reached. Sémelin sees this as an integral element which claims a 'need for security'. Real or imagined, natural or manipulated, a fear is manifest that needs security.

In the introduction it was explained how after 7 June the peaceful climate was step by step replaced by the politics of fear. On 7 June the AKP and Recep Tayyip Erdoğan, who was pursuing a partisan policy, lost the opportunity to form a government in addition to failing to gain a majority sufficient to change the constitution, regarding the continuing debate over an executive presidential system. One of the AKP's leaders, Burhan Kuzu, the former chair of the Parliamentary Constitutional Commission, commented on the election results thus: "*Yes, the election is over. The people have decided. I said: either stability or chaos. The people have chosen chaos. Good luck with it*"²⁷ and attacks on both the HDP and the people who support the HDP gathered gained momentum. This threat against the entire people was carried to the headline of the Star newspaper, which is close to the government, at the end of August, as it began to become clear that no government would be formed: "*Either stability or chaos*". These words, straight from the President's lips, were an indicator for the elections to be held in November.²⁸ The bloody period that began with the explosions in Diyarbakır, Suruç and Ankara and the suspicious death of two police officers in Ceylanpınar, continued with attacks on the HDP's central office and other buildings. This situation triggered instability in the provinces where Kurds are in the majority and nurtured the environment of conflict. This created an exceptional situation where legal assurances disappeared and constitutional tenets and fundamental rights were suspended without a formal declaration of a state of emergency.

There are serious claims that this exceptional situation and the state's reaction to the ditches was not impulsive but part of a clear plan and carried out within a systematic framework. The most significant of these is the 'Collapse Plan' ("Çöktürme Planı"), which has featured in the press²⁹. This report, which was prepared by the Public Order and Security Undersecretariat and submitted to the Presidency of the General Staff in September 2014, and called the 'Collapse Plan' by the Strategy Branch Directorate of the Strategy Plan Department

²⁷<http://www.diken.com.tr/akpli-burhan-kuzunun-kaos-istrari-millet-kaosu-secti-tespitim-zaman-icinde-beni-dogruladi/>

²⁸(<http://t24.com.tr/haber/davutoglu-ankara-saldirisi-sonrasi-anket-yaptik-oylarimizda-yukselis-trendi-var,313508>)

²⁹http://www.nerinaazad.net/columnists/oktay_yildiz/cokturme-planı

of the General Staff, has never been published, but has been 'leaked' to the press bit by bit. This report, which from news reports is assumed to have been compiled and submitted while the process of resolution was continuing, foresees a process similar to the Sri Lanka model. Amongst provisions that have appeared in the press are forced displacement of the population, the construction of armoured security posts in neighbourhoods and villages and mass arrests. The besieging of cities and operations against neighbourhoods and settlements have appeared in the press: "*In settlements that are blockaded, living areas will be damaged to remove the possibilities of a return, and with mass eradication, arrests and evacuations settlements will be made tranquil*". In the same way, reports have appeared in the press saying officials who had previously served in the region and know the geographic conditions and the people would be appointed to carry out the operations, that civilian officials would be withdrawn, that hospitals would be redesigned to function on a 24-hour basis according to the needs of the security forces, that public buildings would be evacuated and prepared for operational forces, and that TV channels such as Med Nuce, Stêrk TV, Newroz TV, DÎHA and Özgür Gün and newspapers such as Özgür Gündem would be closed down and that the activities of electric, gas and water companies would be put under the authority of the operation.

Since the article in which this information from the report was published is the only source its reliability is questionable. This subject has been on the agenda of the Turkish Grand National Assembly (TBMM) on many occasions, with questions being asked of government officials and proposals for an inquiry set down. A Parliamentary question asked by Ertuğrul Kürkçü on 1 February 2016 was answered by then Interior Minister Efan Ala on 15 July with a single sentence saying there was no such plan.

T.C.
İÇİŞLERİ BAKANLIĞI
Kamu Düzeni ve Güvenliği Müsteşarlığı

7/2639
6493

Sayı : 78286554-640- **1265**
Konu : 7/2639 esas no.lu yazılı soru önergesi

15/07/2016

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

İlgi : 18/03/2016 tarihli ve Kanunlar ve Kararlar Başkanlığının 43452547-120.00.07-
[7/2639]-25368 sayılı yazısı.

İlgi yazı ekinde yer alan İzmir Milletvekili Sayın Ertuğrul KÜRKÇÜ'nün 7/2639 esas numaralı yazılı soru önergesi incelenmiştir.

Bakanlığımız Kamu Düzeni ve Güvenliği Müsteşarlığınca soru önergesinde ifade edildiği şekilde bir eylem planı hazırlanmamıştır.

Gereğini arz ederim.


Efkân KILIÇ
Bakan

Interior Ministry

Public Order and Security Undersecretariat 15/07/2016

The written Parliamentary question no.7/2639 asked by Izmir deputy Ertuğrul Kürkçü has been examined. No such plan has been prepared by the Public Order and Security Undersecretariat in our Ministry

Thanking you for your attention

Nevertheless, the fact that the claims made in the press accorded almost exactly with what has taken place has created question marks in people's minds. It is necessary to establish whether the forced displacement of thousands of people, even to the extent of pressurising people who did not want to abandon their towns, and set up tents on the outskirts, to leave, and the deaths of more than a thousand people, mostly civilians, was perpetrated as part of a plan. In particular, the slogans daubed on walls and left in homes after the operations had been completed demonstrate a discriminatory attitude that exceeds the aim of 'combatting terror'.

Which law should be applied during curfews is contentious. When we abide by the above framework it is a matter of debate whether there is a process of internal conflict becoming internationalised. However, if it is agreed there is not an international conflict, then it cannot be thought that there is no law to be applied. It is not possible, within the framework of existing human rights principles, to argue that the rules of humanitarian law and law of war (The Hague and Geneva laws) cannot be applied to internal armed conflict and that terror offences cannot benefit from the protection of this law. To accept that a state may fight against a group it has declared to be terrorist without recognising any norms does not accord with existing human rights law and humanitarian law. Besides, the framework of authority for the security forces in Turkey has been laid down in fundamental legislation such as the the Law on Combatting Terror and the Law on Police Powers. When it is considered that there was no proclamation of state of emergency or martial law, it will be necessary for us to comment according to these laws and human rights law to be applied in normal circumstances. However, it is crucial to state that even if the laws of war had not been applied, it would have been possible to evaluate what occurred in Cizre within the scope of the laws of war. The setting alight, especially, of those groups, including civilians and resisters, who were in the basements in an injured condition, may be considered a war crime. In the same way, the bombardment of the town for around a month from the surrounding hills, making many houses uninhabitable, and the entering of houses after the operations had concluded and perpetrating deliberate damage may also be evaluated in this way.

2. Interim measures applications to ECtHR

The rejection of applications from both the administrative courts and the constitutional court made an application to the European Court of Human Rights (ECtHR) unavoidable in order for an effective legal struggle to occur. Given the urgency of the situation, the complete exhaustion of domestic remedies was not waited for, in any case it was apparent from previous judgments and reasoning that the domestic legal channels are not functional.

The first application to the ECtHR for interim measures was made on **29 December 2015 on behalf of İrfan Uysal, a worker in the Cizre municipality who lost his arm as a result of shots fired by the security forces as he was on his way to open the town's water valves.** İrfan Uysal was instructed by Cizre Co-Mayor Kadir Kunur to open the valves to ensure

water went to neighbourhoods which had no water. In an interview conducted with him³⁰, he said that since there was no municipal vehicle for this purpose, he always informed no. 155 [emergency phone number]. On the 18th of the month he again did this, but was unable to obtain permission. The next day when he called he was able to get permission, but before going to the main street in Dicle neighbourhood, they called again from behind the Kadiođlu houses and were this time not given permission. Ten minutes later manager İzzet Gizeç called and they were again given permission. In this call they stressed that they were going to open the valves and the police said okay. Until reaching the valves the police were informed numerous times and police encountered on the way informed the centre by walkie-talkie. After opening the first valve behind the old TEDAŞ building, after a new telephone call informing the police they were going to open a second one, an armoured vehicle overlooking the street from a hill turned towards the workers and fired a few shots in the direction of the water tank. In the interview İrfan Uysal said he opened the second valve and while he was about to check the third valve his hand went numb and he felt an object sink into his arm. On getting no answer from number 112 they again called 155, and after some delay the police took him to hospital. İrfan Uysal said that since the doctors were officers from elsewhere they were not paying much attention to patients and that after an x ray was taken he was left while the doctors attended to police officers. As he was kept waiting for 2 to 3 hours, Uysal's transfer was late and his arm could not be saved.

Before an application was made to the ECtHR an application was made to the constitutional court. However, the constitutional court combined his application with those people, Evin Çađlı, Osman Kltr, Maşallah zdemir, Halise Kulja, Nevroz Yılmaz and Abdulkерim Pusat in Cizre and Sur who were confined in their houses during the curfews and demanded the right to access medical care and food and water. In the court judgment dated 26.12.2015 of application no. 2015/19907 it rejected the applications, saying: *'it is necessary to reject the applications for interim measures as at this stage from the documents in the folder it cannot be ascertained whether there is a serious danger to the lives and property of the applicants necessitating an immediate decision of interim measures'*.

Following this judgment, an application for an interim measure was made to the ECtHR on behalf of İrfan Uysal on 29 December 2015 in accordance with article 39 of the court rules of

³⁰HDP, Cizre Raporu'nu hazırlamak iin 76 kiřiyle yz yze grrme yapmıř, izin verenlerin ses kaydını almıřtır. Aynı řekilde Cizre'de yasak kalktıktan sonra avukatlar da yakınlarını kaybedenlerle, yaralananlarla ve yasaktan etkilenenlerle grrmeleer yapmıřtır. Rapor boyunca ilki iin HDP, isim grrmeři, ikincisi iin ise Avukatlar, isim grrmeři řeklinde atıfta bulunulacaktır.

the ECtHR. A decision handed down on 31 December 2015 recorded the application under no. **63133/15** and was rejected by the ECtHR.

The first interim measure was handed down by the ECtHR in accordance with article 39 on 18 January 2016 regarding **Hüseyin Paksoy (16)**, who was wounded in the Cudi neighbourhood of Cizre on 16 January and prevented from reaching an ambulance that would have taken him to hospital. In application no. 3758/16 the ECtHR made a “*decision of interim measures regarding the right to life and the right to protect physical integrity*”. According to the notes of 15 January of the HDP information centre, since the previous night there had been a bombardment and strafing of the Cudi and Nur neighbourhoods, with many houses being damaged by shellfire, and fires, large and small, breaking out in more than a hundred houses and workplaces, with the fire brigade unable to intervene.(AN-1a, 1b, 1c, 1d: Tank ann artillery shots. Fire.) While there is a note regarding the state forces gaining access to some streets with ditches in the Nur neighbourhood, it was notified that during intensive attacks in the evening Hüseyin Paksoy (16) was seriously wounded in the leg. Despite the interim measure, Hüseyin Paksoy was not taken to hospital and died on 18 January 2016. Despite the interim measure, nothing was done to save applicant Hüseyin Paksoy’s life, ambulances were not sent on the grounds of security and he was not taken to hospital. He died on 18 January 2016 on account of not receiving medical treatment. The court also sent the case to the Chamber, asking for priority in line with article 41 of the rules of court.

Two separate applications were made to the ECtHR on 19 January 2016 on behalf of university student **Serhat Altun** and **Orhan Tunç** (Mehmet Tunç made the application for his brother), who were wounded in Cudi neighbourhood. A few hours after the application had been made the ECtHR made a “*decision of interim measures regarding the right to life and the right to protect the physical integrity*” for Orhan Tunç application no. 4133/16 and Serhat Altun application no. 4353/16 Despite this, Serhat Altun was not taken to hospital and died on 20 January 2016. The decision regarding Orhan Tunç was handed down on 19 January 2016, but was not implemented, and he was not taken to hospital. The ECtHR hence asked Turkey to reply as it had contravened the interim measure. The Court also referred the two cases to the Chamber in accordance with article 41 of the rules of court.

On 19 January 2016, an application was made for the burial of **Mehmet Kaplan (33)**, who died on 18.01.2016 in Cizre’s Cudi neighbourhood. (AN-2 Omer Hayyam Street Video) Mehmet Kaplan was a worker employed by the municipality who was hit in the head by a

bullet in Ömer Hayyam street while on his way home. Since the body was within sight of an armoured vehicle and there was artillery and other fire directed at the neighbourhood it was not possible to retrieve the corpse, hence an application was made to the ECtHR for an interim measure in order for the body to be retrieved and buried. The ECtHR rejected the request, but forwarded it to the Chamber asking for priority in accordance with article 41. The killing of Mehmet Kaplan, who was employed as a cleaning worker on a sub-contract basis by Cizre Municipality, was described by the Genel-İş trade union, of which Mehmet Kaplan was a member, thus:³¹: "*Mehmet Kaplan, who had three children and worked as a cleaning worker on a sub-contract basis for Cizre Municipality, was targeted and shot dead by a sniper in front of his house. His body is still on the street. An armoured car is waiting by the body within sight and accessibility of the family, preventing the body being retrieved. While the family members' loss is sufficiently painful, the refusal to grant permission to mourning people to take the body and bury it demonstrates that even the right to be buried has been usurped (...) Practices that have no place in international law and are in contravention of our constitution and international conventions, are resulting in people dying even as they go out of their front doors, and in bodies being kept waiting on the street, with human and judicial values being trampled underfoot.*

In the current period, in many provinces in the region our union has locked its doors and halted trade union activities. News has reached us that workers who are members of our union are amongst those arrested in Cizre."

HDP Şırnak MP Faysal Sarıyıldız made various attempts to obtain the body of Mehmet Kaplan. When these efforts proved fruitless and ECtHR decisions were not implemented, Sarıyıldız set off towards the neighbourhood together with people to get the bodies and the wounded. Shots were fired from an armoured car ³², and İMC TV reporter Refik Tekin along with 9 other people was wounded and 2 people (Hamit Poçal and Selman Erdoğan) died. As there were journalists in the group most of this was recorded on camera. Footage of the shooting can be found in the appendices. **(AN 3)** While receiving treatment police waited at the door for Refik Tekin and as soon as he was discharged from hospital he was detained before being released³³. In an interview immediately after the lifting of the curfew Faysal

³¹Açıklamanın tamamı için: <http://www.genel-is.org.tr/cizrede-belediye-iscisi-ve-sendikamiz-uyesi-3-cocuk-babasi-mehmet-kaplan-evinin-onunde-olduruldu,2,11056#.WMuOvPnyjIU>

³²<http://anfmobileun.news/kurdistan/cizre-de-saldirilar-suruyor-1>

³³<https://www.evrensel.net/haber/271478/cizrede-vurulan-imc-tv-kameramani-refik-tekin-serbest-birakildi>

Sarıyıldız explained that day in the following way: "In Cizre for 79 days crimes were committed every day and they were aware of these crimes. It was known that in the event of this being exposed that the political authority which gave the orders and the military that carried them out would be tried and even appear in front of a war crimes court. For that reason (...) they were worried about things being recorded and efforts were made to prevent it. (...) A few days before the attack on us, maybe it will be recalled, a 16-year-old called **Hüseyin Paksoy** died after being held for 4 days wounded and this situation was taken to the ECtHR, which took a few interim decisions, regarding Hüseyin, Serhat Altun, Orhan Tunç and Cihan Karaman. According to these decisions these people should have been taken as soon as possible to a hospital and treated, as all these were binding decisions for Turkey, as a party to this court. However, despite two days passing these people were not taken to hospital. Hüseyin died. Cihan and the others were also wounded and needed to be taken. An interim measure decision was handed down regarding Orhan. With him were 3 or 4 wounded people and 3 dead bodies on the ground. These people needed to be taken to hospital. This was a human obligation and a legal one.

(...) I said 'you are not complying with the decisions of a court to which you are a party. I will not be part of this crime against humanity. I am going to the neighbourhood with the families of the wounded to collect them, for your information.' We went to the neighbourhood. There were around 30 to 40 of us. Most of them were families of the wounded and deceased. Then there was me, our co-mayor and some members of the municipal assembly. One or two people were carrying white flags. Most were over 50 years old. We went to the neighbourhood and collected 3 bodies and 4 wounded and came back.

(...) When we got there the three corpses were in different places. For instance, there was Ahmet Tunç. He was a man of 55. It was said he had gone there from his house to get an item, and he had been missing for two days. He had not returned. But two days before that a person called Mehmet Rıdvan Kaymaz had gone to give food to the goat in his house and he had been killed. When Ahmet did not return his family shared its concerns with us and we were also worried. We thought he had been killed. We thought he might be wounded, so we went and his body was in the middle of the street. It had been smashed by a grenade thrower. There were lots of pieces of shrapnel in the body. The weapon called a grenade thrower has a terrible shell that separates into hundreds of pieces of shrapnel. He had been killed by that. He was lying in the street. The body was stiff as two days had passed. So he had been killed

on the way to the neighbourhood. His family said he had gone there to collect some belongings and clothes, and some food, from his house. He was there. Another municipal worker, Mehmet Kaplan, had also been shot in the middle of the street and when we went there Serhat Altun, regarding whom the ECtHR had made an interim measures decision, had also been killed. We collected the three bodies and 4 wounded and returned. We put them on the slab. On the way back I called 112 and told them to come and collect the wounded. I said: 'Come to the İpek road, we are 150-200 metres away. Take them to hospital. When we got near the road, we saw the ambulance had not come. If I'm not mistaken this was the answer given to us. The police said it wasn't safe there and that we would not be able to go and they said they couldn't come. So then we called the municipality and asked for the funeral vehicle and the ambulance to come. Meanwhile we had gone out on to the Nusaybin road. As I say, there were about 35-40 of us. After passing the first lane we crossed the right lane then passed over the middle and reached the left lane.

The ambulances during these 80 days, apart from certain exceptional situations said they were only able to go to the crossroads in the town, to the police station in the centre of town and partially to a place far off near the river. In general they had to carry the wounded for hundreds of metres, sometimes more than a kilometre. After passing the middle of the road, we were close to 40 people and we had wounded and dead bodies with us. Consequently, we were in a column about 40 or 50 metres long. I was at the front with a few others. Behind us people were in twos and threes and we were moving slowly. 150-200 metres in front of us there was a tank and two armoured cars at the crossroads and I realised their gun barrels were pointed towards us. As we went towards them they were there. I don't remember the tank, but the armoured cars were there. We saw that the gun barrels were pointing at us as we were on the road. Just as I was to go towards the main road because we were going to head for the municipality and put the people in the ambulance and go to hospital. As we were on the road when we reached a side street we were going to wait there for the ambulance. Just at that time we were raked with fire. There was the sound of firing. At first we thought we were being fired on, because we had experienced that before. They had fired under our feet and to our left and right. We thought that was the case again as there were 40 or 50 of us, all mature adults, and with us were dead bodies and wounded, which the authorities knew. We had rung 112 to inform them that they needed to be taken to hospital. It was something that happened with the knowledge of the authorities and they had followed us there. On the way back we were being watched and we were raked with fire openly. They also

knew that I was there. As the shots rang out around 15 people right at the back fell flat on the ground. We experienced a moment of shock. We were raked with gunfire and half of us were on the ground. There were 15-20 of us left and we were unable to think about anything. If these people were being shot and killed we were not going to flee, as they were all wounded and on the ground and needed to be taken. We thought: 'even if we are killed let's go and get them'. The corpses were on the ground. The vehicle carrying them had been partially overturned. I remember that one of the tyres was still going round. We went back, two or three of us, because we were not in a state to think about ourselves. We had reached the point where we said: 'there is a great savagery, and if they are going to kill us, let it be', and we went to pick them up. Just at that time, two funeral vehicles and an ambulance arrived. We picked them up and I noticed that the wounds of Hamit Poçal, one of our municipal assembly members, and Selman Erdoğan were grave. Hamit had been hit in the head and perhaps in the chest, but I saw the head wound and the blood flowing on the ground and I tried to lift him from the head while another friend held his feet. We carried him to the ambulance in that way. The funeral vehicle had been designed to carry coffins, but we were not in a position to think about funerals. But, despite that, we put the wounded in the front seats of the funeral vehicle and stuffed them in the ambulance, as there were nearly 15 of them. There were 4 wounded we had brought from the neighbourhood and one or two of them had been hit again in the legs. We left them on the seats. I remember that we put two people one on top of the other where one's legs go when sitting down. Because they had to be removed from there as if they had been left there they would have been killed. Whatever happened we had to get them away from there. After we had loaded them up we told the ambulance driver, who was a municipal employee, to go to the hospital immediately. Meanwhile we had turned into the road and opposite us were armoured vehicles. We thought that if we continued we would be raked with fire so we halted. While we waited there friends carried the corpse that was on the vehicle. We were now virtually in the Dar kapı neighbourhood. We went into a house where the door was open. We left the bodies on the street. We went into the garden and tried to take shelter under the eaves of a house. There were about 15-20 of us there. I wasn't able to count exactly, but it means there were close to 15 that had been hit. With those we had brought from the neighbourhood there were perhaps more than 15. While we thought the wounded we had put in the ambulance had been taken to hospital, in fact, our vehicles had been surrounded by armoured vehicles and taken to the Akan çay police station in the centre of town. When we spoke to the driver and other wounded people later, we realised that they had been held there for over half an hour. Those wounded people we had piled on top of each other had been

grabbed and thrown to the ground. They had then been insulted and beaten. The two who were dying, whose situation was grave but had not yet died, were dragged and thrown on the ground. One of the people there told us that when he said it was a sin and a shame and that they should be taken to hospital, the special forces police officers had laughed, saying: 'they will die anyway, they might as well say their last prayers'. (...) They knew it was us and that we were civilians and that most of us were old because one or two of us, and one mother, were holding a white flag. Despite that, they raked us with gunfire from 100 metres away. The Nusaybin road is the international Silk Road which goes through the town. It is a wide road, almost as broad as an airport. That is, they clearly wanted to shoot and kill us and they raked us with gunfire."

In a written statement made by the United Nations' High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, regarding incidents in Turkey in general, first and foremost those in Cizre and the Diyarbakır central district of Sur and armed attacks on civilians in the case of Refik Tekin, who was wounded, and attacks and arrests of civilians and journalists, he said the events in Cizre were shocking,³⁴ and urged the Turkish authorities to show respect for fundamental human rights in its security operations³⁵.

On 20 January 2016 an application for interim measures was made to the ECtHR on behalf of **Ahmet Tunç**, who had left his home on Monday 18.01.2016 saying he was going to help those who had been wounded in an explosion that occurred near the condolence house in Cudi neighbourhood, and had not been heard from subsequently. Hours after the application had been made, people going to retrieve bodies and wounded in the Cudi neighbourhood found Ahmet Tunç's body in a street. The ECtHR rejected the application, but forwarded it to the Chamber, requesting priority in line with article 41 of the Rules of Court.

On 21 January 2016 the ECtHR accepted the application no. 4817/16 for interim measures made with regard to university student **Helin Öncü**, who was being held in a neighbourhood, whereupon an ambulance was sent to the place where Helin was and she was taken to hospital. The court also forwarded the application to the Chamber, requesting priority in line with article 41 of the Rules of Court.

