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HUMAN RIGHTS ASSOCIATION

The Year 2018

EASTERN AND SOUTHEASTERN ANATOLIA REGIONS

**Report on
HUMAN RIGHTS VIOLATIONS**

5 February 2019
HRA Diyarbakır Branch

-INITIAL EXPLANATIONS ON THE REPORT-

The data and the data tables have been compiled from individual applications by victims to our offices and branches, from local sources, and media (Milliyet, Hürriyet, Sabah, Evrensel, Birgün, Cumhuriyet, Özgürlükçü Demokrasi, Yeniyaşam, Cnntürk, TRTHaber, NTV, Habertürk, Fırat Haber Ajansı, ETHA, DHA, AA, İHA, ANHA, Bianet.org, El Cezire, BBC, Sputnik, T24, Welat, GazeteDuvar, GazeteKarınca, Sendika.org, Mezopotamya Ajansı, JINNEWS)

Some of the data in the report are the claims based on the statements of the witnesses. However, unless there are statements from concerned persons and institutions that could disprove these claims, they will be considered true and real.

As long as new data about the claims comes out, related sections will be updated accordingly. These claims could remain in the report if proved true, or be omitted from the report.

PREPARED by

**HRA DİYARBAKIR BRANCH
ARCHIVES AND DOCUMENTATION UNIT**

ASSESSMENT

We are here to release the report on “**Human Rights Violations in Eastern and Southeastern Anatolia Regions in 2018**”

We are going through a process in which democratic life and human rights get severe damaged. This process was caused by the state of emergency, which was transformed into a mechanism producing violations by penetrating every area of social life for 2 years and abolished as of 19 July 2018. We can define it as a process that undermines the rule of law and democratic life; undermines human rights and freedoms, and a period in which, under the influence of the political discourses of the judicial mechanisms, the understanding of justice and truth is heavily subverted. It is observed that there has been an attempt to perpetuate the state of emergency regime, even after being lifted, by the legislative changes and practices that are mainly security-oriented.

It is crucial to state that, gradually moving away from the democratic rule of law, heading towards a supremely authoritarian and repressive form of government, and with its judiciary falling under the influence of executive powers, Turkey has become a country where freedoms of thought, expression and association are under an indefinite threat. Today, thousands of politicians, academics, journalists and people of opposition have been detained/arrested or sentenced to long imprisonment for expressing their thoughts. Long-lasting detention and the pecuniary punishments have become a means of punishing aimed at eliminating the social and individual identities that are opposed to political power.

The judiciary has been serving as a means of suppression on the opposition by the political power and public trial has been dissociated from universal standards. In particular, following the decisions of the ECHR and the Turkish Constitutional Court, the independent decision-making authority of the courts was completely eliminated by the statements made by the politicians. Recently, the local court did not comply with the decision of ECHR to release Selahattin Demirtaş, the co-chairman of HDP, but decided on the continuation of his detention, after the verdict was criticized by the President, explicitly violating Article 90 of the Constitution. The free elections and the electoral will, which are indispensable for democracy guaranteed by the European Convention on Human Rights and the Constitution, have been ignored.

The one-sided and homogenous policies of the government clearly manifest themselves in the destruction it creates in our social life. We have witnessed the loss of the lives of thousands of people in the last 3.5 years, especially in the context of the armed conflict in our region, due to the government policies under the name of “Anti-Terrorism and Security Policies.” The security forces, militants and civilians lost their lives in 2018 as well. It is a concrete reality in the solution of the Kurdish Problem that the solution will not be gained by violence through decades-old state policies. The country urgently needs an environment of social peace and tranquility. Therefore, to ensure the conditions of a non-conflict era, the ongoing conflict since July 24, 2015 needs to be ended and negotiations be restarted.

In our region, in 2018, violations occurred in many different and categorical issues such as torture and ill-treatment, violations in prisons, prohibitions and interventions on the right to assembly and demonstration, freedom of thought and expression, freedom of the press, violence against women and children, economic and social rights.

