

**Office of the United Nations High Commissioner
for Human Rights**

**Report on the human rights situation in South-East
Turkey**

July 2015 to December 2016

February 2017



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I. Executive Summary

1. The present report provides an overview of key human rights concerns in South-East Turkey¹ between July 2015 and 31 December 2016, particularly in relation to security operations conducted by the Government of Turkey.
2. Between July 2015 and December 2016, some 2,000 people were reportedly killed in the context of security operations in South-East Turkey. According to information received, this would include close to 800 members of the security forces, and approximately 1,200 local residents, of which an unspecified number may have been involved in violent or non-violent actions against the State. The Office of the United Nations High Commissioner for Human Rights (OHCHR) documented numerous cases of excessive use of force; killings; enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe curtailment of the right to freedom of opinion and expression as well as political participation. The most serious human rights violations reportedly occurred during periods of curfew, when entire residential areas were cut off and movement restricted around-the-clock for several days at a time.
3. Since July 2015, when OHCHR started receiving detailed and credible allegations of serious human rights violations taking place in South-East Turkey, several United Nations human rights mechanisms, including Special Procedures of the Human Rights Council and Human Rights Treaty Bodies, as well as the regional human rights mechanisms in Europe, notably the Commissioner for Human Rights of the Council of Europe, have expressed concern about the reported allegations.
4. In May 2016, the High Commissioner for Human Rights requested the Government of Turkey to grant a team of OHCHR human rights officers full and unhindered access to the concerned area in order to substantiate facts and ascertain reported human rights concerns². OHCHR repeatedly followed up on this request but, as of February 2017, it had not received any formal reply from the Turkish authorities.³
5. In June 2016, in the absence of access, the High Commissioner initiated a monitoring process based at the OHCHR Headquarters in Geneva, in furtherance of his mandate under United Nations General Assembly Resolution 48/141⁴. This

¹ This refers to a geographic zone of the Republic of Turkey encompassing the provinces of Adıyaman, Batman, Bingöl, Bitlis, Diyarbakır, Gaziantep, Hakkâri, Kahramanmaraş, Kilis, Malatya, Mardin, Siirt, Şanlıurfa and Şırnak.

² On 11 May 2016, the High Commissioner wrote a letter to the Permanent Representative of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland requesting permission for an OHCHR team to conduct a monitoring mission in South-East Turkey with a view to independently examining the allegations it had received. On 22 December 2016, OHCHR reiterated its request for permission through a Note Verbale to the Permanent Representative of Turkey.

³ OHCHR acknowledges the receipt of a Note Verbale by the Permanent Mission of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland dated 8 February 2017, and the invitation extended therein for the visit to Turkey of the United Nations High Commissioner for Human Rights. While grateful for the invitation, OHCHR regrets the absence of an agreement by the Turkish authorities to provide access to its technical team to the affected areas in South-East Turkey.

⁴ The United Nations General Assembly Resolution 48/141 calls on the United Nations High Commissioner for Human Rights, inter alia, to: “a) promote and protect the effective enjoyment by all of all civil, cultural, economic, political and social rights;... f) play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations; g) engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights.”

monitoring has been conducted according to the standard OHCHR methodology. Some developments which affect the whole country, such as the response of the Government of Turkey to the 15 July 2016 coup attempt and its national counter-terrorism policies, are reflected in this report when relevant (directly or indirectly) to the situation in South-East Turkey.

6. This report is based on the information received, verified and analyzed by the OHCHR remote monitoring team. Methods of information gathering and verification included interviews with multiple victims, witnesses and relatives of victims; analysis of information provided by the Government of Turkey, as well as Turkish and international non-governmental organizations (NGOs); official records; open source documents; satellite images, video, photographic and audio materials; and other relevant and reliable materials. OHCHR has exercised due diligence to corroborate, to the extent possible, the validity of the information received within the constraints of remote monitoring. OHCHR is committed to the protection of its sources and ensures the preservation of their confidentiality. It therefore does not disclose any information that may lead to the identification of sources, except with their informed consent.

7. While grateful for the information provided by the Permanent Mission of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland on the situation in South-East Turkey, OHCHR regrets the absence of direct access to the affected places, people and to various Government, independent and non-governmental sources in South-East Turkey. This has prevented the establishment of a dialogue and has made direct corroboration of received allegations against information available to the local authorities impossible. Thus, at the time of writing this report, OHCHR did not have the capacity to verify all allegations brought to its attention. This report therefore does not provide a comprehensive account of the human rights situation in South-East Turkey but presents a sample of cases of concern in the area between July 2015 and December 2016.

8. The enjoyment of human rights in South-East Turkey is further undermined by violent attacks, such as killings or kidnappings, as well as acts of terrorism which, according to Government sources, have been committed by the Kurdistan's Workers Party (PKK)⁵ targeting among others, members of the ruling Justice and Development Party (AKP) in the region. The Government has reportedly responded by intensifying its military activity in the region, as well as by employing disproportionate security measures. This prevailing violence and insecurity is exacerbated by the political instability and deepening social divisions, and spurred on by the absence of any effective institutional platform to facilitate social dialogue in South-East Turkey.

9. It appears that the domestic protection of human rights in South-East Turkey has effectively been non-functioning since at least July 2015, as demonstrated by the reported lack of a single investigation into the alleged unlawful killing of hundreds of people over a period of 13 months between late July 2015 and the end of August of 2016. According to the information received from family members and lawyers representing the victims, local prosecutors have consistently refused to open investigations into the reported killings, in violation of constitutional and international human rights law obligations.

10. A series of laws, including Law No. 6722,⁶ which was adopted on 23 June 2016, created, as reported by various NGOs, an atmosphere of "systematic impunity" for the security forces.

⁵ PKK is listed as a terrorist organization by the Government of Turkey, some States, EU and NATO.

⁶ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160714-1.htm>

11. The United Nations strongly condemned the attempted coup of 15 July 2016 in Turkey, which was followed by the state of emergency enacted on 15 July and extended for an additional three months as of 19 October 2016. On 21 July 2016, the Government of Turkey notified the United Nations Secretary-General of its derogation under article 4 of the International Covenant on Civil and Political Rights from the obligations in articles 2, 3, 9, 10, 12, 13, 14, 17, 19, 21, 22, 25, 26 and 27 of the Covenant⁷. The Government also notified the Secretary-General of the Council of Europe of its derogation from provisions of the European Convention on Human Rights and Fundamental Freedoms⁸. OHCHR recalls that any measures restricting the rights that were derogated from should be limited to the extent strictly required by the exigencies of the situation, meaning that they must be proportional and limited to what is necessary in terms of duration, geographic coverage and material scope.⁹

12. OHCHR recognizes the complex situation that Turkey has been facing by almost simultaneously conducting the security operation in South-East Turkey, addressing the 15 July 2016 attempted coup and dealing with a number of terrorist attacks. However, OHCHR is seriously concerned about the adverse effects on the enjoyment of human rights by the measures undertaken following the declaration of the state of emergency. In South-East Turkey, these measures appear to have largely targeted dissent in general and political parties of the opposition in particular, disproportionately affecting citizens of Kurdish origin. Of particular concern is the massive scale of dismissals of public officials, especially of school teachers; the mass arrest of members of parliament belonging to the People's Democratic Party (HDP) and of municipal mayors in majority Kurdish areas; and the closure of almost all Kurdish language local and national media outlets and the arrests of their journalists. Moreover, decrees published using emergency powers have severely restricted access to justice and fair trial guarantees.

13. OHCHR takes note of the reports received from the Government of Turkey indicating that the PKK had conducted a number of violent attacks that caused deaths and injuries among Turkish security forces and other individuals. The PKK has also been involved, according to the Government, in kidnappings, including of children; digging trenches and placing roadblocks in cities and towns; and preventing medical services from delivering emergency health services.