³⁴<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19937&LangID=E>

³⁵<http://www.euronews.com/2016/02/01/un-human-rights-chief-urges-turkey-to-investigate-shooting-in-cizre>

An application was made on 22 January 2016 to the ECtHR regarding wounded university student **Cihan Karaman**, who was being kept waiting, again in the Cudi neighbourhood of Cizre. A few hours later an interim measure decision was made regarding application no. 5237/16, ruling the Turkish government should take all measures regarding the applicant's right to life and the right to protect their physical integrity. In spite of the interim measures decision, applicant Cihan Karaman was not taken to hospital and died at around 22.00 on 23 January 2016. Cihan Karaman was being kept waiting with many other wounded people in no 23 Bostancı street (First Basement) in the Cudi neighbourhood. Following the decision of interim measures, since an ambulance was not given permission to access the house where Cihan was lying wounded by the security forces, she left the building, intending to reach the ambulance that had been halted one and a half to two kilometres away on İpekyolu road. Not far from the ambulance the security forces opened fire and Cihan was forced to return on foot to the other wounded. Shortly after returning she died. A second application for interim measures to the ECtHR in order to ensure the body could be handed over to Cihan's family in order for her to be buried in accordance with religious obligations was rejected. Cihan's body was reached months later.

On 25 January 2016 an application for interim measures was made regarding 15-year-old **Yılmaz Geçim**, who lived at Cizre, Dağkapı neighbourhood, Yeniçarşı Rd. no: 36. He had left the house at about 03.00 on 20 January to check on the welfare of his nephew, 9-10 year-old Umut Genç, and his mother who lived in a back street behind the Abdulcelil petrol station between the Cudi and Sur neighbourhoods. **Yılmaz Geçim** had not been seen since. The ECtHR declared the application inadmissible, and forwarded it to the Chamber requesting priority in line with article 41 of the Rules of Court.

On 23.01.2016 an application was made for interim measures for ten wounded people waiting in the basement of no. 23 Bostancı Sokak in Cude neighbourhood. ([AN-4a, 4b, Bostancı Street and Basement video](#)). Due to the urgency of the situation the application, which was made on a Saturday, was dealt with on 25 January. On the same day the names of three more wounded people staying in the basement were forwarded to the court. On 26 January 2016 the name of another injured person was notified to the court, making a total of 14. The applications were numbered 5317/16 for Mehmet Yavuzel and 12 others and 5628/16 for Sultan Irmak. The duty judge dealing with the applications, breaking with the usual routine of dealing with applications one at a time, forwarded them to the Chamber for evaluation on 25

January. After a two-day assessment the Chamber communicated that, in summary, the applications for interim measures could be better evaluated by domestic courts, that the applicants should firstly request help from official bodies, that for this reason it was necessary to apply immediately to the Constitutional court and that until the conclusion of that process the application was being suspended, and that, the government should additionally take all measures regarding the applicants' right to life and the right to protect their physical integrity.

Following this decision, on the evening of the same day an application for interim measures was made by fax to the Constitutional court (AYM). The next morning the petition was submitted directly to the AYM and the court's evaluation began on 27 January 2016.

The AYM made contact with the lawyers, asking for the details of the applicants' identities. The lawyers replied, saying they didn't have detailed identity information, and that this should not be an obstacle to the evaluation of the application for interim measures. The AYM then told the lawyers: *'In order for a decision to be made on your request for interim measures there is a need for some information and documentation, the day the application was made this information has been requested from the authorities. At this stage while it is not possible for a decision regarding your application for interim measures to be made on the same day, given the nature of the application a decision will be made as soon as possible and notified to you.'*

With the urgency of the situation, and worsening conditions of the wounded, following the communication from the AYM the situation was again notified to the ECtHR. An application was made requesting the re-evaluation of the suspended application for interim measures and its being declared admissible, as the AYM had notified the lawyers that a decision would not be made on the same day, as **Nusret Bayar** and another wounded person whose name was not known, had died, and the state of the others was worsening by the hour. The ECtHR rejected the application, saying there was no new development that necessitated a change in the decision.

On 28 January 2016 the AYM sent the lawyers another email, saying: *'From the authorities; it is stated that it has not been possible to confirm that all or a section of the applicants are wounded, no direct contact could be made with them; different addresses were given at different times by persons who had indirect contact with them, due to terror actions it was not*

possible to go to these addresses, although health workers were sent to places near to the addresses, due to a lack of cooperation by persons who provided information regarding the incident it has not proved possible for the alleged wounded to be taken to hospital. 'This was followed by these questions:

Within this framework, in order for a decision to be made regarding the request for interim measures, there is a need for the following information that you may be able to provide:

- 1. Did lawyers for the applicants make direct contact with them prior to and after the individual application?*
- 2. If the lawyers for the applicants have made direct contact, how is this contact made?*
- 3. If the lawyers for the applicants have not made direct contact, how did they obtain the information regarding the alleged incident of wounding, the health situation of the applicants, the address at which they are situated and their names?*
- 4. In what circumstances did the wounding of the applicants take place? Were the applicants armed at the time of the incident and are they still armed? Were they wounded as the result of a clash with security forces, as the indirect consequence of a clash between security forces and terrorists, or as the result of security forces opening fire on unarmed persons?*
- 5. Since different addresses were notified to the authorities and the ECtHR regarding the addresses at which the applicants were located, did this situation arise from the applicants moving or from the fact that the applicants' address was not completely known? If the applicants had moved, what was the need for this change?*
- 6. Can the lawyers for the applicants confirm whether the wounded notified to our court are still at the alleged address? If they have changed address since the individual application was made is the new address known?*
- 7. When it is considered that information given by persons other than the applicants regarding the address to the authorities is different, why do the applicants, who are able to provide sound information in this regard, not make direct contact with the authorities?*

Ultimately, the AYM decided on 29 January 2016 to reject the request for interim measures, case no. 2016/1652.

The AYM decision in brief stated: ‘‘...curfews were declared by the authorities on the grounds of protecting the lives of civilians,

Regarding the allegations made in the application form, it has not proved possible to establish issues regarding the persons said to be applicants, their identities, addresses, circumstances, the serious danger they faced and how this danger might be obviated. As a result of research carried out by the AYM information and documentation to verify the matters alleged in the application form could not be obtained.

The reluctance of persons said to be applicants to make direct contact with the authorities, and issues such as their directing of the authorities to third persons and the notification of different addresses at different times raises serious doubts regarding their constant moving and avoiding making contact with the authorities concerning access to health services.

On account of the continuing vagueness regarding whether the persons mentioned are wounded, if so whether their circumstances are serious, in what conditions they were wounded, whether all of them are wounded, whether they are armed and at which address they are to be found, the conclusion has been reached that at this stage a decision of interim measures cannot be made’’

The justification given by the security forces, who possess all manner of technical equipment, enabling them to ascertain the whereabouts of the applicants, was that their addresses were not clear and that their identity details, apart from their names, were not known. This was submitted as an obstacle to their accessing their right to health.

Following this, on the same day, 29 January 2016, an application was made to the ECtHR requesting a reassessment of the suspended application for interim measures. In response the ECtHR notified that the request would be evaluated on 2 February 2016.

In a decision made on 2 February 2016 the ECtHR rejected the applications for interim measures. In its decision the ECtHR praised the alacrity of the AYM in examining the application for interim measures, adding that it expected the government to take all measures to protect the right to life and physical integrity of the applicants, and advised the applicants to make direct contact with the relevant authorities and ask for assistance by providing complete and sufficient information.

The ECtHR took a decision to give priority to all the applications before it. In response, the prosecutors in Cizre, Silopi and Şırnak have taken absolutely no serious steps to investigate those responsible for these offences and have turned a blind eye to the spoliation of evidence.

According to ECtHR records, as of today all the applicants in the applications no. 5317/16 Mehmet Yavuzel and 12 others v. Turkey, 5628/16 Irmak v. Turkey, no. 4133/16 regarding Orhan Tunç who was killed while the application was ongoing, his elder brother Mehmet Tunç, no. 8699/16 Balcal and others v. Turkey, no. 6758/16 Karaduman and Çiçek v. Turkey have been killed. Most of their bodies could not be identified on account of their being completely burnt. However, of the applicants, the bodies of Ferhat Karaduman, Muharrem Erbek, Sultan Irmak, Mahmut Duymak and Serdar Özbek were identified by their families. Samples of the burnt corpse of Rohat Aktaş matched samples from his family, enabling identification to be made. Another wounded person regarding whom the court enquired, Veli Çiçek, was killed, and the court was informed. However, no one knows where the body is or in what state it is. The remaining corpses are all too burnt to be identified.

The Republic of Turkey has not provided reliable information regarding Cizre to the ECtHR and other authorities. The Interior Ministry, Presidency of the General Staff, Security Directorate, Health Ministry, Şırnak Governor's Office, Cizre District Governor's Office and all agencies of the state have worked nonstop to erase the traces of the serious violence committed by the security forces against the civilian population of Cizre, and to remove all evidence. All remains that were evidence of the defenceless, innocent civilians burnt alive in the basements of Cizre by the security forces, in spite of the fact the ECtHR's evaluation was suspended into the applications of Yavuzel and others and Balcal and others, and despite the government's responsibility '*to protect the right to life and physical integrity*' of the wounded, were destroyed by state forces.

There is no other explanation for the fact that after the 11th February, when the operations were said to be over, the curfew in Cizre continued for months. Apart from the people who were burnt to death in basements in the Bostancı, Narini Beyazıt and Akdeniz streets, bodies were found in the street in Cizre almost every day. (AN-5a, 5b, 5c, 5d, 5e, Street videos)

If it is necessary to give an example, the body of Cihan Karaman, regarding whom the ECtHR made a decision of interim measures, was identified about a month later (25.02.2016) in Mardin State Hospital. How was it possible the body of Cihan Karaman, who was alive on

the day the ECtHR made its decision for interim measures, and died on account of the government not implementing that decision, was so burnt her family was unable to identify it? How was the body of Cihan Karaduman, regarding whose circumstances and whereabouts the authorities were aware, so burnt and fragmented that it could only be identified by a DNA match?

In the same way, of the wounded in the Yavuzel and others (5317/16) application who were connected to live television and asked for assistance, DBP party assembly member Mehmet Yavuzel and **Rohat Aktaş** were only identified in Mardin State Hospital on 19.2.2016 through DNA matching. How was the body of Yavuzel, who was burnt alive on 10-11 February in the basements with the other people, and was alive when appearing on TV, so burnt and broken that it was only possible to identify it through a DNA test?

The claim made by state officials that they were members of the organisation who were killed in clashes with the security forces has no credibility. Along with the applicants, in an environment where more than 170 people clashed with the security forces would those forces suffer no losses? What sort of clash results in a body being burnt beyond recognition or even turned into ash?

Existing evidence is also being obfuscated and destroyed by state officials. While this was taking place an application was made to the ECtHR within the scope of the Rules of Court for an '*on-site investigation*' in accordance with rule A1 on 09.02.2016, but this was rejected without a reason being given.

The situation of people notified to the ECtHR on different dates and in different buildings and basements was also notified to state officials of every status via nos. 112 and 155. That in one building there were 31 and in another around 50 and another about 62 people under fire was notified to the district governor, police and nos. 112 and 155. Those in the basements also got through to deputies in the Turkish Grand National Assembly (TBMM), explaining their situation. These conversations were recorded. (AN-6) Regarding the application of Yavuzel and others to the ECtHR, HDP deputies spoke in person to ministers in the TBMM, conveying the information, and when not getting a result, began a hunger strike in the Interior Ministry. Hundreds of resolutions were also put down in parliament. Most of these resolutions were rejected on the grounds that they contained "rude and hurtful" terms, and none received suitable answers.

However, according to information received from families and lawyers who were not allowed to attend post-mortems in hospitals and morgues in Mardin, Urfa, Silopi, Gaziantep, Şırnak and Cizre not all the bodies could be identified. Those bodies were so burnt they could not be identified and most had become ash. The fact the bodies were too damaged to be identified, that the curfew continued after the end of operations, that the rubble of the 5-story building where the second basement was situated was entirely demolished and that pieces of dead bodies were found in the debris dumped on the bank of the Tigris river are important indicators of the state's efforts to spoil evidence.



Body parts found on the banks of the Tigris river



Body parts found amongst rubble dumped on the banks of the Tigris. This area has been transformed into a park without any comprehensive collection of evidence or investigation being carried out.



The area where the rubble was dumped that contained a lot of evidence has been turned into a riverside park.

Around 143 people, most of them wounded and some deceased, in the basements and buildings mentioned above, demanded to be taken to hospital for around 2 weeks. These demands exist in 112 records. Permission for the wounded to be taken to hospital was constantly refused on the grounds of “security”. None of the equipment that the authorities used for the security forces (ambulance helicopter, armoured ambulance and similar) were not used for these persons. All the talks carried out locally and in Ankara for the wounded to be taken to hospital were inconclusive. Thus, applications were made to the Red Cross, the UN High Commissioner for Human Rights, the International Criminal Court and the Committee of Ministers of the Council of Europe by HDP MP Faysal Sariyıldız by letter. However, no answer was received from the international bodies in question.³⁶

³⁶<http://www.milliyet.com.tr/hdp-li-sariyildiz-bm-ye-mektup/siyaset/detay/2194237/default.htm>

During this time the wounded were under constant harassing fire. For instance, when 16-year-old Abdullah Gün tried to leave a house in Narin Sokak where there were 52 people, 10 of them dead, he was immediately killed as a result of being fired at from one of the armoured vehicles outside. Under such a blockade and assault it was not possible for the wounded to walk to ambulances. Appeals made from ambulances waiting around 600-700 metres away were only for show. Health workers were not even permitted to go on foot with stretchers to carry the injured. There were no initiatives from the Turkish government to transfer the wounded who had taken shelter in houses and basements. Their sole aim was to annihilate everyone in the houses. As is known, the state forces that raided all these houses and basements with heavy weaponry slaughtered the wounded and everyone who was alive.

On 11 February 2016 Interior Minister Efkân Ala issued a press statement saying that operations in Cizre were over, but that the curfew would continue for a further period.

All the curfews declared since August 2015 have been lifted after it was announced operations had ended, but the curfew in Cizre continued for a long time. The basic reason for this was that work to get rid of evidence in buildings and on the ground of the security forces' burning dozens of people continued for a lengthy period. Work continued nonstop to demolish the places in question with machinery. No one was allowed to enter these sites. In neighbourhoods where crime scene investigations needed to be carried out and evidence collected, heavy machinery was used to clear the rubble and completely obliterate the site in order to destroy evidence. Photographs of human limbs that were taken amongst the debris that was left on the banks of the Tigris and pictures of burnt bodies in morgues have been published in the press. None of the buildings in the basements of which people were burnt alive is now intact. They were all demolished to get rid of the evidence.

From the day it was announced that the operations were over, until the curfew was partially lifted so that it only applied at night, that is, until people were given permission to enter Cizre, the security forces aimed to remove evidence that indicated crimes and worked intensively to accomplish this. It was seen by observers and documented that, where a five-storey building stood before it was demolished on the site of the second basement, and where rubble should have remained, was taken to the banks of the river Tigris and dumped there.

Şırnak Bar Chair Nuşirevan Elçi spoke to the HDP Report Delegation, saying the aim of all this activity was to destroy evidence, adding that there were body parts amongst the rubble dumped on the river bank:

“...We believe there are still bodies under the rubble. Excavations will be carried out, when

this is done we lawyers should be present. When speaking to officials yesterday, we pointed out that they should behave sensitively, and that they shouldn't act clumsily as they did previously. As you know, there are claims that there are body parts amongst the rubble on the banks of the Tigris. Photographs have also emerged. While people collected the metal and scrap from amongst the rubble they encountered body parts. For this reason searches for bodies in the remaining rubble should be carried out according to rules.”



TOKİ constructions rising in the area where the basements were situated in Cizre

Following the curfews the Cizre Municipality, which was run by the DBP, was taken over by a government appointee under the state of emergency regulations and the mayors were removed. Many areas of the town, first and foremost the area where the basements were, have been cleared and the debris dumped on the banks of the Tigris, which have now been transformed into a park. In the same way, in the area where the basements were situated TOKİ (Turkish State Construction Organisation) construction is continuing. In this way the removal or destruction of evidence of crimes is facilitated.

Regarding the site where the murdered persons bodies were situated, no crime scene investigation was visually recorded, no record was drawn up regarding the crime scene, the state prosecutor did not go to the site and when the corpses were removed from the scene no record was made, either visually or written, the times of death were not ascertained and independent doctors and lawyers, as requested by the families and Bar associations, were not allowed to attend post-mortem examinations. Additionally, although there are images of everyone in Cizre regarding their movements on different dates on account of the unmanned aircraft that flew constantly over the site of the incident, these have not been published. The aerial images taken of the security forces and people's movements in Bostancı st, Narin st and Beyazıt st where the basements were situated between 20 January and 15 February have been submitted neither to the ECtHR files nor to investigation files.

Besides all this, several women had to give birth at home. The acute stress and fear generated by intensive bombardment in Cizre and Silopi led to pregnant women having miscarriages. Zekiye Eren, who was 7 months pregnant and Asya Sezgin (37), who was 8 months pregnant, both resident in the Sur neighbourhood of Cizre, gave birth prematurely on account of this, and subsequently lost their babies on account of delay in being taken to hospital.

Patients with heart problems, diabetes, high blood pressure, those receiving dialysis and children suffering convulsions either could not be taken to hospital on account of the military/police blockade, or were taken hours later. In areas where curfews were declared, family doctors were unable to provide protective health services and citizens' rights to health were seriously curtailed. Children were unable to receive vaccinations and people with bullet or shrapnel wounds were either unable to go to health centres or reached them hours later. Dozens of patients who could have been saved by basic medical intervention died as a result of the police not permitting ambulances to take injured people.



Cizre State Hospital, which was turned into a military headquarters during the curfew

Armoured vehicles were deployed in the Cizre State Hospital's garden and surrounding area and one floor of the hospital was reserved exclusively for military personnel. Photographs showing how the Cizre State Hospital was turned into a military HQ appeared in the press. Patients who did manage to reach health institutions were subjected to rigorous criminal record checks, and those with records or arrest warrants against them were taken directly to security buildings without receiving treatment. Reports of the hospital also being used as an operation coordination centre appeared in the press. While the curfew was in force public institutions did not function. These institutions were transformed into military bases by soldiers and police.

A medical operative who wished to remain anonymous for security reasons told the HDP Report Delegation that the hospital had been used as a military headquarters during the curfew:

“The top floor was given over entirely to soldiers and special forces police. In the children's service they could come and sleep next to us when we said there was room for one. Although the personnel of the hospital is only 100-120 the canteen was catering for 800. While working there were constantly troops and special forces with us. To get to the canteen we had to walk between them. There was an area in the tank battalion, dead bodies didn't come and those with light wounds went to the battalion, while emergency cases were brought to the hospital. We still cannot admit patients and we cannot use the third floor. Heavy weapons were not

used in the hospital, there were only kanas rifles and snipers. Once or twice a rocket hit the hospital and could have ricocheted and hit someone. In the first two weeks there was a lot of rocket fire.”

For the transfer of the wounded in the second basement to hospital Sarıyıldız called 112 and 155 in person. He described the house where the wounded were, in the same way HDP Group Deputy Chair İdris Baluken also met officials at the Health Ministry and the Interior Ministry regarding the transfer of the wounded to hospital. He made an appeal in person on TV calling for a health and life corridor to be opened for the wounded. A wounded person stranded in the house called Sarıyıldız from the mobile phone no. 0 536 362 47 63. In every call they repeatedly stated they wished to be transferred to hospital, and said they were being fired on from armoured vehicles besieging the house.

Hence, Derya Koç and her friends in the third basement spoke to TV channels on 10 February 2016 through the mediation of the press, asking for assistance. Despite this, it has been stated that no assistance was forthcoming and that they were all found dead. (AN-7- Derya Koç, IMC TV phone connection)

Recordings of telephone conversations between the wounded in the first basement and HDP deputies in which they make demands for assistance have reached the press³⁷In the recordings the screams of applicants can be heard. They say that they have been surrounded, that while they had not opened fire the building was fired on, that there are wounded and add openly that the intention is to kill them and appeal for help. From the recording of Yavuzel it is clear that while there was no clash, efforts were made to show that there was a clash. If the units perpetrating the operation had wished to, the operation could have been halted and the people in the basements saved.

The wounded who were burnt and killed in the three basements were subsequently taken out and distributed to different streets in the town, with weapons and ammunition placed alongside them to give the impression there had been a clash. There is no data regarding the wounded changing places. They all became targets of the security forces in the places they were said to be in. HDP Co-President Selahattin Demirtaş has also made statements on this issue³⁸.

³⁷<http://www.imctv.com.tr/hdp-cizredeki-yaralilarin-son-ses-kaydini-yayinladi/>

³⁸<http://www.imctv.com.tr/demirtas-cizrede-toplu-katliam-yapildi-aciklanmiyor/>

In the defence the Turkish government sent the ECtHR, it attempted to explain the failure to send ambulances for the wounded by saying they had criminal records. It tried to portray everyone, the wounded and those killed, as without exception members of the organisation and persons who had clashed with the security forces. The wounded were definitely unable to leave the buildings in which they were besieged. At the scene there were absolutely no independent, impartial institutions, media organ or person apart from the security forces. State officials possessed all manner of means to create the evidence they wished and to portray the incident in the form they wanted.

3. CIZRE Diary and TRIAL PROCESSES

3.1. Prior to the curfew:

The curfew that lasted 79 days in Cizre, and was the fifth curfew declared in the town, commenced on 14 December 2015. A day before the curfew began, teachers working in Cizre received a text message regarding training and all teachers and administrators thus left Cizre³⁹. The great majority of 1,298 teachers in 104 schools in the Cizre district, including in villages, teaching 43,127 pupils, left the district. (AN-8 The message for evacuation to the teachers)



Teachers leaving Cizre

³⁹http://www.bbc.com/turkce/haberler/2015/12/151214_cizre_silopi

Teachers waited in long queues at the bus station, while some left by hitching a lift. The sudden mass departure of teachers caused uneasiness amongst the residents, first and foremost the pupils. A teacher who did not leave the district in order not to abandon his pupils said that he had not received a text, adding that teachers who were members of a union close to the government had been sent texts. In the text the following was written in capital letters: "ALL TEACHERS AND ADMINISTRATORS HAVE BEEN ENROLLED IN EDUCATIONAL SEMINARS BY OUR MINISTRY FROM 14/12/2015. OUR TEACHERS MAY ATTEND SEMINARS IN THEIR HOME TOWNS." But whether they received texts or not, school administrators informed all teachers and most of them left Cizre. Eğitim-Sen Cizre representative Osman Tetik said in an interview that teachers constituted the vast majority of public servants in the district, that teachers were also those in closest contact with the people, hence there was a concern that for teachers to witness such a process would change their opinions.⁴⁰ With the teachers leaving the town education was suspended entirely. When this matter was raised with then Prime Minister Davutoğlu, he made the following statement: *"Those schools are not for children to go to the mountains at a young age and come to nothing at a young age. They are for them to come to the TBMM like you and conduct politics. I hope children being raised in these schools will never conduct terror politics. All measures will be taken so that they can all continue their education in the best way. Following the curfew when peace has been restored in our districts we will take possession of the future of all those children with a more intensive education."*⁴¹

⁴⁰HDP Cizre Raporu

⁴¹<http://www.haberler.com/basbakan-davutoglu-ndan-cizre-ve-silopi-aciklamasi-7970031-haberi/>



Images showing how many schools were turned into military headquarters by troops and police during the curfew were frequently published in the media.

