

AMNESTY INTERNATIONAL BRIEFING

AI Index: EUR 44/3230/2016

Turkey: End abusive operations under indefinite curfews

Amnesty International calls on the Turkish government to end the indefinite curfews in Kurdish neighbourhoods across east and south-east Turkey. For several months, Amnesty International has been urging the government to end disproportionate restrictions on movement, including round-the-clock curfews, and other arbitrary measures which have left residents without access to emergency health care, food, water and electricity for extended periods. The draconian restrictions imposed during indefinite curfews, some of which have been in place for over a month, increasingly resemble collective punishment, and must end.

Operations by police and the military in these areas have been characterised by abusive use of force, including firing heavy weaponry in residential neighbourhoods. The Turkish government must ensure that any use of firearms is human rights compliant, and doesn't lead to the deaths and injuries of unarmed residents.

More than 150 residents have reportedly been killed as state forces have clashed with Revolutionary Patriotic Youth Movement (YDG-H), the youth wing of the Kurdistan Workers' Party (PKK). The dead include women, young children and the elderly casting serious doubt over the government's claims that very few of the dead were unarmed.

The battles take place in the context of armed clashes taking place between the security services and the PKK, following the breakdown in July 2015 of a peace process that had held in place since 2013.

PKK attacks have resulted in the deaths of civilians. On 13 January an attack by the PKK left one police officer and five civilians, including two young children, dead when they planted a car bomb outside the Çınar police headquarters in Diyarbakır province. Thirty nine people, mostly civilians, were reported injured in the attack which destroyed the police station, a building which serves as accommodation for police officers and their families and an unrelated residential building. Such attacks, which fail to adequately discriminate between military targets and civilians, violate the principles of international humanitarian law.

In some areas, curfews that don't allow people to leave their houses at all have been in place for over a month, leaving residents without access to emergency healthcare, food, water and electricity for extended periods.

Security measures, including those aimed at arresting suspected members of YDG-H, must adhere to Turkey's obligations under international human rights law, in particular the international standards on use of force in policing. Under these standards, which uphold the right to life and security of person, firearms may only be used against individuals posing an imminent risk to life or serious injury. The quasi-military operations currently being conducted under round-the-clock curfews do not appear to be adhering to these standards and are putting the lives of hundreds of thousands of people at risk and are beginning to resemble collective punishment.

The Turkish authorities must ensure that affected residents are able to access food and essential services and restrict the intentional use of lethal force to situations where it is strictly unavoidable to protect life.

Curfews

According to the Human Rights Foundation of Turkey, curfews have been imposed on at least 58 occasions in at least 19 different towns and districts across seven provinces of east and south-east Turkey since they were first introduced in August last year. Curfews are currently in force in three locations where it is estimated 200,000 residents are at risk. The towns of Cizre and Silopi, both in Şırnak province that borders Iraq and Syria have been under uninterrupted curfew since 14 December 2015. The local authorities announced on 18 January that, as of the following day, the curfew in Silopi would be lifted during the daytime hours between 5am and 6pm. Six neighbourhoods within the Sur district of the city of Diyarbakir have been under curfew since 11 December.

The curfews have been imposed in the context of operations by police and, increasingly, by the military, in towns and cities in the east and south-east of Turkey. The operations are being conducted against members of the armed YDG-H, the youth wing of the armed PKK. The YDG-H has attacked security officials with rockets, small arms fire and improvised explosive devices, ahead of and during the curfews. Some PKK members may also have taken part in these attacks against security forces in urban neighbourhoods.

In some, but not all of the neighbourhoods under curfew, the YDG-H has had a visible presence, even conducting armed patrols and attempting to control access by maintaining barricades and checkpoints. The authorities have stated that the curfews are being imposed in order to allow for the capture of members of the PKK, to protect the security of the people and their property, and to remove barricades, citing the powers of the Governor to act under the Provincial Administration Law.

Research carried out by Amnesty International in areas under curfew before December 2015 and reports from residents in areas that are currently inaccessible to external observers reveal the extreme hardships they face on account of cuts to water and electricity and the dangers of accessing food and medical care while under fire.

In some cases, water and electricity supplies have been provided intermittently, while in other areas under curfew they have been subject to total cuts. The authorities allege that the cuts are the result of damage to the infrastructure inflicted by YDG-H. While this is plausible in some cases, it is notable that the cuts have almost always coincided with the imposition of curfews. Cuts to mobile phone networks and 3G signals have also frequently occurred during curfews, which are far less likely to be due to damage to infrastructure.