14. The number of reported displaced persons (IDPs) in South-East Turkey is estimated between 355,000 to half a million people, mainly citizens of Kurdish origin. The displaced population is reported to have moved to neighbouring suburbs, towns and villages, or to other regions within Turkey.

15. Humanitarian assistance to over 355,000 internally displaced people has reportedly been very limited. According to available information, no international organization has been granted access to assess humanitarian needs and provide assistance to the population in South-East Turkey, including internally displaced persons. Local NGOs reported that Government assistance has been conditioned upon having a clean criminal record, in violation of basic humanitarian principles governing emergency humanitarian responses.

16. The aim of this report is to bring serious human rights concerns in South-East Turkey to the attention of the competent authorities with a view to promoting means to address them, including by conducting full and independent investigations. To fully corroborate and verify the information presented in this report, OHCHR

⁷ <https://treaties.un.org/doc/Publication/CN/2016/CN.580.2016-Eng.pdf>

⁸ <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstrametImage=2929966&SecMode=1&DocId=2380676&Usage=2>

⁹ See Human Rights Committee, General Comment No. 29, "Article 4: Derogations during a State of Emergency" (CCPR/C/21/Rev.1/Add.11)

requires direct and unfettered access to South-East Turkey for a field-based human rights monitoring. OHCHR is looking forward to a dialogue with the Government of Turkey and extends its support to the Government's efforts in addressing the human rights challenges in South-East Turkey.

II. An overview of reported human rights concerns

17. Since July 2015, the Turkish Government forces have been conducting security operations in a number of provinces of South-East Turkey involving thousands of troops serving with combat-ready infantry, artillery and armoured army divisions, as well as the Turkish Air Force. According to Turkish authorities, this was in response to the operations that were allegedly conducted by the PKK in the region, which reportedly included setting up of barricades and digging trenches in residential areas during the period leading up to July 2015.

18. As part of their response to "terrorist activities" allegedly conducted by the PKK, the authorities reportedly initiated security operations in at least 30 urban and a number of rural locations throughout South-East Turkey, which eventually allegedly resulted in a number of persons being killed, displaced or disappeared, as well as in wide-scale destruction of housing stock in the affected areas. The authorities also reportedly imposed extended around-the-clock curfews on over 30 towns and neighbourhoods prohibiting any movement without permission for periods of time lasting up to several weeks, thus preventing the evacuation of IDPs trapped in the middle of security operations. Lack of access of emergency services to the sick and wounded, ultimately contributed to the high death toll of the operations. In total some 2,000 people were reportedly killed between July 2015 and August 2016, including local residents, amongst whom women and children, as well as close to 800 members of the security forces.

19. The killings were reportedly invariably followed by mass displacement of the survivors and the destruction of their homes and of local cultural monuments. Over 355,000 South-East Turkey residents, mainly citizens of Kurdish origin, were displaced. Satellite image analysis, provided by UNITAR's Operational Satellite Applications Programme (UNOSAT), indicates that the damage caused by security operations in densely-populated urban centres is commensurate with the use of heavy weapons and, possibly, air-dropped munitions. Furthermore, UNOSAT's report indicates that heavy armoured vehicles were seen deployed in and around institutions such as schools (see image 1, 2 and 3).

20. Apart from unlawful deaths and the excessive use of force (such as shelling densely populated areas with heavy artillery and tanks), OHCHR has also documented numerous cases of enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe curtailment of the rights to freedom of opinion and expression as well as interference with the right to participate in public life.

21. The most serious incidents that caused the greatest number of deaths were reported in Cizre (province of Şırnak), but other serious incidents that caused deaths and destruction were also reported in Sur, Silvan and Lice (province of Diyarbakır),

Image 1: Suleyman Nazif School, Sur, Diyarbakir Province 22 June, 2015



Image2: Suleyman Nazif School, Sur, Diyarbakir Province 5 March, 2016



Image3: Suleyman Nazif School, Sur, Diyarbakir Province 26 July, 2016



Produced by UNITAR – UNOSAT, Copyright: DigitalGlobe, Inc.

Nusaybin, Dargeçit (province of Mardin), Şırnak Centre, Silopi, Idil (province of Şırnak), and Yüksekova (province of Hakkâri).

22. One of the most concerning aspects of the situation is the reported absence of monitoring, and failure to investigate alleged human rights violations and prosecute those responsible. International NGOs, as well as Turkish national and local NGOs from South-East Turkey, report having been actively prevented from accessing the areas of concern, conducting human rights monitoring, and gathering and transmitting evidence of violations to the concerned authorities and international organisations. Where they nevertheless attempted to do so, NGOs report having been subjected to intensive state surveillance and harassment. Furthermore, it has been reported that the authorities had failed to launch a single investigation into any of the allegations presented in this report.

A. Right to life

“On 25 February, my family was summoned by the public prosecutor. We were given three small charred pieces of what he claimed was my beloved ablam (sister) ’s body.”

- Statement given to OHCHR by the brother of a woman who was killed in Cizre, in early 2016. -

Deaths in the context of security operations

23. According to the information that OHCHR received from several sources, around 2,000 people were killed in South-East Turkey between July 2015 and December 2016 in the context of security operations. Reports generally put the number of local residents killed at, approximately 1,200, of whom an unspecified number may have been involved in violent or non-violent actions against the State, it is difficult to ascertain such statistics in the absence of reliable open-access casualty data.

24. According to official Government sources, “in the course of the terrorist campaign since July 2015 (as of 28 November 2016), 323 civilians and 799 security personnel were murdered; 2,040 civilians and 4,428 security personnel were wounded; 231 civilians were kidnapped by the PKK”¹⁰. A report published by a Turkish NGO in August 2016¹¹, identifies by name 321 local residents who were allegedly killed between 16 August 2015 and 16 August 2016, including 79 children, 71 women and 30 people over the age of 60. Up to 189 local residents are believed to have been killed in the town of Cizre alone (Şırnak province) in three related incidents.

25. In late January and early February 2016, in the town of Cizre, men, women and children trapped in basements of buildings were reportedly subjected to shelling by security forces. Witnesses and family members of the victims of Cizre

¹⁰ Initial observations by Turkey on the Memorandum of Commissioner Muižnieks observations by Turkey on the counter-terrorism operations in south-eastern Turkey, [https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH/GovRep\(2016\)26](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?coeReference=CommDH/GovRep(2016)26)

¹¹ <http://tihv.org.tr/wp-content/uploads/2016/08/16-A%C4%9Fustos-2016-Soka%C4%9Fa-%C3%87%C4%B1kma-Yasa%C4%9F%C4%B1-Bilgi-Notu.pdf>

interviewed by OHCHR painted an apocalyptic picture of the wholesale destruction of neighbourhoods where up to 189 persons, mostly IDPs fleeing security operations, were trapped for weeks in basements without water, food, medical attention and power, during the coldest months of the year. Some of the victims trapped in the basements were calling for the attention of the world community through mobile telephone conversations with NGOs and members of parliament, begging to be saved from shelling. According to families of victims killed at Cizre, and as reported by several NGOs, the bodies of an undetermined number of people were completely or partially destroyed in fire induced by shelling and the subsequent rushed demolition of the location of the incident. The subsequent demolition of the buildings destroyed evidence and has therefore largely prevented the basic identification and tracing of mortal remains. Moreover, instead of opening an investigation into the circumstances surrounding the reported excessive use of force, recourse to heavy weapons and the resulting deaths, the local authorities accused the people killed of participating in terrorist organizations and took repressive measures affecting members of their families.