While the curfew continued schools were used as bases by the security forces. This situation raises the question as to how education will continue from where it left off.

Even months after the curfew had been lifted schools such as the Atatürk High School, Sait Atak and Fatih Primary School continued to be used as quarters. During this time these schools could not be used for education.

3.2. The beginning of the curfew:

Buildings, streets and roads in the town were shelled by tanks, mortars and other heavy weaponry from the first day of the curfew. The streets and roads of Cizre town, which is surrounded by hills, were fired upon by tanks, armoured vehicles and snipers deployed on these hills. As a result of these attacks, thousands of houses and workplaces were demolished, burnt down and rendered unusable. The neighbourhoods of Cudi, Nur, Sur and Yafes, which are largely destroyed, are those parts of Cizre most affected. Nur neighbourhood is overlooked by Aşk hill, Sur neighbourhood by Şahin hill, Cudi neighbourhood by Caferi Sadık hill and Yafes neighbourhood by the Hospital hill, where the hospital is situated. It was from these hills that the neighbourhoods were fired upon by armoured vehicles during the

curfew. (AN-9 Nur Neighbourhood Artillery Shots) This is what differentiated the curfew in Cizre from other curfews and constituted a model. One of the main reasons for the civilian fatalities was the random firing from tanks and other armoured vehicles and by snipers deployed in high buildings.

Bahattin Yağarcık, who teaches Kurdish at the Cizre Kurdi-Der association, said the following regarding the curfew⁴²:

"It was like a war between two states in which tanks, artillery and weapons we didn't recognise were used. At night shells were falling into houses, I even saw one fall into my house. No one could go out, everyone was a target. People were targets, as were buildings."

Yağarcık said his three-storey house was burnt down as a result of being hit by shells, adding that the fire brigade was not given permission to attend the scene.

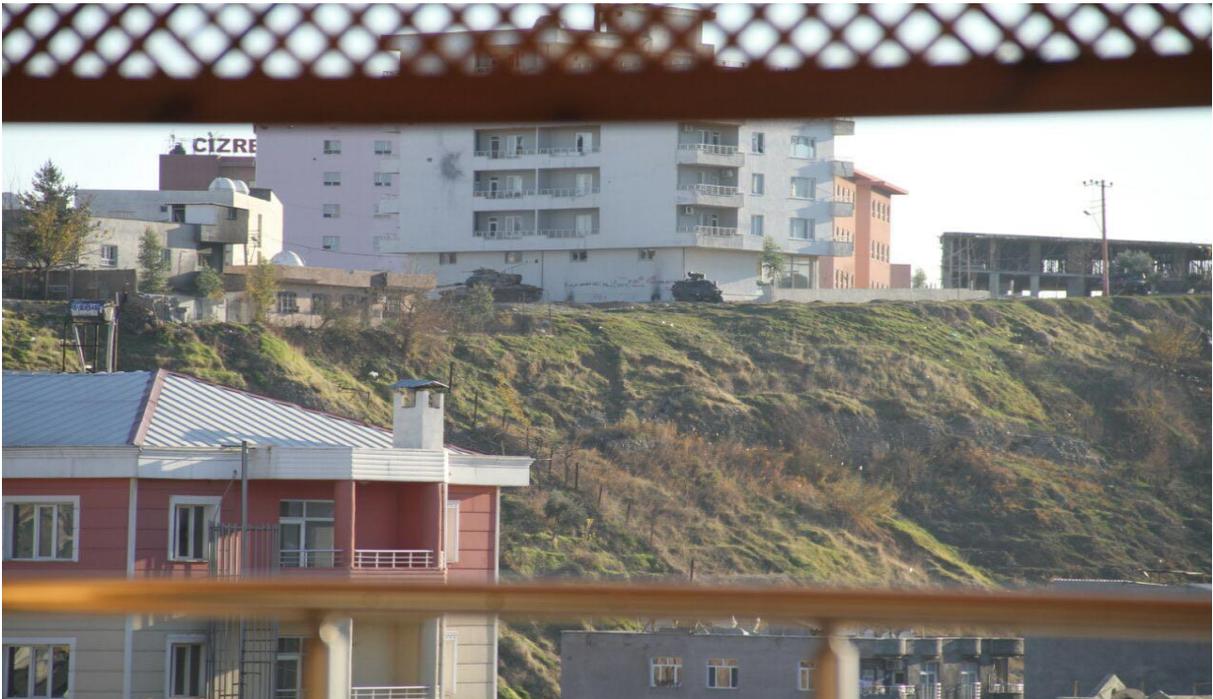
"There was running water where we were. The pipes had not burst, but they had burnt the electricity pylons. Our house was the first to be burnt. It had three storeys. I called the police and asked them to send the fire brigade. They said it was no concern of theirs and told me to call. I did so. I knew them and they told me the police did not allow them and that they couldn't come, so the house burnt down."

Bahattin Yağarcık, who remained in Cizre when the curfew began, said he saw shells being fired from the Aşk hill, where the Mem û Zin Culture Centre is located, opposite his house. On the 29th day of the curfew he telephoned the police, saying there was no security, and that they had no food or drink left and were about to abandon their house. The police officer he spoke to told him that they would only assist if he intended to leave Cizre. Although the security forces wanted the town to be evacuated, they did not establish a corridor for civilians, and people who informed the police they wished to leave, and carried white flags, were fired on.

⁴²HDP Cizre Raporu, s. 19.



Tanks and artillery deployed at the Mem u Zin Cultural Centre 17.12.2015



Tanks deployed on the Cizre State Hospital hill opened fire on the town.

On the day after the curfew was announced, then PM 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"⁴³.

Hediye Şen was the first person to die during the curfew. She left the food she was preparing on the stove in her house in the Cudi neighbourhood on the second day of the curfew, 16 December 2015, to go to the toilet in the yard, where she was raked with gunfire, and died. Şen, who was hit by 8 bullets, was a woman of 32 with 3 children who taught Koran courses. Her husband, Mahmut Şen, who spoke to lawyers after the curfew had been lifted, described the incident thus:

"On 14 December 2016 a curfew was proclaimed. When the curfew was announced there were no trenches or barricades. There had been no clashes. My wife, Hediye Şen, we have 3 children, was in the garden. There was no wall, just wire. It was 16 December 2015, we were in the garden. There were no clashes. (...) Since the curfew had been announced armoured vehicles (kobra, kirpi) had been deployed below the Caferi Sadık Tomb. We could see the vehicles clearly, and they could see us. The distance between us was 100 to 150 metres. Around 18.30 I went to the bathroom outside in the garden. I heard a scream. (I think there had been a power cut at that time). My wife was hit by 8 bullets. 6 struck her around the face and throat. One hit her in the shoulder and the other in the stomach. I immediately called 155 and 112. She lived for another half an hour or so. 112 asked me to bring her to a place 3 km away. I was unable to go out. I rang 155 and told them there was no clash or trench in the area. I rang 155 three times. No one came. The imam from the neighbourhood mosque tried to come, but they also fired at him. Our neighbour Abdurrahman did manage to come."

Mahmut Şen explained similar things to the HDP report team. The details that are not in the record made by the lawyers are as follows:

"The body was on the ground. There are 2 or 3 houses between us and Mele Mansur (imam). When he tried to come they shot at him too, a bullet just missed his leg. The next door neighbour came through the window. The imam called the muftu's office. He wanted them to know about it. We wrapped the body in a blanket, and it remained on the ground until morning. Mele Mansur rang between 7 and 8 in the morning. The District Governor's office had told him to call 155 again, saying: 'take your body away'. At the corner of every street

⁴³<http://www.imctv.com.tr/davutoglu-cizre-ve-silopi-ozgurluk-alani-haline-getirecegiz/>

we informed 155. In this way we arrived at the Nusaybin road, where we handed the body over to an ambulance. They told us they would take it to the morgue at the Cizre hospital, but we subsequently learned that they had taken it to the Şırnak hospital morgue. (...) We then went to my grandfather's village. (...) When we returned they had broken our doors with sledgehammers and all the windows were broken."

On 17 December, **Abdülaziz Arslan**, born in 1990, died. Despite the name in his identity card being Abdülaziz, his family called him Doğan, hence until his ID card was given by his family and was seen his name was recorded as Doğan Arslan in reports. According to his family, when the curfew began there were 13 people staying in the house. They said that since with the beginning of the curfew electricity and water was cut off, they began to experience problems as regards heating and then food. Arslan, who was married with two children, went out on 16 December to find food and firewood and was not heard from again. The next day Faysal Sarıyıldız called the family to tell them their son's body was in the condolences house in Cudi neighbourhood. According to what the family said, the police did not allow them to collect the body. Although it was said the body had gone first to the Cizre state hospital, and from there to the Şırnak state hospital, the family was not able to find the body in Şırnak. They said that when they returned to the Cizre state hospital they learned that the body was there, but when they went to the morgue to identify it, neither they nor their lawyers were permitted to attend the autopsy. The father, Deham Arslan, said they had also not being given a post mortem report. Abdülaziz's body was not buried in the place his family wished, but in Yafes neighbourhood, with only 5 members of the family being able to attend the funeral. A change to the regulation concerning the Law on State Forensic Laboratories which came into effect on 7 January 2016, when published in the Official Gazette, permitted governors' offices to by-pass municipalities and families and bury corpses that were not collected within 3 days.⁴⁴ A second change made to the regulation on 16 January 2017⁴⁵ introduced a clause reading: "in situations where public order might be threatened or social events might occur", saying that a corpse could be submitted directly to the civilian authority. Officials restricted the numbers of family members of the deceased who could attend the burial in a random manner, contravening all rights regarding burial, with many interments taking place at night in a place and at a time permitted by the security forces, with

⁴⁴<http://www.resmigazete.gov.tr/eskiler/2016/01/20160107-9.htm>

⁴⁵<http://www.resmigazete.gov.tr/eskiler/2016/01/20160116-4.htm>

a restricted number of mourners often using vehicles' lights. Families felt frightened and threatened and were forced to bury their family members without a ceremony.

On 17 December it was reported that 15 shells were fired into Varol road, (**AN-10-Varol Strret**) with fires breaking out in some houses. One of the houses in which fire broke out was that of **Bahattin Yağarcık**, the teacher at Kurdi-Der, whose statement we referred to above. On the same day 75-year-old **Osman Emcür**, who lived in Cudi neighbourhood, was seriously wounded as a result of gunfire from Special Forces teams. According to his son, the street in which they lived had been under heavy bombardment since the previous evening and at least 50 bullets had hit the door where his father was struck. Due to the curfew an ambulance was unable to access the street and Emcür was carried by people to the Cudi neighbourhood People's House where he was treated⁴⁶. The obstruction of ambulances, the targeting of health workers, the blockading of hospitals and the curfew obstructed citizens' right to access health care. Hence, citizens themselves turned places such as condolence houses and community centres that had been set up previously by the municipality into makeshift first aid centres. One of these was the Cudi People's House, which was later burnt down by the security forces on the grounds that it had supported "terrorists".(**AN-11 The video of Cudi People's House**)

⁴⁶<https://www.evrensel.net/haber/267855/cizrede-oldurulen-dogan-ve-agir-yarali-emcur-hastaneyeye-kaldirildi>



The entrance of the burnt out Cudi People's House



Materials used to provide health services to those who could not access hospital



İbrahim Akhan, a 16-year-old who worked as a driver's mate on vehicles going legally to and from Iraq, died on 18 December. Abdullah Akhan, who sent some of his family

to the village, remained in his house with four others, including his son İbrahim. When there was no electricity and water and İbrahim Akhan and Abdullah Akhan's son-in-law Kadir Çömlek went to the toilet outside in order to perform their ablutions prior to performing their religious obligations, Abdullah Akhan said he heard four or five shots. He added that his son-in-law, Kadir Çömlek, was hit in the left arm and his son, İbrahim Akhan, in the abdomen. Abdullah Akhan said they immediately rang 112, 155 and 156, but that they were unable to get any positive response. Although he was able to reach his uncle who was an ambulance driver, it took two hours for the ambulance to reach the house. As the ambulance approached the house it was hit by snipers, and when it arrived, since they thought their son had died, Kadir Çömlek was taken to hospital. The mother's statement to the prosecutor was along the same lines.

İbrahim Akhan's uncle Ali Akhan accompanied the body to the hospital. The body was sent from Cizre to Şırnak for a post mortem, but no one from the family or a lawyer for the family was permitted to attend the post mortem. In the post mortem report prosecutor Yavuz Gökçen and the clerk went from Cizre, but the record did not contain the names of the forensic experts who attended from Şırnak. According to the post mortem report, agreeing with the testimony of his father, a tear was found in the abdomen caused by a bullet from a firearm. It was therefore conclusively found that the cause of death was a bullet. According to the death report dated 18.12.2015 İbrahim Akhan was in a serious condition when he was taken to hospital. Ali Akhan's testimony on the death certificate matches that of the deceased's father, Abdullah Akhan. A ballistic examination of the bullet in a police crime laboratory was carried out 4 months later, on 19 April 2016. Officials reported finding a 'core' cartridge that was banned by the firearms law, on account of its having an excessively penetrative power and that it was not possible to ascertain the weapon it had come from. In the file it is also stated that no traces of firing were found on the hands of İbrahim Akhan. Although the date on the document regarding the body being sent from the Şırnak state hospital to Cizre to be handed over to the family is dated 29.12.2015, the burial only took place on 11.01.2016. The father explained this delay to the lawyers in the following way:

"None of us were allowed to attend the post mortem. Also, we were unable to obtain any information regarding my son's body. It remained in the morgue for 26 days. By the 24th day of the curfew it was no longer possible to remain in the house on account of the shelling by the police and troops deployed on the high points, because tank and artillery shells were

hitting our neighbourhood and house. Despite our leaving the house carrying white flags to indicate we were civilians, we were targeted by snipers. We left the house with a white flag and went to Ulaş village in our son's vehicle, as we no longer had any security of life. 26 days after the slaughter of our son the police called and told me to collect my son's body. However, as there was a ban on entering or leaving Cizre and because of constant shelling we said we were not safe and would not be able to come. When the curfew was lifted, we found a grave in Yafes neighbourhood with my son's name and surname written on it. The body was taken from us, none of us were able to attend the funeral, and we were unable to conduct the burial according to our traditions. We don't even know if the body interred there is his."

A document in the investigation file explains how the burial procedures took place. Despite their having told lawyers that they would be unable to collect the body on account of their being unable to enter the town as clashes continued and there was a curfew, in the investigation file a document drawn up by anti-terror police says the body could not be collected due to their being ill and outside the province, and in one place that 'separatist terror organisations' did not allow the body to be collected.

On 18 December, as a serious water shortage began to make itself felt, municipal employee **İrfan Uysal** was given the job of opening the water valve, with the knowledge of the police. While opening the valve he was shot at and was wounded, losing an arm. İrfan Uysal explained the incident in the following way:

"Mayor Kadir [Co-mayor Kadir Kunur] called me, saying: 'there's a job for you'. 'My wife is about to give birth', I said. 'I can't go out. Call another colleague.' They called him, but he was out of town. There was only me. I went to the municipality. I thought to myself, if I go home, no one will have any water. Thinking it would be on my conscience, I didn't go home. There was no water behind the old TEDAŞ. They called me, saying everyone was distraught. I called the police on 155. They didn't give me permission. We came back to the municipality. 10 minutes later our manager İzzet Gizeç called the police again on 155. This time they gave permission. We went back to the place on the ring road. As we passed the checkpoint we again called 155, telling them not to open fire, adding that we had come to turn on the water. After opening the first water valve behind the old TEDAŞ I called 155 again. We were going to open the second valve. We looked at the street we were heading for, to see if it was safe. The armoured vehicle overlooking the street slowly turned in our

direction. It fired a few shots towards the water tank. I opened the second valve and was checking to see if the third one was open or closed when my arm went numb. I felt an object enter and exit my arm. I told my colleague Suat. We ducked down and called 112. There was no answer. Suat called 155. We got permission and left. We reached the İdil road. The police stopped us. Then they took us to hospital." İrfan Uysal lost an arm on account of not being taken to hospital immediately.



Municipal employee İrfan Uysal, whose arm was amputated after he was shot by security forces while trying to open a water valve.

Then Minister of Health, Mehmet Müezzinoğlu, said four days after the death of Hediye Şen and two days after the death of İbrahim Akhan that in places like Cizre and Silopi where there were intensive clashes that there were problems with health services, but that “there were not crucial problems as regards accessing services”⁴⁷.

On 19 December Post and Telephones driver, 42-year-old **Yılmaz Erz**, was shot and killed and buried by his family who lived in Diyarbakır⁴⁸. The incident was reported by main media outlets as the first item regarding the curfew in Cizre, it being alleged that the driver had been killed by the PKK.

⁴⁷<http://www.imctv.com.tr/saglik-bakani-cekilmek-vatana-ihanettir/>

⁴⁸<http://www.hurriyet.com.tr/pkklilar-cizrede-kargo-aracinin-surucusunu-oldurdu-40029336>

On the same day fires broke out in some buildings as the result of tank and artillery shelling, and no intervention could be made. One of these houses was a 5-storey building that belonging to a citizen by the name of Selim Kaplan, in Özgür street in Nur neighbourhood. The fact that no one was there at that time prevented any fatalities.

Information regarding the killing of 70-year-old **Selahattin Bozkurt** in front of his door appeared in the information notes. Bozkurt's body could only be collected the next morning. According to his son Saruhan Bozkurt:

"My uncle's house was directly opposite my father's house. While my father was alone in the house my uncle heard gunshots from close by and called out to my father. When he saw the security forces firing at my father's house from the opposite hill, he ran across to the house. He saw my father had been hit on the stairs. He tried to get him out by himself, meanwhile fire was continuing from the hill. When he was unable to get him out he asked the neighbours for help. As firing continued the neighbours moved away, but when there was just my uncle and one other person left they thought they might be hit too and so returned. They took my father from the yard and took him to the mosque. Meanwhile, my cousin Mehmet Bozkurt called 155, who told them to take my father to the Nusaybin road. As everyone was being fired at they could not leave the mosque. The water tank was hit, the house was like a colander. They also killed our cow. On the day I lost my father they were only able to reach the Nusaybin road with white flags. (...) Following the burial, we stayed in the village as we were not allowed to go to the house. When we did go to the house we saw that my father's blood and the bullets had been cleaned. On 16 March a few police officers said they had come for an investigation and did some filming."



Local people carrying Selahattin Bozkurt's body



Local people setting off with white flags in order to take out Selahattin Bozkurt's body

On 20th Decenbera woman named Zeynep Yılmaz was shot in the head and seriously wounded. As a result of not receiving medical attention for a long period she died at the age of 49. Two-year-old **Yusuf Soslu** was wounded by a bullet that entered the house, with no risk of death. **Güler Yamalak** (32), who was 8 months pregnant, was hit by bullets fired by special forces police. Yamalak lost her baby and was then discharged from hospital. In Yafes neighbourhood, **Kahraman Caba** (37) was seriously wounded by shrapnel from a grenade launcher and taken to hospital.

A woman called Hediye Çeter who lived in Cudi neighbourhood was wounded by a piece of shrapnel. Çete received the first intervention from neighbours. A young man by the name of Yakup Kural was wounded by snipers in the same neighbourhood. Çete and Kural, who were initially not given permission to leave the neighbourhood, were eventually, after great efforts by people from the neighbourhood, taken to hospital with white flags. On the 7th day of the curfew the most intensive tank and artillery shelling was reported. The electricity and water in the Cudi, Yafes and Sur neighbourhoods were completely cut off. While shells struck the upper floor of almost every house in the Yafes neighbourhood, artillery shells fired from the heights hit the middle of the Cudi neighbourhood. On that day many cases of nervous breakdown were reported to Faysal Sarıyıldız.

As tank and artillery fire continued on the 21st December, 12-year-old **Ferhat Tanış** was seriously wounded by a bullet that entered his head through his right eye on Nusaybin road in Cudi neighbourhood. Two children, **Mevlit Şimşek** (11) and **Yakup Yıldırım** (17) were wounded by police gunfire and taken to Şırnak state hospital.

On that day groups from other provinces, including HDP deputies wishing to protest at the curfew, set out towards Cizre. Shells were fired at the area in which they were located. The next day the crowd was halted as it headed back towards Şırnak on account of the shelling. 29 people were arrested and taken to the İkişce Gendarmerie Command and charged with: "Violating a prohibited military zone" and "for opposing law no. 2911 on Rallies and Demonstrations".

⁴⁹<http://www.nerinaazad.net/news/kurdistan/bashur/cizrede-zeynep-yilmaz-adinda-bir-kadin-daha-olduruldu> Zeynep Yılmaz, İbrahim Akhan'ın soruşturma dosyasında defin işlemleri bağlamında da yer almıştır. Buna göre ölüm günü 21 Aralık olarak görünmektedir.



December 21, Cizre is hit by vehicles deployed around it

On 22 December, the 9th day of the curfew, 5 people died: **Cahide Çıkal, Doğan İşi, Mehmet Tekin, Mehmet Saçan** and **Emine (Amine) Duman**. **Cahide Çıkal** fell to the floor in the kitchen of her house in Kale neighbourhood. Although at first it was thought she had died of a heart attack, it was realised that pieces of shrapnel had struck her and that that was the cause of death. It emerged that Cahide Çıkal's father, Abdullah Soysal, had been killed by the police in Cizre in 1994. In Nur neighbourhood 18-year-old Doğan İşi was seriously wounded by gunfire, and despite carrying white flags, citizens were prevented from taking him to hospital by continuing fire. The family of Doğan İşi were also unable to bury his body. Mehmet Saçan (38) was hit in the neck and died while trying to connect the water pipe in his house. Mehmet Tekin (35) died as a result of gunfire. As for 77-year-old Emine Duman, she suffered a heart attack due to fear caused by intense shelling on the evening of 19 December and died as a result of it not being possible to take her to hospital.

On 22th December in Sur neighbourhood late at night **Dikran Sayaca**, who had 5 children, and **Azime Aşan** (50), who had seven children and lived in Cudi neighbourhood, were hit by shots fired by special forces operatives as they leaned out of windows. **Lütfü Aksoy**, who had been seriously wounded on 19th December, died that day.

Health workers at the Turkish Human Rights Foundation (TİHV) Cizre Reference Centre issued a statement on 22th December.⁵⁰ In summary, the statement said that in the Cudi, Nur and Yafes neighbourhoods where there had been the most fatalities, 112 ambulances had not entered, that children had high temperatures as stocks of fever-reducing syrup were running low, as was medication for other chronic patients, that the Cizre state hospital was being used as a military base, that the pharmacy next door had been open for a few hours each day, but that it was not feasible for the people to access it, and that under these health and weather conditions most people were endeavouring to survive in their basements.

