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HUMAN RIGHTS ASSOCIATION (IHD)

The Year 2017

Eastern and South-Eastern Anatolia Regions

Report On Violations against Human Rights

13 February 2018
IHD 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 search (Milliyet, Hürriyet, Sabah, Evrensel, Birgün, Cumhuriyet, Özgürlükçü Demokrasi, Cnnturk, TRTHaber, NTV, Habertürk, Fırat Haber Ajansı, ETHA, DHA, AA, İHA, ANHA, Bianet.org, El Cezire, BBC, Sputnik, T24, Dihaber, Gazetesujin, Rojeva Medya, 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 or be omitted from the report.

Prepared by

**IHD Diyarbakır Branch
ARCHIVES and DOCUMENTATION UNIT**

ASSESSMENT

We are here to release “**The Report on the Human Rights Violation in the Eastern and South-eastern Anatolian Regions through 2017**” by the Human Rights Association.

The State of Emergency, which lacks the legal security and has turned into a means of oppression against opposition, has led to severe violations of human rights in terms of freedom of expression, free press, economical and social rights, and individual’s security, especially through decree-laws. This regime, where obligations evolving out of international agreements were neglected, has become a means of arbitrary treatment of the government. Citizens opposing these anti-democratic practices are threatened with imprisonment and/or depriving of their socio-economical rights.

During the state of emergency, which has lasted for the last 18 months and prolonged another 3 months, thousands of officers and academicians were ousted without ruling of the court and/or legal basis. There is a serious oppression against the media; and 145 journalist/press employees are in prison at present. Media outlets and publishers are closed down, or they are prevented from making news through detention or arrest. The freedom of demonstration is restricted by provincial governors or district governors. In some cities such as Diyarbakır, Van, Urfa, and Batman, open-air meetings, demonstrations, rallies, and other activities are banned for “security reasons” either by delaying indefinitely or by 30 day each month. People who demand to use their rights as mentioned in the constitution’s 34th article are responded violently by security officers, taken under custody or wounded. There are 10 MPs (one from CHP, nine from HDP) in prison including HDP’s ex-cochairs Selahattin Demirtaş and Figen Yüksekdağ. These MPs are being sued over tens of years, some of whom have been sentenced and some others’ parliamentary immunities were lifted and ousted from the parliament. Moreover, 93 BDP mayors (of 102 in total) were replaced with government trustees; and more than 65 mayors are arrested, which we consider as an intervention in public’s will.

By Decree-Law no: 696, new practices were set forth, which are simply against international law and the constitution. For instance, the practice of continuing the proceedings even if the defence counsel has attended none is clearly a violation of right to fair trial. It is a violation of **presumption of innocence** and **UN Convention against Torture** to transfer prisoners in prison uniform to the court or hospital, to open disciplinary proceedings against them and/or to punish them. Also, the practice will probably create a bigger tension in prisons, leading serious violations against rights of prisoners who may oppose to it. The regulation which brings a kind of impunity for civilians will comprise a basis for paramilitary groups. It is a big source of concern for the community that public order may disappear, that it may create impunity for those committing crimes such as torture and murder, and that some individuals/groups could take it upon themselves to turn to violence against some other individuals or groups.

The authoritarian administration, coming into existence with the state of emergency, blocks the ways of democratic policy and makes impossible the lifestyle that is based on human rights and freedoms. The opponents of the government’s policy cannot find any opportunity to assembly; they are oppressed and silenced.

On the other hand, the on-going armed conflict in our region caused the deaths of hundreds of civilians, soldiers, police officers and the militants in 2017. We are in danger of a worse and more painful armed-battle affecting the society deeply as a result of persistence in problem solving practices apart from dialogue. Tried and tested for a long time but remaining without a solution, this type of violence and conflict based policy, unfortunately, leaves death tolls behind and irreparable wounds in the society. Throughout the period in which human rights violations increase as a result of conflicts, there have been a severe damage in the notion of law and justice.

In our region, human rights violations increasingly continued in 2017. There have been violations such as extra-judicial executions of civilians, torture and ill-treatment, bans on the right to assembly and organisation, violence against freedom of expression, freedom of press and against women and children, losses in economical and social rights.

With the idea that judicial mechanisms are under the influence of political discourse and lost their objectivity, illegal detention and arrest increasingly have continued. We have concluded that, in the region in 2017, 3878 people (20 children) were detained; 788 people, 2 of whom were children, were arrested. At least 2900 homes or workplaces were raided. Especially, we would like to emphasize that it is a clear violation of personal security and freedom to detain and arrest people over *membership of illegal organisation, helping illegal organisations, propaganda in favour of illegal organizations* just using their social media posts as evidence.