26. OHCHR spoke to the brother of a woman who died in Cizre in February 2016. Her family was invited by the public prosecutor to collect her remains, which consisted of three small pieces of charred flesh, identified by means of a DNA match. The family did not receive an explanation as to how she was killed nor a forensic report. The victim's sister, who called for accountability of those responsible for her death and attempted to pursue a legal process, was charged with terrorist offences.

27. Another witness account by a middle-aged married couple from Cizre described the general atmosphere as one of reckless disregard for human lives and the inappropriate response by the Government to the crisis. According to them, a 24-hour curfew was imposed (for the second time) on 14 December 2015, and water, electricity and food deliveries were then interrupted to all residents, which they interpreted as a form of collective punishment. Parts of the Jafes, Nur, Sur, and Cudi neighbourhoods of Cizre were evacuated, but up to 189 people, mostly displaced, remained trapped in the basements of several adjoining buildings where they were taking shelter, known to the authorities. According to the witnesses, the city was under heavy shelling and police snipers were located on rooftops all over the town, reportedly shooting randomly even after the cessation of fire. They stated that ambulances were prevented from entering the curfew area to remove the sick and wounded, causing deaths that could have been prevented.

28. The witnesses described the mistrust between the central authorities, represented by the provincial Governor¹² who is appointed by the central Government, and the municipal authorities, who were mostly of Kurdish origin. They noted that these divisions had tragic consequences for the population. The Governor's crisis committee reportedly did not include any municipal employees. The police, who report to the Ministry of Interior, reportedly harshly treated the residents, who were afraid to approach them for help.

29. OHCHR received accounts of other incidents across South-East Turkey that caused the death of local residents, although on a lesser scale, such as in Sur, Silvan and Lice (province of Diyarbakır), Nusaybin, Dargeçit (province of Mardin), Şırnak Centre, Silopi, Idil (province of Şırnak), and Yüksekova (province of Hakkâri). The killings were reportedly invariably followed by mass displacement of the survivors and the destruction of their homes and of local cultural monuments.

30. Based on the information received from a variety of sources within and outside of Turkey, the death of some local residents in the context of security operations could have been prevented by (i) avoiding excessive use of force, notably by

¹² Turkish provinces (formerly governorates) are headed by governors appointed by the national cabinet and accountable to the Ministry of Interior.

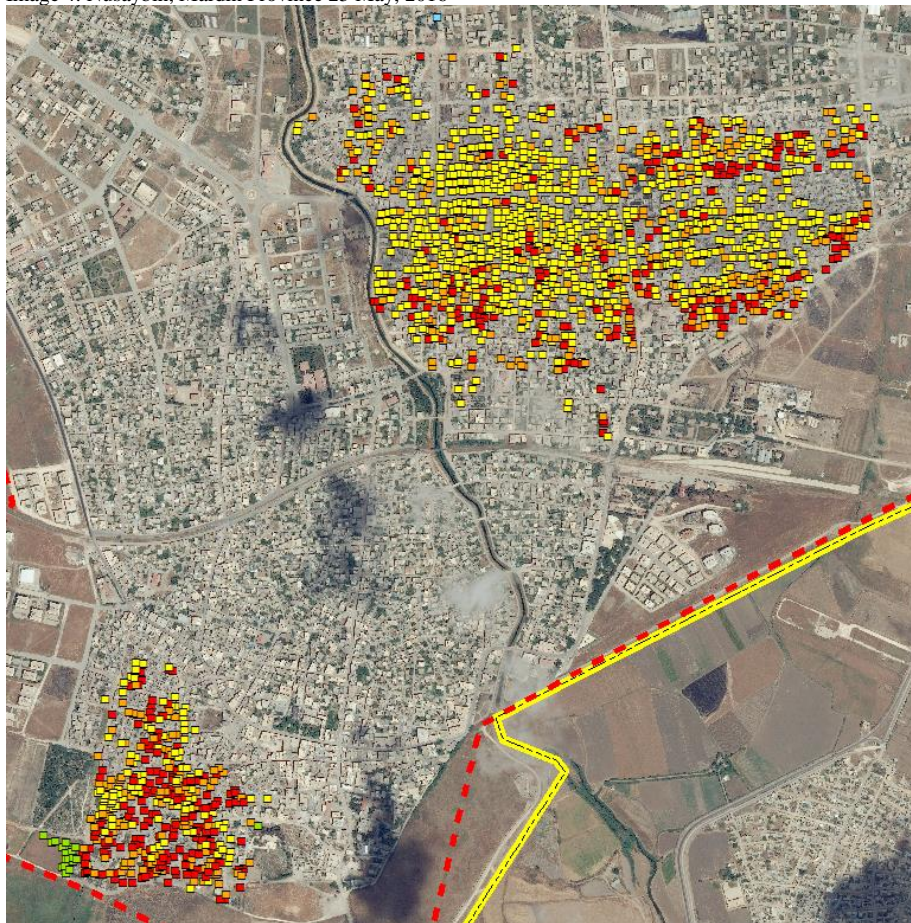
limiting the use of firearms only to cases where there was an imminent threat to life or of serious injury and avoiding the use of heavy weapons; (ii) timely opening up humanitarian corridors for the evacuation of the residents; and (iii) opening up road blocks to ambulances for the evacuation and treatment of wounded and sick residents who eventually died for lack of urgent health care.

31. According to the information that OHCHR received from a number of family members of victims, local prosecutors have been consistently refusing to open investigations into the reported killings. OHCHR has seen no evidence that effective and independent investigations had been conducted into the reported killings. Residents who were trying to trace the mortal remains were reportedly taken to the police station and interrogated.

B. Destruction and expropriation of property, including housing

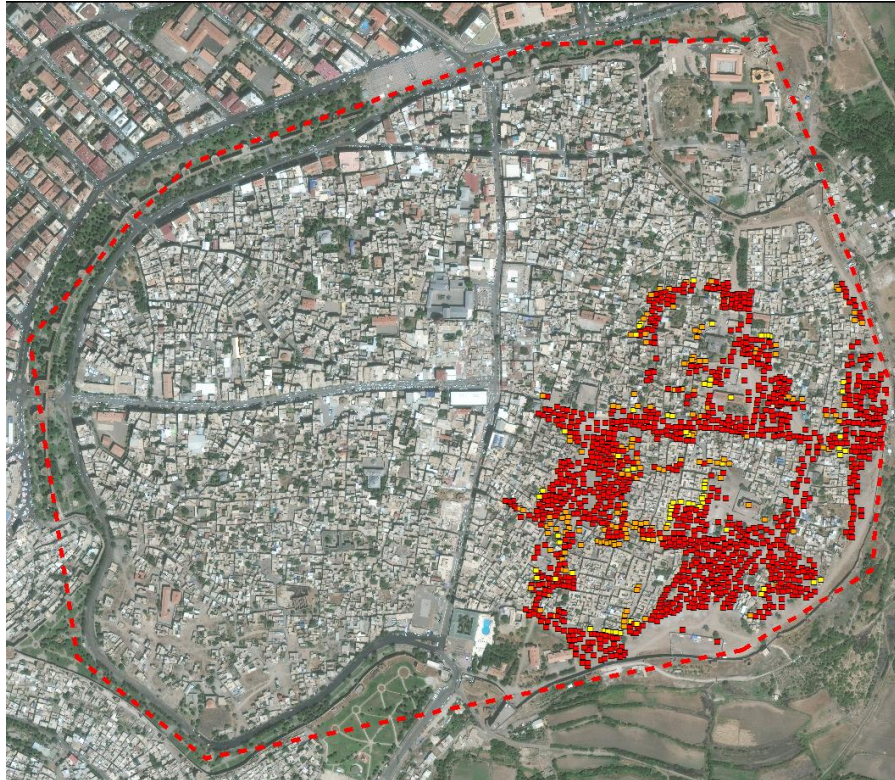
32. Since July 2015, the ongoing security operations have caused substantive damage to housing, business and public buildings and spaces in South-East Turkey, ranging from minimal damage to extensive destruction, particularly in Nusaybin (see image 4) of Mardin province and Sur (see image 5) district of Diyarbakir province, where shelling reportedly caused a permanent change in the population, patterns of ownership and architectural character of entire cities.

