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TİHV

Őirnak – Silopi Incidents

Investigation Report

12 August 2015

INVESTIGATION REPORT REGARDING DEATHS AND INJURIES OCCURRED DURING
INCIDENTS IN ŞIRNAK'S SİLOPİ DISTRICT

THE INCIDENT

On 07.08.2015, in the Başak quarter of Silopi, the tension due to intervention of security forces to ditching the streets by residents in response to house busts turned into clashes. The clashes resulted in the death of 1 police officer and 3 civilians.

ESTABLISHMENT OF THE COMMITTEE

During these incidents, it was claimed that there were armed intervention of security forces against civilians. Furthermore, according to these claims, during this intervention, houses of neighborhood residents were shot and burnt, people died or got injured; and injured citizens were threatened and assaulted then citizens taken into custody were tortured and received maltreatment.

Human Rights Association (HRA) and Diyarbakır Office of Human Rights Foundation of Turkey (HRFT) established a committee to do on-site investigation of these claims and to assess reasons and occurrences of these incidents. On August 9, Committee had gone to the region to talk with witnesses, residency of neighborhood and victims. Also, before establishment of committee, as from the day of incidents, August 7, executives from Şırnak Branch of HRA, had followed the development of these incidents, observed and confirmed these.

Committee Members;

*Member of HRA Central Executive Committee and Regional Representative of Southeastern Anatolia, **Abdusselam İnceören**

*Member of HRA Central Executive Committee, **Vetha Aydın**

*Member of HRA Central Executive Committee and Member of Diyarbakır Board of Directors, **Muhterem Süren**

*Member of HRA Central Executive Committee, **Büşra Demir**

*Head of HRA Şırnak Branch, **Emirhan Uysal**

*Member of HRA Şırnak Branch, **Zozan Açar**

*Member of HRA Şırnak Branch, **Fazilet Arserim**

*Employee of Diyarbakır Branch of HRFT, **Murat Aba**

PRIMARY FINDINGS BEFORE COMMITTEE INVESTIGATION

Head of HRA Şırnak Branch, Emirhan Uysal, had followed these incidents from the start, 7th of August. Uysal stated, “after receiving information about the incidents happened on 07.08.2015, firstly I went to Şırnak State Hospital. I established that there was 1 injured person. After I heard that people were taken into custody and that they were tortured and received maltreatment in Silopi, I went to Silopi State Hospital. On the way to the hospital, I learned that 4 more injured people were taken into Şırnak State Hospital. Therefore, I called

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the executives of HRA branch there, and directed them to hospital to provide a follow up on the injured people.

There were more than 15 armored vehicles in front of the Silopi State Hospital where injured people were taken to on August 7. All entrances of hospital were closed and I could hardly enter the hospital by using my lawyer identity card. Every person entering to the hospital was searched and asked for their identity cards.

Ambulance that was trying to enter the hospital was stopped and searched. There were about 30 people with guns, steel vests and civilian clothing in the hospital yard. Also there were more than 10 police officers with their guns and steel vests in the Emergency Department of the hospital.”

According to his observations, Uysal also stated that,

Police officers in the hospital were swearing to civilians leading to provocations, so tension and brawls occurred.

Police officers tried to delete security camera recordings, but private security guards interfered to this situation. Furthermore, with lawyer Zozan Açar, we tried to protect security cameras.

Members of HRA Şırnak Branch and Şırnak Bar Association reported to take necessary measures and provide proper/necessary investigation about these incidents (torture in custody, deletion of hospital security camera records, and random shoots of police) by meeting with the Chief Prosecutor's Office.

After the meeting with the prosecutor, we met with people that were taken into custody (Metin Sönmez, Emin Bayar, Mesut Asan, Yakup Yakaomar, Bereket Armağan, Hamit Algur, Abdullah Armağan, and Reşit Reyhan) and recorded these encounters.

In Şırnak State Hospital, in front of the doors of injured people given medical treatment there, police officers were waiting and surveilled the injured.

