



## **Delegation of War Resisters' International**

### **"Stop the Cycle of Violence in Turkey"**

#### **Report about the visit to Southeast Turkey**

**April 26 to 29, 2016**

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War Resisters' International  
is an international network with  
83 affiliated organisations  
in 42 countries

*"War is a crime against humanity. I am therefore determined not to support any kind of war,  
and to strive for the removal of all causes of war" (WRI declaration)*

## **Executive Summary**

War Resisters' International (WRI), in collaboration with Connection e.V. in Germany and nonviolent activists and WRI members from Turkey sent a delegation to the Southeast of Turkey April 26 to 29, 2016. A delegation of seven peace and human rights activists visited different organizations and institutions in Diyarbakır and Cizre. The delegation's objectives were to:

- Collect first-hand information about the situation in the region affected by the violent conflict;
- Make contact with human rights, civil rights, refugee, and local organizations to explore possibilities of collaboration with the aim to strengthen nonviolent activities and work for democracy and human rights;
- Explore options for actions that would enhance the security of civilians and nonviolent political activists in the war-affected parts of Turkey.

With this report the members of the delegation are presenting the information received in their encounters. They are stressing the necessity that the European politicians must not look the other way any longer. This report also provides recommendations on what should be done by international bodies as well as the Turkish government and the Kurdistan Workers Party (Partiya Karkerên Kurdistan, PKK) to restore the security and human rights of civilians. The report also offers WRI's support in capacity-building in certain subject areas, including nonviolence and the nonviolent protection of civilians.

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## Introduction

The decision to go with a delegation to the conflict area in Turkey was a consequence of the concerns about the renewed war in this region that flared up since July/August 2015. The civilian population has been subjected to long-lasting curfews and became a target of the military operations. Human rights and other activists have been threatened, arbitrarily arrested, and even killed without serious investigations into the murders being conducted.

WRI has been working on nonviolent activities and conscientious objection in Turkey for several decades, mostly by supporting conscientious objectors. In the 1990s a WRI Council was held in Turkey, and currently a Turkish activist is a member of the WRI Executive Committee. It is from this longer history of cooperation with nonviolent activists in the region that WRI began to consider what to do when it received a request from activists in Turkey. First consultations about the situation were made beginning of 2016 in collaboration with some member organizations of WRI and antimilitarist and peace activists in Turkey. WRI came to the conclusion that there was an urgent need for a resumption of the ceasefire and a restarting of the peace process. Furthermore, WRI realized that in Western European countries (and in the United States of America), politicians were mostly willingly ignoring the situation because they feared alienating the Turkish government, which they see as a NATO ally for the war in Syria and Iraq, and as a partner for the European Union to prevent refugees coming to Europe. The (undeclared) war in Turkey has been going on hidden from the eyes of the international community, because the media rarely reported about it, and, if it did, followed the official line of the Turkish government: that the conflict not a war but a military operation against “terrorists”. With this in mind, WRI began an international campaign to the High Representative for Foreign Affairs of the European Union, Federica Mogherini. In addition, an appeal with the same wording has been directed by a coalition of peace organizations to the German Foreign Minister.<sup>1</sup> Next, WRI decided that there was a need for first-hand information, and therefore decided to send a delegation to Southeast Turkey.

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The delegation, which consisted of seven activists from Turkey, Sweden, Spain, Austria and Germany, visited the cities of Diyarbakir and Cizre and had meetings with numerous civil society organizations (see appendices). Diyarbakir is considered the capital of Turkish Kurdistan where government institutions as well as most civil society organizations working in the region are based. Diyarbakir was also directly affected by the conflict. There has been

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1 German: <https://weact.campact.de/petitions/stoppt-den-kreislauf-der-gewalt-in-der-turkei>  
English: <https://you.wemove.eu/campaigns/stop-violence-in-turkey>;  
Spanish: <https://you.wemove.eu/campaigns/stop-violencia-en-turquia>

heavy fighting in Sur, the city's old town historic district, and the last parts of the Sur district have only been opened to the public by the end of May. Cizre is one of the towns that suffered several weeks of around-the-clock curfew, which was lifted only in March. Part-time curfews still continue. Parts of Cizre have been destroyed.

This report summarizes the most important findings of the delegation. In several instances we however refer to reports by other human rights organizations for details.

## **Situation in Southeastern Turkey**

The armed conflict in Southeast Turkey began in 1984 when the PKK took up arms against the Turkish state to fight for the independence of the Kurdish regions of Turkey. The conflict escalated in the 1990s with a military offensive launched by the Turkish authorities, which included the creation of a "village guard" system. This caused the depopulation of the countryside, with 3,000 villages destroyed and/or emptied, more than 3 million internally displaced persons (IDPs, 1 million remained displaced in 2009), 30,000 people killed, of them at least 20,000 civilians, and more than 100,000 people detained. This first escalation ended shortly after the detention of PKK leader Abdullah Öcalan in 1999 and when a first ceasefire was declared by the PKK. In the years that followed, ceasefires were alternating with periods of renewed escalations of the armed conflict.

In 2009, the Turkish government started peace talks with the PKK. This led to the Dolmabahçe agreement, a ten-point-plan agreed on the 28th of February 2015. Among other things, the plan included the development of a pluralistic understanding of the concept of identity and the intention of creating a new, democratic constitution. But very soon after, President Recep Tayyip Erdoğan reneged on the agreement. Most people the delegation met with agreed that this reneging was most likely triggered by other political processes in Turkey, primarily the electoral success of the oppositional People's Democratic Party (HDP) in the June 2015 elections. The results of the June elections left Erdoğan's Justice and Development Party (AKP) without a majority to form a government.<sup>2</sup> Without an AKP majority government, it became obvious to President Erdoğan that he could no longer initiate the constitutional changes he had long been planning, namely concentrating power in his office under the name of the "presidential system".

On 17 July 2015, President Erdoğan declared that he, "by no means, accept[s] the expression of [the] Dolmabahçe agreement", and that "An agreement cannot be made with those who lean their backs on the terrorist organization [PKK]"<sup>3</sup>. Since then, as Nigar Göksel, Senior Turkey Analyst of the International Crisis Group puts it, "President Recep Tayyip Erdogan reversed a decade of openings, resorting to measures reminiscent of the military-dominated 1990s, when Kurdish nationalists were routinely jailed".