Image 4: Nusaybin, Mardin Province 25 May, 2016



Produced by UNITAR – UNOSAT, Copyright: DigitalGlobe, Inc.

Image 5: Sur, Diyarbakir Province 26 July, 2016



Produced by UNITAR – UNOSAT, Copyright: DigitalGlobe, Inc.



33. The most intensive period of destruction started in the immediate aftermath of security operations, when the authorities reportedly prevented the displaced population from returning and reconstructing their own homes and brought in machinery to raze entire city quarters to the ground, including lightly damaged buildings and cultural heritage. The centres of towns and cities across South-East Turkey have been described as empty moonscapes and vast parking lots.

34. While comprehensive statistics on destroyed housing are not available, the analysis of satellite imagery provided by UNOSAT shows extensive damage across South-East Turkey. Some of the most extensively damaged sites are Nusaybin, Derik and Darğecit (Mardin); Sur, Bismil and Dicle (Diyarbakır); and Cizre and Silopi (Şırnak). In Nusaybin (Mardin province), for example, a UNOSAT damage assessment through satellite imagery identified 1,786 damaged buildings, 398 of which were completely destroyed, 383 severely damaged, and 1,005 moderately damaged (see image 6 and 7). Based on satellite image analysis, UNOSAT attributes such damage to the use of heavy weapons and, possibly, air-dropped munitions.

Image 6: Nusaybin, Mardin Province 21 June, 2015



Image 7: Nusaybin, Mardin Province 25 May, 2016



Produced by UNITAR – UNOSAT, Copyright: DigitalGlobe, Inc.

35. Satellite images show that the Government continued to destroy private property and public buildings in the aftermath of security operations. For example, in the densely-populated Diyarbakır district of Sur, destruction was carried out by heavy machinery. Satellite imagery taken between June 2015 and July 2016 shows the wrecking crews outlining a section of the city at a time and indiscriminately removing damaged and undamaged building (see image 8 and 9).

36. According to local sources, residents have not been authorized to enter the clearance area to remove their belongings or reconstruct their property, and the construction rubble, which may still contain mortal remains of victims, has reportedly been dumped onto the banks of the near-by Tigris River. The clearance appears to have intensified in spring 2016, reaching a peak during the month of August 2016 of approximately 1,000 m² of land area per day. Three hectares (or 30,000 m²) of urban dwellings in the 2,000 year-old city centre of Diyarbakır were thus razed to the ground in August 2016. During the eight-month period from January to August 2016, the total size of razed urban dwellings was estimated at 18.7 hectares. Diyarbakır's local government estimates that 70 per cent of buildings in the eastern part of Sur neighbourhood were destroyed by shelling. 45,000 out of the 120,000 residents of Sur have reportedly fled the area and have not been allowed to return or reconstruct their homes. The local government further reported that at least seven sites with significant historical, cultural or religious value were damaged

during the spring operations. The area designated as “Suriçi Urban Archaeological Site” reportedly lost its unique street and physical structure.¹³

Image 8: Sur, Diyarbakir Province 22 June, 2015



Image 9: Sur, Diyarbakir Province 26 July, 2016



Produced by UNITAR – UNOSAT, Copyright: DigitalGlobe, Inc.

37. Diyarbakır’s 2,000 year-old city walls surrounding the Sur district are a UNESCO-protected site of World Heritage. Municipal reports indicate that during the period of shelling of the Sur district, between September 2015 and May 2016, the Government took measures not to damage the city walls while systematically demolishing entire neighbourhoods within the area surrounded by the walls. This illustrates the systematic nature of destruction of private properties.

38. The local government in the province of Diyarbakır reported a decision by the Turkish Council of Ministers, in March 2016, to expropriate up to 100 per cent land of plots in the Sur city centre, alleging that this would result in a wholesale change of the demographic structure of the area, which has been largely populated by citizens of Kurdish origin¹⁴. City residents and the Municipality of Diyarbakır were reportedly never involved in, nor informed about, the expropriation plans and fear being left out from the reconstruction plans.

39. According to human rights organizations from South-East Turkey, the Government has conditioned financial compensation for destroyed housing upon the signature of a declaration by owners that their property was destroyed by “terrorist activities”. Families who have reportedly been forced to sign such declarations see

¹³ http://new-compass.net/sites/new-compass.net/files/SUR_Report_2016-04-07.pdf, accessed 20 November, 2016

¹⁴ Idem

this as an effort to falsify the historic record of the 2015-16 events, which could impede future efforts for accountability. OHCHR sources claim that families who were compelled to abandon their destroyed homes during the period of the security operations in late 2015 and early 2016 were also forced to sign away ownership of their dwellings without being allowed to take their personal belongings or to return to their homes after the security operations.

40. On 4 September 2016, the Government announced a reconstruction and economic development package for South-East Turkey. According to the plan, Turkey would spend USD 21 billion in the regions “destroyed by the PKK since July 2015”. The Housing Development Administration is to build or re-build more than 30,700 houses (including 7,000 in the Sur district of Diyarbakır) and to construct 800 factories, 36 sports stadiums and 15 new hospitals. The plan also includes micro-grants, investment in social services and monetary compensation for the damages. OHCHR is concerned that the Government’s development plan may be implemented in the absence of any investigations and accountability measures for the allegations pointing to the massive and unnecessary destructions.

C. Right to health

Access to emergency medical care

“Ambulances were refusing to attend to the wounded in locations under military presence, asking the wounded to meet them at another location instead.”

- Eyewitness of the Cizre shelling

41. Reports of serious human rights violations committed in South-East Turkey during security operations highlight that blanket, round-the-clock curfews imposed by security forces contributed to such violations restricting the capacity of Government entities to deliver essential services to the affected population.

42. The curfews, which the authorities reportedly imposed on over 30 towns and neighbourhoods, prohibited any movement without permission, for extended periods of time lasting up to several months. During the curfews, authorities reportedly cut off water, electricity and food supplies to entire cities for prolonged periods of time. Local residents report that even with permission, movement was very difficult, including to access health facilities for the sick and wounded. Furthermore, security forces reportedly systematically hampered or prevented access for medical emergency teams to the affected areas during curfews. This resulted in a number of preventable deaths.

43. Moreover, there were allegations of attacks on medical facilities and personnel, punishment of medical personnel for attending patients, as well as the use of medical facilities for military or security purposes. For example, according to an NGO report, in early September 2015, State forces moved troops to Cizre state hospital, occupying the entire third floor of the hospital.¹⁵ According to the same

¹⁵ https://s3.amazonaws.com/PHR_Reports/southeastern-turkey-health-care-under-siege.pdf, p. 12.

report, an ambulance driver and a number of nurses were reportedly shot at and killed either by police fire or unknown gunmen in September 2015 while carrying out their duties.¹⁶

44. OHCHR received reports indicating that military authorities administering the curfews reportedly blocked access to health care (including emergency medical treatment for life-threatening injuries or illnesses). These reports allege that Turkish security forces interfered with medical transport units through the use of blockades and checkpoints and failed to provide adequate protection to emergency transport vehicles. The security forces reportedly used hospitals as dormitories and offices, and barred health professionals from entering certain areas of the hospitals or health centres they worked in. Reports provided to OHCHR by the Government indicated that the barricades and trenches in various residential neighbourhoods were blocking the access of medical emergency vehicles and fire engines to the affected areas.