INTERVIEWS THAT THE COMMITTEE MADE DURING EXAMINATION OF THE CRIME SCENE

Hüseyin Aşula (Owner of the burned house)

“This is my house. My wife and I were sleeping with our 10 children in this house. Suddenly gun shouts had started. The garden door of house opposite to our house which owners lived in top floor and its first floor was under construction was broken by a battering ram. A sniper climbed to roof of the building, and he was shooting our house. One of the cartridges hit us. The house started to burn. Firstly we escaped to my brother's house next to us. They also targeted there. Finally we escaped to the other street from the back door.”

Mehed Aşula (Hüseyin Aşula's wife)

“It started at 5 am. I was going to bake bread. I thought that that they were children playing with gas bombs as usual. My children were sleeping inside. After seeing the house was burning, we went to my brother-in-law's house. They were shooting there too. We escaped to

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another street from the back door. After two hours we came back and tried to extinguish the fire. The police officers standing there ordered me to come. They said they would kill me. I was so scared, and run from them. I have ten children. The youngest one is 2 years old. No one is wounded in our house. They were shooting from the opposite house.”

Hediye Tanrıkulu (Resident)

“My husband is in hospital. I heard the gunshots early in the morning. The noise was extremely loud and made my house shake. You see my cracked walls. All of the tile in bathroom and kitchen fall down”

Behçet Yiğit (Owner of ‘Zap Market’)

“We found 2 shell cases inside the house. Police officers must have been inside. We were staying in the upper floor. Since they could not open the door, they could not go upstairs. They came in to the market and this room. They shoot in all directions. They could not go upstairs. They forced the door so heavily, and used guns. Finally they gave up”.

PEOPLE WHO LOST THEIR LIVES

- 1- Mehmet Hıdır Tanboğa (17)
- 2- Hamdin Ulaş (58)
- 3- Kamuran Bilin (27)
- 4- Mehmet Onur Demir (24 police officer)

PEOPLE WHO WERE INJURED

They received treatment in Şırnak State Hospital.

- 1- Celal Kanat
- 2- Engin Armağan
- 3- Osman Tankan
- 4- Hasan Aşula
- 5- Nahide Aşula

Engin Armağan (36)

While he was in his house, he was shot on his calf by a fire coming from outside. When he was hospitalized, he was assaulted by police officers.

Nahide Aşula (13)

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While she was in her house she was shot by an outside shooter. She was hit from her right ear and her back.

Hasan Aşula (23)

Hasan Aşula, who was working as intern student in Silopi, left the house for work in the morning. When he realized he had forgotten his cell phone, he came back. While his sister, Nahide Aşula, was giving his cell phone, he got hit from his right leg. After his hospitalization, police officers hit to his head by the grip of a gun. Police officers insulted him, and said “*You are all terrorists and we will exterminate you*”.

Celal Kanat, (50) Gunshot injury to the left abdomen

“I woke up early in the morning. In the neighborhood, there were women’s, children’ voices and a dense crowd. In the streets, there were armored vehicles. Smoke was coming up from the houses in one side of the neighborhood. I went outside; power distribution unit which is near to my house was fired upon. While power distribution unit was burning, the house which is next to it started to burn. Across the street, there were armored vehicles. Even though we tried to extinguish the flames, due to armored cars we could not go there. While Hamden Ulaş was going to extinguish the burning house, he was shot, after that we got him into the car. When we arrived to emergency department of the hospital, one of the armored vehicles stopped us by hitting the front side of our car. Policemen getting off from the armored car came to us and opened doors of the car. Hamdi’s head was on my legs, he was lying down and injured. Emin Bayar was also next to me. First, they kicked me, after that they closed the doors of our car, and they opened fire to us with their guns. Even though I said “Stop, he is civilian and wounded.” they did not stop. Then, they took out Emin and Metin, who is driver, push them to the other side, and they fired at Hamdi two or three times through broken window. After that, they fired their guns towards to me. I remembered that somebody took me to the stretcher. I opened my eyes while police officers were yelling and shooting everywhere. Meanwhile, members of parliament came, and with the help of them, I was transferred to Şırnak State Hospital. I have gunshot injury in the left abdominal region. Here, I did not experience any problem with auxiliary staff, but the approach of the attending doctor was unacceptable. He wanted to send me back to Silopi by discharging me, even though my wound was still bleeding, and the clashes in Silopi hadn’t finished yet. They did not discharge me since we opposed insistently. This can be clearly understood from the records.”