On 24 July, 2015, Turkish jets started bombarding Qandil Mountain where PKK camps are located. PKK made a statement which said the "ceasefire no longer has any meaning." Later

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2 See an overview of the June 7 General Election results here: [www.theguardian.com/world/live/2015/jun/08/turkey-election-2015-ruling-party-loses-majority-as-pro-kurdish-hdp-gains-rolling-report](http://www.theguardian.com/world/live/2015/jun/08/turkey-election-2015-ruling-party-loses-majority-as-pro-kurdish-hdp-gains-rolling-report)

3 Daily Sabah: Erdoğan renounces Dolmabahçe declaration, says HDP should try its best for PKK's disarmament, 17 July 2015, [www.dailysabah.com/kurdish-issue/2015/07/17/erdogan-renounces-dolmabahce-declaration-says-hdp-should-try-its-best-for-pkks-disarmament](http://www.dailysabah.com/kurdish-issue/2015/07/17/erdogan-renounces-dolmabahce-declaration-says-hdp-should-try-its-best-for-pkks-disarmament)

the PKK announced that it would take the fight to the cities. (Before, most of the violent conflict had taken place outside the densely inhabited areas.)

Shortly after these developments in July, violent conflicts escalated to catastrophic levels, affecting thousands of civilians in the Kurdish provinces of Turkey. Later, with the suicide attacks by the Kurdish guerrilla forces, violence would spread to the Western part of the country.

In its meetings, the delegation learned that in the Kurdish regions there had already been indicators of the potential for a resumption of the violent conflict before June 2015. Already in 2014, it seems, young people in some villages started to dig trenches, explaining that they did so to defend against the Turkish army should it come to the village. (Delegates heard that there had been new security towers being built by the Turkish army.) At that time, Kurdish activists managed to mediate and convince the youth to stop building trenches.<sup>4</sup>

Later<sup>5</sup>, however, it seems that in some places new trenches were being dug in preparation for armed struggle in the towns. The delegation heard so about Şırnak, Cizre, and Sur. There, the youth explained they wanted to prevent the Turkish military from coming into the city, and wanted to avoid being caught. This was, according to one interlocutor, supported by the people. But civilians in the affected regions did not expect the war in the towns that followed.

The delegation also heard that the trenches prevented people from reaching their homes or leaving them. When the war started, those who wished to flee were accused by the insurgents of being non-supportive of the struggle. They were, as one person we talked to put it, used as shields. But eventually most people fled, often leaving all of their belongings behind.

The first curfew was declared on 16 August 2015 in Varto (Muş), initially “until further notice in order to provide security”<sup>6</sup>. This curfew lasted 20 hours<sup>7</sup>, and was a first taste of what was to follow. Since then “there has been 65 officially confirmed, open-ended and round-the-clock [all daylong] curfews in at least 22 districts of 7 cities in Southeastern Turkey. These cities are as follow; *Diyarbakır* (35 times), *Şırnak* (10 times) and *Mardin* (11 times), *Hakkâri* (5 times), *Muş* (1 time), *Elazığ* (1 time) and *Batman* (2 times)”, according to a report by the Human Rights Foundation of Turkey (TIHV) from April 20, 2016<sup>8</sup>.

During the curfews, Special Operations Police teams and other security forces have conducted counter-terrorism operations against the armed Kurdish youth movement, using armoured vehicles and sometimes tanks and heavy artillery against their barricades. The

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4 See also <http://foreignpolicy.com/2015/01/29/trench-warfare-in-turkey-kurds-pkk/> and <http://factsonTurkey.org/12134/pkk-offshoot-declares-autonomy-in-cizre/>

5 There were no exact dates given, but it seems that it must have been in summer 2015.

6 See: Curfew declared in Turkey's east over clashes with PKK militants, *Hürriyet Daily News*, 16 August 2015, [www.hurriyetdailynews.com/curfew-declared-in-turkeys-east-over-clashes-with-pkk-militants.aspx?PageID=238&NID=87012&NewsCatID=341](http://www.hurriyetdailynews.com/curfew-declared-in-turkeys-east-over-clashes-with-pkk-militants.aspx?PageID=238&NID=87012&NewsCatID=341), accessed 8 March 2016

7 See: *Curfew in Eastern Province is Over*, *Bianet*, 17 August 2015, <http://bianet.org/english/people/166874-curfew-in-eastern-province-is-over>, accessed 8 March 2016

8 Human Rights Foundation of Turkey: <http://en.tihv.org.tr/fact-sheet-on-declared-curfews-between-august-16-2015-and-april-20-2016-and-civilians-who-lost-their-lives/>, accessed 6 June 2016

supporters of the Kurdish armed group have dug trenches, often planted with explosives, and have erected barricades to seal off neighbourhoods<sup>9</sup>.

According to Parliamentarians from the Republican People's Party (CHP), 24-hour curfews often lasting several weeks have never before been used in the history of Turkey. They also underline that such a practice was not even used during times of a military coup or during emergency rule<sup>10</sup>.

Amnesty International has claimed the government's military response was marred by "gross human-rights violations" and amounted to a "collective punishment" against the Kurdish population.<sup>11</sup>

The renewed fighting and oppression also has caused a new wave of internal displacement. According to a report by the intelligence and anti-terror departments of the police, more than 100,000 people have been displaced in five towns in the region, with 1.3 million people being affected by the repeated curfews<sup>12</sup>. Non-governmental organizations (NGOs) and opposition parties put the figure of internally displaced persons much higher and estimate that as many as 200,000 civilians had to leave their homes<sup>13</sup>. The number of people affected by the curfews they give coincides with the calculations of the Human Rights Foundation of Turkey.