D. Enforced disappearances

45. NGOs reported the enforced disappearances of three men from South-East Turkey, in separate incidents, in Istanbul, Şanlıurfa and Lice, during August 2016. The victims were allegedly detained by the police but family members could not trace them. In addition, OHCHR was informed of the disappearance, in November 2016, in Ankara, of a member of the Democratic Regions Party (DBP) from Diyarbakır. The relatives of the victim alleged that the victim could be held in an unacknowledged police detention facility.

46. The United Nations Working Group on Enforced or Involuntary Disappearances visited Turkey in March 2016, and expressed concern “at the increasingly worrisome situation in the South-East of the country and its wide impact on human rights,”¹⁷ which is conducive to all human rights violations, including enforced disappearances. The Working Group received allegations of extrajudicial executions committed in South-East Turkey as well as testimonies of families unable to access the bodies of people killed during security operations and of bodies being disposed of.¹⁸ It called for a thorough and impartial investigation into all allegations of human rights violations in the context of security operations in South-East Turkey.¹⁹

E. Internally displaced people

47. According to various sources, the total number of IDPs as a result of the security operations in South-East Turkey was estimated between 355,000²⁰ and half a million.²¹ The highest number was reported to be displaced from Sur where, according to local reports, 95 per cent of the population was displaced at the end of the security operations. The population displaced from areas affected by security operations is reported to have either moved to neighbouring towns and villages; to Diyarbakır, Van and Batman city centres; or to other regions within Turkey. Many of the IDPs now have no home to go back to, either because they were destroyed in the course of security operations or because the Government proceeded with plans

¹⁶ *Idem*, p. 18 and 19

¹⁷ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18477&Lang=EN>

¹⁸ A/HRC/33/51/Add.1, para. 12.

¹⁹ *Idem*, para. 66.

²⁰ <https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>,

²¹ <https://www.amnesty.org/en/latest/news/2016/12/turkey-curfews-and-crackdown-forcehundreds-of-thousands-of-kurds-from-their-homes/>

of demolition and / or expropriation, all of which are significant obstacles to the return of IDPs.

48. The Government reportedly has not granted full access for independent and impartial assessment by humanitarian agencies of the humanitarian and protection needs of IDPs. The humanitarian assistance and basic social services that the Government has been providing to the affected population has reportedly been insufficient and inadequate²² contrary to Turkey's international human rights obligations, including those enshrined in the International Covenant on Economic, Social and Cultural Rights. Moreover, local NGOs have alleged that the Government has conditioned such assistance upon having a clean criminal record, which would be a violation of humanitarian principles governing emergency humanitarian responses.

F. Physical and mental integrity

Torture and ill-treatment

49. International and national NGOs have documented an increased number of reports of torture and ill-treatment of detainees in police custody and other places of detention in the context of security operations in South-East Turkey since July 2015 and, in particular, following the coup attempt.

50. According to a report published by an NGO in South-East Turkey²³ torture and ill-treatment methods include police beating and punching of detainees; sexual violence, including rape and threat of rape; deprivation of basic needs, such as water, food and sleep; deprivation of medical supplies (due to which some prisoners allegedly contracted hepatitis B); forcing detainees to kneel handcuffed from behind for hours; and verbal abuse, psychological violence and intimidation. Some victims were reportedly photographed nude, leaving them fearful that those images could be used for blackmail or published to humiliate them further. OHCHR has received reports that medical personnel have been under pressure not to release medical reports showing evidence of torture or ill-treatment, for fear of harassment and retaliation by the authorities.

51. In May 2016, the United Nations Committee against Torture expressed concern about numerous credible reports of law enforcement officials engaging in torture and ill-treatment of detainees while responding to perceived and alleged security threats in the south-eastern part of the country (e.g. Cizre and Silopi).²⁴ At the end of his visit to Turkey, including South-East Turkey, in November 2016, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted that Turkey's institutions and legislation provide sufficient safeguards against torture and ill-treatment. However, the Special Rapporteur indicated that testimonies received from inmates and their lawyers suggested that, in the days and weeks following the failed coup, torture and other forms of ill-treatment were widespread, particularly at the time of the arrest by police and gendarmerie officials or military forces and during subsequent detention in police or gendarmerie lock-ups as well as in unofficial places of detention.²⁵

²² https://www.amnesty.ch/en?set_language=en&cl=en&gclid=CjwKEAiAirXFBRCQyvL279Tnx1ESJAB-GQvssjpkIW7SVa4NJImBLUUrP1h_aAYmuYHfbtvtlcBoCXHXw_wcB.p. 18-19

²³ <http://ihd.org.tr/en/index.php/2016/08/29/report-on-observations-in-prisons-of-siverek-and-urfa/>

²⁴ CAT/C/TUR/CO/4, para. 11 and 12.

²⁵ Preliminary observations and recommendations of the United Nations Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mr. Nils Melzer on

Failure to address violence against women

52. Since the central Government started replacing elected mayors with politically appointed “trustees” in municipalities of Southeast Turkey in September 2016²⁶ the Kurdish community has reported that centres for women’s rights protection were closed down in Cizre and Silvan and across South-East Turkey, particularly in the municipalities most affected by security operations and destruction in early 2016. In the past, such centres had been providing much needed protection for women and children victims of domestic violence, and promoted their engagement in social and political life.

53. The Government has reportedly urged women victims of domestic violence to report attacks to the police and the centrally appointed municipal authorities. NGOs, however, point out that women citizens of Kurdish origin, fearing police abuse and public shaming, are not only reluctant to discuss domestic violence outside their community but also fearful that police involvement would further increase the incarceration of Kurdish men, without resolving the issue of violence and its underlying cultural, social and economic causes. NGOs further report that confidential personal documentation was confiscated by the police from the closed centres and stored at an unknown location, potentially endangering the privacy and safety of thousands of former beneficiaries and members of their families.

G. Right to liberty and security

“My husband was a police officer serving in Mardin province. He was arrested on 22 July 2016. Five months later, my husband has not been charged yet. He is brought before a judge once per month only to hear that his detention is being prolonged for another month.”

- Wife of a police officer detained in a South-East Turkey prison following the attempted coup -

54. In the wake of the July 2016 attempted coup, according to the statement of the Minister of Justice, issued on 22 November 2016, legal proceedings, which entailed detentions, legal investigations and arrest warrants, were opened against 92,607 people, of whom 39,378 were placed under arrest.²⁷ The number of people arrested and detained in South-East Turkey is not known. The speed and number of arrests raises concerns about the arbitrariness of many detentions and arrests and reportedly put great strain on police resources and the capacity of judicial authorities to oversee the detention of such a great number of people, raising concerns about the legality and conditions of detention.

55. According to NGO sources, lawyers based in South-East Turkey had been reporting a steady deterioration of detention safeguards even before the coup attempt. However, after the wave of mass arrests conducted between July and

the Official visit to Turkey – 27 November to 2 December 2016
(<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>)

²⁶ For more details see paragraphs 72 and 73.

²⁷ <http://aa.com.tr/tr/gunun-basliklari/adalet-bakani-bekir-bozdag-16-bin-yeni-personel-alimi-yapacagiz/690992?amp=1>.

December 2016, the authorities allegedly started holding detainees in unofficial places of detention, such as sports halls, and preventing them from having access to their lawyers and families. According to lawyers, some detainees reported being forced to sign documents they had not read and being coerced into incriminating other detainees who were picked from various lists of names and publicly available photographs.