In some areas under curfew residents have reported that they have been able to defy the ban on them leaving their homes and access medical care or buy food supplies. But residents in other areas have reported that due to armed clashes and the frequent use of sniper fire by the security forces, accessing food or medical services has been impossible for the duration of curfews. There have also been numerous reports of ambulances being prevented from entering areas under curfew on account of ongoing clashes or the orders of security forces. According to residents interviewed by Amnesty International, statements made by the authorities that food and medical services have been made available throughout curfews do not reflect the reality on the ground.

People living within the areas under curfew have also been prevented from leaving. Many people managed to leave these areas however, ahead of curfews being imposed or by risking their lives to escape during curfews. According to information provided by the Minister of the Interior to parliamentarians from the ruling AK Party, more than 90,000 people have left four areas under curfew, Cizre, Silopi, Sur, and Dargeçit in Mardin province, amounting to more than 20% of the total population in the affected areas.

Excessive use of force

The law enforcement and military operations conducted in areas under curfew have been characterised by the use of heavy weaponry and sniper fire by the police and army, putting the lives of trapped residents at risk.

Information compiled by the Human Rights Foundation of Turkey recorded 162 people to have been killed during the curfews, including 29 women, 32 children and 24 people over 60 years of age, in areas under curfew since August 2015.

Details provided by the Minister of the Interior to parliamentarians from the ruling AK Party during a 8-10 January retreat, claim that in four areas under curfew, Cizre, Silopi, Sur, and Dargeçit in Mardin province 18 “civilians” had been killed: 14 in Cizre, two in Dargeçit and one person in each of Silopi and Sur. According to the figures, 24 security services personnel had been killed, 16 soldiers, seven police and one village guard paramilitary. The figures state that a total of 6,182 soldiers and 7,889 police took part in the operations.

The operations appear to be conducted with the intention of killing – rather than arresting -- members of the YDG-H, ignoring the requirement that intentional lethal force only be used when strictly unavoidable to protect life. Evidence also points to the fact that security forces have been reckless in their use of firearms, using heavy weapons in built up areas in a way that is likely to cause casualties to unarmed residents.

In the course of on the ground research following an earlier curfew in Cizre from 4 – 12 September 2015, Amnesty International found evidence that several deaths may have been caused by snipers at locations far from where clashes were taking place. Among those killed were children, women and elderly people, who are very unlikely to have been involved in armed clashes. More recently reported deaths have also followed this same troubling pattern. Investigations into deaths have failed to show any sign of progress.

International standards protecting the right to life require that lethal force by law enforcement agents, and particularly their use of firearms, be limited to self-defence or defence of others against imminent threat of death or serious injury. Intentional lethal use of firearms may only be made when strictly unavoidable to protect life. (Principle 9, UN Basic Principles on the Use of Force and Firearms).

While it is difficult to paint an accurate picture of the scale of the violations in the areas under curfew, there is little doubt that the Turkish authorities are putting lives at risk by using lethal force excessively and recklessly. The Turkish authorities must rethink both the aims and the methods of their law enforcement operations.

Obstacles to independent monitoring and the suppression of criticism

Authorities have prevented independent observers from bar associations and human rights organizations from entering areas under curfew, making it difficult to form an accurate picture of what is going on. People speaking out against the abuses have been subjected to threats, criminal investigation and other forms of harassment, which must also stop.

In a telling example of how little tolerance the authorities have for any form of dissent regarding the operations, on 9 January, state prosecutors initiated a criminal investigation for “making propaganda for a terrorist organization”, against a chat show host. The investigation was launched after a caller to the “Beyaz Show” said that mothers and children were being killed in the south east, urging people not to stay silent about it. The chat show host, Beyazıt Öztürk, thanked and applauded her for her contribution, saying he supported her call for peace. A media furore, death threats against those involved and investigation against the chat show host, the head of the television programme and the caller, Ayşe Çelik ensued.

The state's reaction to a petition signed by 1,128 "academicians for peace" who called for peace under the title "we will not be a partner to this crime", highlighted the government extreme sensitivity to criticism. They were first attacked by President Erdoğan, who accused the academics of "betrayal". The Higher Education Council (YÖK) then announced that it had started an administrative investigation into the signatories and several academics were relieved of their duties by their university employers.

Sedat Peker, a convicted organized crime boss and extreme nationalist, threatened the group saying that "we will make your blood run" and then "bathe in your blood". And on 14 January, Istanbul prosecutors initiated an investigation against all members of the group for "making propaganda for a terrorist organization" under Article 7/2 of the Anti-Terrorism Law and "insulting the Turkish nation" under Article 301 of the Penal Code. As of 18 January, 33 of the academics had been detained for questioning before being released. Many of the group had received threatening messages via telephone, social media or left at their university offices. Later in the day President Erdoğan again attacked the group accusing them of "committing the same crime as those who commit massacres". He said that he had "invited the university authorities and judicial organs to do their duty."