In addition to these immediate urgencies, these curfews apparently have some tremendous long-term consequences for the affected population and the whole region. Many meetings of the delegates confirmed that the Turkish government has been expropriating private persons as well as the municipalities and churches in the affected areas. A report from the Human Rights Association summarizes this: "In Sur, the government has started a procedure of expropriation of all privately held land and houses. After armed conflicts ended, Council of Ministers decided to expropriate 6292 of 7714 parcels available in Surici with relying on Expropriation Law no. 2942 on 21st of March, 2016 (App. 3). According to this decree, 82 percent of all parcels available in Sur will be expropriated. Remaining 18 percent of parcels in Sur either belong to TOKİ (Housing Development Administration of Turkey) or already owned by State Treasury. Overall, at the end of this process, every parcel in Surici will be turned into public property (App. 4)." According to several groups with which the delegation met, these projects aim at changing the social-demographic make-up of the city, destroying its historical and cultural tissue, and destroying its social memory.<sup>14</sup>

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9 Human Rights Watch: *Turkey: Mounting Security Operation Deaths*, 22 December 2015, <https://www.hrw.org/news/2015/12/22/turkey-mounting-security-operation-deaths>, accessed 8 March 2016

10 "Diyarbakır-Mardin" Değerlendirme Raporu ("Diyarbakır-Mardin" Evaluation Report), p.34 (the report is written upon the visit on 9-10 February 2016 and publicized on 1 March 2016); also see; [www.hurriyetdailynews.com/chp-report-says-locals-in-southeast-turkey-torn-between-pkk-unlawful-practices-of-govt.aspx?pageID=238&nID=95871&NewsCatID=339](http://www.hurriyetdailynews.com/chp-report-says-locals-in-southeast-turkey-torn-between-pkk-unlawful-practices-of-govt.aspx?pageID=238&nID=95871&NewsCatID=339), accessed 8 March 2016

11 See: Amnesty International: *Turkey: Onslaught on Kurdish areas putting tens of thousands of lives at risk*, 21 January 2016, [www.amnesty.org/en/latest/news/2016/01/turkey-onslaught-on-kurdish-areas-putting-tens-of-thousands-of-lives-at-risk/](http://www.amnesty.org/en/latest/news/2016/01/turkey-onslaught-on-kurdish-areas-putting-tens-of-thousands-of-lives-at-risk/), accessed 16 March 2016

12 See: *100,000 people displaced due to clashes with PKK*, Hurriyet Daily News, 24 December 2015, [www.hurriyetdailynews.com/100000-people-displaced-due-to-clashes-with-pkk.aspx?PageID=238&NID=92937&NewsCatID=341](http://www.hurriyetdailynews.com/100000-people-displaced-due-to-clashes-with-pkk.aspx?PageID=238&NID=92937&NewsCatID=341), accessed 13 March 2016

13 See: *Turkey's other refugee crisis: Kurds fleeing 'terror' in country's south east*, The Telegraph, 26 February 2016, [www.telegraph.co.uk/news/worldnews/europe/turkey/12173970/Turkeys-other-refugee-crisis-Kurds-fleeing-terror-in-countrys-south-east.html](http://www.telegraph.co.uk/news/worldnews/europe/turkey/12173970/Turkeys-other-refugee-crisis-Kurds-fleeing-terror-in-countrys-south-east.html), accessed 13 March 2016

14 One theory that the delegation heard from international observers before going to Turkey was not repeated to us: Namely, that the main purpose of the confiscation was to rebuild the historical centers with huge apartment houses (the building company incidentally being run by someone from the family of Erdogan) and to settle Syrian (Arab) refugees there, in order to change the ethnic composition of the Kurdish region. That of course does not necessarily mean that no such plan exists.

It has not been easy to get information on what was going on inside the areas under curfew. The first information received from the region was the lack of access to basic needs such as food, electricity, water, and health services. During the curfews many people - from 35 days<sup>15</sup> to 75 years old - have lost their lives. Some incidents have been mentioned to the delegation again and again: The people who went out onto the street to buy bread,<sup>16</sup> or to rush beloved ones to an ambulance,<sup>17</sup> who were then shot by snipers – or the dead body of a 10-years-old child<sup>18</sup> and at another occasion that of a 53 years old woman<sup>19</sup> kept in refrigerators for days since it was not allowed to bury the corpses.

Another case is that of three female politicians who were trying to call for help using their cell phones just before they were shot dead<sup>20</sup>. Another is that of students allowed to enter Sur to give humanitarian aid but who then could not get out again and were killed there. And the public hopelessly witnessed residents, including children and injured people, stuck in basements in Cizre as the government denied access to emergency services. Turkey's Constitutional Court even rejected a petition to allow the evacuation of a building, and as a consequence people in the basements died either of loss of blood or as a result of an operation conducted by security forces.<sup>21</sup> The exact number of the civilians who died in the basements is still not clear, but the figures given by the locally organised crises group is 178<sup>22</sup>.

As a consequence of the use of heavy weapons, many buildings and monuments of historical and cultural heritage have been destroyed and damaged<sup>23</sup>.

Residential areas have been burned down, or destroyed by shelling, artillery and bombs.<sup>24</sup> While it was possible to evacuate some civilians from the conflict zone, they were forced to

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15 See: *Curfew in Cizre Lifted for a Second Time*, Bianet, 14 September 2015,

<http://m.bianet.org/bianet/people/167622-curfew-in-cizre-lifted-for-a-second-time>, accessed 13 March 2016

16 Mehmet Erdoğlan (75) was killed with a shot in the forehead by snipers as he was coming back from the bakery with a bag of bread in his hand. He had said "They will not shoot at the elderly" and insisted to go himself to get bread. Witnesses report that an armoured vehicle approached his body afterwards and shot yet another bullet into his head on 11 September 2015. [www.yakayder.com/tr/haberler/report-on-the-nine-day-curfew-in-cizre-turkey/365](http://www.yakayder.com/tr/haberler/report-on-the-nine-day-curfew-in-cizre-turkey/365), accessed 13 March 2016

17 A 3-month-old baby, Miray Ince, has been killed alongside her grandfather in the southeastern province of Şırnak after being struck by a bullet at home, after which her grandfather was also shot dead trying to rush the baby to an ambulance. [www.hurriyetdailynews.com/3-month-old-baby-grandfather-shot-dead-in-turkeys-cizre.aspx?pageID=238&nID=93053&NewsCatID=509](http://www.hurriyetdailynews.com/3-month-old-baby-grandfather-shot-dead-in-turkeys-cizre.aspx?pageID=238&nID=93053&NewsCatID=509), accessed 13 March 2016