56. Many lawyers all over the country also reported having had severely curtailed access to their clients, with their contact time reduced to only one hour or less per week, under routine surveillance by the security authorities, and subjected to voice recording. The restrictions on the access of lawyers to meet with people in police custody and pre-trial detention were authorized by a Government decree on 23 July 2016 (KHK/676),²⁸ allowing prosecutors to bar detainees from meeting with a lawyer during the first five days of police custody. The decree also extended police custody to up to 30 days and placed restrictions on the right to private communications between lawyers and their clients held in pre-trial detention.

57. While lawyers' associations have reported having a sufficient number of qualified lawyers to deal with the present number of detainees, people arrested in the wake of the coup attempt have reported facing great difficulties in securing the services of lawyers. Some stated that few lawyers appeared to be prepared to defend them, due to fear from retaliation by State bodies.

58. One of the cases that OHCHR reviewed concerns a police officer arrested on 22 July 2016 while serving in the Mardin province. According to the information received, he was initially held for a week in an overcrowded room at the local police station, receiving inadequate food once a day, and having no access to a lawyer or family visits. A week into his detention, he was reportedly arraigned before a judge who extended his detention and transferred him to a prison. During the hearing he was reportedly only asked about the reasons for selecting his lawyer, who was subsequently arrested. His lawyers have reportedly had no access to his files for the first two months of his detention. At the time of writing, six months after the arrest, the police officer was still being held in detention, with limited access to lawyers and family, and had not been charged with any crime. His detention is extended on a monthly basis. His assets have been frozen, making it difficult for him to meet his legal costs and support his family.

²⁸ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

H. Access to justice, fair trial and effective remedies

“There was heavy military and special police presence in each neighbourhood in Cizre and special police snipers on rooftops of many buildings during the curfew. During the siege of the basements where people were hiding, soldiers were singing chauvinistic songs, taunting the people trapped inside. Nur neighbourhood had water and electricity cut off for a full week in January 2016.”

- Eyewitness of the Cizre shelling and curfew-

59. One specific case highlights some of the obstacles that victims in South-East Turkey face while seeking justice. On 14 July 2016, the former Chief Ombudsman of Turkey, Mr. Nihat Ömeroğlu, dismissed a case (Complaint No: 2016/737)²⁹ brought by local authorities in South-East Turkey relating to the killing of civilians in Cizre during the shelling by the Turkish Army in January and February 2016. During the security operations, notably on 25 January 2016, the Cizre local authorities had urged the Ombudsman to intervene with the security forces in order to save the people trapped in the basements of several adjoining buildings. The decision of the Ombudsman issued on 14 July 2016, demonstrates that he failed to alert the military authorities or attempt to negotiate a safe passage for civilians trapped in Cizre, focusing instead on a legal analysis of the situation. In his decision, the Ombudsman found that the decisions of the security authorities which led to the killing of up to 189 people were “justified, sufficient, reasonable and convincing,” and that these authorities “acted in line with the good governance principles.”³⁰

60. The difficulty for victims in South-East Turkey to access justice is further compounded by the measures adopted by the Government in the aftermath of the coup attempt. At least 2,745 judges and prosecutors were reportedly suspended within hours of the 15 July 2016 attempted coup. By the end of December 2016, over 3,000 judges and prosecutors had reportedly been dismissed³¹ following an abbreviated investigation and dismissal procedure. The dismissals significantly weakened the functioning of the judiciary and put pressure on the whole system by fostering a climate of intimidation and threat towards judges and prosecutors.³² The number of dismissed judges and prosecutors in South-East Turkey is not known.

61. Five United Nations Special Procedures mandate holders, namely the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on summary or arbitrary executions; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the

²⁹ [https://www.ombudsman.gov.tr/English/dosyalar//2016-737-desicion\(1\).pdf](https://www.ombudsman.gov.tr/English/dosyalar//2016-737-desicion(1).pdf)

³⁰ Idem

³¹ See decisions of the High Council of Judges and Public Prosecutors:

<http://www.resmigazete.gov.tr/eskiler/2016/08/20160825-5.pdf>,

<http://www.resmigazete.gov.tr/eskiler/2016/10/20161006-5.pdf>,

<http://www.resmigazete.gov.tr/eskiler/2016/11/20161117-23.pdf>

³² In September 2016, Judge Aydın Sefa Akay, a member of the panel of UN judges reviewing the case of a former Rwandan minister, was detained in relation to allegations connected with the events of 15 July 2016. On 9 November 2016, President Judge Theodor Meron presented the fourth Annual Report of the Mechanism for International Criminal Tribunals (MICT) to the United Nations General Assembly and briefed the Assembly on the ongoing detention of a Judge of the Mechanism. He called upon Turkey to release judge Akay from detention: <http://www.unmict.org/en/news/president-meron-presents-fourth-annual-report-united-nations-general-assembly-and-calls-turkey>

Chair-Rapporteur of the Working Group on arbitrary detention, called upon the authorities, on 19 July 2016, to release and reinstate the arrested and suspended judges and prosecutors “until credible allegations of wrongdoing are properly investigated and evidenced.”³³ They expressed alarm at the sheer number of judges and prosecutors who had reportedly been suspended and arrested, and stressed that, according to international law, judges can only be suspended or removed on grounds of serious misconduct or incompetence, following a fair and transparent process.³⁴

62. A series of laws, including Law No. 6722, which was adopted on 23 June 2016, created, according to some NGOs, an atmosphere of “systematic impunity” for the security forces. The law requires the authorization of political authorities for the investigation of soldiers or public officials suspected of having committed crimes in the context of counter-terrorism operations. According to the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, the law grants counter-terrorism forces immunity from prosecution for acts carried out in the course of their operations, thus rendering investigations into allegations of torture and ill-treatment by the involved security forces more difficult, if not impossible³⁵. NGOs have expressed concern that the provisions of the law were designed to pre-empt prosecutions of army and law enforcement officials for violations carried out in the course of security operations, such as in the case of the killing of Cizre in January and February 2016. Moreover, the decree KHK/667,³⁶ issued on 22 July 2016, regulating measures on the implementation of the state of emergency, stipulates that persons who have adopted decisions and fulfilled their duties within the scope of this decree, bear no legal, administrative, financial and criminal liabilities. OHCHR is concerned that the decree may be used to reinforce impunity among law enforcement officials.

63. NGOs have reported that similar frameworks tying the prosecution of public officials to administrative permission (e.g. Law No. 4483 or Statutory Decree No. 430) were introduced during the state of emergency in South-East Turkey in the 1990s. They contributed to the systematic impunity of security forces for allegations of serious human rights violations, including extrajudicial killings, enforced disappearances, torture, and unlawful destruction of thousands of homes.³⁷ Apart from allowing systematic impunity, such laws reportedly instilled a general fear of security forces within the population.

³³ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20285&LangID=E>

³⁴ Idem

³⁵ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20976&LangID=E>

³⁶ <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>

³⁷ <https://www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings>

I. Rights to freedoms of opinion and expression, to freedom of association and to participate in public affairs

Interference with freedom of opinion and the media

“On 20 January 2016, we were trying to film and document what was happening in Cizre. We were in the Cudi neighbourhood, unarmed, in a group with other unarmed people. We were carrying a white flag and filming people removing dead bodies. As we were trying to cross a street, my cameraman was shot at from distance.”