To illustrate the situation;

We have witnessed the widespread and systematic torture and ill-treatment in detention centres and outside as well. During home raids and often in the middle of the street, unfortunately, the citizens are subjected to ill-treatment and beaten. We would like to remain that torture is absolutely prohibited according to the Constitution and international conventions to which Turkey is a party. These inhumane methods should be terminated immediately; the perpetrators should be dismissed from their posts and brought to court and punished. One of the most important reasons why torture has become widespread and systematic is that the crime of torture is left unpunished and the perpetrators continue to commit this crime with courage from this situation without hesitation!

Plus, our citizens were detained inside and/or outside the detention facilities; were threatened, tortured, and forced to be informants, which an example of torture and ill-treatment, all of which are a big threat to personal security.

Another area where torture was widespread and systematic is the prisons. In prisons violations that peaked during the State of Emergency continued to exist without losing any volume after the lifting of the state of emergency. Violations such as the right to health, torture and ill-treatment, disciplinary proceedings, isolation, limitations in right to communication and the right to family were the fundamental rights violations in prisons. The relatives of prisoners who applied to our branch stated that there were still grave violations such as solitary confinement, handcuffed medical treatment, deprivation of hospital and infantry. In particular, we would like to express that the violation of the right to health was a subject of grave complaint in this process. The patients who could hardly survive alone were literally shuttling between the prison and the hospital. Prisoners that were terminally ill were still not treated properly or released from prisoners, and unfortunately many of them lost their lives. In February 2018, Celal ŞEKER, a severely disabled prisoner who could not get medical treatment or released, despite having a medical report, was one of those losing their lives in prisons. Unfortunately, 9 months after his death, the Constitutional Court gave a verdict on not releasing him, which reveals the attitude of the judiciary to sick prisoners. According to data we gathered, there were 1154 sick prisoners in prison, 402 of whom were terminally ill, and were abandoned almost to death.

Aggravated isolation practices applied in İmralı High Security F Type Closed Prison continued in this period. It is a violation of human rights that PKK leader Abdullah Öcalan, a convicted prisoner, and three more political prisoners in the same prison cannot be visited by their lawyers and families. We particularly want to express that tailor made practices in prisons are a situation that is incompatible with human rights notion and humanitarian law. We would also like to recall that this constitutes a serious risk for the solution of the Kurdish Problem. DTK (Democratic Society Congress) Co-Chairman and HDP Hakkari deputy Leyla Güven, along with over 280 other political prisoners started indefinite hunger strike and to protest the isolation policies implemented in İmralı Prison. Continuing its hunger strike action even after the evacuation and leaving behind 90th day behind Leyla Güven and others exceeds a critical threshold, whereas the government has not started taking measures to protect the right to life; instead they began disciplinary proceedings and isolation.

Throughout 2018, the bodies of militants were not returned to their families. The families' rights were violated by the security forces' mobbing and long-lasting procedures, which enabled the families to practice their religious duties. We call on the authorities to be sensitive and to comply with the rule of law and return the bodies to the families as soon as possible.

Unfortunately, the pressures on freedom of expression and freedom of association, which we are trying to address above, continue with prohibitions and restrictions. As a form of right to remedies as defined in the Constitution and Article 34 guaranteed, the outdoor assemblies and demonstrations, are prohibited or restricted by governors unlawfully and arbitrarily. Citizens who insist on the use of constitutional rights are taken into custody by law enforcement officers who conduct arbitrary and disproportionate interference, and beat or treat violently. Also the sit-in protest named 'Find the Missing, Judge the Perpetrators' carried out by Saturday Mothers since January 31, 2009 every week on in Diyarbakir Kosuyolu Park at the Right to Life Monument, was banned by The Governership of Diyarbakir at its 499th We ek on 1st of September 2018. The same prohibitions are also applied in other regional cities. The decisions taken by the governors are arbitrary and the rights guaranteed by the law are violated against. It is understood that the right to peaceful assembly and demonstration, which is a special form of freedom of expression, is the basis of democratic society and that this arbitrary restraint order is a clear attack on the right of the individual and the society to the meetings, demonstrations and marches including special gatherings in public streets and roads.