On the 23th December 3 people died: **Ferdi Kalkan** (20), **Abdülmecit Yanık** (28) and **Hacı Özdal** (27). In the post mortem report of **Abdülmecit Yanık**, contained in the investigation report, it states: "*The body was brought to the hospital morgue and seen to be that of a women with the clothes removed.*" Immediately underneath the report continues with evaluations of a male corpse. In the decision dated 31.12.2015 is the following: "*The body of baby Abdülmecit Yanık that died on 24/12/2015 in Cizre district*". This demonstrates that the investigation process, and in particular the post mortem process, was carried out in an imprecise way.

Ferdi Kalkan's elder brother İslam Kalkan told lawyers who came to see him what they had experienced in the following words: "*When the curfew began there were ten of us in the house. For the first two days we drank water from plastic cans. There was no electricity. For the first ten days we stayed in the house. Our house is near the Caferi Sadık Tomb and the Ahmet El Ciziri primary school. Shelling was being carried out from armoured vehicles (tanks and tank howitzers) into the neighbourhoods. Before we left the house a shell was fired that was round and splintered on hitting the ground. During the day we stayed in my wife's uncle's (Suat Geçit) house in order not to become targets and to try to avoid becoming targets of snipers. At night we took shelter in our neighbour's basement along with 4 or 5 other families.*

On 24.12.2015 he left to go to the grocer's 4 or 5 buildings away and was hit three times. The next morning we retrieved the body and took it to the Cizre state hospital. After identification it was sent to the Şırnak state hospital. We went too, arriving at around 14.00. A post mortem was carried out. We went to the village without being able to take the body. We

⁵⁰<http://tihv.org.tr/aziz-yuralin-ardindan/>

couldn't return to Cizre. Around 20 days later I was called from no. 0486 617 0476 and a male voice told me to collect the body, otherwise they would bury it. As we couldn't enter Cizre we couldn't collect it. We told them to wait, but they buried the body without waiting."

Abdullah Özdal, the brother of **Hacı Özdal**, who was killed on the 12th day of the curfew in Cizre, had died in Cizre on 25 July 2015 during protests at the Suruç bombing as a result of shots fired by special forces operatives.⁵¹ According to Hacı Özdal's mother Gulê Özdal and his father, Hacı was hit while at home by a shell which struck the house. An ambulance was unable to enter the neighbourhood on security grounds. In order for the ambulance to take Hacı Özdal, he was wrapped in a blanket and taken to a park below the house. Hacı Özdal was accompanied by his brother to the hospital. On the way to hospital, and in the hospital, he told his brother: "My wound is not serious, it's enough to get me to hospital, I'm fine." But he did not emerge alive. When Hacı Özdal was buried there was no one except 3 municipal digger operators there. His family was not permitted to attend the funeral on public order grounds.

There was notification of many fires that were the result of aerial bombardment and shelling with heavy weapons in the Yafes, Cudi and Nur neighbourhoods, in none of which could an intervention be made. While the curfew continued many people were wounded, with some of them being taken to hospital, while others could not be taken. For instance, Suat Afşin and Cotkar Kavak, who were wounded in Cudi neighbourhood, were taken to Cizre state hospital, while three citizens who were wounded in Yafes neighbourhood could not be taken to hospital for a long time on account of attacks. Feyruz Aşrak and his three children were wounded when a mortar shell hit their house in Nur neighbourhood, but the injuries were not life threatening.

On 26 December 2015 3-month-old **Miray İnce** and his 80-year-old grandfather, **Ramazan İnce**, lost their lives⁵². When news of the deaths emerged, stories appeared in the press saying they had been caught up in a clash⁵³ or been hit by bullets fired by 'terrorists'⁵⁴, but a refutation from the family was not delayed. Miray İnce's uncle Abdurrahman İnce told Evrensel newspaper that there had been no clashes in the neighbourhood for two days,

⁵¹<http://www.haberturk.com/gundem/haber/1107563-cizrede-gosteride-ates-acildi-1-olu>

⁵²http://www.bbc.com/turkce/haberler/2015/12/151227_cizre_silopi

⁵³<http://www.cnnturk.com/video/turkiye/cizrede-3-aylik-miray-ile-dedesini-hastane-yolunda-oldu>

⁵⁴<http://aa.com.tr/tr/turkiye/teroristler-3-aylik-bebek-ile-dedesini-oldurdu/496848>

adding: “snipers killed Miray”. Abdurrahman İnce's statement was as follows⁵⁵: “*There were snipers on top of the four storey apartment building on the hill opposite our house. Since red lights shone into our house we decided to move down to the lower floor as we thought it was safer. As Miray was being carried down the steps in his aunt’s lap he was hit in the face by snipers. We went inside immediately. We put him in a room, thinking he had died. 15 minutes later he cried and we wanted to take him to hospital. First we rang the 112 emergency number. They told us to ring 155 and said they would come if security was assured. Whereupon we called the police. They said we could go out to the ambulance as two men and a woman with white flags.*”

With the police giving permission, his grandfather Ramazan İnce, Rukiye İnce and his uncle Abdülkerim İnce took Miray İnce and went outside. Abdülkerim İnce added: “*After we had gone 200 metres shots were fired from an akrep[armoured vehicle] on the same hill. Along with baby Miray, my father and sister-in-law were also hit.*”

The wounded were transferred to the Dr. Aşkım Tüfekçi Hospital in Adana, 678 kilometres from Cizre. Tank and artillery fire had intensified in those two days, with houses in some places being turned into military bases. As the curfew completed its second week most of the upper floors of houses in the neighbourhoods had been hit by shells.

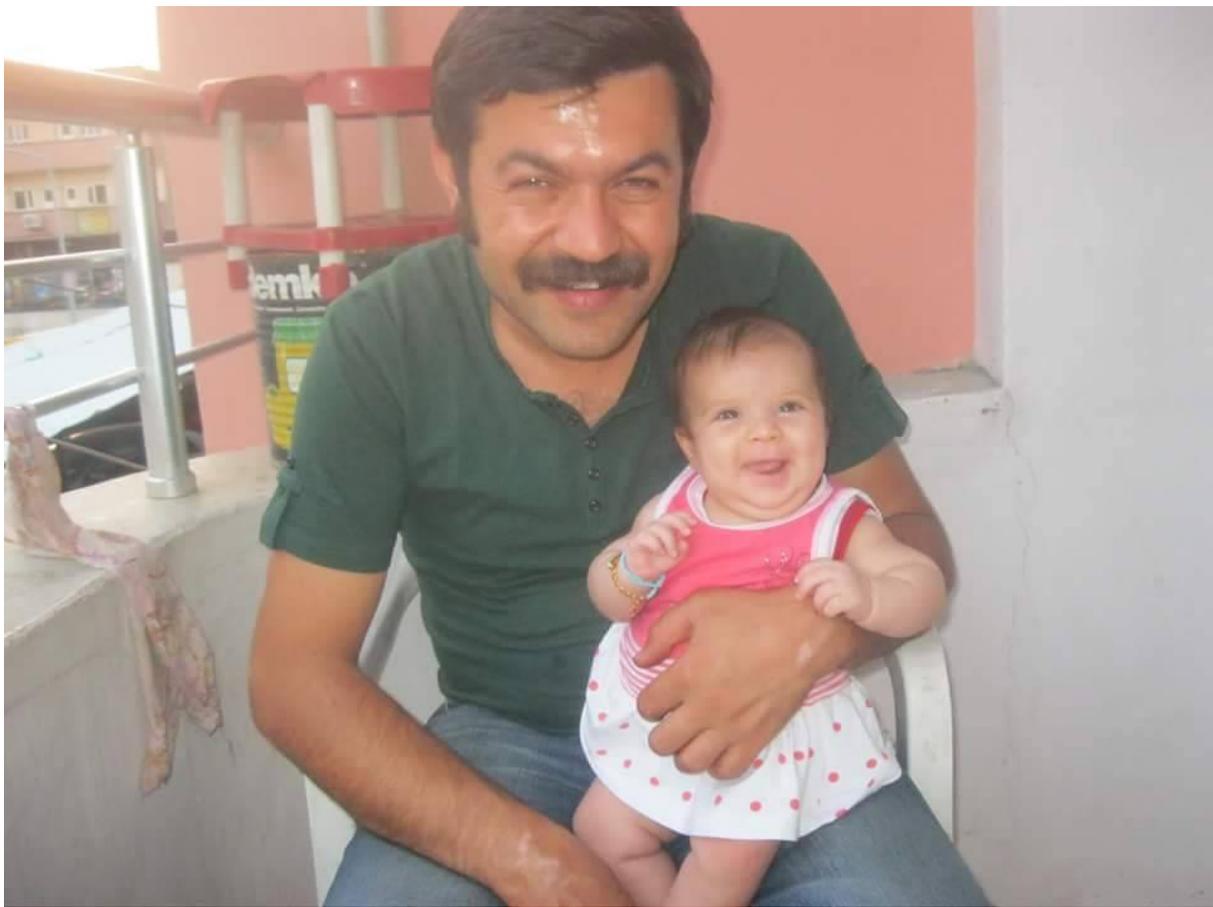
On 28 December 85-year-old **Kumru Işık**, 17-year-old **Hüseyin Ertene** and 5-year-old **Hüseyin Selçuk** died⁵⁶.

On 27 December **Ali Tetik** was hit as he stood in front of a grocery store in Cudi neighbourhood. 35-year-old **Ali Tetik** died on 5 January. On 29 December **Zeynep Demir** and **Besna Zırığ**, who had suffered heart attacks in their homes two days earlier, died. On the same day, while tanks and kobra-type armoured vehicles were moving in the Nur neighbourhood, there was a powerful explosion. Three NCOs died as a result of the explosion, after which state forces opened fire on almost the whole of Cizre, first and foremost the Nur neighbourhood. While fires broke out in some houses as a result of shelling, others were damaged.

⁵⁵<http://imc-tv.net/cizrede-oldurulen-miray-bebegin-ailesi-anlatti/>
<https://www.evrensel.net/haber/268496/miray-bebegin-ailesi-catisma-ortasinda-kalmadi-keskin-nisancilar-oldurdu>

⁵⁶<http://www.agos.com.tr/tr/yazi/13853/cizrede-iki-olum-iki-huseyin-ikisi-de-cocuk>

On 30 December **Abdülaziz Yural**, an employee at the Cizre state hospital and district administrator of the Health Workers' Union (SES) and spokesperson for the Cizre Confederation of Public Workers' Unions, who lived in Nur neighbourhood, was targeted and shot dead by special forces police as he attempted to assist a woman who had been wounded in the leg. The incident took place while Aziz Yural's wife, Gülşen Olgun Yural, like him an employee at the hospital, was on duty there. According to his wife, when Yural was brought into the hospital he was still alive, but his pulse was weak. The post mortem report notes that he had been hit by a single bullet to the forehead. It is therefore considered that he was targeted by snipers.



Abdülaziz Yural, a health worker who died after being hit by snipers

After the killing of health worker Abdülaziz Yural, volunteer health workers were unable to enter the neighbourhoods as they felt under threat. It was not possible for the wounded to reach hospital by their own efforts. Those who did try risked encountering intensive gunfire. Hence, after the death of Yural, when no volunteer health worker was able to enter the neighbourhoods, most of those who had been wounded died. In a question that Faysal Sarıyıldız put down in parliament, which has yet to be answered, a medical expert asked for

an opinion said Yural had been deliberately targeted. 57

Various meetings and statements made to protest at the killing of Aziz Yural resulted in arrests⁵⁸. In particular, press statements made by SES in various provinces directed the following criticism at the Health Minister⁵⁹: *"As for the Minister of Health, just as he has taken absolutely no steps to safeguard the most fundamental human rights of the personnel for whom he is responsible, such as working conditions, safety and the right to life, he has also not refrained from making statements inciting hate and enmity. He is a mere spectator as we are murdered."*

On the same day, **Hediye Erden** (56), who for 18 days had been stranded in a relative's house in Evin street in Yafes neighbourhood, was wounded by a piece of shrapnel from a shell which struck the house, and died from loss of blood as a result of it not being possible to remove her from the house for a long time. HDP Şırnak MP Faysal Sarıyıldız said that Erden and her neighbours had requested to be moved out of the town and described his contacts with the authorities in the following way⁶⁰: *"For ten days I have been calling the district governor regarding this matter, but he has not replied. Finally, I informed him of the situation in a message, but again he has not got back to me. I also contacted the police, who said they were aware there were civilians there and that they would not harm them. However, yesterday morning they shelled the area where they knew there were civilians and an elderly woman by the name of Hediye Erden was killed. (...) But the PM says: 'we have not killed civilians'. Since it is the PKK that is killing civilians, in that case the police should allow people to go and retrieve the bodies of their relatives. The police and soldiers are opening fire on those who go to retrieve bodies. It is absolutely clear who is killing civilians here."* Faysal Sarıyıldız also put down a question for Interior Minister Efkân Ala to answer regarding this⁶¹.

Hediye Erden's husband Mehmet Erden described those days to lawyers in the following words: *"When the curfew commenced I took our child, who has hearing problems, to hospital in İdil (...) Hediye, Taybet, my father and daughter were at home. Our house was near the Cizre state hospital and there was a police checkpoint 100 metres away (...) After the curfew began my wife and children were confined to the house for 16-17 days. We continually*

⁵⁷<https://www.birgun.net/haber-detay/saglikcilardan-davutoglu-na-olum-listesi-var-mi-99729.html>

⁵⁸<https://www.evrensel.net/haber/268963/aziz-yuralin-defnedilmesine-izin-verilmiyor>

⁵⁹<https://www.evrensel.net/haber/268830/ses-cizrede-oldurulen-saglikci-yural-icin-is-birakti-bakanlik-olumlere-seyirci-kaliyor>

⁶⁰<https://www.evrensel.net/haber/268821/diha-cizrede-hediye-erden-adli-kadin-olduruldu>

⁶¹<http://www2.tbmm.gov.tr/d26/7/7-2810s.pdf>

called 155, 112 and the Police headquarters in order for my family to be moved from the house to a safer place. They told me they knew about this, as the neighbourhood was under constant bombardment. The electricity had been cut off and the water tanks burst. The people in the house had no food or water. (...) Finally, my eldest son, Abdülhalim, called our tenant, Enver Bey, a paediatrician at the Cizre state hospital. He asked for the family to be evacuated by ambulance. The doctor called the police and found out that there was no operation or clash in the area as regards the evacuation of my family. He said he would send an ambulance. They said the ambulance was in İdil and that they would send it when it returned from there. The police were aware of all this.

Meanwhile, a tank arrived in front of the house. It fired three times at the door of the building and the ground floor flat. My wife Hediye, on seeing the tank in front of the door moved towards the steps to go upstairs. At just that time the tank opened fire and the apartment door exploded in flames, with a piece of shrapnel hitting my wife and causing her death. She lost a foot and sustained a serious wound to the abdomen.

About 15-20 minutes later the ambulance arrived for the evacuation. It didn't take my wife, despite the fact that she had died. It took the members of the family who were alive to the Cizre state hospital. The police interviewed them. For a day and a half my wife's body remained at the spot where it had been hit. Following initiatives by the doctor who is our tenant the body was retrieved and brought to the hospital, from where it was sent to the Şırnak state hospital for the post mortem. I was not given a post mortem report. (...) We were not allowed to bury the body here and had to take it to Boyuncuk village in Güçlükönak.

(...) Even when the body was still in the house the police and soldiers began to use it as a base. It was used for 2 months. The 6 storey building was used in its entirety as a base by soldiers and police. When they left they set it alight and destroyed it. All our property was damaged, the fridges were deliberately broken, they defecated in the apartments, our private property was used and then burnt as they left. Even the curtains were cut up."

Taybet Erden (Mehmet Erden's first wife), who was with Hediye Erden when she was hit, explained the incident to the HDP report delegation thus: "We were in our house for 15 days. Every day they were breaking something. They were firing here. They were firing at the upper floor, at here, there and everywhere. We went down to the lower floor. We took refuge in the lower floor and on the 15th day said we would have breakfast. We prepared it and were

about to eat when they fired a shell in. (...) It was a tank. It hit the front room, by God. The tank fired at the door. It was glass and smashed it. We were still alive. Then she screamed. I told her not to scream. (...) They fired another then a second while we were hiding downstairs. We were under the stairs, they were concrete. They fired one there and then another. We were there 2 or 3 minutes then I went upstairs. She stayed below. She screamed, looked into the garden and screamed. She cried for help. She said: 'you have killed us.' I was on top of the steps. I said I would call my father-in-law. I will say you should hide in the rooms. You are elderly, you cannot escape. By the time I got to the stairs I looked inside and heard a voice and saw her on the floor. (...) Yes, she had fallen to the floor, her feet were gone and it had hit her organs, too."

The attacks continued in Cizre, intensifying, on the first day of 2016. Shelling continued in the town, as did the constant fire from armoured vehicles. On 1st January 2016, the 19th day of the curfew, those who thought the curfew would be of around 2 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. 3 people were wounded after people were fired on as they left Cudi neighbourhood en masse. 6 people were also reported wounded in various ways.

Attacks continued in a similar way in Nur neighbourhood. Tanks from the tank battalion began to advance towards the neighbourhood and continue on their way, destroying structures in their path. In particular, destruction in Kuştepe street was reported to the HDP information centre. As access to ambulances and health services became increasingly impossible, people with nowhere to go and those who did not want to leave their neighbourhoods began to be treated in the neighbourhood by people with health knowledge.

Abdülcabbar Taşkın (40) was wounded near his house in Cudi neighbourhood, but because the place where he was wounded was under fire he could not be rescued and he died. In the investigation file it is stated that he was dead on arrival at the hospital. Also in the Cudi neighbourhood, **Şükrü Duymak**, (45) who had 5 children, was hit in the abdomen by a

bullet while in his yard, but had to wait until the next morning to be taken to hospital. The next day tank fire continued in order to make the people leave the neighbourhoods.

On 3 January 2016 artillery fire continued into the Yafes, Cudi, Sur and Nur neighbourhoods in particular. A house in Senefis street in Yafes neighbourhood in which there were 20 people was raked with fire by armoured vehicles for a long period. The occupants were evacuated after long talks between Faysal Sarıyıldız and the police. In Yapışkan street in Şah neighbourhood a shell hit a house at the top of the street, demolishing the upper floor. The people tried to leave the street carrying white flags.

In Yafes neighbourhood, **Sezai Borçin** (43), who did not leave his house, died as a result of being shot by special forces police. Borçin's death was reported as the death of a civilian who died in continuing clashes⁶².

On 4th January announcements were made by the security forces for citizens to leave their homes. People inhabiting houses on the slopes and edges of the Cudi neighbourhood were forced out of their houses by the security forces at gunpoint. Attacks on that day intensified around the flour factory in Nur neighbourhood and in the vicinity of the Mem û Zin Hotel. Three mortar shells hit a house in Şah neighbourhood, where there were no ditches, and hence no clashes, causing serious damage. By chance no one was hurt as the inhabitants of the house were in the kitchen at the time.

Kazım Tong (51), who was seriously wounded in the head by a shot fired by special forces operatives while taking his children home on 30th December in Özkan street in Nur neighbourhood, died in hospital in Batman. Tong was hit while accompanied by his 8-year-old son. The child's description of the incident has been recorded on camera⁶³.

Ali Tetik, who was seriously wounded by police gunfire on 27 December 2015, died on 5th January. Ali Tetik's wife, Fatma Tetik, explained the incident to lawyers thus: *"On Sunday 27 December in the morning, while I was making pastry my husband said there was the sound of a clash on the street and told me to stay far away from the road. From the opposite side a bomb hit our house very noisily. My husband said: 'let's leave'. At that time we were in our home on the fourth floor. Just as he was putting on his shoes by the door there was the sound of successive shots. I heard my husband shout. I wanted to go to the door and*

⁶²<http://www.haberler.com/cizre-de-basina-cisim-isabet-eden-adam-hayatini-8027351-haberi/>

⁶³<http://imc-tv.net/kazim-tong-8-yasindaki-oglundun-gozu-onunde-vuruldu/>

he pushed me back to protect me. At that moment I realised he'd been hit. He went down the stairs to my family. I followed him down to the first floor where my family was. I put wadding on his wound. Agit intervened as he is a health worker ". Her sister-in-law (with the same name) Fatma Tetik said that the apartment swayed after being hit by shells and bullets and that after hearing the noise she went upstairs to see who had been hit. While on the way up she said she saw her brother-in-law coming down with his left hand holding the left side of his chest. Fatma Tekik said that when he removed his hand blood spurted out and that the neighbours had heard the noise and come to help, removing the metal railing in between and that with their help they had wrapped him in a blanket and taken him outside. His nephew Agit Tetik got in the ambulance with Ali Tetik, and was then arrested at the hospital and subsequently remanded in custody.

People who were unable to leave the neighbourhoods on 5th January when attacks were intensive began to take refuge in the basements of houses. Those who were able to escape began to stay with relatives in the town, in other people's houses or in mosques. Consequently, in some houses 30 to 40 people were trying to live in the same house.

On 6 January following a warning from the police to leave their house the Garan family was fired at. 12-year-old **Bişeng Garan** was killed as the family tried to leave a basement carrying white flags with the knowledge of the police. Her father (according to population records her uncle, but in fact her father) Mustafa Garan explained the incident in the following way: "*When the curfew began we continued to stay at home. I think it was the 23rd day of the curfew, Parts of shells hitting the building next door began to fall into our garden. Some are still in the garden. The incident occurred in mid-afternoon, whereupon we took refuge in the basement of the multi-storey building next to the house next to ours. We were a group of about 50 people, including babies and old people. While we were there we called 155. We told them we were civilians and said: 'Don't shoot. Don't kill us.'* We called our neighbour Zikran Elçioğlu by telephone (5th January), while trying to explain to the police what was happening a shell hit the building in which we had sheltered. After this call we didn't give the police the address because we were really frightened. The next morning we rang the police at 8, it was constantly engaged. So 50 of us emerged from the basement carrying white flags. We wanted to go somewhere safe. As we continued along the street my daughter who was alongside me was hit. She fell down. Talia Garan (my wife), who tried to pick her up was also shot at. As it was close to her leg she tried to flee. Then I realised she

[my daughter] had been hit on the left side of the back of her head, with the bullet coming out of her right cheek. I picked her up immediately and we took her to Nusaybin road, got permission from the police and got in the vehicle and went towards the Cizre state hospital. When I picked her up she was still alive. (...) As we went towards the hospital the police stopped us on the old Cizre bridge. They searched the vehicle and we then proceeded to the hospital. We reached the hospital about an hour or an hour and a half after the incident. When she was first hit she lay on the ground for 15 minutes and they intervened when we tried to pick her up. When we reached the hospital Bişeng was still alive. If we had got there earlier she could have been saved. Half an hour after reaching the hospital the doctor on duty came over and told us she had died. We only saw the emergency doctor at the hospital. Apart from him there were hundreds of police and soldiers. (...) They didn't allow us to bring the body to Cizre. We buried her in Kurtuluş village. We have yet to be interviewed. The entire group of 50 witnessed the incident."