Osman Tankan, (48) Gunshot injury, Operated on the right arm, nerve lacerations.

“I was working in Silopi Municipality as the chief of cleaning unit. I woke up at 7 am to go to work. Gunshot sounds were coming from everywhere. Suddenly, a bullet hit my arm in front of my door. Around that time, I fainted. Someone took me to the hospital. The clashes happening that day were terrible. They were randomly shooting in all directions. First, they took me to the Silopi State Hospital, after that they transferred me to the Şırnak State Hospital. I did not experience any problems in Şırnak State Hospital. Plain-clothes police officers were waiting in front of the hospital room that I was in. Our other friends were discharged. Friends who were

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discharged gave their statements in police station, and then they were released in Silopi."

Statements made by authorities show that in total seven people got injured, and two of them were police officers.

PEOPLE TAKEN INTO CUSTODY

The names of the citizens who were taken into custody areas following: **F.A., Metin Sönmez, Emin Bayar, Mesut Asan, Yakup Yakaomar, Bereket Armağan, Hamit Algur, Abdullah Armağan and Reşit Reyhan.**

Statements From Interviews Held in Police Department with Citizens Who Were Taken into Custody

Behçet Armağan

07.08.2015 – Time: 18.35

"They beat me in Başak district. They continued to beat me until we arrived to the detention room."

Reşit Reyhan

07.08.2015

"We were at home. I went to outside to take my children somewhere else. They shot my sister, Bengin, in the house. We took my sister to the hospital. Our car got shot by police officers in front of the hospital door. They made us get off the car, and they beat us. They beat us with their pistol grips in the car, and they continue to beats us until we arrived to the police station."

Hamit Algur

07.08.2015

"I live in Başak district. We woke up because of gun shots. Explosion sounds, woman screams. Neighbor woman was asking for help from the outside. A boy was shot. Police officers said that "Leave the injured person alone." But we took the injured people. We took a car, and we went to hospital. Our car was stopped in front of the hospital, and they beat us. They beat us in the car. They beat us in custody. They beat us while we were getting off from the bus. They did not beat us in detention room. I have a dislocation in my shoulder."

Abdullah Armağan

07.08.2015

"They broke my head from 4-5 different places with their batons. The blood on my clothes belong to me, they did not take us to the hospital. While we were taking the injured

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people to the hospital, they took us into custody. While I was taking them to the hospital, I was arrested. They beat me in the car until we arrived to the police station. I have skin wounds in my left arm and hand."

TORTURE AND MALTREATMENT UNDER CUSTODY

Yakup Yakamomar - (Torture and Maltreatment Victim under Custody)

Yakup Yakaomar, interviewed by our committee, was detained while he was carrying the injured people to hospital, tortured and received maltreatment while under custody and then released on 08.08.2015. His statement is as following;