Again, security zones and curfews were declared, disrupting the routine flow of life in rural areas, and putting livestock and agricultural activities at a standstill.

Unfortunately, violence against women continued in 2018. The increase in human rights violations against women in Turkey has shown that even the implementation of existing legal rules failed to protect women adequately. The inquiries over the violence against women, sexual harassment and sexual assault were not carried out effectively. A large number of files are left in the hands of the judiciary. Still, in some cases of violence against women, the male perpetrator benefited from unjust provocation and good conduct time. Patriarchal violence nourished by the policies of the state affects the whole public spheres and is simply encouraging women's murder.

Violence against women, whether in the family, on the street, or in detention, is political. This problem can only be overcome by the effective fight with the male-dominated mentality, including the establishment of developed social policies, adequate measures and defending gender equality.

Unfortunately, the rights violations of our children, which we see as the future of our social life, continue to increase. In addition to the children killed by violence we see children die or get injured as a result of the explosives left unattended in the regions where the conflict environment where armed conflict has taken place before. In our report, while we try to attract attention onto the increase in the cases of children's sexual abuse and missing it appears that the inadequacy of protective laws guaranteeing the rights of children and the obligations arising from the international agreements are neglected.

We are entering a local election process in an environment where violations in social life, especially in the area of freedom of expression and association, where dozens of municipal co-presidents of DBP, replaced by government trustees, are still in prison being sentenced to many years. Last but not least, we would like to draw attention to the heavy prison sentences imposed on Diyarbakir Metropolitan Municipality Co-Chair Gültan Kışanak and DBP Co-Chairperson Sabahat Tuncel. We want to express our concerns about electoral security in an environment where violations and pressure are so high. We call on authorities to take responsibility for

ensuring a safe environment for national and international institutions and organizations that want to observe the elections.

We, as human rights defenders, believe that violations in our lives are preventable. For this reason, we demand that the disasters and violations created by the State of Emergency be unearthed and eliminated by parliamentary research committees. We hope that the conflict will come to an end and that a permanent de-escalation and solution process will be renegotiated. We wish an honourable and peaceful life for all under all circumstances, without any discrimination in terms of language, faith, ethnicity, nationality, gender and culture and we want to emphasize right to live is unquestionable.

**HUMAN RIGHTS ASSOCIATION
DİYARBAKIR BRANCH**

2018 Table of Violations against Human Rights

VIOLATIONS AGAINST RIGHT TO LIVE		
	DEAD	WOUNDED
EXTRAJUDICIAL EXECUTION (those killed and wounded by security forces for disobeying stop warning, violation of use of weapon, arbitrary killings)		
Killed or wounded by Police or Military Police	4	4
Killed or wounded by rural guards	5	3
Killed or wounded in prisons	2	2
Killed or wounded by unknown assailants	2	6
FORMAL FALLACY AND NEGLIGENCE	11	106
SELF MURDERS / SUSPICIOUS DEATHS OF POLICE AND SOLDIERS	7	1
THOSE EXPOSED TO ATTACKS		
Political Party, Union or Association Members	1	
Teacher/Academician		1
Local Official		1
Lawyer		2
Doctor	1	5
Armed Conflict		
Official Security Forces	84	155
Armed Militants	370	6
Civilians	1	3
TOTAL	455	164
<i>Footnote: Official security forces killed and wounded by explosives are also included</i>		
CIVILIANS –WOUNDED KILLED IN ATTACKS BY ARMED GROUPS	3	
CIVILIANS WOUNDED- KILLED BY ARMED MILITANTS	7	
KILLED OR WOUNDED AS A RESULT OF LAND MINES AND UNCLAIMED BOMBS		
MALE		2
FEMALE		2