On 7th January, a child by the name of Nida Sümer (17) was fired on by an armoured vehicle in Dağkapı neighbourhood and seriously injured. Her elder brother Halis Sümer (45) was also hit as he tried to pick her up. Both the siblings Nidar and Halis were taken to hospital where they died. A mentally disabled young man by the name of Demhat Şerifoğlu was hit by shots from armoured vehicles in Nur neighbourhood, but survived. He was treated in the neighbourhood on account of it not being possible to take him to hospital. As the result of a shell hitting a house in Nur neighbourhood where around 30 people had taken refuge, two women, Hüsniye Bağdur and Hezni Dadak, were seriously wounded and many people suffered shrapnel wounds. On the same day in Yokuşlu street in Cudi neighbourhood, Osman Tekin (50), a disabled man, was hit in the abdomen by police fire and died on account of no intervention being possible. İbrahim Aras (55), who suffered a brain haemorrhage linked to high blood pressure on 24th December in Cudi neighbourhood, died in hospital in Batman.

On 8th January in Nur neighbourhood Tayfur Yaşlı (19) and father of two Cebrail Mungan (24) lost their lives. On 9th January Rahime Göral (18) was hit in the abdominal region by a piece of shrapnel while in the garden of his house and seriously wounded. In those days food shortages had begun to manifest themselves. Although shops were open on some days, safe access to these shops was impossible. Hence, Halil Özkül (21) was wounded in the leg by police opening fire at random as he left his house in Dağkapı neighbourhood to

go to the shop. In Cudi neighbourhood, Murat Ekinci (22) and Murat Egül (24) died after a tank shell hit a house and they were hit by shrapnel from the shell.

On 10th January in Mezbahane street Şükrü Coşkun (20) and Nebi Katlav (16) died after soldiers opened fire at random. In the same place around midday Ahmet Zırığ (32) was seriously wounded in the neck when soldiers opened fire. Zırığ, who was losing blood for a long time, died as a result of it not being possible to take him to hospital. Zırığ, who was married with 3 children, was an administrator at the MEYADER Cizre branch.



The corpses of Şükrü Coşkun, Nebi Katlav and Ahmet Zırığ kept waiting on the street

On the same day **Ali Bağdur**, aged 25, died near the flour factory in Nur neighbourhood, as a result of being shot in the back by special forces operatives deployed on Yafes road⁶⁴. The body of 32-year-old mentally disabled Mehmet Tongut, who had been missing for 4 days in the Yafes neighbourhood, was found on the same day.

MEYADER Cizre Co-chair Kasım Yiğit, who was involved in the washing of 150 corpses, of people who had been killed in Cizre and Silopi, most of them burnt and dismembered, told the HDP Report Delegation the following:

“I received and washed 150 bodies with my own hands. I wrapped them in shrouds and saw

⁶⁴<https://www.evrensel.net/haber/269692/cizrede-ali-bagdur-isimli-bir-genc-daha-olduruldu>

them off. From charred bodies to those where the head had been chewed by dogs. Mehmet Tongut's body was on the street for days. Dogs had dismembered it."

M. Şirin Elinç (18), who had been wounded on 9th January in Nur neighbourhood as a result of gunfire from state forces, also died from his wounds in hospital on 10th January.

Artillery fire continued on 11th January and on 12th January Garip Mubarız (18) died after he was hit by many bullets fired from armoured vehicles in Cudi neighbourhood. In a meeting with lawyers, Garip Mubarız's father explained what happened:

"My son was a worker at the municipality. Until the 30th day of the curfew the whole family lived at the address I mentioned. As the 30th day approached, police and soldiers' tank and artillery fire intensified. Shots by snipers and artillery shells began to hit the back of our house. We were no longer able to stay in the house. There was also no electricity and the water had been cut off. We were also short of food. We couldn't obtain food as we could not go out. We decided to leave the house. When we left we came under concentrated fire from the police and soldiers. So we all, individually, took shelter behind walls we thought safe. We were all carrying white flags. We began to move towards the town centre. We were going by different routes intending to meet up at the same place. When we reached a safe place I saw my wife and our 4 other children, but I couldn't see Garip. I couldn't reach him by phone. I walked back to find him and found his body in the street where the Condolences House is."

Veysi Elçi, who was wounded by gunshots fired at a house in the Şah neighbourhood from an armoured vehicle was taken to hospital, where, despite all interventions, he died. Police raids began in the Alibey neighbourhood, where there were no trenches, and they began to force people to leave their houses on the pretext of identity checks and searches.

On 13th January in the Nur neighbourhood, Abdulmenaf Yılmaz died after being hit by shrapnel from an artillery shell that fell near his house. His daughter İkra Yılmaz told lawyers about the incident: *"I have ten siblings. Before the curfew began we sent my mother and my younger siblings to the village, as during the previous curfew a grenade hit our house and we were in grave peril. Cizre was bombarded by mortars and bombs and besieged by snipers for 9 days then and we were unable to venture out. My father and I stayed in Cizre to look after my bedridden grandparents. We thought the blockade would be a short one. (...) On the 25th day a mortar hit the house next to ours. 3 or 4 mortars hit the house and the four storey house became uninhabitable. The walls next to the house fell into our house. The roof fell in and the*

water tank burst. The house began to fill with water. I didn't know what to do as my grandfather is bedridden. (...) Despite our calling 155 and 112 numerous times they told us not to go out. They didn't come despite there being no barricades or trenches where we live. My grandmother is also bedridden because she broke her leg. They told us to take them to the other bridge 3 to 4 kilometres away. On 13th January at between 1 and 2 in the afternoon after lunch my father was seated and I was taking a nap. Suddenly there was a sound and the house was filled with dust. My father was moaning softly. When I went over to check on him I saw a big hole in his back. I went out into the street and began to shout. Our neighbours came and took my father. I fainted. When I came round I saw that the neighbours had carried me to the basement. I couldn't go out as it was not safe. My uncle's wife had also been wounded at that time. They had also carried my grandmother down to the basement. She didn't speak again after seeing my father's dead body. 4 days later she died."

On 14th January the bodies of 78-year-old Emame Şahin and her husband Mehmet Şahin, who had refused to leave their house, were found after neighbours broke the door down after not hearing from them for 4 days. The neighbours found they had been executed⁶⁵.



78 year old Emame Şahin

⁶⁵Cenaze töreni: <https://www.gazetesujin.com/tr/2017/01/evlatlarini-birakmayan/>

On the same day, three siblings, Dilan Akkalın (8), Büşra Akkalın (10) and Yusuf Akkalın (12) were seriously injured when a shell hit their house during an attack around midday in the Dağkapı neighbourhood, where there were no barricades or trenches. Yusuf Akkalın died in hospital. The next day Büşra Akkalın, who was being treated in the Mardin state hospital, also died.



Büşra Akkalın being taken to hospital

12-year-old Zilan Yiğit, a girl who left her house in the Yafes neighbourhood, was seriously wounded by a bullet. Yakup Isırgan, who was wounded in Cudi neighbourhood, suffered a further attack while citizens attempted to take him to hospital, and died after being hit by many bullets.

On 15th January state forces began to enter some streets in Nur neighbourhood where there were trenches. At this time it was reported that Hüseyin Paksoy (16) had been wounded. An application to the ECtHR for medical intervention to be provided to the wounded Hüseyin Paksoy did not achieve a result and Paksoy died 3 days later.

The following day 25-year-old Abdullah İnedi died in Sur neighbourhood. Abdullah İnedi's corpse was sent to the Şırnak State Prosecutor's office for a post mortem on

17th January. Ravşan İnedi identified the body and signed the report, writing: "I read and understood ". Immediately under the signature are the words: "the corpse was seen to be that of a woman without clothes", despite the fact that Abdullah İnedi was male. In the section on the post mortem the information given matched Abdullah İnedi's physical characteristics. Such mistakes raise questions as to how meticulously the investigations and post mortems were carried out.

There was also the death of a child on 17th January. According to reports in the press, a shell landed in the garden of the Şeyh Seyda mosque in the Kale neighbourhood, where there were no ditches and approximately 1.5 kilometres from the area where there were clashes. Three children playing in the mosque garden were hit by shrapnel from the shell. The children were taken to hospital, where 10-year-old Hayrettin Şınık, who had been seriously wounded, died. As people gathered and reacted to the attack, an intervention was made by armoured vehicles, and Emrullah Ertem, Veysi Basaran, Ziver Nayci and Bedrettin Adıgüzel were detained⁶⁶.

On 18th January, Mehmet Kaplan (33) was hit in the head in the Ömer Hayyam street in Cudi neighbourhood and died. It was not possible to retrieve his body. On the same day in Sur neighbourhood Mehmet Rıdvan Kaymaz (35) was hit in the head and died. According to his family, Kaymaz was forced to leave his home when attacks intensified, but had been shot when returning to the house to feed his goats. Hüseyin Paksoy, regarding whom the ECtHR had issued an interim measure, died on this day. Two supermarkets that were open in the town and a bakery were closed down by the security forces, but after objections were allowed to remain open between the hours of 8 am and noon.

20th January was a critical day as far as the course of the curfew was concerned. On that day, Şırnak MP Faysal Sarıyıldız, Cizre Co-Mayor Kadir Kunur and a group of around 30 people consisting of families headed towards the Cudi neighbourhood to retrieve 3 bodies⁶⁷ and 4 wounded people in the morning hours. Sarıyıldız had sent the District Governor a text message to inform him. After collecting the bodies and wounded, as they were crossing the Nusaybin road shots were fired from an armoured car, resulting in the deaths of two people and the wounding of İMC TV reporter Refik Tekin. Since Refik Tekin's

⁶⁶<https://zete.com/cizrede-cocuk-olumleri-suruyor-10-yasindaki-hayrettin-sinik-hayatini-kaybetti/>

⁶⁷They belonged to Serhat Altun, regarding whom the ECtHR had issued an interim measure, Ahmet Tunç, who had been missing for 2 days, and Mehmet Kaplan, who had died three days previously.

camera continued to record, footage of the shooting exists. Sarıyıldız's account of the incident can be found above under the ECtHR heading. Co-Mayor Kadir Kunur, who was with Sarıyıldız, explained to the HDP delegation what happened:

"A group of more than 30 of us, including Municipal Assembly members, myself, our MP, relatives of those people and 60-70-year-old aware people went to Cudi neighbourhood. We retrieved the bodies. There were three of them. We also collected the wounded. On our way, it was in the press, we had white flags, we were visible, I called 110. I said: 'Look, we are now in Cudi neighbourhood and have begun to return to the town centre. We have wounded people with us and corpses. In order to carry this corpse and wounded to hospital call 155 immediately. Our friends came here, collected these people and are coming. We have sent our funeral vehicles and ambulances to the Nusaybin road and will take both the wounded and the dead bodies to hospital.' You're bringing wounded people, corpses, the hospital is the place to take them. The hospital is already under their control. So I called as we set out. I said let the vehicles come, but with permission. They said okay. Ten minutes later they said: 'we can't get through to them.' I said: 'okay, you try to get through, if necessary, call 112. In calling 112, let their vehicles come'. Because our intention was to hand them over to them. We had brought them we will hand them over to them. We will do what they should have done this far, after that they will do it themselves. This was our duty. But on the way, you've seen the footage. They raked us with gunfire. Right on Nusaybin road, they opened fire on us. 30 of us went and only 15 managed to return on foot. Two people died there. There were dozens of wounded. One of those who died was a member of the Municipal assembly. His name was Hamit Poçal. Unfortunately we lost him. Another member of the assembly, Selahattin Ecevit, was wounded in the foot. Dozens of people were wounded."

While this was happening in Cizre, in Ankara HDP Group deputy chairs held meetings with Ministry officials, but these meetings did not lessen the attacks.

On 21st January, Helin Öncü (20), regarding who the ECtHR was to issue an interim measure, was wounded in Sur neighbourhood. Öncü was the only person regarding whom an interim measure was issued who survived. Her trial continues and she is in custody.

Veli Müjde (38), who was wounded in Cizre after a Shell hit the house where he was a week before, died in Batman where he was receiving treatment on 22th January. On the same

day Ege University Geography Department student Cihan Karaman was wounded in the chest by a piece of metal in Cudi neighbourhood. Despite the existence of an interim measure from the ECtHR, Karaman went from an area under constant fire as far as Abdülcelil Petrol station on Nusaybin road in order to reach an ambulance. Despite waiting 20 minutes an ambulance failed to arrive, from the police number 155 to the ambulance line number 112 the area was said to be unsafe. Karaman was told to go the graveyard 500 metres away, but Karaman was unable to do so and took refuge in no. 23 Bostancı street, known as the first basement, dying on 23rd January.

4. The Basements



The 41st day of the curfew, as explained above, passed under an increasingly heavy bombardment. During this time the security forces carried out attacks from the hills surrounding the town, gradually descending to the town centre. While doing this, they entered houses in places they saw as strategic and, after carrying out a search, deployed snipers, in particular in the top floors of these buildings. Meanwhile, the town's population tried to leave en masse, especially from areas where attacks intensified. Some families were able to get out of the town, while others suffered fatalities as a result of gunfire as they made their way out.

Others, both out of fear and on account of not having anywhere else to go, remained in the town.

While until the 41st day of the curfew around 2 people died each day, at least 177 corpses were to be taken out of the basements and nearby houses. More than a year after the lifting of the curfew, bodies were still being retrieved from the basements⁶⁸. At least 24 of the bodies from the basements and surrounding houses were of children. There are also corpses that were unidentifiable that have been buried in common graves, while there are still families searching for bodies of their family members. Most of the corpses that were removed from the basements were unrecognisable. In particular burns and the fact that bodies were in pieces points to the use of still unidentified flammable materials and powerful weapons. It has yet to be established what these weapons were.



People whose bodies could not be identified were interred in the graveyard in Yafes neighbourhood. The numbers of the prosecutor's office files were inscribed on the headstones.

As the curfew went on and attacks on neighbourhoods intensified, people began to take refuge in basements where they considered they would be safer. It was known that people had taken refuge with their families and neighbours, as can be seen in the above examples. Besides this, on 23rd January in Cudi neighbourhood, one of the areas where the clashes were most intense, a building was hit by shelling and two people died and at least 11 were

⁶⁸<http://t24.com.tr/haber/cizrede-bir-cenaze-bulundu,407886>

wounded. 31 people in the upper floors who survived the attack took refuge in the basements. On 4th February it became known that there were wounded people in need of medical support in a second basement. On 10th February the existence of a third basement appeared in the press. Most of the people in the basements were to be burnt alive in these basements in the following days. 177 corpses, including those of 24 children, were removed from the ruins of these buildings and nearby streets. 33 of these bodies were still awaiting identification a year later. During this period, Faysal Sarıyıldız, who was in Cizre, tried to prevent mass fatalities by contacting the authorities, and other MPs tried to prevent mass deaths by speaking to the Interior Minister. Although efforts were made to keep the issue on the agenda with questions and proposals in parliament for investigations, these were insufficient to save the lives of those besieged in the basements.

In this section what took place will be listed chronologically, and, when appropriate, reference will be made to the reports of various organisations. Some details from those investigation documents we have been able to obtain regarding those who died in the basements will be included, and efforts made to reach a conclusion concerning contradictions and whether effective investigations were carried out. After that a general evaluation of the rights violations during the period of the curfew will be made.

4.1 Cudi Neighbourhood Bostancı Street No. 23

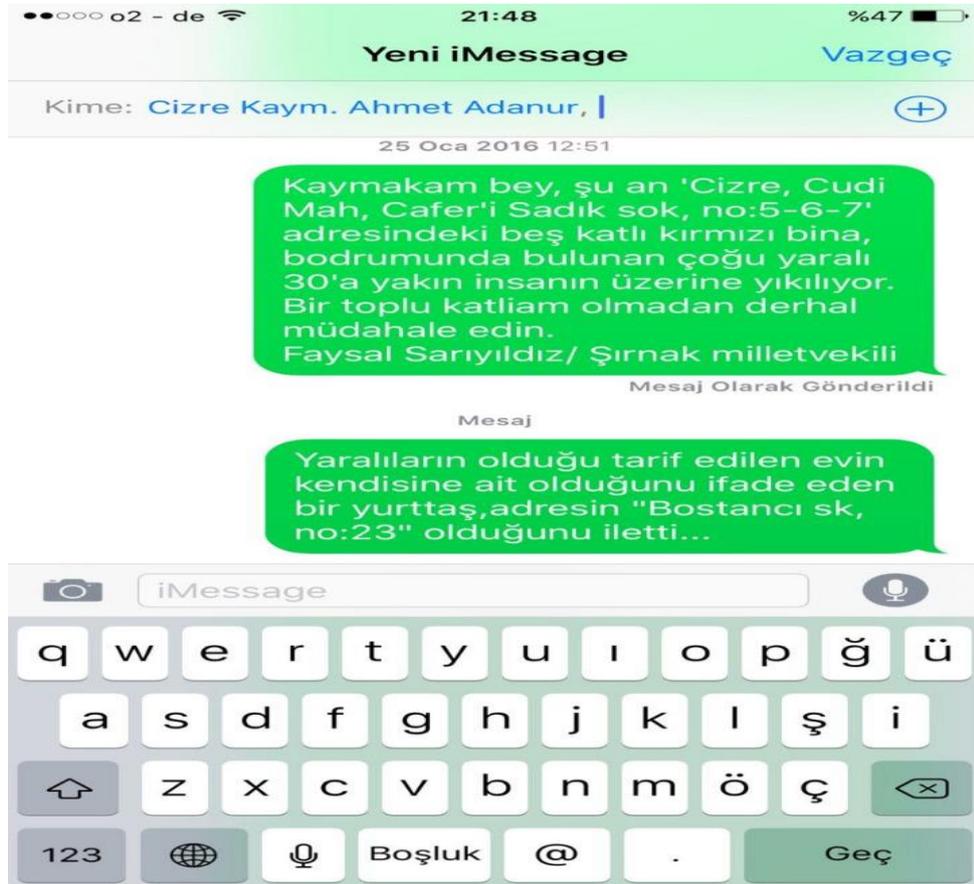


Cudi Neighbourhood, no. 23 Bostancı St, immediately after the curfew had been lifted

No. 23 Bostancı Street in Cudi neighbourhood was a 5-storey apartment block that was partially demolished after being hit by a mortar shell, and HDP Şırnak MP Faysal Sarıyıldız was informed that two people had died and many were wounded. Sarıyıldız forwarded this information to the authorities, and made it public from his twitter account. According to the first information that was received regarding this address, which was subsequently to be called the FIRST BASEMENT, amongst the 31 people there, 11 of them wounded, were Cihan Karaman, regarding whom an application for interim measures had been made to the ECtHR, and DBP Party assembly member Mehmet Yavuzel. (AN-12 First Basement)

As mentioned above, Cihan Karaman, who on 22nd January tried to get to hospital while injured from the neighbourhood which was under constant gunfire. He reached the spot where it was said an ambulance was waiting for him, but could not see an ambulance. Cihan Karaman was then forced to return to the neighbourhood and take refuge with friends in a basement that they considered proportionally safer under the increasing bombardment. They informed Faysal Sarıyıldız that there were at least 11 of them, but were unable to provide the address correctly. On 25th 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. By the evening of that day, the number of people in the basement had risen to over 20. On 29th January, information reaching Faysal Sarıyıldız was that there were 16 injured people in the basement, while 9 people were suffering from hunger and thirst and there were 6 corpses.



Faysal Sarıyıldız sent a short text message on 25 January to the Cizre district governor Ahmet Adanur, providing him with the correct address of the basement.

The message reads: “Mr District Governor, at this moment in the basement of a five-storey red building at nos. 5,6 and 7 Caferi Sadik street, Cudi neighbourhood, Cizre, there are close to 30 people, mostly injured, with the building being demolished on top of them. Intervene immediately before there is a massacre. Faysal Sarıyıldız, MP.”

“A citizen who says the house where the wounded people are said to be belongs to him informed me that the address is no. 23 Bostancı street.”

Despite the ECtHR interim measure, an ambulance was not sent for Cihan Karaman, who died on 23rd January. News emerged of a male, whose name could not be learned, also dying. The next day, with the death of a female university student, the total of fatalities in the first basement rose to 3. Following the notification of the full address to the authorities in order for an ambulance to reach the wounded and dead, the upper floors of the building were shelled, the second and third floors were destroyed and it was said the front of the basements had filled with rubble and that the ceiling was about to collapse.

On 24th January a corpse was retrieved in the Dicle neighbourhood, and two were collected in the Dağkapı neighbourhood and taken to the hospital. It was established a day later that one of these corpses belonged to 25-year-old Rüzgar Yıldızgöner, and it was buried in Şırnak.

On 25th January one of the wounded people who was in the first basement, Selami Yılmaz, registered in the Hisar village of Cizre, died. Efforts to take water to the injured in the first basement were obstructed by the Şırnak governor, Ali İhsan Su. In the same way, talks in Ankara between HDP MPs and Interior Minister Efkan Ala regarding ambulances being sent to the basements also did not produce a result.

Faysal Sarıyıldız forwarded the record of 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: (the text of the messages is verbatim)

Monday, 25 January 2016

Me (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 the house was his called and said the address was 'Bostancı st, no: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.

Me (Faysal Sarıyıldız)

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...

On 25th January Faysal Sarıyıldız exchanged messages with the Cizre People Assembly co-chair Mehmet Tunç and gave him information about developments. Mehmet Tunç's messages to Faysal Sarıyıldız illustrate the gravity of the situation in the basement.

Me (Faysal Sarıyıldız)

14:13:28 The minister rang the governor while our colleagues were with him, saying: "if that building collapses we will be under it. Don't let it happen." What the method will be has not yet emerged. But if it continues like this and we don't get a result this evening I will set out tomorrow with the mothers. The colleagues say: 'if we don't get a result, definitely don't set out,' but at 09:30 tomorrow mornig I will definitely come.

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

Mehmet Tunç

14:19:51 A mortar hitting the chimney put our hearts in our mouths. 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.

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

16:52:27 It seems the world has heard the voice of Cizre. If not, what can we do? If I've upset you comrade, there is a seriously wounded girl called Soltan, she is constantly saying don't leave me, dad. I'm distressed here. 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 down, so it should definitely be tomorrow.

Me(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 26th 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.

In Cudi neighbourhood, a young man, Selim Turay, died. (in the post mortem report the date given is 11th February). The body was found on 11th February at no. 17 Altın Street, Sur neighbourhood. In an examination of the corpse second and third degree burns were found all over the body, including the face. The cause of death was recorded as the result of a firearms wound. At a post mortem examination carried out in an autopsy container set up at the Habur border post on 12th February 2016, the internal organs were found to have decomposed.

On 27th January one of the wounded in the basement, Nusret Bayar, died. At a post mortem carried out on 12 February it was recorded that the corpse was completely burnt. According to record drawn up at a forensic laboratory post mortem, it was not possible to determine gender, hair colour, eye colour or medical identity data on the corpse due to account of the level of carbonisation. For the same reason it was not possible to establish a definitive cause of death and the expert doctors therefore said they would be able to add supplementary opinions according to other evidence that emerged during the investigation or to the complete file. In the head and chest of the corpse many small metallic images were ascertained. This suggests that Nusret Bayar was initially wounded and, following that, burnt along with the other people in the basement.