18 [www.cumhuriyet.com.tr/haber/turkiye/363255/Caresizlige\\_abluka...\\_10\\_yasindaki\\_Cemile\\_nin\\_cesedi\\_buzdolabinda\\_saklandi.html](http://www.cumhuriyet.com.tr/haber/turkiye/363255/Caresizlige_abluka..._10_yasindaki_Cemile_nin_cesedi_buzdolabinda_saklandi.html), accessed 13 March 2016

19 Meryem Sune, a 53-year-old mother of seven, could not be buried for two days and her body was first kept cold by ice bottles. [www.bbc.com/news/world-europe-34206924](http://www.bbc.com/news/world-europe-34206924), accessed 13 March 2016

20 See: *3 Politician Women Killed in Silopi*, Bianet, 6 January 2016, <http://bianet.org/english/human-rights/170830-3-politician-women-killed-in-silopi>, accessed 13 March 2016

21 See: *Death toll rises among Kurds trapped in Cizre basement amid heavy fighting*, Deutsche Welle, 29 January 2016, <http://www.dw.com/en/death-toll-rises-among-kurds-trapped-in-cizre-basement-amid-heavy-fighting/a-19012447>; *Security raid kills 60 in southeast Turkey*: Report, Press TV, 8 February 2016, [www.presstv.ir/Detail/2016/02/08/449182/Turkey-Sirnak-Cizre-PKK](http://www.presstv.ir/Detail/2016/02/08/449182/Turkey-Sirnak-Cizre-PKK), accessed 17 March 2016

22 Figures are acquired personally by the authors.

23 The Kurşunlu Mosque (Lead Mosque), which had been built between 1516 and 1520 and named after its lead coated domes, situated in conflict zone in Sur, Diyarbakır, was burned. Surp Giragos Armenian Church and Armenian Catholic Church in Sur were damaged severely. Diyarbakır City Walls, which are on the UNESCO protection list, Four-legged Minaret and Caravanserai built during Grand Vizier Rustem Pasha's time are also under threat. CHP report p.442. See also: [www.hurriyetdailynews.com/blame-game-over-mosque-set-on-fire-in-diyarbakir.aspx?pageID=238&nID=92254&NewsCatID=341](http://www.hurriyetdailynews.com/blame-game-over-mosque-set-on-fire-in-diyarbakir.aspx?pageID=238&nID=92254&NewsCatID=341)

24 See: *Cizre residents return to destroyed Kurdish-majority town in Turkey*, The Telegraph, [www.telegraph.co.uk/news/worldnews/europe/turkey/12180895/Cizre-residents-return-to-destroyed-Kurdish-majority-town-in-Turkey.html?frame=3587090](http://www.telegraph.co.uk/news/worldnews/europe/turkey/12180895/Cizre-residents-return-to-destroyed-Kurdish-majority-town-in-Turkey.html?frame=3587090), accessed 13 March 2016



leave their homes and communities after being bombarded for days. The population of the most affected Sur district areas in Diyarbakır has decreased from 25,000 to 5-6,000. Delegates learned that from the 50,000 inhabitants of all SUR, about 23,000 left the district permanently. Some media report that the government is preparing for “urban regeneration projects” in the Suriçi region, which had also been evacuated,<sup>25</sup> and is, as mentioned earlier, being expropriated.

Several of the organizations the delegation met, have been seeking to make the government lift the curfews by initiating legal procedures both within Turkey and with the European Court of Human Rights (ECHR).

Some of the organizations have already submitted legal procedures to challenge the curfew decisions given by the administration.<sup>26</sup>

We quote here a submission of the Mesopotamia Lawyers Association:<sup>27</sup>

”The State of Republic of Turkey has been unlawfully imposing de facto curfews upon millions of citizens in Turkey. In other words, as opposed to Article 15, the State of Republic of Turkey has been de facto suspending fundamental rights and freedoms protected by the Convention without basing these derogations in judicial reasons or explanations. It has been forcing millions of civilians to live under dire conditions even without declaring a state of emergency, and civilians have been increasingly fleeing their hometowns due to increasing

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25 See: Sur’a kentsel dönüşüm, Hurriyet, 31 December 2015, [www.hurriyet.com.tr/sura-kentsel-donusum-40034036](http://www.hurriyet.com.tr/sura-kentsel-donusum-40034036); Sur’a 4 milyar liralik dönüşüm, Milliyet, 4 January 2016, <http://www.milliyet.com.tr/sur-a-4-milyar-liralik-donusum-gundem-2173525/>, accessed 17 March 2016

26 The Constitution regulates the conditions of declaring states of emergency (art.119-122). The provisions give the authority to declare states of emergency to Council of Ministers, meeting under the chairpersonship of the President of the Republic, after consultation with the National Security Council for a certain time period. The procedures are regulated by the Law no. 2935 of 25 October 1983 on State of Emergency.

The Constitution also allows the Council of Ministers, under the chairpersonship of the President of the Republic, after consultation with the National Security Council, to declare martial law, mobilization and state of war under certain circumstances. (art 122) Law no. 1402 of 13 May 1971 on Martial Law regulates how the Constitutional article should be implemented.

Article 15 of the Constitution regulates the suspension of the exercise of fundamental rights and freedoms (except individual’s right to life, the integrity of his/her corporeal and spiritual existence shall be inviolable except where death occurs through acts in conformity with law of war; no one shall be compelled to reveal his/her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties shall not be made retroactive; nor shall anyone be held guilty until so proven by a court ruling) in times of war, mobilization, martial law, or a state of emergency.

Those are the provisions and procedures in the Constitution draw the fundamental frame to the extraordinary regime rules and do not give any authority to the administration in this regard.

The provision that grounds for the authority to declare curfews, under debate is based on the Law on Provincial Administration (Law no. 5442) art.11/c. The law authorizes the governors to take necessary decisions and measures under certain circumstances in order to secure peace and security, personal immunity, safety of private property, public well-being and the authority of preventive law enforcement within the provincial borders.