	CHILD	2	2
Suspicious DEATHS			
	MALE	1	
	FEMALE	1	
	CHILD	2	
VIOLATIONS DUE TO ARMED CONFLICTS			
Wildfire or field fires		5	
Declaration of Restricted Military Zone and Land Restrictions		46	
Curfews		39	
Militant Corpses not returned to Families		3	
Desecration of a Corpse		6	
VIOLATIONS AGAINST WOMEN'S RIGHT TO LIFE			
SUICIDE			
	Suicide	11	
	Attempt	4	
Domestic Violence against Women			
	Death	47	
	Wounded/Physical Violence	30	
	Sexual assault	3	
Non-Domestic Violence against Women			
	Dead	11	
	Wounded/Physical Violence	9	
	Sexual Assault	12	
	Abduction/Kidnapping	2	
	Forced into prostitution	8	
VIOLATIONS AGAINST CHILDREN'S RIGHTS			
SUICIDE			
	Suicide	3	
	Attempt	4	
Domestic Violence			
	Dead	3	
	Wounded/Physical Violence	7	

Sexual Abuse	10
Non-domestic Violence	
Dead	4
Wounded/Physical Violence	6
Sexual Abuse	82
Abduction / Kidnapping	4
<i>Violation against Prohibition of Torture</i>	
TORTURE, ILL-TREATMENT, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	
Torture and ill-treatment in detention	17
Torture and ill-treatment outside detention places	83
Torture and ill-treatment in prisons	211
Abducted /Threatened by Security Forces and Offered to be Informant.	20
Those threatened	8
Beaten and Wounded by Security Forces during Demonstrations	9
<i>VIOLATION OF PERSONAL SECURITY AND FREEDOM</i>	
Detentions	
Adult	2783
Child	54
TOTAL	2837
Arrests	
Adult	491
Child	5
TOTAL	496
Home Raids	2368
<i>VIOLATIONS AGAINST FREEDOM OF EXPRESSION</i>	
Ban on Events	1
Prohibited Publications	13
Raided Newspapers and Media Outlets	4

Blocked Websites	8
ENQUIRIES AGAINST FREEDOM OF EXPRESSION	
Number of Enquiries	12
Number of Individuals	77
CASES AGAINST FREEDOM OF EXPRESSION	
Number of Cases	19
Number of Individuals	91
JUDICIAL PUNISHMENT INFLICTED UPON THOSE EXPRESSING THEIR OPINIONS	
Court Files	61
Number of Individuals	684
<i>VIOLATIONS AGAINST FREEDOM OF ASSOCIATION</i>	
Political parties, Trade Unions and Associations Raided or Attacked	
Political Parties	18
<i>VIOLATIONS AGAINST FREEDOM OF ASSEMBLY AND DEMONSTRATION</i>	
Meetings and Demonstrations intervened by Security Forces	13
Meetings and Demonstrations Adjourned or Prohibited	26
<i>VIOLATIONS in PRISONS</i>	
Transfer Practices	165
Violation of the Right to health	183
Violations of Right to see Family	118
Lockdown or Solitary Confinement	25
Prisoners inflicted disciplinary punishment by the Management	40
Violation of Right to Communications	22
Those were prevented from Social Activities	18
Miscellaneous violations	58
<i>VIOLATION OF ECONOMICAL AND SOCIAL RIGHTS</i>	
Occupational Accidents	
Deaths	20

Wounded	12
Dismissed from Work	1344
Officials discharged from work	259
Punishment	1
Those not paid their wages	200
<i>OTHER VIOLATIONS</i>	
Government Trustee (Municipality)	1
Right to Education	1
Right to Health	914
Right to Housing	2
Other Applications	16
Total Number of Violations	11643

Footnote: In 2018, there were 307 applications to Diyarbakır Branch, 60 to Van, 64 to Batman, 6 to Tunceli (Dersim), 2 to Kahramanmaraş Branches.