On 27th January HDP Group chair İdris Baluken, HDP Adana MP Meral Danış Beştaş and HDP Urfa MP Osman Baydemir went to the Interior Ministry. As a result of the HDP members' efforts, permission was granted for the wounded to be collected. Following the meetings in Ankara, Şırnak MP Faysal Sariyıldız met the district governor of Cizre

andensured that ambulances could embark to collect the wounded. However, a short time later it was learned that instead of ambulances, armoured vehicles had gone to the area where the building was situated, that armoured vehicles had 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." The application for interim measures made by the Özgürlükçü Hukukçular Derneği (Free Jurists' Association) and the Mezopotamya Hukukçular Derneği (Mesopotamia Jurists' Association) to the ECtHR regarding the wounded people in the basements was rejected on the grounds that no application had been made to the Constitutional Court, and that therefore domestic remedies had not been exhausted. An application was thus made to the Constitutional Court and rejected because of missing documents. In spite of the lawyers explaining that they had made the application with missing documents on account of it not being possible to find out the identities of the wounded it was not accepted.

On 27th 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 fire bombs.

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.

"...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 Republic of Turkey is using weapons 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 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 grave. 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... ”



Cizre People's Assembly co-chair Mehmet Tunç made a telephone call to the 12th Kurdish Conference organised in the European Parliament on 27 January, giving them information and appealing for awareness in world public opinion.

On 28th January the ambulances were despatched 4 times, but permission was not given by the security forces for the ambulances to access the site, their claiming a clash was taking place. The next day the ambulances were again sent out, but they were prevented from collecting the wounded and dead. In the afternoon 2 ambulances from the Cizre municipality again set out to collect the injured. They were stopped by special forces police on the Nusaybin road and not allowed to reach the neighbourhood. The special forces police asked the health teams in the ambulances: *“Who sent you here. There are no injured people in the neighbourhood. Go away from here”*. And in reply to the health workers' answer that: *“We came here with the approval of the Health Ministry and Interior Ministry”*, said: *“Fuck your*

ministers”. Hundreds of bullets were fired at random into the neighbourhood in the presence of the health workers. The health workers said that while opening fire some of the special forces operatives made the Grey Wolf sign. After the ambulances had been sent back an intensive mortar attack was launched at the apartment building and the surrounding area.

A health worker who was in a team who went in an ambulance belonging to the Cizre Municipality to collect wounded, who did not wish to give his name for reasons of safety, told the HDP Report Delegation the following:

“I was one of the health workers who went to collect wounded people at no. 23 Bostanci street with the knowledge of HDP Group Leader İdris Baluken and Interior Ministry officials in Ankara and the crisis desk including Faysal Sarıyıldız at the Cizre Municipality. It was the 29th January before the raid took place. We were in contact with no. 155. As soon as we set off we were in constant contact with İdris Baluken, who was passing on information immediately to the Interior Ministry officials. Despite the knowledge of the Interior Ministry, we were constantly stopped by troops and police. We were being stopped from getting to the basement. When we said we were acting with the knowledge of the Interior Ministry, one police officer said: ‘I don’t recognise the Interior Ministry, you can’t pass.’ The police kept firing over the top of the ambulance. At one point there were Anatolian Agency and TRT reporters at the Dört Yol junction and the soldiers were in a different place. For a moment it was as if there was a clash and we reached the entrance of the street where the first basement was. As we got there we heard the sound of gunfire. Tanks were firing at the area where the basement was. We informed İdris Baluken of this and despite the talks taking place at the Ministry at that very moment the troops and police did not stop firing. The state forces said: ‘okay, go on’. They wanted us to go into the street which the tanks were firing into, but this was not possible, as the whole area was under fire. There was fire, smoke and dust rising from the ground everywhere. Debris was falling, it was a terrible scene. Consequently, it was not possible to go either in a vehicle or on foot. Despite that, we waited, thinking we might be able to do something. At one time a military vehicle reversed towards us, perhaps it wanted to squeeze us, to crash into us. The ambulance driver also went into reverse and had to go backwards. From morning to evening it was a 112 turmoil. When we realised we would not be able to do anything under those conditions, we had to return.”





A photograph taken by a health worker from inside the ambulance at the entrance to Bostancı street, where the first basement was situated. The entrance to the street was closed off by armoured vehicles and tanks.

Regarding the attack on the building, the second and third floors of which had been demolished in previous attacks, one of the wounded, DBP party assembly member Mehmet Yavuzer, sent Faysal Sarıyıldız a message, saying: *"7 mortars have hit the building. We can't hear our friends"*. The shortage of water in the basement continued.

On the same day, then Prime Minister Davutoğlu made the following statement regarding the basements in Cizre⁶⁹: *"...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*

⁶⁹<http://www.birgun.net/haber-detay/davutoglu-ndan-havalimaninda-cizre-aciklamasi-ambulanslarin-olay-yerine-ulastirilmesi-icin-calismalar-yapiliyor-102132.html>

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 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 ..."

These claims of Prime Minister Ahmet Davutoğlu were challenged by DBP party assembly member Mehmet Yavuzel who was connected by phone to the Med Nuce Television channel on 28.01.2016. He stated that for 6 days the authorities had strung them along by saying "we are sending ambulances, which cannot get there because of clashes", and therefore 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 Saltıkalp, 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. 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 28th January Health Minister Mehmet Müezzinoğlu held a press conference at which he made the following statement concerning the subject of ambulances:

"...there are two ambulances on duty for 24 hours that have been at the 84th junction for 4 days. If there was a good intention, when we spoke to our command centre, it is a distance of 400 to 500 metres, they could take the wounded from there to there. But for four days the intention has not been the wounded, but to create a perception using the wounded.."70

A health worker who works at the Cizre State Hospital and was in the ambulance belonging to the Health Ministry, and did not want to give his name, told the HDP report delegation the following:

"...I was in the voluteer team. There were 6 attempts. First of all the security officials' attitude was worse. The people in the first basement could definitely have been saved. The ambulance was from Şırnak. We went there with the knowledge of the Interior Minister. Everywhere had been taken, there were just the basements left. We thought: 'This time it is very quiet, we can get them'. We were ready and waiting. Five minutes after we approached the basement the bombardment started. Then it gor dark. The troops and police were playing martial music in the armoured vehicles. They told us: 'what you're doing is stupidity, you're going in vain, they've already all died'. There was no smell, just smoke rising from the street where the basement was..."

On 29 January President Recep Tayyip Erdoğan answered journalists' questions as he left

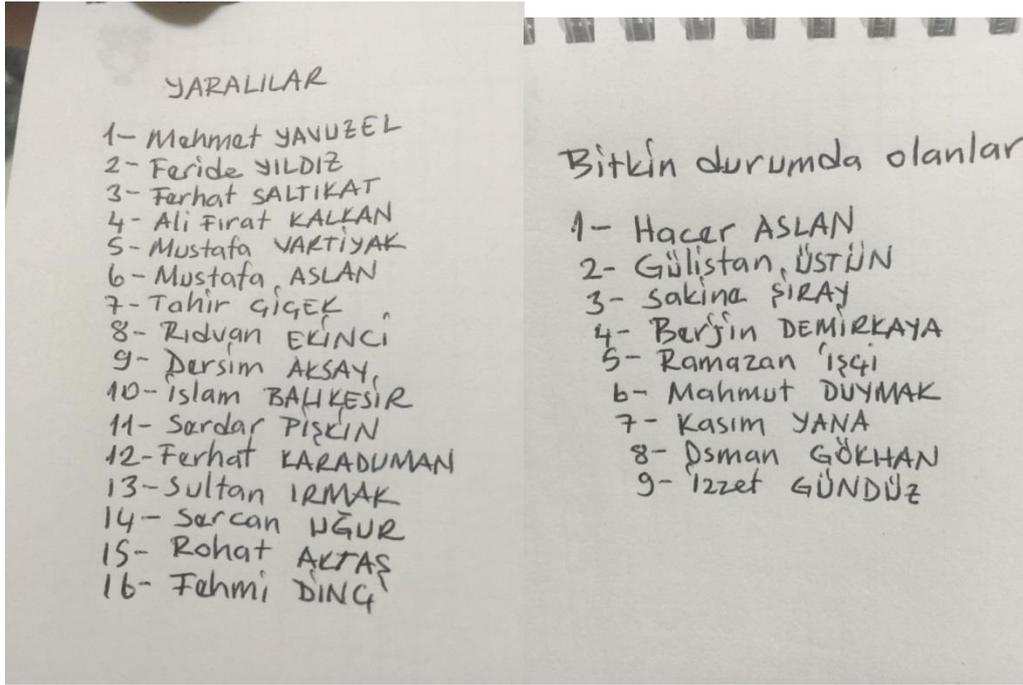
⁷⁰<http://aa.com.tr/tr/saglik/saglik-bakani-muezzinoglundan-cizre-aciklamasi/511727?amp=1>

Fridsay prayers in Istanbul. He said the following in relation to the wounded in the basement and the ambulances: *“It’s a lie to say an ambulance was not sent. There is constantly an ambulance there... The ambulances are waiting, but they don’t bring wounded, maybe they aren’t wounded.”*

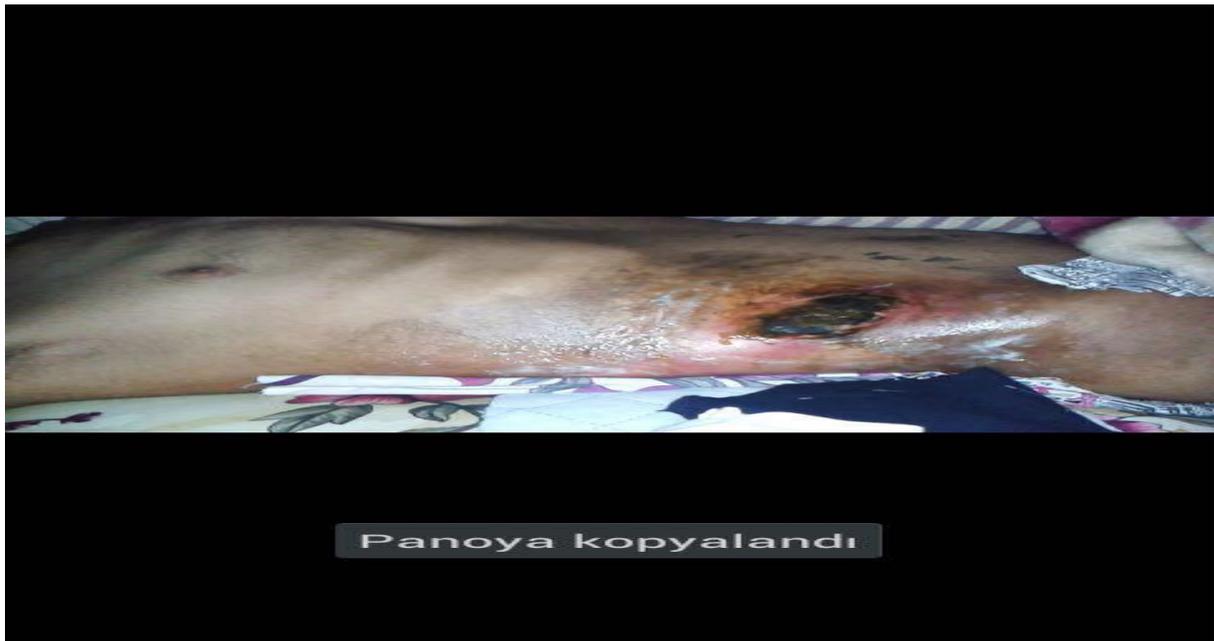
Faysal Sariyıldız said after this statement of the President, he had made contact with the wounded, and that he had asked for the names and photographs of everyone stranded in the basement, adding:

“...after President Erdoğan’s words: ‘Perhaps they’re not wounded’, I sent a message to those in the basement. In the message I asked: ‘Friends, how many of you are there? You need to give me this information. Also, if possible, send photographs.’ In the message they sent me, they wrote: ‘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. We made this public immediately, saying, look there are this many people there. 6 had already died. On the same day they took photos of the wounded in the basement and sent them. We shared the photos on the official twitter account.”

On 29th January journalist Rohat Aktaş and DBP Party Assembly member Mehmet Yavuzel, who were themselves wounded, sent Faysal Sariyıldız the names and photographs of the wounded and those exhausted from hunger and thirst in the basement. According to this: 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 Dinç 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. Şırnak MP Faysal Sariyıldız shared these names and photographs on his social media account on 29th January. A total of 31 names. On 29th January those in the basement told Faysal Sariyıldız the security forces had got quite close to the building, that their shoes were visible and their conversations had been heard.



In addition to the 25, of whom 16 were wounded and 9 worn out from hunger and thirst, amongst the information conveyed to Faysal Sarıyıldız was the fact that there were also 6n people in the basement who had died previously. Post mortem reports documented that most of these named people were burnt to death. Since some of them had moved upstairs before the basement was set alight their corpses were not burnt. Cihan Karaman, Selami Yılmaz and Nusret (Nusreddin) Bayar were not on the list, probably because they had died or because they were not conscious.



Following Erdoğan's statement and Faysal Sariyıldız's request, photographs of the wounded in the basement were sent to Faysal Sariyıldız. These photographs were shared with public on 29th January.



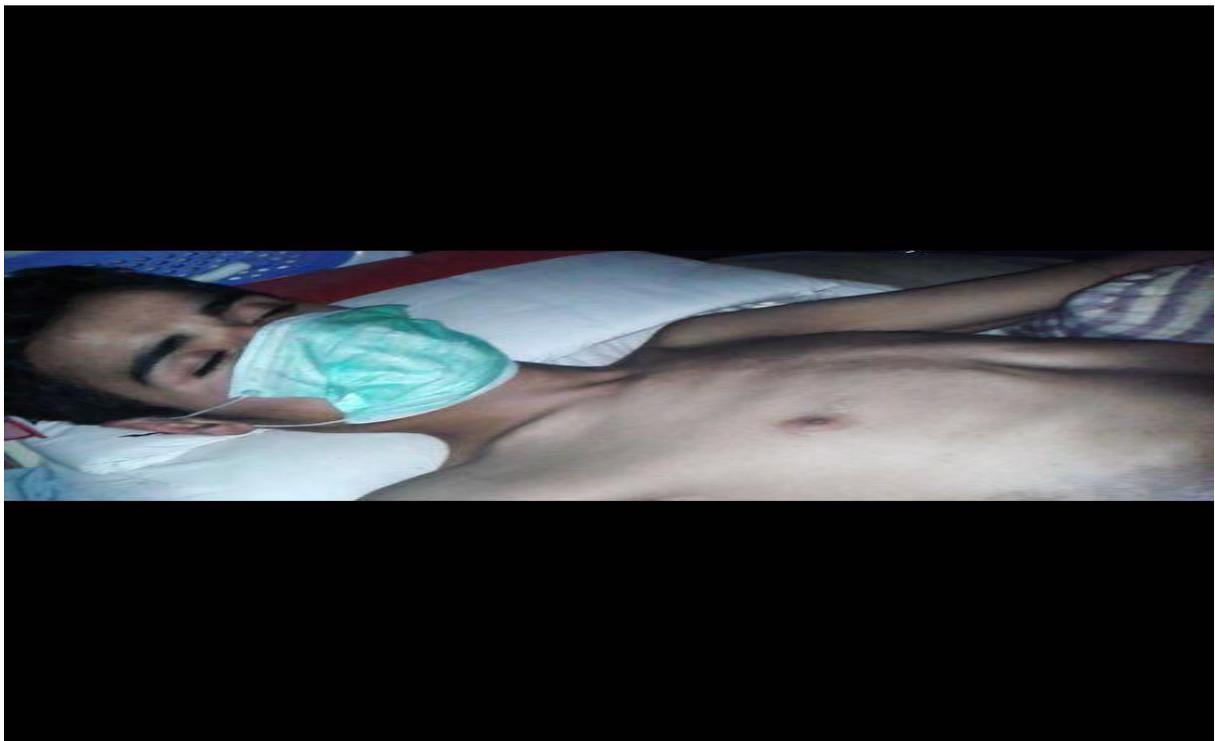
One of the wounded stranded in the basement waging a struggle to survive. The statement of President Erdoğan prepared the ground for a massacre.



One of the wounded in the basement waiting for an ambulance. The wounded who waited days for an ambulance were burnt alive.



Corpses wrapped in blankets.



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 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. The Crisis desk told the HDP delegation 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 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 listed to 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 humane 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 cut off.

After these developments, HDP delegation made telephone conversation with the Prime Ministry, Interior Ministry and Crisis and Coordination Centre. They told them 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. (AN-13 Health workers are waiting on the road) 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 also rejected by government officials. However, following 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 again 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.

It was learned that Sultan Irmak, one of the seriously wounded people who wanted to reach the ambulance with the knowledge of officials in Cizre, but who knew they would be attacked when leaving the building, had died. The death of Sultan Irmak meant the number of fatalities amongst the wounded stranded in the basement for 8 days had reached 7.

On 31st 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.

(AN-14 The mothers with white flag are walking- Cizre)



Women who wanted to walk to the basement to get their children and relatives on 31 January were detained.

Ramazan İşçi's mother Hatice İşçi was in the group of women. She recounted what happened that day to the HDP delegation: *"...After learning that Ramazan was stranded in the basement I walked towards the basement with a group consisting of 10 women. We came towards the wall of the basement. But the soldiers and police did not let us go any further. Ramazan and his friends were under the building. The west side of the building had been demolished. Only one corner had been destroyed. The soldiers and police told us no one was there. But we knew our children were there. A soldier warned us: 'I also have a mother and a sister. I don't want you to die. By God, if you go on they will shoot you.' They escorted us to Nusaybin road with armoured vehicles. The soldiers said: 'Wait here, perhaps the police will give you permission and you will go back.' When the police came they put us in a vehicle and took us to the police station. (...) We thought we would be able to get our children. How were we to know that the state was going to burn our children? If nothing else we wanted to go and carry the wounded on our backs. They didn't allow us through. They stopped us, then they burnt them How can you endure someone burning your children? Is it possible to watch your children being buried under rubble? To know your children are alive and to be unable to go and get them?"*

Nusret Bayar's mother Feleknaz Bayar said they wanted to go to the basement, but that because everyone who went outside became a target for snipers they were unable to:

"Nusreddin (Nusret) was studying at the open high school. He was only 19. We learned he was stranded in the basement from the TV news. We didn't know exactly where he was. There were lots of snipers around us and we couldn't move. If we had been able to go out we would have done. There were big explosions. We told Faysal Sarıyıldız and he said they too had been unable to get to the basement. An MP couldn't go, how could we? Anyone who went out was targeted by snipers. When it was said the wounded would be taken out by ambulances they were shot at and prevented from taking them to hospital by the state. They told lies, as soon as injured people came out, they shot at them..."

Jiyan Küçük was in the group of women. Her husband Adil Küçük died in the third basement. She explained what happened to the HDP delegation thus: *"We, as the mothers and wives of the people in the basements headed towards the first basement. I was in the first group. The mothers had white flags, I didn't. There were ten of us. 20 metres from the basement the soldiers and police surrounded us. They put a gun to my head. I was the only young woman*

and I knew Turkish. They asked me 'what are you doing here. Who told you to come?' We said: 'We came ourselves, our children are stranded there'. 'You say they are terrorists. We will go and hand them over to you. Then look are these the terrorists,' I said. The police asked why I was going there. I said: 'My husband is there'. The police said: 'They're all terrorists, there are no civilians amongst them.' I said: 'I'm his wife. He's a civilian. He has a child. There are lots of civilians amongst them. There are children.' We were very close to those in the basement. We shouted: 'Come, come we have come to rescue you'. I shouted to my Adil, crying: 'Where are you? I've come to get you. I've come to carry you on my back.' My voice echoed around Cudi neighbourhood. 'Adil where are you. I've come to you,' I shouted. But they didn't let us into the basement. They detained us and took us to the police station."

On 31st January and 1 February fourteen volunteer health care workers who were members of the TTB and SES unions and tried to reach Cizre to make a medical intervention for the wounded in the first basement and to ensure they were taken to hospital were obstructed. The ambulance carrying the health care workers was stopped by special forces police and armoured vehicles as it left Midyat on the way to Cizre via Nusaybin. They were told there was a decision by the governor and that they would not be allowed to pass. The health care workers then returned to Midyat. On 1st February the bodies of 5 people, one a woman, were removed from Reyhan street in Cudi neighbourhood. The corpses were taken in ambulances to the Cizre state hospital. Four of them were taken from a burnt out apartment.

The mother of İslam Balıkesir, who was in the basement, said: "*Those who say my son and his friends are terrorists are the biggest terrorists. May Allah not accept this. They won't even give permission to ambulances. They are driving them openly to their deaths. After ten days wounded and hungry and thirsty, who knows what state they're in? My other son is in prison. How can my heart cope? How much more will it suffer? My heart is under the basement.*" She said the non-arrival of the ambulance was driving her son to his death and filed a criminal complaint.

On 2 February a statement was made by the Yekîneyên Parastina Sivîl-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 there.

On 3 February, HDP Co-President Selahattin Demirtaş, who was in Mardin, said that a delegation of which he was a part, and volunteer health workers, wished to enter the basement of a building where injured people were waiting to be taken to hospital for 12 days and from whom no news had been heard for 4 days. Demirtaş warned that: "this issue should be seen as one which may lead to serious fractures and irrevocable damage." However, his demand did not receive a response. DBP Co-President Kamuran Yüksek called on the government to open a humane corridor, adding that in the event of no intervention the government would be responsible for every death that occurred.

Faysal Sariyıldız informed the United Nations High Commissioner for Human Rights of the situation in a letter.

The case and investigation files of Ferhat Karaduman, Ali Fırat Kalkan, İslam Balıkesir, İzzet Gündüz, Mahmut Duymak and Rohat Aktaş, who were in the first basement, were found. A burnt body part belonging to Berjin Demirkaya, who died there, was examined by an independent forensic laboratory in Switzerland. (AN-15 CHUV Berjin Demirkaya) Here a brief summary will be made of data in these files. Some of the people burnt to death in the basement were on the list published by the YPS as resistance fighters. Arguments regarding the legal framework to be applied to people who in all probability took an active role in the clashes were mentioned above. It is necessary to say that the mass execution of the people in the basements in Cizre, even if they actively took part in conflict, is judicially unacceptable. In parallel with the statements of then Prime Minister Davutoğlu, people in the basements who had no possibility of fighting and could have been arrested and sent for trial, came face to face with a massacre.

The body of Ferhat Karaduman was taken to the Gaziantep State Forensic Post Mortem Centre on 13th February 2016. The corpse was that of a male, 87 cm long, which had to a large degree been reduced to ash (degree of carbonisation). It was established that there were broken bones and numerous metallic images in the corpse. According to the expert doctor, the cause of death was burns to a degree of carbonisation and the multiple dissolution of bones, soft tissue and organs due to the explosion of ordinance. A letter was written by the State Prosecutor on 29th February for the corpse, which had been identified by DNA testing, to be handed over to the father, Ahmet Karaduman. During the burial it emerged that the remains had been confused with those of Yılmaz Geçim, and the grave was redug and a new determination was made.

As Ali Fırat Kalkan's corpse was entirely burnt no other finding could be made for the death report. It was established that some body parts and pieces of bone were separate from the corpse in the same bag. According to the post mortem report advanced carbonisation was found in the 115 cm-long corpse. Broken bone ends and numerous metallic images were also found in Kalkan's corpse.