"We put the injured into the car and then went near the police officers. The injured (Hasan Aşula) is my cousin. We asked permission from the police officers, they said "put him on the floor". We did it; they looked and then said "you take him". We called for a car. We took him to the hospital. Hasan and Nahide were also injured. We also took them with us. We arrived to the front of the hospital, there were many police officers. They surrounded the car. They made us get off the car. They slapped and kicked the injured that were in the car. They held us face down on the ground. They started to beat us. They insulted and swore at us. They were stepping and hitting on our heads and backs. Then they cornered 9 people on one seat. They made us get on a bus on top of each other. There were 2 people on me; we were taken to station like that. At the entrance of the station, some said that "there are cameras here, don't beat them here". They all brought us to the hallway while hitting us with their fists, kicks, guns and fire extinguishers. In the hallway they made us sit on our knees with our hands handcuffed on our back. Everyone coming to the hallway was beating and insulting us. They were saying "You are Armenians." Then they brought us down to basement. Also under the stairs, every police officers coming and going was beating us. Then they brought us to a doctor. The doctor was brought to the station. The doctor only asked us "how are you" and we replied "we are fine" with fear. They then took us to cells. After a while lawyers came. We were a little relieved when they came. Until then they threatened us. They were saying "we kill and put you to the scene". I hadn't committed a crime. My cousin was injured. As a human being, I brought an injured person to hospital. Last night the statements were taken. However I didn't give my statement in the police station. Some did. They put a 10-page file before us. They said "sign" and then we said we wouldn't sign before reading it first and they answered "it'll take long". We refrained from signing but sign it at the end. We are going to go courthouse to sign every 15 days. We were in such a difficult situation that we didn't want anyone to come meet us in front of the police station because we were afraid that they would say something to them or detained them. I had already planned if I was released I would run to my sister's house to stay there. I told all the torture, maltreatment, threats and insults I had received in front of the hospital and at the police station to the prosecuting attorney and pressed charges."

F.A. - (Torture and Maltreatment Victim under Custody)

F.A., interviewed by our committee, was beaten and taken under custody while carrying injured people to hospital, was taken to hospital due to his health problems and after

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the intervention in the hospital was released and taken to his house. His statement is as following;

“My cousin (H.A.) was injured at his foot. His sister (N.A.) was also injured; one of our neighbors was injured too. We took them to the hospital. They surrounded us at the hospital, made us get off the car and lied face down on the ground. They attacked the injured people and started to beat them. Then they put us in a vehicle. They were beating both an injured person and his mother. They said “Don’t keep these Apo’s bastards apart, pack them all”. They put us in a car and beat us. They brought us to police station. The police officer who looked at me at the hospital, who knew me from there was searching for me. He came and started to beat me up. He hit my face and broke my teeth. He was hitting my head with fire extinguisher. During that I fell, someone was saying “if that mutt is dead, leave them on the scene”. In the station garden they were waiting us in line; they beat us up there too. I was saying and swearing that “I am innocent, I haven’t done anything”. They were yelling at me “shut up, you are not Muslim, do not swear on Quran and Allah”. “How many rakats are there in the night prayer” they asked. Even though I answered them, they were saying “no, wrong”. They lined us in front of wall in the garden, tore our clothes while they were beating us. They wouldn’t let us budge. In a moment someone came and started to yell. He was saying “my patrol friend is injured, if anything happens to him, I will kill all of you and hit your neighborhood with f-16”. They were insulting us and also swore at us really badly. I cannot repeat the swearwords they used. An older one among them, while putting of his gun barrel in our anus was saying “I will f...all of you, f...your mothers, f... all of you”. They were beating Emin who was taken before us, he was begging. Police officers were saying “shut up don’t call us as big brother”. He explained that his wife was pregnant. Police officers said to him if anything happens to her “these terrorists did that”. So they were openly torturing us. My name was known by police since 2009. They registered our names to computer. When they saw my name, they called me. One of them took stapler in his hand and told me some names. He said “if you don’t say where they are staying, sleeping, eating, I will pull your teeth one by one”. Another one said “bring the cable”. “We will shock you with electricity” they said. Meanwhile they started to beat me up. They beat me so much that I was semi-conscious; I do not clearly remember what they did to me. They took me again to the basement. They made me lie on the floor and told me “we are going to kill you”. At that point I lost consciousness. Then I heard a nurse saying my name and injecting something on my arm. I was in the water among hoses in the station’s garden. Someone was saying “I told you not to bring this mutt”, another was saying “he is faking it”. Then they pretended bringing me down on a stretcher while holding me under my arms but suddenly they release me. I fell down to the ground. I tried to protect my head. One of them said “this mutt is awake, he is faking it”. They did such things to me; I only told you half of it. I don’t know what to say. We were thinking maybe the older police had more conscience but he was worse than the others. He was putting his gun barrel into our anuses. I have still scars on my back from gun stocks. I have pain everywhere on my body and I am suffering. They beat me so much that I had blood coming out from my pants.”

