

## **PRE REPORT REGARDING DECLARED CURFEW BETWEEN 3-14 NOVEMBER IN DISTRICT SİLVAN OF PROVINCE DİYARBAKIR (TURKEY)**

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### **EXPERIENCE**

A curfew has declared in Konak, Mescid and Tekel neighborhoods in Silvan district of Diyarbakır between 3-14 November. During 12 days, Police Special Action (PÖH), Gendarmerie Special Action (JÖH), and Anti-Terror Forces (TEM), using military vehicles such Kirpi, Akrep, Armoured, Keççe and Toma and stationed snipers on rooftops and buildings have military operation. In these streets where the curfew declared, very heavy weapons used and fired houses, houses not able to be used by it any longer so on many injured and 7 citizens lost their life.

### **DELEGATION AIM AND CONTENT**

It is a necessity consisting a delegation to observe, pursue the case and find out the concrete facts on civilians deaths and heavy legal violations regarding war crimes during the curfew. For this reason, visiting the neighborhoods to see and identify concrete facts, perpetrators, to inquire the event in detail by means of domestic and international legal.

### **FORMING DELEGATION**

By calling Democratic Law Platform<sup>1</sup>, about 200 lawyers from the different cities of Turkey and Kurdistan in 13.11.2015, the delegation has been in Silvan to investigate the crime scene and observe. The first day, however the delegation asked to enter the neighborhoods in the curfew, they faced to teargas and water canon used by the police. Next day, the delegation with Silvan's people marched and entered the neighborhoods in the curfew, meanwhile the curfew ended and all the area in the heavy clashes have observed.

### **LEGAL EVALUATION REGARDING CURFEW**

The law for provincial administration and other legal arrangements which regulate the authority and duties of the governors, definitely do not give them the right authority and the duty of executing arbitrary acts. By this, governorship of Diyarbakır directly inhibited fundamental right and freedom the citizens who are inhabitants in the districts. Diyarbakır Governorship on the excuse that 'Terrorism incident', based upon the law for provincial administration with term 11/C that is not be a reason for curfew in the neighborhoods for 12 days. Base upon curfew on the law for provincial administration with term 11/C means declaring "state of emergency" by governorship which is definitely against the laws. Non of the terms of the law for provincial administration arrange a declaration for CURFEW. So governorship used a not existing authority.

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<sup>1</sup> Demokratik Hukuk Platformu

## **THOSE WHO LOST LIVES AND WOUNDED**

. Müslüm Tayyar (22), 2 November 2015, one day before curfew, in the Feridun neighborhood, while he was going out from his relativ's home shoted by firing armoured vehicles and injured,after taking hospital lost his life.

. Sertip Polat (20), 3 November 2015, in the evening shoted as "special operation team" organised an operation.

. Engin Gezici (24), 3 November 2015, shoted from his chest while he was going out from home, dead.

. İsmet Gezici (65), shoted while he he was helping shoted his nephew Engin Gezici. He shoted by snipers and lost his life in hospital.

. Mehmet Gündüz, 9 November, when there is no curfew in Feridun neighborhood lost his life cause special operation team fired a tea house.

. Yakup Sinbağ (20), In Tekel neighborhood lost his life cause firing by special forces team.

## **WOUNDED PEOPLE**

People came together at the Azizoğlu street of Cami neighborhood to react the curfew, Special forces team fired on people and Abdulkerim Eleftos(27) injured from his leg, Faysal Korkmaz(40) injured also by a bullet part of grenade launcher.

5 november 2015, Mukaddes Arbağ(33), injured in a house raid organised by police.

6 November 2015, Rıdvan Us(20); 7 November 2015 a shopkeeper in Tekel neighborhood named Adnan Bakır wounded by bullet part of grenade launcher.

8 November 2015, special forces team targeted a house in Azizoğlu street in Cami neighborhood and Mehmet Emin Çiçek(70) wounded by it.

9 november 2015, special forces team used mortar bomb to a tea house in Feridun neighborhood where there is no curfew, Seyfettin Kurt(44), Abdulsamet kesici(50) and Kutbettin Çiçek heavily wounded.

Mustafa Sağlam(26), also wounded in Selahattin neighborhood.

13 November 2015, HDP parliamenters, a group lawyer with people asked to enter konak neighborhood, Üstün Güneş(40) heavily wounded from his chest. There have been some other wounded childrens 5,7,11 years old that we could not learn names.

## **SEARCH AND DETERMINATIONS BY DELEGATION**

- 1) Since Auguste 5 times curfew declared in Silvan and totally 7 civilians lost their life.
- 2) The curfew started 03.11.2015 and ended 14.11.2015 by the march to streets in the curfew with the people and delegation. During it 7 citizens have been killed and many wounded by police attack.