İslam Balıkesir's name was amongst those given to Faysal Sarıyıldız. The corpse brought to the Gaziantep Forensic Institution on 13th February was in many pieces, six of them large, according to the post mortem examination report. There were many charred pieces in the body bag, with the total length being 100 cm and the weight being 30-35 kg. It was seen that the skull and other bones were burnt and that in places joints were detached. In the report, which reads: " a piece of corpse thought to be that of a human being in a charred state where all material is burnt" the definitive cause of death could not be established. According to a toxicology examination carried out at the same laboratory, TNT, HMX and RDX and ethanol were found. This situation points to the possibility of a flammable substance containing alcohol having been poured prior to the basements being set alight.

The conclusions of the post mortem of İzzet Gündüz are no different. Broken bones and numerous metallic images are mentioned in the post mortem report and the corpse is said to be 98 cm long and amputated above the knee. As with other post mortem reports, advanced carbonisation was ascertained as regards the extent of burning. The cause of death was given as burns to the degree of carbonisation consistent with an explosion of munitions. Since the corpse was entirely burned, no swab or blood sample could be taken. Burns also rendered impossible the examination of other parts of the body.

Mahmuddin (Mahmut) Duymak's corpse was also mainly charred, with amputation, with the post mortem report stating that the gender and physical characteristics of the corpse could not be ascertained. It was recorded that the advanced charring of the tissue parts and the fact they did not constitute an entire corpse meant that it was impossible to establish the cause of death. What emerged from the body bag was not an entire corpse, but 5 kilos of pieces of broken bones and burnt tissue. Mahmuddin Duymak, who was 51 and had 6 children, had set out on 20th January along with HDP Milletvekili Faysal Sarıyıldız with white flags in order to retrieve dead bodies, and was seen at the front of a group when 3 people were killed in front of the cameras and when 9 people, including İMC TV cameraman Refik Tekin, were wounded. Duymak had subsequently gone to Cudi neighbourhood again to help the wounded,

and been burnt to death in the first basement where he had taken refuge. Connected live to İMC TV before being killed Duymak said: *“Where is humanity, how will they render account? Will they answer to our corpses! Shame on humanity. This humanity should be ashamed of itself. Humanity is being pummeled by shells and tanks in Cizre. It is being murdered by snipers. Enough is enough. We are human, too. Where are these people? If humanity is to be sustained everyone must intervene here. Perhaps we will not be able to speak again. Respects and greetings.”* Mahmut Duymak's wife said, after receiving her husband's remains at the Habur border post, *“They slaughtered my husband. Today they gave me 5 kilos of bones, saying, ‘here, this is your husband. They murdered him brutally. They burnt him. There’s nothing left...”*

Şerife Duymak, told the HDP Report Delegation the following regarding the killing of her husband:

“We live in the Cudi neighbourhood of Cizre. The state attacked the neighbourhood severely. We had shortages of water, electricity and food. As our food stocks ran out during the curfew, my husband went out to get food from nearby houses. He went with a friend, Ahmet Tunç, who was about 50. When he was shot by snipers my husband couldn't go any further as the area was under heavy fire. My husband had to take refuge in the Cudi neighbourhood Condolence House. Civilians, all university students who had come to Cizre before the curfew began, took refuge in the Condolence House as they didn't know the neighbourhood. Some of these students had bullet and shrapnel wounds. My husband could have left the Condolence House, but he didn't want to leave the students. They were wounded. How could he leave them? My husband probably took refuge in the first basement with the students when attacks on the Condolence House intensified. The state burnt all the civilians who had taken shelter in the basement, including my husband.”

Rohat Aktaş, the editor of the Azadiya Welat newspaper, who went to Cizre to follow developments there, was one of the people burnt in the first basement. Rohat, who conveyed information to Faysal Sariyıldız regarding what went on in the basement and was one of those who ensured contact with the public, was burnt alive. Excerpts from the crime scene investigation and search and seizure documents in Rohat Aktaş's file are useful as regards understanding the nature of the events. At the crime scene investigation, which the state prosecutor did not attend for security reasons, it was noted that access to the basement was possible both from the building entrance and from the garden, that the upper floors had

collapsed, that a large part of the basement and part of the ground floor were burnt, that the building, doors and windows were damaged, that on the stairs descending to the basement there was a partly burned male corpse, that where the basement walls had collapsed there were 19 corpses so charred that they were unrecognisable, that there were 3 bodies so badly burned that they were unrecognisable in front of the garden entrance and that in the ground floor kitchen there was one female and one male corpse.



Rohat Aktaş, who was burnt alive in the basement, was the editor of the Azadiya Welat newspaper.

In Rohat Aktaş's post mortem report burns to the degree of carbonisation and extensive loss of tissue was ascertained. Due to burns physical characteristics and the definitive cause of death could not be established. Aktaş's body was identified on 25th February and obtained from Habur. On 26th February it was buried in Suruç along with that of Mehmet Yavuzel.

Berjin Demirkaya, a worker with the Free Women's Congress, was one of those who were burnt alive in the first basement. Five completely charred body parts taken from the first

basement were examined at the forensic laboratory of the Geneva University Hospital in Switzerland. In a report written in Lausanne on 3rd August 2016, although no trace of exposure to a toxic substance prior to death was found, it was also stated that it could not be ascertained that there had been no exposure.

In this report is expressed that since this piece was exposed to high temperature, it became totally carbonized. Besides, a piece of metal (2 mm) was found in this piece of body. In the analyses, it is reported that the alloys used in metal are the same as the alloys used in firearms.



Citizens who went to see the first basement immediately after the curfew was lifted encountered charred human remains and bones.



An image from the burnt basement. After the curfew was lifted body parts were found, but despite all the efforts of lawyers, an effective crime scene investigation was not carried out. The body parts were collected by the people of Cizre.





The remains of the basements were documented by many independent observers and organisations.

On 3rd March 2016 following a visit to Cizre by the presidents of the İHD and TİHV, in a preliminary report compiled by Forensic expert Prof. Dr. R. Şebnem Korur Fincancı, the following was used regarding what were thought to be pieces of bone belonging to children:

“..At the foot of a wall on the left side many fragments of charred bone covering the entire floor were observed. Amongst the fragments of bone a piece of lower jawbone in particular was examined. A photograph was taken with a mobile phone as we did not have a high definition camera with us. The jawbone was photographed along with a burnt spectacles frame lying next to it without moving them. As can be seen in the photograph, the spectacles frame was understood to be that of an adult as it was seen to be twice the length of the jawbone, which it was not thought possible to be that of an adult. The jawbone was considered to be that of a child of between 10 and 12.”⁷¹

⁷¹<http://tihv.org.tr/wp-content/uploads/2016/03/3-Mart-2016-Cizre-%C3%B6n-rapor.pdf>

4.2 Cudi Neighbourhood Narin⁷² Street No. 6 (AN-5c Narin Street-Second Basement)

On 4th February 2016, sixty-two people, most of them wounded, were forced to take refuge in the basement of a building in Narin street in Cudi neighbourhood on account of the attacks. When Mehmet Tunç (the same Mehmet Tunç who had been in the first basement, later taking refuge in the second basement 150-200 metres away)⁷³ telephoned the Özgür Gün TV channel the existence of a second basement of savagery became public knowledge. Mehmet Tunç explained what occurred in the following way:

"...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

⁷²Despite on the map there being a Narin Street and the fact it is called by this name by the people, in all prosecution office and police documents it is referred to as Niran Street.

⁷³Cizre 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. Hence, when Mehmet Yavuzel and Rohat Aktaş sent the names and photographs of those in the first basement to Faysal Sarıyıldız, Mehmet Tunç was not amongst them. Mehmet Tunç was not wounded. When Mehmet Tunç left the building in which the basement was situated armoured vehicles were firing at it from the entrance to the street or from places where the building was visible. From what has been explained, it is apparent that the building was not completely encircled. We have also learned from his family that as Mehmet Tunç was not wounded and could move freely, he decided with a few friends to chance his arm try to leave the basement. As he was the co-chair of the People's Assembly he was worried that he would be killed by the state or held responsible for what happened and be thrown in prison. So as he wasn't injured he thought: "if I leave I might survive" However, due to the heavy bombardment he was unable to return to the basement and had to take refuge in the second basement nearby. Two of the 4 or 5 people who were with Mehmet Tunç were shot dead. The others were able to take refuge in the building called the second basement. Mehmet Tunç died in that basement.

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 5th February a second attack was launched on no. 6 Narin Street, called the second basement, an apartment building where 37 people, including injured people, were stranded. News came that in a fire that broke out after the attack 9 people were burned alive, including 2 children. Since there was no possibility for good communication, the press published the names of 6 of the 9 who died. One of them was Kenan Adıgüzel.

According to a record drawn up after a crime scene investigation was carried out by the police on 8 February (no. 2016/617), 6 completely burned bodies and ammunition were found on the ground floor of no. 4 Doğuş Street. Apart from the completely burned bodies, a human leg was found under the garden wall, but a digger was not able to gain access and it was therefore not possible to clarify how many people were under the rubble. In the crime scene investigation report it was said that the place was somewhere there were intensive clashes and that when the bodies were retrieved clashes restarted. However, absolutely no information was given regarding how the corpses were completely burned. According to the examination of the corpse report Kenan Adıgüzel's body was without legs or arms and completely burnt.

Ercan Bişkin's corpse was taken to the Cizre state hospital on 11 February along with 20 other bodies. According to the report drawn up by the crime scene investigation team that went to the place called the second basement on 11th February, the building was seen to be entirely demolished, and that looking from the building to the side 5 corpses, 2 of them female and 3 male were seen with weapons next to them. In the file is the statement of the owner of the second basement, Muzaffer Cingü. Cingü said in his statement that there were no trenches or barricades in his street, so he had remained in his house for a month after the curfew started, after which he moved temporarily to a house in Şah neighbourhood. In a statement taken on 3 March, one day after the curfew, Cingü was told that 1 female corpse and 4 male corpses had been taken out of the building. It was recorded that Bişkin's and the 20 corpses all had firearm wounds.

On 5th 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 undelining 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 (flame throwers) 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 Gün, who went outside looking for an ambulance and left the building, 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.



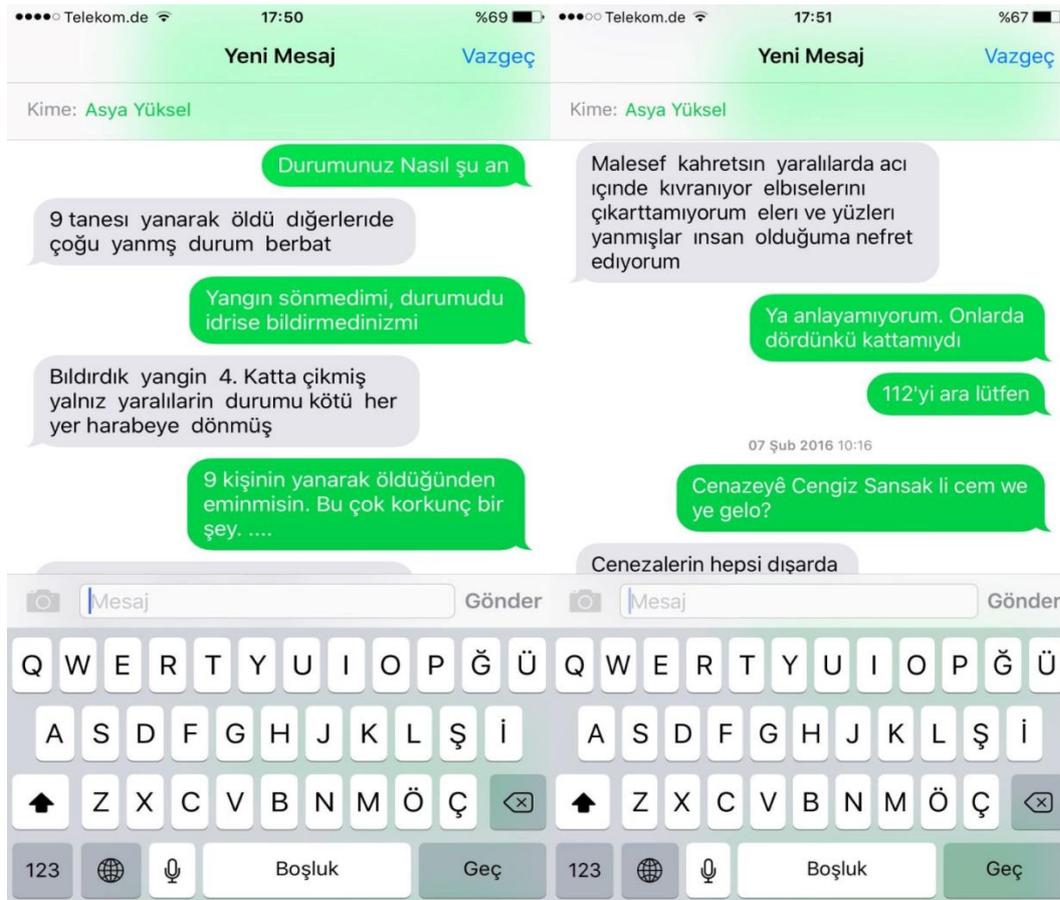
An image of Silopi Morgue where corpses were piled one on top of the other awaiting families to collect them.

On 6 February the Şırnak Governor's office made a statement regarding the second basement, claiming: "terrorists who fled the building set it alight."⁷⁴

On 7th February Cizre People's Assembly co-chair Mehmet Tunç spoke by telephone for the last time on Med Nuçe Television, explaining what had happened in the second basement of savagery, replying to the allegation made by the Şırnak Governor's office regarding the building being set alight by people who fled:

⁷⁴http://www.bbc.com/turkce/haberler/2016/02/160204_cizre_dokuz_kisi_olum_aciklamalar

“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.



On 7 February Asya Yüksel exchanged messages with Faysal Sarıyıldız, informing him that 9 people had been burnt and died, while the wounded awaited medical support.

On 7th February 4 corpses were found, 2 in Huzur Street and the other 2 in Paraşüt Street.

On the evening of 7th February the state TV channel TRT said in a last minute news item that 60 terrorists had been neutralised in attacks on basements in Cizre where there were wounded and corpses. A short time later this subtitle was removed and the tweet was deleted. In the morning of 8 February the same TV channel gave the total of dead as 30, which later fell with a statement by the Şırnak Governor's office and then by the Presidency of the General Staff to 10. For hours it was not known where the other people were, and it was not possible to obtain sound information. Corpses continued to arrive en masse at the Cizre state hospital, demonstrating that the number of dead was well over 10. Since it was not feasible to look at all the files, it was not possible to learn where a person had been killed. The prosecutor's office did not investigate how the deaths had occurred. Then again, there are great uncertainties in the files of civilians who took refuge in the basements and were not involved in armed clashes. While there is information regarding how people found with weapons next to them were killed and where they participated in clashes, there is absolutely no clarity as regards how civilian fatalities took place. This situation violates the rules covering the investigation and prosecution of incidents of extra-legal deaths as contained in the Minnesota Protocol.

TRT's news item concerning the 60 people 'rendered ineffective' was denied the next day by then Prime Minister, Ahmet Davutoğlu. However, counter guerrilla and police accounts began to share photos of many charred human bodies on social media. The HDP's constantly asked question regarding the whereabouts of the remaining people was left unanswered. On 9th and 10th February alone, the number of corpses brought to the Cizre state hospital was 39.

On 10th February the existence of a third basement in which wounded people had taken refuge appeared in the press. On 11 February thirty-one more bodies were brought to the Cizre state hospital.

Mehmet Gün, the father of 16 year old Abdullah Gün, who was shot dead when he went outside to look for an ambulance, told the HDP Report Delegation the following:

"As I was receiving treatment I was not in town when the curfew was on. I was in constant contact with my family by phone. I was worried because our house is in the Nur

neighbourhood, where there were lots of attacks in the early days of the curfew. I told my family to remain where they were as much as possible. My wife said shells were constantly hitting the house. They had to take refuge in the basement. When my wife and children said there was a smell similar to chemical weapons I told them to 'leave the house'. As the attacks escalated they had to leave the neighbourhood on the 29th day. As my wife left the house she said to Abdullah 'come on, let's go'. Abdullah replied, saying 'I won't leave my home and neighbourhood'. Despite all behests, he said he would stay in the neighbourhood. After my family left, we couldn't reach Abdullah for 15 days. Probably his battery ran out as there was no electricity. He then rang his mother to say he had gone to his uncle's house in Cudi neighbourhood. Like Cizre People's Assembly co-chairs Mehmet Tunç, Asya Yüksel and Sultan Irmak they were all civilians like us. I can say that perhaps Abdullah had never even fired a simple shotgun in his life.

4.3 Sur Neighbourhood Akdeniz Street No. 16 (AN-5b, AN-16a, b-Second and Third Basements)

HDP Milas former district co-chair Derya Koç was connected to an İMC TV broadcast,⁷⁵ explaining how they had taken refuge in a basement, that a bombardment had continued for 3 days, that 20 people had been burnt after two people had poured petrol on them, and that they had fled to the top floor. Koç said there were 25 people on the top floor, while she named those stranded in the basement as: Lokman Bilgiç, Murat Kekin, Sinan Kaya, İbrahim İvrendi, Fırat Malgaz, Orhan Tunç, Meryem Akyol, Mürsel Dalmış, Star Öztürk, Murat Tunç, Abdülislam Turgut, Fatma Demir, Emel Ayhan, Mesut Özer, Abdullah Özgür, Agit Aydın, Barış Gasir, Sahip Edip and a person called Ferhat whose surname was not known. Emel Ayhan (16) and Fırat Malgaz⁷⁶ made contact with the HDP Information Desk on the evening of 10th February.

Fırat Malgaz said on the phone that, *"There are friends here who have lost legs, an eye and some who are seriously injured. We cannot breathe on account of some gas put in the drains. We had to cover up the wash basins. We witnessed those people being burned alive and heard*

⁷⁵https://www.youtube.com/watch?v=_77x88kYSEc

⁷⁶ Fırat Malgaz, who succeeded in escaping from the basement, was later stopped at a checkpoint, detained and remanded in custody.

their screams. If ambulances are not sent and we are not taken out of here they will definitely execute us. We expect our people to be aware of this.”



A picture of the basement of a house called the third basement.

On 10th February HDP Milas former district co-chair Derya Koç was connected to Med Nuce TV and explained what was happening in the third basement: *“At this moment I will start from the beginning. Firstly there were a few people staying here. 20-25 friends were wounded by bomb fragments. We settled them in here and were staying together. To meet certain needs we went up to the top floor. There were close to 20 friends downstairs. While they were all downstairs they came and poured petrol on them and burnt them. We couldn’t respond to their calls. We could hear their groans but couldn’t act. While we were upstairs they attacked again with grenade launchers, machine guns and mortars. There are 25 of us here. Half are wounded, and half have minor wounds. Now we have to wait. Attacks on the building are continuing, they have been going on for a week, but they have intensified in the last three days. They have begun to come with heavier weapons. At the moment we are still waiting.*

There were around 20 of us there. They were slightly wounded, we were there with them. We were waiting. We were thinking that one day the noises would cease and we would leave. But they came and burnt our friends alive. If no one comes to help, our wounded friends here may breathe their last at any moment. There is no way we can go down to the basement. It's still on fire. It started this morning at 8. Our friends have been on fire for an hour and a half. It has died down but there are no sounds coming from there. Our friends all breathed their last there. They were all burnt alive. My only call is for them to cease firing. Stop the noise."

The next day, that is, on 11 February, Derya Koç's corpse was brought to the cold storage depot at the Habur Customs Directorate for a post mortem. It was ascertained that she had died as the result of a firearms wound.



The basements and streets where the basements were situated were subjected to heavy bombardment for days, despite all efforts.

A woman who survived the third basement explained what went on there in the following way:

"We were hungry, the wounded were serious. The last Thursday a massacre was carried out. On Wednesday our friends were burnt in the third basement. On Tuesday they sorted out the trench. We couldn't descend to the basement. We had given up hope. Even if they had survived

they couldn't have got upstairs. They poured petrol on them and burnt them. Wednesday about 7 or 8 they cleaned up the trench. The soldiers stopped right in front of the basement and fired a lava shell into the basement and fired machine guns. We were stuck at the back. We wanted Orhan Tunç to survive as he had a 15-day-old baby. We didn't mind dying if he survived. Two people came down and poured petrol, then they opened fire. As the friends were injured they couldn't intervene. One friend only had a minor abrasion. He survived. After the fire they shot close to 10 gas shells. We only heard the sound. As soon as we stuck out our heads they opened fire. We were next door on the top floor.

The soldiers didn't even get out of their vehicles. They just threw the petrol into the basement in plastic bottles. In the evening at about 8 or 9 six people came up to the top floor where we were. There were 25 or 26 of us. We were all civilians, Cizre's civilian population.... There was Adil Küçük, he had a child. He was with us. There were people there who had been unable to leave the neighbourhood. There was 14-year-old Mesut. Of the 25 people, 20 were wounded. There were some with minor injuries. Derya's wound was small... The youngest was 14 years old. He was scared, there was no dialogue, we couldn't speak. Night and day we were silent, because the soldiers were very close. Two of our friends had lost their arms. There was just flesh left. They couldn't speak, they just asked for water. One of our friend's leg and arm had been completely severed."

Another man who survived the third basement told a similar story:

"It was 11 February. A tracked armoured vehicle came into the street where our building was. Two more friends who were above were wounded in the arm as a result of these attacks. One of their arms was almost severed. Then they opened fire with heavy machine guns on the house. A hole was pierced in the basement. We couldn't move because of the intensity of the attack. A piece of shrapnel hit a friend's knee. It was almost severed. It went on for close to 3 or 4 hours. They were pummeling us violently. Of the wounded I was in the best condition. When it stopped I checked on the friends. When I touched a friend's leg, he said: 'don't touch, it's going to fall off.' I took him to the base of the wall. Two people came down from the top floor to check on us. The tracked vehicle went past a couple of times without firing. The door of the vehicle opened and plastic bottles without tops were thrown into the holes that had been opened in the walls. They threw in about 15 bottles of petrol. They threw them in at random. When we smelt the petrol we understood their intentions. Where we were lying they couldn't see us through the holes. We closed the window above us with beams. We had

previously covered the front of it in order not to be seen. The petrol in the bottles spilt on the beams. Then they threw in lighters. The hole that had been opened was above us to the left. When the fire started we couldn't move. The basement gradually began to burn. The beams and our first aid bags caught fire. Our blankets were over us. One friend under the beams was overcome by smoke. I got up and tried to put out the fire. I threw the burning beams to one side. We got it partially under control. We couldn't completely extinguish it and smoke was still coming out, because we were frightened that if we extinguished it completely they would set it alight again. For this reason I threw a blanket onto it in order for smoke to billow out. Two of our friends were uninjured, they went upstairs to inform those there of the situation. One of them was a woman. While on the stairs the woman was hit and killed by snipers. The other friend went upstairs and informed them of the situation. The friends upstairs tried to retrieve us a few times, but could not do so on account of the attacks. About 3 pm the soldiers came back. This time they fired more than 10 gas shells into the hole. I tried to help those who were affected by the gas. We covered them with blankets. We closed their eyes and I told them to breathe through their noses. One of the women friends told me to go upstairs, saying: 'tell them to get us, or they will slaughter us'. I went up. From the hole in the wall on the second floor I passed into the other house. They called out to me. 'Don't go towards the construction site'. I explained the situation. I said that the friends who were not wounded should collect the wounded from below. We brought five friends up. The corpses remained in the basement. Between 4 and 4.30 pm we assessed the situation. A woman friend said they had called Faysal Sariyıldız and been connected to the TV and asked for an ambulance. She said: 'they will collect us at 7 in the evening.' They said: 'We will send the seriously wounded in the ambulance and meanwhile we will leave.' They said the ambulance would come at 7 or 8 in the morning. (...) It was said that the ambulance couldn't come in the evening, but would come at 9 the next morning. I said that 9 would be very late. I said: 'They should come earlier, or they will kill us.' There was no sound of an ambulance. We slept there, then at 6 in the morning we heard the sound of a tracked vehicle. They surrounded us. I couldn't move. Our friends shouted: 'Don't fire. We're civilians'. They went ahead. Other friends followed them. I didn't go. There was the lift cavity. I climbed the drain pipes to the upper room on the second floor. There were mattresses. I put them on top of me. Two other people came. As they tried to lift the mattresses I reached out for my penknife. I realised they were our friends. The other friend went under the bedstead. Another got in a chest. The sound of gunfire came from outside. I realised the friends outside had been raked with gunfire. It lasted a minute. I heard a friend scream, then there was the sound of a bomb. It

was a man's voice. We were listening. We heard the sound of 4 or 5 hand grenades. After that the voices ceased. It was about 9 am. It had been said that an ambulance would come around 9. Instead they slaughtered us at exactly 9. The voices of the soldiers could be heard: 'There are 29 bodies in the building and one in the mosque.'