It can be understood clearly that there has been an increase in torture and ill-treatment in and outside detention centres. We would like to remind that torture is absolutely forbidden according to the Constitution and the international agreements signed by Turkey. These non-humane practices must be stopped immediately; whoever employed these methods must be discharged from their positions and taken to court.

Another place where torture is widespread and systematic is prisons. During the state of emergency, there were violations in prisons such as banishment, violation of right to health, torture and ill-treatment, disciplinary proceedings, solitary confinement, limitation of communication and family visits. Inmates have stated, via letter or family members visiting our offices, that they were exposed to naked strip search during transportation and physical torture, being forced to stand during inspections, solitary cells, medical treatment while handcuffed, not getting medical treatment in infirmary or hospitals. We would like to state that during this period there were abundant complaints about the violations against right to health. According to data confirmed by our association, there were 1025 ill inmates (357 seriously ill) as if they were left for dead. Despite vigorous effort by our association and the society, severely ill prisoner Celal Şeker's execution of punishment wasn't reprieved and he passed away on 3 February 2018, which indicates the attitude against ill prisoners. Another subject is the solitary practices against Abdullah Öcalan, the leader of PKK, in the high security F type Prison in İmralı. As a convicted prisoner, he himself and 5 other political prisoners in the same premises have been prohibited from seeing his attorneys and their family members, which is a serious human rights violation. Tailor-made practices in prisons don't comply with human rights notion and humane law. Therefore, we call for urgent action against solitary applications.

Another example for violations during the state of emergency is the declaration of curfews and special security zones. Hundreds of areas covering rural settlements were declared security zones on the grounds of military operations and curfews were imposed a lot of times. Residents of rural areas could not maintain their routines and experienced unjust suffering. There were economical and ecological losses due to wildfires in rural areas and forests. During the raids by security forces in military operations, civilians were tortured, maltreated, and taken into custody unlawfully.

Whether killed in armed clashes in urban or rural areas, PKK militants' graves were damaged or destroyed during military operations, and were opened for medico-legal investigation by the order of prosecution office, which is inhumane. These actions have nothing to do with humane law or religion. These practices, based on no legal or moral justification, give the families of the deceased a shock and deep sorrow. We state that it is a judicial scandal to re-open the graves without legal permission from the families.

Violence against women continued increasingly in 2017. Due to male-dominant society's attempts to suppress women's speech and lifestyle, in our region, 47 women were murdered, 13 committed suicide. 37 were wounded as a result of physical violence, 8 were sexually abused and 5 were forced into prostitution. Also, violence of rights that children face increasingly continued during this period. Apart from children murdered violently, sexual abuse in social life increased, primarily in indoor premises such as school or dormitory. In 2017 as a result of violence, 12 children were murdered, 8 committed suicide, 2 were forced into prostitution and 95 children were abused.

On this basis, we demand that state of emergency be lifted; the clash environment be ended, and finally a permanent de-escalation and peace talks be maintained. We wish an honourable life for all under all circumstances, without discrimination in terms of language, faith, ethnicity, nationality, gender and culture and we want to emphasize right to live is unquestionable.

HUMAN RIGHTS ASSOCIATION (HRA) Diyarbakır Branch

HUMAN RIGHTS VIOLATIONS TABLE OF THE YEAR 2017

<i>VIOLATIONS AGAINST RIGHT TO LIVE</i>		
	DEAD	WOUNDED
EXTRAJUDICIAL EXECUTION (those killed and wounded by security forces for disobeying stop warning, violation of use of weapon, attacks in social demonstrations)		
Killed or wounded by Police or Gendermarie	9	10
Killed or wounded by rural guards		2
Killed or wounded in prisons	2	
Killed or wounded by unknown assailants		
Male	8	9
Female		1
FORMAL FALLACY AND NEGLIGENCE	19	173
SELF MURDERS / SUSPICIOUS DEATHS OF POLICE AND SOLDIERS	9	
THOSE EXPOSED TO ATTACKS		
Political Party, Union or Association Members		5
Journalist		3
Student		1
Teacher		1
Local Official		2
Lawyer		3
Doctor	1	
Medical Employee		1
ARMED CONFLICTS		
Official Security Forces	136	258
Armed Militants	461	6
Civilians	11	1
Total:	608	265
<i>Footnote 1: It was learned during the investigations in the first 6 months of 2017 that, 55 armed militants were killed in 2016. This death toll wasn't added to this table, but included in the report's deatailed data</i>		
<i>Footnote 2: Official security forces killed and wounded by explosives are also included</i>		
CIVILIANS KILLED IN ATTACKS BY ARMED GROUPS	13	32
CIVILIANS KILLED BY ARMED MILITANTS	17	
KILLED AROUND BORDERS	1	
KILLED OR WOUNDED AS A RESULT OF LAND MINES AND UNCLAIMED BOMBS		
MALE	1	10