- 3) During 12 days in the curfew, many citizens got fired by snipers, houses targeted by heavy weapons, some houses set on fire and not able to live in it, any longer.
- 4) During 12 days in the curfew not let bakeries and markets open, not permitted people to get basic needs such as bread, milk, baby food.
- 5) During 12 days in the curfew GSM cellphone operators and communications blocked.
- 6) Water tubes giving water to neighborhoods detonated/broken.
- 7) During the curfew, trafo for electricity, especially targeted and detonated to block electricity access/use.
- 8) During the curfew, snipers who stationed on the rooftops fired at everything moving and caused people injured.
- 9) Military vehicles entered the streets and houses fired and destroyed by heavy weapons.
- 10) During the curfew, due to "Family Health Center" cottage hospitals were closed, health service can not work and no people could reach hospitals etc.
- 11) During the curfew those wounded by snipers or wounded in explosion could not reach to ambulance due to blocks by security forces.
- 12) Those who disease and wounded tried to get hospitals by their own efforts. Üstün Güneş who is injured by shooting iron was carried to hospital in the garbage container.
- 13) In Cizre district province Şırnak, during the curfew women could not have pregnancy control.
- 14) Not having possibility for giving birth for women, many women had to give birth in home and some had miscarry.
- 15) During curfew amidst Silvan people that were under siege and heavy fire seen psychological trauma.
- 16) During the curfew, in the streets and houses found remains pieces of shooting irons and found different remained part from weapons. These shows that security forces used very heavy weapons.
- 17) During this time, not only civilians targeted at the same time animals such as chicken, horses, pigeons targeted and seen a lot of dead animals in the streets.
- 18) Most of the houses in Konak, Mescid, Tekel neighborhoods have no good conditions to live in it any longer because of having been targeted by bullets, rocket launcher, mortar bombs.
- 19) Soldiers and police marked walls with words of hatred and threats such as; "Either be Turk and be proud, or if you are not a Turk learn to obey!", "T.C(Turkish Republic) Here" "Turkish State Came", "PÖH(Police Special Action)", "JÖH(Gendarme Special

Action)", " The Wolf has got the taste of the blood", "Esadullah team" "Silavan Commando" and "You will see power of Turkish" from police vehicles louding ultra nationalist anthem and with the crying "Allahu Akbar" police fired around, having announcement with swearing and Arabic speech tried to give the fear as ISIS members.

20) Having watched that many special forces members those who have been in 90's years war in the area, most of them have countless crimes against people in that times before. Those are seen in Silvan now.

21) Against the people protesting curfew in democratic ways, police used water canon and teargases by anti legal way.

22) During the curfew, in the centre of Silvan, special forces having provocation with trucker tanks scaring people.

## **CONCLUSION AND EVALUATION**

Having a systematical war against people during the curfew between 03.11.2015-14.11.2015 in Silvan, at first, right to life has been violated, right to Access to water, elecricity and food inhibited. Inhibiting cottage hospital and hospitals, right to health has been violated. Not only in the streets where there were in curfew, in the all town, base station of GSM operators deactivated and right to communication blocked. With these, the state as contractor member of Geneva Convention violated the rule that has to obey in the conflicts conditions. It is also in contradictory position to domestic law, universal law principals and other all international human rights Conventions.

Regarding to set on fire houses, destroyed houses and other dwelling, freehold right(disseize) of citizens violated, breaking doors of emptied houses is showing violation of dwelling immunity. Having been seen strong evidences to show damaging personel property and violating it.

The meetings we had with people in the area based on this reality; the turkish Power had taken decision for war against Kurdish and Kurdistan by all means of war, especially war is focusing on some towns.

Security forces approached people in area as categorical and thus, it is possible that they can attack to everybody there without choosing a concrete object. It is showing that creating a general fear on people, they are realising "state terrorism".

Having seen as in others towns in the curfew; it is said that attacker armed forces are ISIS imaged (bearded, some bearded and without mustache) in Silvan too. And this is a part of systematical attacks by state to create psychological effect on Kurdish people. To give the same fear and savagery made by ISIS terrorist group on Kurdish people.

It is for political power manners that armed forces having acted as very self confidence and fearless on practising extravagant violence more than previous years. Attacking is known as a part of right and mission of military service for them. Present manner, as a part of war

policy by AKP power seem that extravagant violence supported and crimes acts encouraged by it.

In Silvan, there has been acts related war crimes and violation rights. To have an effective struggle for rights we need a mechanism of chasing. It is a must to find out the truths by national and international legal and by democratic method and mechanisms.