One of the rooms in the building called the third basement

One of the bodies retrieved from the third basement belonged to Mustafa Gasyak, who was 16. Multiple fractures were found in Mustafa Gasyak's body. The corpse was found to be 105 cm in length and charring was ascertained in the broken bone ends related to burning. The cause of death in the post mortem was given as bone, soft tissue and organ dissolution linked to burning. In Gasyak's file there is no mention of a weapon being seized, like many other files. For this reason the crime scene report is not as detailed as those of persons who were involved in armed clashes. These deficiencies in the files of those who died of burning render it impossible to unravel exactly what happened. This disparity between files also suggests the aim of justifying the multiple deaths of people, amongst them civilians, by pointing to the existence of armed conflict.



A view of the street where the basements were. A Turkish flag was placed on the roof of surrounding buildings.

Another person who died in the third basement was Orhan Tunç, who was the brother of Cizre People's Assembly co-chair Mehmet Tunç, who died in the second basement. Orhan Tunç died as a result of 12 objects that penetrated the right side of his back, 5 on the left, 3 in his thigh and many in other places.

On 11 February, the 59th day of the curfew, Interior Minister Efkan Ala announced that operational activities in Cizre had ended.⁷⁷ The curfew continued for twenty days more after the operations had ended. On 2 March the curfew in Cizre was limited to the hours of darkness. The justification given for the continuation of the curfew was the continuing searches and the possibility of booby traps and mines in certain areas. This process was described by authoritative voices of the state as a "cleansing".

⁷⁷<https://bianet.org/bianet/insan-haklari/172017-efkan-ala-cizre-de-operasyonlar-sona-erdi>

The 20-day period of 'no conflict' was a period when the security forces entered almost every house, one by one, setting some alight, when valuables in the houses were looted, white goods were rendered unusable, and foodstuffs were destroyed. Also during this period, the walls of houses and streets were filled with sexist, racist and hostile graffiti.

At a meeting with the Southeast Anatolia Region Municipalities Damage Determination Delegation, it was said regarding the burning of structures in areas where there was no conflict: *"there are structures that suffered damage during clashes, but after that there is just unilateral damage. There is damage inflicted by tanks or similar heavy vehicles and weapons deployed from a distance. At the moment I cannot say how much took place during clashes in this or that place, but it is abundantly clear that in most of the houses it is possible to see that following the conflict period, both by entering the houses and by firing from a distance or by firing at random that houses were fired on and burnt. For instance, you go to a neighbourhood where there was no conflict and you see that ten houses have been burnt." This situation has also been documented by a report published by lawyers from the Özgürlükçü Hukukçular Derneği (Free Jurors' Association) Mezopotamya Hukukçular Derneği (Mesopotamia Jurists' Association), Toplum ve Hukuk Araştırmaları Vakfı (The Foundation of Society and Judicial Research) and Asrın Hukuk Bürosu (The Century Legal Office), on page 5 of which is the following: "Water tanks on the roofs of houses and air conditioning units on the exterior of houses were widely targeted in a way that appears to have been deliberate by the security forces and rendered unusable."*

The investigation of unlawful, extra-judicial or arbitrary executions, in the event that the perpetrators are state-linked militia or paramilitary forces is a sinister subject. This issue has been addressed in UN General Assembly resolutions, which have made recommendations to states. Resolution no. 43/151 of 18 December 1988 is an invitation to accept international standards to ensure the required investigation of suspicious deaths, including post mortems, are carried out in an appropriate way. Even if it is impossible for there to be a uniform form of investigation as it takes shape in every state according to its own legal system, it is possible to establish certain principles as regards the procedure to be followed. With this aim in mind, a model protocol was prepared, called the Minnesota Protocol, for the investigation of extra-legal, arbitrary and summary executions. The Minnesota Protocol is a guide showing the way to implement principles pertaining to the investigation of such executions. These principles start with the recognition of the constitutional and legal protection, and legal inviolability, of the right to life. Governments must take action without delay to investigate extra-legal, arbitrary and summary executions. It is the responsibility of governments to

punish those guilty of such crimes and to take measures to prevent such acts in the future. These principles must be submitted to those who implement laws and justice, military personnel, lawyers, members of the executive and legislature and the general public. The UN Committee on Crime Prevention and Control is responsible for monitoring these recommendations.

States have a responsibility to prevent extra-legal, arbitrary or summary executions. These should be defined as crimes and investigated effectively. This kind of execution shall not be perpetrated in any circumstances, whether in the event of internal conflict, by a public servant or another person carrying out an official task, or with such a person's encouragement, approval or consent, or as a result of extreme force that is contrary to law, including deaths in custody, but not limited to the above. This ban is superior to official orders.

A state is obliged to control the public servants to which it grants the authority to use firearms. It is also the responsibility of the state to prohibit orders that encourage extra-judicial executions or grant authorisation of such acts. Announcements made from minarets and from armoured vehicles on the streets of Cizre while the curfew was continuing were passed on by the residents both to lawyers and to delegations. Expressions such as "Armenian bastards, we will kill you all " and similar, were direct threats and a call for execution in addition to being racist and sexist⁷⁸.

Another obligation of a state is to carry out an effective, impartial and expeditious investigation. The aim of an investigation is to determine the cause of death , the way it took place and when, to establish who was responsible, to carry out an appropriate post mortem, gather physical and documentary evidence and witness statements, and to evaluate them. First and foremost, it is necessary to determine who caused the fatality. In the event of state employees being the perpetrator, it is possible for the evidence to be ignored, concealed or even destroyed. In order to prevent the legal or political responsibility of governments arising, the judiciary may be reluctant to investigate such crimes or prosecute.

Another aim of an investigation is to bring to light and conserve all evidence regarding the death, and that will assist in the prosecution of the person or persons responsible. Following the burning of people in the basements in Cizre, even though officials announced the ending of operations, the curfew was not immediately lifted. In the period between the end of operations and the lifting of the curfew rubble was removed by construction equipment from the areas where the operations had been carried out and carried to the banks of the Tigris

⁷⁸HDP Heyetiyle Bahattin Yağarcık'ın görüşmesinden.

river. It did not prove possible to prevent this behaviour that would damage or even completely destroy a lot of evidence. After the curfew was lifted, too, the area was not protected. On the day the curfew was lifted, thousands of people searching for their loved ones entered the basements, where no precautions had been taken, causing damage to evidence. After the lifting of the curfew a request was made to the prosecutor's office for a crime scene investigation. The prosecutor went to the area where the basements were with five lawyers and many members of the security forces, but did not enter the basements on the grounds of safety and said he would not allow the police to enter, either, whereupon two lawyers with absolutely no equipment said they could gather evidence voluntarily. However, sufficient evidence could not be gathered on account of insufficient light and equipment. In the basements area where 177 corpses were found the crime scene investigation lasted forty minutes, with the prosecutor contenting himself with looking at the place where the incident took place from a distance. As for demands for an examination of the Tigris riverbank area, these were firmly rejected.

Another aim of an investigation is to determine the identities of witnesses and take statements regarding the deaths. Those people called witnesses in the file were either family members there to identify bodies or secret witnesses interviewed in order to prove that the deceased had taken part in a clash. We have no knowledge of a comprehensive interviewing of witnesses in order to understand how the incident took place.

One of the aims of an investigation is to determine the cause of death, how it happened, where and when it happened and the acts that took place. In the case files, although post mortems state death was due to firearm wounds, there is no mention of what kind of weapon caused the wound, or of by whom the deceased or wounded person was shot.

Until the present day, whether in Cizre or in another location where a curfew was declared, no member of the security forces has been investigated for involvement in a fatal incident. On the contrary, all files, without seeing a need for identifying the person involved in a fatal incident, have concluded with a decision of lack of grounds for legal action. The grounds given for these decisions consists of the claim that a comprehensive struggle against terror means deaths are inevitable and legitimate. Post mortem examinations should be carried out in suitable conditions with a sufficient number of experts present.

According to the principles, the families of the deceased and their lawyers should be informed of all information regarding the investigation. However, in Cizre while the curfew continued it was not possible for families to be notified of the investigation files. It is still the case that crime scene investigation and images and similar documents regarding post

mortems are not put into the file or shared with the complainant's lawyer.

Another principle emphasises that the family of the deceased has the right to insist that their own medical expert, or expert in another field represent them during the post mortem. While curfews continued, forensic experts were not permitted to attend post mortems. Families' demands were firmly rejected, creating doubt as to whether the autopsies were carried out in a reliable way.

Many unlawful practices took place during post mortem processes, which are virtually the pre-condition for effective investigations into cases of death. Yahya İdin, who personally took an interest in this process, told the HDP delegation about the unlawful incidents that occurred: *"Many of the photographs, that is, photographs we took in the morgue, before the corpse was washed, no one can claim the bodies were not like this. This is the proof. Even if a second post mortem were to be carried out now, it would all emerge. Our lawyers were prevented from attending the post mortems just to prevent this savagery being exposed. We saw this a lot in Silopi. For instance, we brought a doctor, a famous one who had been in Bosnia and other places, but they didn't let him in. We took him inside, but on the third day the police and governor came and told him to leave, so that he wouldn't see the savagery and do something. We experienced a similar thing in Şırnak. We put two bodies into a coffin, but they didn't fill the coffin, but when we looked later at the person's physique it wasn't one that would actually fit into a normal coffin (...) Many allegations were made regarding these corpses, and I believe that many of the corpses were thrown into the Tigris. I believe that because when I saw the brutality. A person who did that could do anything. Anything could be expected of them. This would be rape, molestation, torture, anything."*

When the identity of the deceased is established, the death will be announced and the family shall be informed immediately. Following the completion of the investigation, the principle of handing the body over to the family has been accepted. In Turkey, while the curfew was in force, due to the rising number of bodies and families' demand for mass burials, two changes were made in regulations. Hence, even if families claimed ownership of bodies, it became possible, if the authorities were of the opinion that public order would be threatened during a funeral, for the family to be sidelined and for the body to be buried by the governor's office.

Another principle is for an investigation report to be prepared pertaining to method and findings and for this report to be made public. In the Cizre investigations no such attempts were made, with investigations being hurriedly closed and decisions being taken of there being no grounds for legal action as regards resolving the deaths of those who died as a result of security force intervention.

In no conditions, whether it be the state of war, encirclement or other state of emergency, is it possible for all people involved in extra-judicial, arbitrary or summary executions to be held immune from investigation. A law was enacted completely opposed to this principle in June 2016, approved on 13th July and came into force on being published in the Official Gazette. This law makes legal action regarding those who go beyond the authority granted by existing laws in operations, who use violence, kill, burn, destroy or torture, dependent on the permission of the Defence Ministry and Prime Minister's office.

The actions of the security forces and the reluctant attitude of members of the judiciary, combined with the efforts of the government to cover up the crimes made it impossible for proper investigations to take place. On the contrary, the crimes committed during the curfews are destined to be a bad example of the policy of impunity frequently encountered in the history of the Republic of Turkey.

CONCLUSION

Considering the data contained in the report, we wish to underline once more certain fundamental points.

1. The facts in this report make clear that what has occurred since the declaration of curfew in Cizre cannot be explained as resulting from the neglect of the security forces or deficiencies in the investigations. The events in Cizre could not have occurred without the existence of a political will. The fact that public statements, visual data, attempts to use domestic legal remedies, applications to the European Court of Human Rights, civil society organisations finding a way around the blockade, efforts to prevent deaths, MPs holding meetings with the highest level officials of the state, first and foremost the Ministry of the Interior, all failed to prevent mass fatalities. Consequently the subsequent efforts to conceal what went on in Cizre causes one to think that everything took place as the result of central decision, a state/government decision. Despite Cizre being taken under the complete control of the security forces, absolutely no effort was made to uncover the truth of crimes against humanity occurred in Cizre. On the contrary, the efforts to destroy data indicate the intention of a central power to conceal the evidence in order to mask its crimes.
2. As stated above, there was a lack of legal basis in domestic law for curfews.

It was announced at the discretion of the governor. The fact that the government did not strive to establish a legal framework indicated that it was decided from the outset that developments would advance in an unlawful way. It further shows that at least within the state there was a consensus that no official would be held legally responsible for their actions. Additionally there was no declaration of martial law or state of emergency, and consequently no decision to suspend rights, as enshrined in the UN Convention or European Convention on Human Rights during the curfews. This indicates that no need was felt for a legal/judicial explanation of fatalities.

3. The government's and security bureaucracy's have claimed that their intervention to Cizre were made in the name of preventing "rising terror incidents" and "re-establishing law and order." Even for the sake of argument this claim is accepted, it nevertheless fails to justify the heinous crimes committed in Cizre. The fatalities occurred in Cizre is was not a simple matter of law and order. The capacity of the security forces employed, the military means used, the legal measures taken in conjunction with the total curfew and the picture that emerged after the curfew shows the intention of state to annihilate Cizre. The state security forces had violated the principle of individual criminal responsibility by punishing all of the inhabitants of Cizre who were not responsible or part of the armed conflict. This collective punishment was part of the military strategy and strictly as it shown above implemented. Attacks and damages to water tanks on the roofs and other vital means of live immediately after the curfew was announced demonstrates this intention. The inhabitants of Cizre were punished for their ethnic identity. The systematic targeting of civilians through various forms of deliberate neglect reveals this: the failure to prevent the deaths of women and children, the lack of measures regarding the sick and elderly, the fact pregnant women had to give birth without any support and the high number of miscarriages as well as the situation of people who died as a result of being unable to access medication, or reach hospital can be given as a few examples.
4. In addition to their Kurdish ethnicity, the political belief of inhabitants of Cizre was second account for the State Security Forces to commit crimes against humanity in Cizre. The fact that the people had made clear their wish to govern themselves and by a large majority voted for the HDP in the areas where curfews were declared, shows that the acts in question were committed against a particular group of the population. The long duration of the curfews, their arbitrariness, along with those who were killed

en masse, those who died from loss of blood on account of being unable to access treatment, in spite of ECtHR interim measures, the similarity of rights violations demonstrate that the crime of deprivation of liberty was committed in a systematic way.

5. For a whole town to be blockaded militarily, and to be fired upon with heavy weaponry without prior warning further proof that a section of the civilian population with a clear ethnic identity that advocates a particular political view is specifically targeted. This shows that aim of the operations, contrary what is claimed by the state, was not to prevent civilian being harmed, but rather the punishment of the civilians was the main agenda of the operations. The graffiti written on walls by the security forces during the operations clearly shows this intention of the state authority. These messages inside houses, daubed on walls gave specific message to the people through stressing Turkishness and betrayal in particular as well as by containing sexist insults. The President Erdoğan, in his statement, also adopted a stance that supported this emphasis on Turkishness was contained in this graffiti. The destruction of people's private space, including their homes and the harm done to equipment used in everyday life reveals intention of the state authority to change the demography of Cizre by force displacement as they had done in the 90's. A frequent use of the word "cleansing" by the Prime Minister, Davutoglu and the Interior Minister shows this intention and mentality of the executive.
6. In short, the fact that the attacks directly targeted an ethnic group, were systematic and widespread affect a broad section of the population, the obstruction of people's access to water, food and health care, the random killing and wounding of people makes it necessary to deal with these events in the context of Crimes Against Humanity.
7. The implementation of the laws of war in curfew situations is a controversial topic in many respects. In particular, the debate as to whether what took place was a process of internationalising internal conflict is one of the main focal points. At this juncture it is necessary to underline an important fact. Especially in 2015-2016, the period of conflict experienced in many urban centres, first and foremost in Cizre, is not seen by the government as a situation that began between those dates. The statements made and the methods used, and the stance taken during the curfews, when addressed together with the long period of conflict, defined as 'low intensity war' in internal

politics, that began in 1984, demonstrate that this has been placed within this construct. When looked at along with this tradition of protracted conflict, the existence of the intensity of the conflict and the organisation of the parties is an indisputable reality. This situation has recently been approved by a European court. A Belgian Court judgment of 18 September 2017 said the PKK ‘could be seen as a party to an armed conflict as defined in international humanitarian law’.

8. However, when it is accepted that there is not an international conflict, it cannot be thought that there are no laws to be implemented. Crimes against humanity is part of the Customary International law and can be committed during war, as well as during internal armed conflict⁷⁹ and peace.⁸⁰ Accordingly the requirement of existing international/internal armed conflict is not needed as a context for crimes against humanity. In addition Turkey ratified Common article 3 of the 1949 Convention in 1954. However, Turkey has neither signed nor ratified Additional Protocol II yet. Nevertheless the International Criminal Tribunal declared in several cases that the “norms of common article 3 have acquired the status of customary international law” and various provisions contained in the Additional Protocol II are also a part of the Customary International Law.⁸¹ It is important to underline that Common article 3 and Additional Protocol II strictly prohibit attacks on the civilian population. The following provisions of the Additional Protocol II are strictly part of the Customary International Law: Attack directed against the civilian population and/or civilian object (article 13 and 14 respectively), Indiscriminate attack (Collective Punishment) Article 4, the prohibition of attacks on medical units/transport, (article 13) Forced movement of civilians-Proportionate test. In light of this evaluation, the heinous crimes committed by the state security forces in Cizre constitute as war crimes and crimes against humanity.

⁷⁹ Look at International Criminal Tribunal in Tadic case and the Chamber judgement.

⁸⁰ Look at Rome Statute, The International Criminal Tribunal for Rwanda.

⁸¹ See Article 3 of the Statute of the International Criminal Tribunal for Rwanda in Prosecutor v Tadic case, and Article 4 of the Statute of the International Criminal Tribunal for Rwanda in Prosecutor v Martić (Rule 61) 108 ILR 40 at para 8 which stipulates that “violations of Additional Protocol II constitute violations of the laws and customs of war and, as such, come under Article 3 of the Statute. Tadic case at para. 116 For detail examination of this approach see Meron. He draws a support for his argument that Protocol II is part of the customary international law from ICRC Commentary. The passage states that “Protocol II contains virtually all the irreducible rights of the Covenant on Civil and Political Rights... These rights are based on rules of universal validity to which States can be held, even in the absence of any treaty obligation or any explicit commitment on their part”, T. Meron, Human Rights and Humanitarian Norms and Customary Law, 1st ed (Clarendon, Oxford, 1991) p.73

9. Particularly the burning of groups of civilians and resisters, amongst them injured people in the basements, is a blatant violation of the provisions of Common Article 3 and Protocol II, both of which are part of the Customary International Law. Additionally, the month long bombardment of the town from the surrounding hills, the damage sustained by many houses and the damage done to/inflicted upon houses after operations had been completed also violate/breach the provisions mentioned above. In all these examples where there was an all out attack on the population and people were killed and harm was done to those sections of the population that needed protection, the existence of the concrete conditions of war crimes is evidenced.
10. What took place in Cizre was not an impulsive reaction by the state to ditches being dug, but was systematically premeditated. Support for this claim can be drawn from the statements from the government and military-civilian bureaucracy as well as some opposition parties and groups. It was the common attitude adopted by these groups and the nationalist-liberal sections that traditionally act in unison to suppress the Kurds. The government's oppressive attitude to Kurds influenced these various groups to come together and acted as a catalyst for aggressive behaviour towards the Kurds. This common stance reflects a "state decision" to destroy Kurdish region. The most significant of these claims is the "Collapse Plan" that has appeared in the press. In September 2014 the Public Order and Security Undersecretariat prepared a report which it submitted to the Presidency of the General Command. This report, which was called the General Staff Strategy Plan Directorate's 'Collapse plan', was not published in full, but was 'leaked' bit by bit to the press. It is thought that this report, which envisages a process similar to the Sri Lanka model, was compiled while the process of resolution was continuing. In the provisions of the plan that appeared in the press: forced displacement of the population, the construction of military posts surrounded by walls in neighbourhoods and villages, a campaign of mass arrests as well as the blockading of towns and operations against neighbourhoods and settlements are specifically mentioned. The Plan explicitly expressed that "In settlements that are blockaded, life-sustaining areas shall be destroyed in order to remove the conditions for return. With mass destruction, arrests and evacuations settlements will be pacified." To direct these operations, experienced persons who have previously carried out duties in the region and know the geography and the people will be appointed. Other headings that appeared in the press involved civilian public servants

being withdrawn from the area, hospitals being given over to the security forces on a 24-hour basis, public buildings being vacated in advance and prepared for the military. Additionally, TV channels such as Med Nuçe, Stêrk TV, Newroz TV, DÎHA, Özgür Gün TV and publications like Özgür Gündem must be closed dow. Moreover, the services that municipality provides such as electric, gas and water companies will being put under the control of the authorities.

11. The outlines of the “Collapse Plan” were explicitly carried out in the curfew areas of the Kurdish region. What took place in Cizre in practice can only be explain with this Collapse Plan. This clear intention of the state authorities and the henious crimes committed by the state security forces in these select areas shows that the state reaction in 2015-2016 should also be assessed under the definition of crimes of genocide. Support for this claim can be drawn from the fact that curfews continued after incidents had ended: the existence of places like Sur in Diyarbakır, some areas of which are still out of bounds, the rearranging of these areas which have been flattened according to the needs of the security forces, the demolishing of all the historical-cultural legacy and replacement of them by an architecture and culture based on Turkishness as well as debates on introducing population from outside the area can be cited as a few examples. In face of the considerable data pointing to those implementing this plan acting with the intention of genocide means at least that this judicial possibility should not be excluded.
12. The intention of this report is to render visible the facts regarding what took place in Southeast Turkey (North Kurdistan) during the curfews, focusing on Cizre, and to make it possible to illustrate as a whole what took place in the context of humanitarian law. We believe if this tragic process is being directly investigated by independent experts and institutions who have expertise in humanitarian law, it will better expose the gravity of the crimes committed in Cizre,thereby uncovering the truth. The data set forth here and the debates undertaken prove what an urgent need there is for such an effort.