-A journalist of Kurdish origin -

64. As of end of December 2016, more than 160 media outlets had reportedly been shut down since the coup attempt in July 2016 and over 130 journalists were reported to be in pre-trial detention across Turkey, most of them facing terrorism related charges, including many journalists writing for Kurdish language newspapers in South-East Turkey and other parts of the country. According to the Committee to Protect Journalists, by 1 December 2016, the authorities had detained or imprisoned more than a third of all journalists imprisoned worldwide on that day,³⁸ most of whom were awaiting trial at the time of writing this report.³⁹

65. Examples of restrictions imposed on media outlets perceived to be critical to the Government’s policies include the oldest national daily newspaper, *Cumhuriyet*, whose 12 journalists and other staff were detained on 31 October 2016⁴⁰. Ten of them were accused later of committing crimes on behalf of both the PKK and the Gülen movement facing terrorism charges. 25 journalists and editors of the oldest Kurdish language newspaper, *Özgür Gündem*, were detained and the IT equipment was confiscated on 15 August 2016, while the newspaper was permanently closed down on 29 October 2016. A number of independent columnists, writers and human rights defenders who acted as symbolic co-editors for a day with *Özgür Gündem* showing solidarity for the situation in South-East Turkey were prosecuted for spreading terrorist propaganda and other charges, facing aggravated life prison term. Other closed down media included the Diyarbakır Kurdish-language daily, *Azadiya Welat*; the Kurdish-language *Özgür Gün* TV (whose programming was taken off air by its commercial satellite provider, Türksat); and another eight channels (including six Kurdish-language channels, one channel considered leftist and other channels critical of the government). As of the end of December 2016, most of the independent and Kurdish language media outlets were shut down, including JINHA one of the few world’s news agencies run entirely by women.

66. Moreover, an undetermined number of novelists and other prominent intellectuals were reportedly detained. Some 6,300 academics were dismissed from service while 15 universities have been shut down, affecting tens of thousands of students all over the country. At the end of his one-week official mission to Turkey,

³⁸ <https://cpj.org/imprisoned/2016.php>, accessed on 15 December 2016.

³⁹ One of the detained journalists, Ms. Eren Keskin, is a member of the executive board of the Human Rights Association of Turkey and a recipient of the United Nations Voluntary Fund for Victims of Torture grants in support of victims of sexual abuse in detention.

⁴⁰ <https://www.hrw.org/report/2016/12/15/silencing-turkeys-media/governments-deepening-assault-critical-journalism>

on 18 November 2016, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, expressed grave concern about the “draconian” measures being used to erode independent opinion and expression in Turkey. According to the Special Rapporteur, the press, individuals online, artists, opposition voices and many others were facing unprecedented pressure, from censorship to outright detention.⁴¹

Right to form and join in associations

67. Many NGOs have reported an environment of fear and intimidation in relation to their work. On 22 November 2016, through decree KHK/677, the authorities permanently closed down and seized the assets of 375 associations, including many operating in South-East Turkey. The decree indicated terrorism or national security related grounds for the closures. According to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, civil society organizations continued to face increased government control, censorship and administrative pressures⁴². Among the banned organizations were the Association of Libertarian Jurists (ÖHD) and the Contemporary Lawyers Association (ÇHD) whose members represented all of the deputies, executives and members of the pro-Kurdish parliamentary political party, the HDP.

Incitement to violence or hatred

68. OHCHR has received reports that offices of the political party HDP in South-East Turkey had been attacked immediately after the 15 July 2016 failed coup attempt by groups shouting religious slogans and carrying Turkish flags. Local NGOs attributed such attacks to vigilante groups motivated by the hate speech heard from high-level State officials in mainstream media. Several politicians and high-ranking officials are reported to have engaged in hate speech against minorities and other vulnerable groups during the parliamentary election campaign in June 2015 and following the declaration of the state of emergency.

69. OHCHR received allegations of instances of Turkish soldiers writing inflammatory racist and sexist graffiti on the houses they had been occupying during the curfew in Cizre between December 2015 and March 2016. The graffiti, which were painted throughout the town, allegedly glorified violence and insulted the residents’ values and beliefs. According to a local NGO, some soldiers shared photographs of their graffiti on social media, which they interpreted as an indication that soldiers had acted with deliberate intent to insult citizens of Kurdish origin.

Restrictions to participation in public affairs and decision-making

70. In May 2016, the Turkish Parliament adopted a law that stripped 138 legislators of the immunity from prosecution, including 50 of the 59 HDP members as well as 51 (out of 113) members from the main opposition People’s Republican Party (CHP), 27 (out of 317) from the ruling Justice and Development Party (AKP), 9 (out of 39) from the Nationalist Action Party (MHP), and one independent (out of 2). The law was proposed by AKP based on accusations that the HDP had been affiliated with the outlawed PKK. The HDP is the third largest party represented in the Turkish Parliament, with 10.8 per cent of the vote won during the last general

⁴¹ <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20892&LangID=E>

⁴² <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20891>

election. OHCHR received an information note⁴³ by the Government of Turkey noting that on 4 November 2016 the courts had issued “compulsory attendance order or arrest warrants for 12 members of the HDP declining an earlier invitation to be summoned”. According to the Government’s note, the members of parliament were facing criminal proceedings involving terrorism-related charges in a judicial process that was reportedly carried out in compliance with principles of the rule of law and Turkey’s international human rights obligations. By the end of 2017, eleven HDP parliamentarians, including the two party co-chairs, Mr. Selahattin Demirtaş and Ms. Figen Yüksekdağ, had been arrested on various terrorist charges.

71. According to the HDP official statement issued on 2 January 2017,⁴⁴ since July 2015, the number of detained HDP executives, members, and supporters had reached 8,711. Reportedly, as of 29 December 2016, the number of those arrested was 2,705. According to the HDP, 4,457 (more than half) of detentions and 1,275 arrests had taken place after the coup attempt of 15 July 2016.

72. On 1 September 2016, using emergency powers adopted after the attempted coup, the Government adopted a decree (KHK/674)⁴⁵ permitting it to appoint “trustees” in lieu of elected mayors, deputy mayors or members of municipal councils suspended on charges of terrorism. The decree thus allows the Minister of Interior to appoint such “trustees” in metropolitan municipalities, whereas provincial governors appoint “trustees” for second tier municipalities, known as district municipalities. The first “trustees” were appointed in early September 2016 to replace the elected mayors of the municipalities of Sur and Silvan.

73. Decree KHK/674 may result in the wholesale replacement of elected officials of Kurdish origin throughout South-East Turkey. By the end of December 2016, reportedly 69 municipal co-chairs of the pro-Kurdish Democratic Regions Party (DBP) had been arrested, 58 had been dismissed and most had been replaced with “trustees”, in 50 municipalities⁴⁶ or around 50 per cent of all municipalities held by DBP. In most cases, the “trustees” were appointed immediately following the arrest of the democratically elected officials, indicating a high degree of coordination between the judiciary and the executive branches.

74. The removal from office of democratically-elected representatives of citizens of Kurdish origin appears to have had an unexpected negative consequence on women’s human rights in South-East Turkey. Since the early 2000s, municipal authorities of Kurdish origin in the region had been appointing a pair of officials to executive positions, consisting of a man and a woman, both of whom had the title of “co-chair” or “co-mayor” or held similar functions, with the aim of promoting equal representation of women and men at all municipal levels. The “trusteeship” appointments have interrupted this progressive practice.

⁴³ Internal information note provided by the Permanent Mission of the Republic of Turkey to the United Nations Office and other international organizations in Geneva, on 6 November 2016, INFORMATION NOTE ON THE DETENTION OF MEMBERS OF PARLIAMENT IN TURKEY.

⁴⁴ <http://www.hdp.org.tr/en/english/statements/ongoing-detentions-and-arrests-against-hdp/9717>, accessed on 04 January.