On the other hand the authority of the administration is neither open ended nor includes the declaration of curfews. Art. 66 of the Law limits the authority of the administration under those circumstances with “misdemeanors” and imposes imprisonment from three months to six months on “those who resist or make difficulty or disobey the implementation and execution of decisions and measures duly taken and notified or announced by the general provincial council or administrative committee or the highest civil administrator based on the powers conferred by laws.” Criminal sanctions shall also be imposed on those who act contrary to the measures ordered.

27 Petition to the Secretariat of the Council of Europe by the Mesopotamia Lawyers’ Association, p.3, received on 4<sup>th</sup> May through email

violence. In this manner the State of Republic of Turkey did not fulfill its obligation to keep the Secretary General of the Council of Europe fully informed and clearly violated the Article 15 of the European Convention of Human Rights.

“Additionally, it should also be mentioned that above mentioned curfews have been imposed in an arbitrary and disproportional manner, and the State of Republic of Turkey has also violated Article 18 of the Convention, which states that the restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.”

The majority of the curfews had been lifted by the time the delegation arrived, most since March 2016. However, there are towns or certain areas within towns that are still closed off. The delegation was prevented by the police from entering the most destroyed parts of Cizre. Part of Sur (Diyarbakir) was still closed to all people, including former inhabitants. In other towns (Nusaybin, Lice), new fights and curfews started in April/May.

Clashes and curfews in the region have caused 100,000s of people to temporarily or permanently lose their homes. But the great majority of people have been able to stay in the region, as they found shelter and support in the homes of families in less affected districts, or rented collectively houses and have managed to organize their lives with very little. Some have already started going back to their old homes. This kind of solidarity can be seen as a social system that kicks in instead of a governmental social system and thus can thus potentially shift power relations. As a drawback, this resilience may make the humanitarian crisis less visible to the international community (see chapter Civil Resistance, Nonviolence).

There are also several organizations, like the Medical Association of Diyarbakir, who are not only offering free services of doctors, but also help for traumatized people. However, these latter services are currently not much in demand – it seemed to the delegation that currently the immediate need to survive from day to day is still too high.

## **Civil Resistance, Nonviolence**

Civil resistance is basically a matter of undermining dominant power and creating alternative institutions without using armed means, and it can have many faces. It can stand alone or sometimes coincide, coexist, or even be complementary with other forms of struggle. In this report some of its different forms and expressions that the delegation heard during its visit have been captured. However, it needs to be emphasized that the conflict is highly violent and militarized. There is no nonviolence movement in the Kurdish parts of Turkey, nor a clearly recognizable consciousness of civil resistance as a tool of its own. (Unlike for example Syria, where opponents of the Assad regime while mostly verbally supporting the armed struggle still maintain instruments of civil resistance whenever the situation allows it.) We only found small and scattered examples of civil resistance that aimed to undermine the actions by the Turkish military, which is understandable during a time of humanitarian crisis and danger. The main form of civil resistance was the resurgence – since the repression of the Kurdish political party – of self-governing institutions: educational and political organizations that served the needs of local people and aimed for autonomy in their respective area.

Hindrance of oppressive forces for example by digging of trenches and creation of barricades around some districts can in principle be a form of defensive civil resistance, although it was in this case used and understood by different parties as a preparation for armed resistance. These defensive measures, as reported to the delegation, were not only used to hinder the Turkish forces, but also aimed to hinder civilians in populated areas to flee. As such, they became a way to make the armed clashes occur in civilian areas.

During the curfews and clashes, all conventional media channels were shut down. Civilians instead tried to immediately get information out by means of social media, trying to tell the world about the atrocities that were being done to them. In the absence of much of the international media, sometimes this form of reporting became the only source of information. However, due to the curfews and the cut-off of electricity, there have been no live Facebook or YouTube reports, as activists have been able to post from the war in Syria.

“Did you read our reports?” was a recurring opening question the delegation was asked in the meetings it attended in Diyarbakir and Cizre. Many of the organizations that the delegation met during its trip have continuously published about ongoing atrocities in Turkish, and several organizations also published English reports, which are all example of discursive resistance, reporting a counter-story to the official Turkish one that tells about combating terrorism. In these reports human rights organizations tried to communicate timely, well-founded arguments and thorough and factual descriptions of the situation within the affected areas.

A petition signed by more than 1000 academics<sup>28</sup> was also mentioned several times. In itself these statements were a major attempt to undermine an official story of the events, and it showed the courage of a collective of intellectuals to show solidarity with the civilian victims of the military assault and aimed at providing national and international audience a viewpoint other than the governmental viewpoint, but from well-respected, well-known individuals with a good standing.

Many hundreds of claims not only against the human rights violations but also against the ongoing expropriations of Kurdish properties by Turkish national authorities in the affected areas have been filed (*see also chapter International Relations*) as an attempt to counteract the expropriations. In the areas of Diyarbakir’s Sur that were open to the public during the delegation’s visit, the delegates met salesmen who have started to rebuild their businesses in their old houses, who did not know that these houses are being expropriated and might already belong, on paper, to the state of Turkey. The support organizations set up to protect the ancient village structure of Sur also tried to use the fact that UNESCO declared the area a protected area. Their hope is that the international community would at least act in order to protect their historical site, even if they did not act to preserve the social and economic life previously abundant in the area.

In regard to constructive resistance, the delegation found competitive political structures such as the parallel Kurdish educational system, local administration, humanitarian aid to refugees and the Democratic Society Congress (DTK) still in place. Furthermore, there are also

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28 The text of the appeal of more than 1000 academicians that was published on the 11<sup>th</sup> of January 2016, and has led to the arrest of a number of its signers, can be found here: [www.kurdishquestion.com/oldsite/index.php/kurdistan/north-kurdistan/more-than-1000-academicians-call-for-peace-talks-between-turkey-and-pkk-to-resume.html](http://www.kurdishquestion.com/oldsite/index.php/kurdistan/north-kurdistan/more-than-1000-academicians-call-for-peace-talks-between-turkey-and-pkk-to-resume.html)

alternative movements that have been organizing themselves throughout the region aiming at social change, e.g. by raising awareness towards ecological aspects of life, such as the Mesopotamian Ecology Movement.