Mesut Aslan - (Torture and Maltreatment Victim under Custody)

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Mesut Aslan, who had interview with our committee, has been pounded up and arrested while he was helping wounded people. Furthermore, he has also been exposed to torture and maltreatment under arrest and he is liberated on 8 August 2015. In our interview with Mesut Aslan, he stated that:

“Early in the morning, protests had begun at Zap (Başak) district. I came out for going to work. Then I faced with a crowd. They wanted my car and I didn't give them because I was frightened. I looked there and saw wounded people then I took them to the hospital. Our car was stopped around the hospital. They took us out of the car. They made us lie face down. They made an announcement as “Sultan come”. We didn't know what was going on. At that moment, an armored vehicle arrived. We were 9 people, and they threw us to back seat on top of each other. Then they started to beat us in the car. They took us to the police station. At the entrance, one of the police officers said, “Fellas, there is a surveillance camera here, don't touch them”. After we passed the camera, we saw police officers standing next to each other in a line, they were waiting for us. They all started to kicking and slapping, and hitting us with fire extinguishing devices and gunstocks. They forced us to lie down while they were beating us. Because of a dash to my head, I had a blackout. There was blood everywhere, and all of my friends were subjected to torture and same treatment. They stepped on to my ankle with a gun barrel. As you can see, still there is a scar. While we were face down on the ground they ordered us to grovel. We groveled down to the stairs and they took us to the basement floor. They beat us in there for half an hour, too. After, they put us in to a jail. They didn't take us to hospital. Instead, a doctor came to the prison. They were beating us with everything they could find such as fire extinguishing devices, gunstocks, and also they were kicking and slapping. My nose was broken and it was bleeding. I asked for a doctor but they refused. Half an hour later, they brought a doctor and there was only a pen in doctor's hand. He filled and signed the reports of forensics which were written before. Police officers were treating us in a manner implying that “We didn't kill you, go out, we don't care about you after all”. After I went out, I asked for a napkin to a police officer because my nose was still bleeding. The police officer gave a napkin and I pressed it on to my wound. I put the napkin in my wound so I could make bleeding stop in such a way. Then we went to the court house. We were interrogated. We made a complaint about the treatment that we were subjected to in the police station. We told everything in the prosecution office. They took all of our clothes. My all clothes were covered with blood and it was my working uniform. After, I went to the hospital to get treatment; I also took a medical report.”

Metin Sönmez - (Torture and Maltreatment Victim under Custody)

Metin Sönmez, interviewed by our committee, was beaten and taken under custody while carrying injured people to hospital. His statement is as following;

“Early in the morning I woke up with gunshots and a crowded sound. I saw someone old on the ground, wounded. I take him in my car to hospital. At the hospital entrance, police have started to attack my car. Without saying anything they raked my car with guns. They put us off the car and started to beat us. They punctured the tires of the car. They tortured us there. After that they brought us to police station. They tortured us there too. We were affronted and subjected to curses. They told us, “You are Armenians.” I, for the sake of

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humanity, brought a wounded to hospital. Then, whomever I bring at that time, we would be exposed to torture and attacked. In the police station they held us still, they didn't let us move. They held us, our hands tied behind. For a moment, when I went to restroom, I tried to rub my neck but police, after my motion started to beat me."

Emin Bayar - (Torture and Maltreatment Victim under Custody)

Emin Bayar, interviewed by our committee, was beaten and taken under custody while carrying injured people to hospital. His statement is as following;

"From 7 in the morning until evening, they continued to torture us. Whoever comes in was beating us. Our hands were cuffed. They kept hitting our heads on the walls. My ribs have broken. They beat us in a place where they took our testimony on the second floor of the police station. I was knocked out, someone said, "Bring them to me." They were saying, "We will kill them and then will throw them into the crime scene. We brought the wounded one for the sake of humanity but we were subjected to police violence. They fired a gun on us. The wounded one was shot and killed in the car. They injured Celalettin Kanat, who is also in the car. He is now staying at the Şırnak State Hospital. He is in the critical condition. If the police haven't shot the wounded one, he wouldn't have died. Police killed him on purpose. They open the car door and they fired a gun at him in the car. If the lawyers hadn't reached us while under custody, they were definitely going to kill us. I would recognize the torturers; in any case I know the one that beat us really well. His nickname is Sultan, tall, thin, round faced, white beard, balding. From the hospital, we saw the one that was executed but we didn't see who shot, we were shocked because of the police raking their guns. We don't know who shot because there were a large number of police. But when you look at the camera footage, you'll see who shot and the tortures we were subjected to"