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FEMALE		1
CHILD	6	17
SUSPICIOUS DEATHS		
MALE	15	
FEMALE	3	
CHILD	2	
VIOLATIONS DUE TO ARMED CONFLICTS		
Burning down or Evacuating Villages		1
Wildfire or field fires		13
Declaration of Restricted Military Zone and Land Restrictions		35
Curfews		83
Militant Corpses not returned to Families		24
Inhumane practices against militant corpses		4
Desecration of a Corpse		301
Mass Grave Allegations		
Mezar Sayısı		1
Kişi Sayısı		3
VIOLATIONS AGAINST WOMEN'S RIGHT TO LIFE		
Women's Suicide		
Suicide		13
Attempt		1
Women exposed to Domestic-Violence		
Dead		35
Wounded/Physical Violence		24
Non-Domestic Violence		
Dead		7
Wounded/Physical Violence		13
Sexual Abuse		8
Women forced into prostitution		5
VIOLATIONS AGAINST CHILDREN		
Child Suicide		
Suicide		8
Children Exposed to Domestic Violence		
Dead		5
Wounded/Physical Violence		7

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Non-domestic Violence	
Dead	5
Wounded/Physical Violence	2
Sexual Abuse	95
Children forced into prostitution	2
TORTURE, ILL-TREATMENT, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	
Torture and ill-treatment in detention	29
Köy Korucuları Tarafından Yapılan İşkence ve Kötü Muamele	1
Torture and ill-treatment outside detention places	153
Torture and ill-treatment in prisons	433
Abducted Threatened by Security Forces and Offered Whistleblowing	14
Those threatened	20
Beaten and Wounded by Security Forces during Demonstrations	65
Violence in school	2
<i>VIOLATION OF PERSONAL SECURITY AND FREEDOM</i>	
Detentions	
Adult	3858
Child	20
TOTAL	3878
ARRESTS	
Adult	786
Child	2
TOTAL	788
Raided Residents	2900
<i>VIOLATIONS AGAINST FREEDOM OF EXPRESSION</i>	
Ban on Events	8
Prohibited Publications	11
Raided Newspapers and Media Outlets	1
Closed Media Organisations	7
Blocked Websites	7

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Violations against the Use of Mother Tongue	2
ENQUIRIES AGAINST FREEDOM OF EXPRESSION	
Number of Enquiries	11
Number of Individuals	197
CASES AGAINST FREEDOM OF EXPRESSION	
Number of Cases	41
Number of Individuals	76
JUDICIAL PUNISHMENT INFLICTED UPON THOSE EXPRESSING THEIR OPINIONS	
Court Files	50
Number of Individuals	274
<i>VIOLATIONS AGAINST FREEDOM OF ASSOCIATION</i>	
Political parties, Trade Unions and Associations Raided or Attacked	
Political Parties	15
Associations	1
Municipal Premises	15
Political Party, Union, Association, Cultural Organisations that were closed down or attempted to be closed down.	
Association	35
Charitable Foundations	1
Education and Culture Organisations	4
<i>VIOLATIONS AGAINST FREEDOM OF ASSEMBLY AND DEMONSTRATION</i>	
Meetings and Demonstrations intervened by Security Forces	17
Meetings and Demonstrations Adjourned or Prohibited	19
<i>VIOLATIONS in PRISONS</i>	
Transfer Practices	630
Violation of the Right to health	159
Violations of Right to see Family	14
Lockdown or Solitary Confinement	95
Prisoners inflicted disciplinary punishment by the Management	6
Violation of Right to Communications	11
Those were prevented from Social Activities	44
Violations against Mother Tongue use	4
Miscellaneous violations	56

<i>VIOLATION OF ECONOMICAL AND SOCIAL RIGHTS</i>	
Occupational Accidents	
Deaths	30
Wounded	26
Discharged from Work	931
Removed from office/Suspended	229
Officials discharged from work	4547
Administrative Investigation	83
Punishment	20
<i>VIOLATION OF RIGHT TO EDUCATION</i>	
Inquiries implemented by University Disciplinary Council	1
<i>VIOLATIONS AGAINST THE RIGHTS OF THE DISABLED</i>	
Right to Public Services	1
Sexual Abuse	1
Torture and Ill-treatment	10
<i>Other VIOLATIONS</i>	
Government Trustee (Municipality)	32
Right to Health	465
Right to Own Property	17
Right to Housing	14
Other Applications	71
Total Number of Violations	18507

Footnote: In 2017, there were 376 applications to Diyarbakır Branch, 154 to Van, 44 to Batman, 5 to Tunceli (Dersim), 3 to Malatya, 2 to Ağrı, 2 to Urfa and 1 to Elazığ Branches.