The delegation heard from regional humanitarian organizations that started building up so-called “social camps”. “Social camps” are tent camps for mainly non-Turkish refugees, organized in a self-governing manner. Basic materials, assistance and services are provided by locals, but not in a traditional sense of controlled refugee camps. Refugees organize themselves in working groups and organize education themselves. In a broader sense, these “social camps” can also be seen as constructive resistance: the building up of alternative structures and self-governing empowerment.

Local administrative entities, such as the mayor’s offices in Diyarbakir and Cizre tried to keep up their duties to serve the cities’ citizens despite governmental orders. Additionally, the Co-Mayor of Cizre, was impeached by the government in 2015. But she still continues her work as Co-Mayor, as the people of Cizre voted on her and still support her, as she explained to us. Continuing as a representative political authority despite formally being removed is a clear example of disobedience, and an attempt of maintaining self-governance.

Moreover, the delegation heard about firemen and medical workers, who had disobeyed orders from the government or public forces on several occasions in order to try to do their job and serve civilians in emergencies. Despite the explicit ban on bringing basic goods into closed up areas, Muhtars (locally elected village or district representatives) distributed food in their communities. Others disobeyed by trying to recover corpses from the prohibited areas. Animal rights activists in Diyarbakir also entered districts which were under 24 hours-curfew and saved animals, such as cats and dogs.

As mentioned earlier, the escalation of the conflict and curfews in the region have created 100,000s of internally displaced people. Due to the self-organized humanitarian system of care for refugees in family homes or abandoned houses in less affected areas, the people could, however, mainly stay in the region. This kind of solidarity was perhaps one of the most impressive forms of civil resistance the delegates encountered. The drawback of this amazing capacity to take care of each other during an armed conflict is that the refugee crisis does not become blatantly visible for the international community, and it is, therefore, easier to ignore.

The delegation also heard about demonstrations at that time in different districts that were not under curfew, such as the office district in Diyarbakir.

When looking at civil resistance in the region, it is important to highlight that the delegation also met with conscientious objectors that refused to serve in the Turkish army, and people who, as one conscientious objector put it, “object any kind of violence, in any of its forms”.

Besides all these examples of crisis-oriented measures to deal with the difficult situation of civilians, and the attempt to rebuild self-governing structures, we also found examples of organized actions against the militarized Turkish dominance in the district. The Tahir Elci city forest project is an organized and ongoing collective initiative of resistance against militarization and oppression in Diyarbakir. Various civil society groups have used public demonstrations and declarations to call for a huge area outside of Diyarbakir, currently being transformed into a military training area, to become a public city forest. Just after the

delegates left Turkey, conscientious objectors and ecologists organized a march to this forest. Several conscientious objectors planned to publically declare their objection and trees were to be planted for each declaration for the benefit of people instead of militarization. (The action took place, but the police prevented the activists from actually planting trees.)

## **International Involvement**

“Europe has failed us” has been a statement that we have heard from several of the organisations we met. There is a general disappointment about a perceived lack of reaction to the violence in Turkish Kurdistan from the side of international institutions, including NGOs. Most interlocutors reasoned that the refugee crisis has made European countries seek good relations with the government of Erdoğan.

The current situation was compared to the 1990s, when those we spoke with suggested that there was more response and support from the international side.

Another aspect of the international dimension of the situation is, of course, the war in Syria and Iraq. The organisations we met often mentioned it as a cause for the cancellation of the peace process by the Turkish government as well as the political success of the HDP, namely, the support the PKK receives from the Kurdish organisations in Northern Syria. Some of the organizations we met have been working in support of refugees from the Syrian city of Kobane two years ago, when 100,000 migrants came to Turkey. Thus, these organizations had some experience when the war in Turkey started, and then focused on supporting IDPs and other victims of war from their own country.

Several NGOs and other organisations did ask since August 2015 for **international governmental or intergovernmental support** or are still in the process of doing so. The organisations they turned to were the European Union, the European Court of Human Rights (ECHR), the United Nations, and the Council of Europe. The Organization for Security and Co-operation in Europe (OSCE) was not mentioned. In addition, some sought contacts to some national parliamentarians or parties.

- The Human Rights Association (Diyarbakir branch) applied regarding different cases during the fighting in Cizre, Sur etc.) with the European Court of Human Rights (ECHR). The reports of the Mesopotamia Jurist Association were evidence in the dealings of the Court. The ECHR decided on interim measures but the Turkish government ignored the rulings. But they were disappointed of their reaction. In some cases, the ECHR reacted too late. The Municipality of Cizre told us that when the bombardments in Cizre started, they applied for interim measures to the European Court of Human Rights in the case of 3 or 4 injured people. But in spite of injunctions by the European Court of Human Rights, nothing happened.
- Other complaints were rejected by the ECHR with the argument that they had to go to national constitutional court first.
- The Platform for Rebuilding Sur plans to bring the case of Sur to the European Human Rights Court, we were told.

- The Human Rights Association (Diyarbakir branch) went to the Human Rights Commission of the German Parliament regarding a case of a journalist, but there was no follow-up from their side.
- Human Rights Association (Diyarbakir branch) also asked the Council of Europe for a delegation but there was none sent.
- The Human Rights Association and the Diyarbakir Bar Association informed “a lot of European bodies and the UN” without receiving responses. The Platform for Rebuilding Sur told us that they tried to keep in touch with diplomatic bodies, Germany, Russia, US, Canada, other nations and the UN. The Mesopotamia Jurist Association also approached the UN Special Rapporteur for Human Rights and prepared a detailed report to the EU.<sup>29</sup>
- They also informed the Committee for Prevention of Torture. The CPT said that they are going to send delegation to Turkey in May 2016, not related to current situation.
- Leyla Imret, the unofficial Co-Mayor of Cizre, has been invited to visit Martin Schulz, the President of the European Parliament, but could not go, as a Turkish court banned her from leaving Turkey.