⁴⁵ <http://www.resmigazete.gov.tr/eskiler/2016/09/20160901M2-2.pdf>

⁴⁶ <http://www.hdp.org.tr/en/english/statements/ongoing-detentions-and-arrests-against-hdp/9717>, accessed on 4 January 2017

J. Labour rights

Large-scale dismissals

75. Following the failed military coup of 15 July 2016, over 100,000 people were reportedly dismissed and suspended throughout Turkey from public or private sector jobs for suspected links with the coup organizers. The Government conducted mass permanent dismissals of close to 85,000 people through a number of emergency decrees⁴⁷ as well as suspensions of civil servants, police officers, military personnel, and academics. The Ministry of Education was most affected, with over 40,000 staff reportedly dismissed, mostly teachers. This included some 10,000 teachers in South-East Turkey, over 90 per cent of whom were serving in Kurdish-speaking municipalities. They were reportedly largely dismissed as a precautionary measure based on suspicion of having links with the PKK. Peaceful protests organized by the dismissed teachers in Diyarbakır were violently broken up by the local police. When the Government announced the suspensions and dismissals of teachers in September 2016, it did not specify how such a large number of teachers were identified as having had links with the PKK.

76. The collective nature of the dismissals and suspensions pose the question of legality of the grounds for dismissals and the arbitrariness of the “precautionary” nature of announced dismissals, the absence of a legal remedy, and the political or racial profiling of members of an ethnic group. Local community leaders in South-East Turkey allege that the measure was introduced as a form of collective punishment of a category of State employees based on their ethnic origin and language. Furthermore, they consider that the measure was a violation of the right to education of hundreds of thousands of school children who were to lose experienced teachers days before the beginning of the new school year. According to the Ministry of National Education, the process of recruiting new teachers would be completed by June 2017. At the time of reporting, it was not clear what were the measures undertaken by the Government to ensure continuous education for all children affected by the dismissals of teachers. OHCHR considers that the mass dismissal of civil servants raises the question of the State’s compliance with the prohibition of discrimination.

III. Conclusions and Recommendations

77. OHCHR recognizes the complex situation that Turkey has been facing by almost simultaneously conducting the security operation in South-East Turkey, addressing the 15 July 2016 attempted coup and dealing with a number of terrorist attacks. OHCHR is nevertheless deeply concerned at the significant deterioration of the human rights situation in South-East Turkey since July 2015, in particular the thousands of deaths, widespread destruction of private and cultural property and significant levels of displacement of the local population.

78. OHCHR is particularly alarmed about the results of satellite imagery analysis, which indicate an enormous scale of destruction of the housing stock by heavy weaponry. It is also concerned about the post-security operation policies of

⁴⁷ See Government Decrees:

KHK 667: <http://www.resmigazete.gov.tr/eskiler/2016/07/20160723-8.htm>,

KHK 668: <http://www.resmigazete.gov.tr/eskiler/2016/07/20160727M2-1.pdf>,

KHK 669: <http://www.resmigazete.gov.tr/eskiler/2016/07/20160731-5.htm>,

KHK 670: <http://www.resmigazete.gov.tr/eskiler/2016/08/20160817-17.htm>,

KHK 673: <http://www.resmigazete.gov.tr/eskiler/2016/09/20160901M2-1.pdf>,

KHK/677: <http://www.resmigazete.gov.tr/eskiler/2016/10/20161029-4.htm>.

expropriation (such as the Council of Ministers' March 2016 decision to expropriate up to 100 per cent of all land plots in Diyarbakır's Sur area) and the destruction of large urban areas (also seen in Diyarbakır's Sur).

79. Furthermore, of particular concern are the measures taken by the Government that may lead to a lack of effective prosecution of security officials implicated in alleged serious human rights violations, especially due to the implications of Law No. 6722 and the reportedly deliberate destruction of evidence through the rushed and complete demolition of areas and buildings in which alleged serious violations of the right to life took place (such as in Cizre).

80. It appears that insufficient consideration has been given to the humanitarian and protection needs of hundreds of thousands of displaced and other people affected by the security operations. Similarly, it appears that the local population has not had an opportunity to participate in a meaningful way in the reconstruction planning.

81. Other significant concerns include the use of counter-terrorism legislation to remove from office democratically elected officials of Kurdish origin; the severe curtailment and harassment of independent journalists; the closure of independent and Kurdish language media and citizens' associations; and the massive dismissals of civil servants, including teachers, on unclear grounds and without due process.

82. This report presents a range of early warning indicators, which need to be addressed meaningfully in order to remove the danger of further escalation of human rights violations in South-East Turkey and other parts of the country. Special attention needs to be paid to severe inequalities, lack of effective access to justice, lack of meaningful consultation in the development and reconstruction process, lack of democratic space for an active civil society, and lack of independence of the media.

83. In order to substantiate facts and ascertain the allegations presented in this report, OHCHR reiterates its request to the Turkish Government for a full and unhindered access to South-East Turkey. OHCHR stands ready to provide support to the Government of Turkey in the spirit of open dialogue and cooperation.

84. OHCHR invites Turkey to consider implementing the following recommendations:

85. **Ensure that every loss of life that occurred in the course of security operations in South-East Turkey is duly investigated and that perpetrators of unlawful killings are brought to justice;**

86. **Discontinue the imposition of unannounced, open-ended, 24 hours curfews;**

87. **Take the measures necessary to guarantee that security and law enforcement officials do not resort to excessive use of force during security operations;**

88. **Ensure effective reparations for victims and family members whose human rights have been affected by security operations;**

89. **Ensure guarantees for the right to the truth in relation to alleged enforced disappearances in particular by, as a first step, establishing a publicly accessible and complete register of persons killed and detained in the context of security operations;**

90. **Allow access for independent, victim-centred and gender-sensitive assessment of the humanitarian and protection needs of the displaced population;**

91. **Ensure that reconstruction programmes are planned and implemented through meaningful consultation with and participation of the affected**

population, including by protecting the cultural heritage of the region and by addressing the root causes of grievances in South-East Turkey;

92. While taking note of the preliminary observations of the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment, following his visit to Turkey, OHCHR encourages Turkey to continue cooperating with the Special Rapporteur under his mandate;

93. In relation to deprivation of liberty, fully respect the provisions of article 9 of the International Covenant on Civil and Political Rights. To the extent that Turkey derogates from this provision, following its notification of July 2016, any measures taken in that respect should not exceed those strictly required by the exigencies of the situation in accordance with article 4 of the Covenant.

94. Carry out an independent review of the effects and extent of the counter-terrorism legislation and measures imposed on unclear grounds and without due process, which result in severe limitations upon the work of journalists and academics; the closure of Kurdish language media; citizens' associations and universities;

95. While taking note of the preliminary observations of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression following his visit to Turkey, including his call for immediate release of all those held in prison for exercising their rights to freedom of opinion and expression, OHCHR encourages Turkey to continue cooperating with the Special Rapporteur under his mandate;

96. While taking note of the information provided by the Government of Turkey, including the reasons for the deprivation of liberty of some members of parliament, reconsider the collective arrests and/or removal from office of democratically elected parliamentarians and municipal representatives in South-East Turkey and ensure that the judicial proceedings are effectively conducted in line with the principles of the rule of law and in compliance with the State's human rights international obligations;

97. Revoke the provision of Decree KHK/674, which provides for the appointment of "trustees" at the municipal level in South-East Turkey and reinstate the democratically elected co-mayors. Ensure in this regard due consideration to the right to vote, women's rights and the right to be free from discrimination;

98. Take the necessary measures to guarantee that officials refrain from pronouncing messages of intolerance and that may incite violence, hostility or discrimination, and condemn publically such statements;

99. Create legal, structural and other conditions to establish a national human rights institution fully compliant with international standards, as well as a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as appropriate;

100. Following the declaration of the national state of emergency and the related derogation from certain civil and political rights, revisit emergency measures so that they are limited to the extent strictly required by the exigencies of the situation, meaning that they must be proportional and limited to what is necessary in terms of duration, geographic coverage and material scope.