As to other **delegations visiting Turkey**, the only delegation from an intergovernmental body that was mentioned to us was the delegation of Kati Piri, the European Parliament rapporteur on *Turkey's* accession progress who visited with a delegation including the leader of the Dutch Labor Party (PvdA) Diederik Samsom and EP deputy Sergei Stanishev in February 2016. Their report found some attention both in Turkish and international media. They also, according to one interlocutor, managed to rescue 5 or 7 (both figures were mentioned) civilians from Sur.

In May (so after our visit), a delegation of co-rapporteurs (Ingebjørg Godskesen and Nataša Vuckovic) from the Parliamentary Assembly of the Council of Europe (PACE) sent a fact-finding visit to Turkey in May 2016, also going to Diyarbakir, after its monitoring committee expressed “serious concern” over the state of democracy and freedoms in the country on March 9.

As to **NGO delegations**, the Mesopotamia Jurist Association told us that they called many NGOs from Europe to come, but that none came. Our visit they considered to be very late, though they still welcomed our presence.

The only other delegation mentioned to us was the one by IPPNW Germany in March 2016. Gisela Penteker from IPPNW Germany has been to Turkey with delegations since 1978 once a year. This year there were fewer participants than usual. The main purpose of the visit was to show solidarity. Through a press release and a publication (announced) they then made public what they found.

From the internet we learned that from 21 to 24 of January 2016, a delegation of 10 lawyers from Austria, Belgium, Germany, and Italy visited Diyarbakir. The mission was coordinated

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<sup>29</sup> See also: <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19937&LangID=E#sthash.uGg6WaKm.dpuf>. There the rapporteur states: “The Turkish Government has not responded positively to requests by my Office and other parts of the United Nations to visit the region to collect information first-hand.”

by two European lawyers' organizations — the European Association of Lawyers for Democracy and Human Rights (ELDHR) and European Democratic Lawyers (EDL) — and the Unione delle Camere Penali Italiane. It was supported by the ÇHD (*Çağdaş Hukukçular Derneği* - Progressive Lawyers Association).<sup>30</sup> And it seems that there was also a group from Spain going at the beginning of March, but two women from Barcelona were stopped at the airport in Istanbul and deported.

As to NGO delegations that actually have come (people used the plural but without telling us who they were), it was felt by more than one interlocutor that there was no follow-up from the NGOs' side and so they remained ineffective.

In the course of our short visit, we have seen no signs of **internationals on the ground**, be it humanitarian workers or others – no plaques from NGOs, and also nobody on the streets.

On the question, “**what could we do to support you**”, the most usual reply was to help with creating international political pressure on the Turkish government.

Several organizations mentioned the status of Sur (part of Diyarbakir) being a UNESCO World Heritage site, in the context of hoping that this status would give international pressure some leverage. One organization expressed its expectation that our delegation could approach the UNESCO on this.

Several interlocutors also mentioned „to do something against international arms trade”.

## **Conclusions and next steps**

The renewed armed conflict between the Turkish government and the PKK can partly be explained by inner-Turkish factors (the growing popularity of the HDP in summer 2015) but is also closely related to the other wars in the region – the fight against the so-called Islamic State and the particular role Kurds from Iraq and Syria play in this struggle, the international military interventions, the hundreds of thousands of refugees from the area seeking an access to Europe, and the European Union trying to stop the inflow of these refugees with almost all means (more and more also including military means.) Given this picture, there is little hope for a short-term return to a peace process between the PKK and the Turkish government. But that does not mean that it should not be promoted, both from within Turkey and internationally.

Both Turkey and the PKK are dependent on international supporters, and that would give these supporters leverage to increase pressure to stop the fighting in Southeast Turkey. While the writers of this report have doubts about the so-called ‘solution process’ that collapsed in July 2015, in the end, a solution to the numerous problems will have to be negotiated between all parties involved. What is urgently needed is a genuine peace process, accompanied by confidence-building measures involving both sides. It does not help to put obstacles before such a peace process – be it the government demanding that PKK first put down their arms, or the PKK demanding autonomy as an outcome of such a process. A genuine peace process requires that both sides open their minds, but also that other actors, especially civil society, are involved in finding a solution to the conflicts that

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30 [www.aeud.org/wp-content/uploads/2016/04/Report-Lawyers-Delegation-to-Diyarbakir-Jan.-2016.pdf](http://www.aeud.org/wp-content/uploads/2016/04/Report-Lawyers-Delegation-to-Diyarbakir-Jan.-2016.pdf)

respects the social and cultural rights of Kurdish people and all communities living in the region.

The protection of civilians is the duty of any government in the world. Failing to do so creates an atmosphere of impunity that must not be tolerated. That goes also for any political movement. If an insurgent group says that they are fighting for 'their people', they must protect them, not endanger them. The protection of the civilian population is not only a duty under international law, it is also a moral prerequisite as well as a wise political strategy for any political leadership. There is also sufficient knowledge and competencies in the international world (both e.g. with UN and certain INGOs) in how to achieve human security in this meaning without the use of arms. WRI offers to facilitate the transmission of such expertise if civil society or political leaders in the affected areas are interested.

Recent comparative studies have proven the efficacy of unarmed struggle compared to armed ones: Unarmed struggles have been twice as successful as armed ones since 1905<sup>31</sup>. The writers of this report wonder if it might not make sense for the leaders of the armed movement to consider alternatives to their current strategy, and offer to facilitate expertise in this regard.

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31 See Chenoweth, Erica und Stephan, Maria J. (2011): *Why Civil Resistance Works. The Strategic Logic of Nonviolent Conflict*. New York: Colombia University Press



## Appendices

### War Resisters' International

War Resisters' International (WRI) is a global pacifist and antimilitarist network with over 80 affiliated groups in 40 countries. It is based on the common declaration founded 1921 that *'War is a crime against humanity. I am therefore determined not to support any kind of war, and to strive for the removal of all causes of war'*.

WRI facilitates mutual support by **linking people together** through publications, events and actions, **initiating nonviolent campaigns** that actively involve local groups and individuals, **supporting** those who oppose war and who challenge its causes, **promoting and educating** people about pacifism and nonviolence.

### Members of the delegation

Members of the delegation are based in Sweden, Austria, Spain, Germany and Turkey. They are representing different organizations and institutions:

**Dr. Christine Schweitzer** is the Chair of War Resisters' International and Executive Secretary of the German organization "Federation for Social Defense" (BSV); editor of the bi-monthly magazine "Peace Forum" and researcher at the Institute for Peace Work and Nonviolent Conflict Transformation. She has published inter alia about conflict transformation, nonviolence and Unarmed Civilian Peacekeeping.

**Rudi Friedrich**, General Secretary of Connection e.V. in Germany, is engaged in achieving recognition of the human rights of conscientious objectors, and acknowledgement of the persecution which conscientious objectors and deserters face as a reason for asylum. The organization collaborates with groups opposing war, conscription and the military. Beyond Europe, the network extends to Turkey, the U.S., Israel, South Korea, Latin America and Africa. He has been involved with supporting conscientious objectors in Turkey since 1993.

**Andreas Speck** is an antimilitarist activist now living in Spain. From 2001 until 2012 he worked in the international office of War Resisters' International in London. He has been involved with supporting nonviolence and antimilitarism in Turkey for more than 20 years, and is now active with the Red Antimilitarista y Noviolenta de Andalucía (RANA – Andalusian Antimilitarist and Nonviolent Network) and La Transicionera, a Sevilla based project aimed at supporting nonviolent transitions towards just and sustainable societies.

**Dr. Michaela Soellinger** is a member of the Austrian Fellowship of Reconciliation (FOR Austria). After her PhD in Physics, she studied Peace and Conflict Transformation in Austria and Spain and went to Guatemala to volunteer as an International Accompanier in 2011. 2013-2015 Michaela Soellinger was part of the accompaniment team of FOR Peace Presence in Colombia.

**Prof. Stellan Vinthagen** is a professor of sociology, a scholar-activist, and the Inaugural Endowed Chair in the Study of Nonviolent Direct Action and Civil Resistance at the University of Massachusetts, Amherst, where he directs the Resistance Studies Initiative. He

is also Co-Leader of the Resistance Studies Group at University of Gothenburg and co-founder of the Resistance Studies Network, as well as Editor of the Journal of Resistance Studies, and a Council Member of War Resisters International (WRI), and academic advisor to the International Center on Nonviolent Conflict (ICNC).

**Hülya Üçpınar** is a human rights lawyer from Turkey, and has a long track record of campaigning for the right to conscientious objection in Turkey. She is an executive committee member of War Resisters' International and one of the co-founders of the Nonviolent Education and Research Centre, based in Istanbul.

**Coşkun Üsterci**, living in İzmir, joined the İzmir War Resisters' Association 25 years ago and was especially active in lobbying the human right of conscientious objection. Furthermore he is an executive committee member of the Human Rights Foundation and actively involved in campaigning democracy and human rights.

### **Visited organizations and institutions**

The aim of the delegation was to hear different actors, including state institutions in order to acquire information from different perspectives. Nonetheless attempts to receive appointments from Diyarbakir Governor and Cizre District Governor were not successful. The procedure started at the local level then the delegation was referred to the Ministry of Foreign Affairs and finally had to communicate with the Turkish Embassy in London where the delegation couldn't receive any response for the appointment with the local authorities.

During the visit the delegation stayed three days in Diyarbakır. Besides meetings with different organizations the delegation researched the situation in Sur, the old part of the town Diyarbakır that was under curfew for several months. On the streets members of the delegation could speak with some inhabitants.

The delegation spent one day in Cizre, a town close to the Syrian border and affected from a curfew that lasts several months as well. In Cizre the delegates went to the neighborhood Cudi, which was one of three neighborhoods most affected by the curfews. There members of the delegation could speak with some inhabitants as well.

During the entire trip, the delegation had the opportunity to talk and exchange with the following organizations and institutions:

**Democratic Society Congress (DTK)** Diyarbakır. It's an umbrella organization of various Kurdish organizations (parties, associations, foundations and initiatives), which somehow fills the role of being a public assembly.

**Co-Mayor of the municipality Diyarbakır:** In their capacity as elected administrators of the city, they can provide very extensive information on the process and events.

**Platform for Restoring Sur:** The platform consists of 310 NGOs and is focused on the question how the old part of Diyarbakır, Sur, could be restored.

**KESKESOR**, an LGBT group.

**Conscientious Objectors' Initiative:** Working to support conscientious objectors in the region who face "civil death", recruitment and prosecution,

**Mesopotamian Ecology Movement,** a new organization with assemblies in different regions of Southeastern Turkey.

**Association for Solidarity with Rojava:** An NGO established for solidarity with the cantons in North Syria/West Kurdistan and for the refugees from there. Right now the organization focuses on humanitarian help towards people who had to leave their cities because of the curfews. One of the most active NGOs in the field.

**Human Rights Association (İHD):** Independent organization working in the human rights field. It has sent delegations to conflict zones and prepared reports.

**Human Rights Foundation (TİHV) Diyarbakır:** It has sent delegations to conflict zones and prepared reports. It is providing physical and psychological rehabilitation services for people, who were tortured or mistreated.

**Medical Association Diyarbakır:** The official chamber of physicians. The board is elected.

**Bar Association Diyarbakır:** The official chamber for lawyers working in Diyarbakır. The board is elected. Its last head was Tahir Elçi, a well-known peace activist and human rights defender, who was shot dead in November 2015 while he spoke to the press at a historic site in Sur district, protesting against the harm done during the curfew. Investigations continue. The board of the Bar Association entered the conflict zone various times and prepared reports.

**Mesopotamia Jurist Association:** Lawyers' NGO working on human rights in the region. The Association lodged complaints to Constitutional Court and ECHR regarding curfews and civilian protection.

**Human Rights Foundation (TİHV) Cizre:** It has sent delegations to conflict zones and prepared reports. It is providing physical and psychological rehabilitation services for people, who were tortured or mistreated.

**Co-mayor of the municipality Cizre:** In their capacity as elected administrators of the city, they can provide very extensive information on the situation.

**Kamer:** An organization working against violence against women. The organization has some projects to strengthen the rights of women.

**Hebun:** an organization working for LGBT and animal rights.

**Mazlumder:** An independent human rights association, whose members highlight their Islamic identity. It has sent delegations to conflict zones and prepared reports.