EVALUATION AND OPINION OF THE COMMITTEE

1. Our committee has identified there are still ditches dug in Başak Neighborhood, where the incidents took place, and barricades located on neighbor's entrance, exit and inner parts.
2. Our committee has identified that majority of the houses were hit by bullets.
3. It was detected by our committee, that snipers were deployed around the neighborhood as a part of the operation carried out by security forces and during the incidents snipers targeted houses and citizens and in order to be protected from snipers, entrances of streets were covered with awnings, sheets, blankets...etc. to block the field of vision.
4. Our committee has identified one armored digger have completely burned and became out-of-order, and still on the scene.

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5. Our committee has identified that a transformer has exploded in the neighborhood, due to that explosion; a house was burned down, electrical cables were severed, hence power was cut and water was not running due to damaged water pipes as a result of ditches and explosions.
6. Our committee during the examination of damage control of the incidents has identified that Hüseyin Aşula's house was burned down by the shots fired through the stairwell from the roof by the security forces.
7. Our committee during the examination of damage control of the incidents has detected that Hediye Tanrikulu's house was damaged due to clashes and explosions, especially in the bathroom and the kitchen, tiles were destroyed and cracks were detected on several sides of the house.
8. Our committee has identified, that air conditioning of a house was specifically targeted and destroyed.
9. Our committee has identified that, a house located above the "Zap Market" had bullet marks, in the market located below there were bulleted boxes and broken glass.
10. Our committee detected that citizens helping injured citizens were attacked and taken under custody by security forces in front of the hospital.
11. Our committee were informed that Şırnak branch of Human Rights Association) and Şırnak Bar Association got into touch with detained citizens after the meeting with prosecution office.
12. Detained citizens were battered, tortured and maltreated by the security forces, during transportation to the detention centers, in front of the hospital and in detention centers.
13. During the events, security forces used firearms against citizens, and citizens were injured from various spots by bullets.
14. During the transportation of the injured citizens to the hospital, the injured and the citizens helping out the injured were attacked with guns, battered, tortured, maltreated and later forcibly detained by the security forces.
15. Our committee strongly believes that, according to the statements by the witnesses and the injured interviewee, security forces extra-judicially shot Hamdin ULAŞ, who was being carried inside a car in front of the hospital, and violated the right to live.
16. Security forces were deployed in front of the hospital; entrance and exit of hospital were under surveillance and took a stand to prevent treatment of the patients.
17. Citizens carried out various protests against home raids carried out by security forces; however they were not corresponded by local official bodies and were faced with brutal response from security forces.

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18. Instantaneous and frequent raids to citizen's houses in Şirnak's Silopi district were organized by the police, citizens were maltreated during those raids, citizens were unjustly detained and arrested in consequence of those raids and this created unrest inside the community in Silopi. Community in Silopi is tense and worried due to the events, and even some citizens left their houses and moved in with their relatives.
19. Our committee detected, on the day of the incidents, security forces planned a full-scale operation to close the ditches, the chance of a clash was considered during the planned operation, but the location of the operation carried out being a civil residential area is not considered, security of citizens' life and property were put in danger, and even targeted.
20. Our committee considers, with the start of conflicting process, a new concept is put into effect in Kurdistan and violations of rights by security forces are not separate from this new concept.

CONCLUSIONS AND SUGGESTIONS

1. Our committee condemns the assaults targeting civilians and resulting in violation of human rights including right to life. It demands an effective investigation to be started in order to reveal clearly all that has happened.
2. Particularly in regard of extrajudicial execution, the recordings from security camera of Silopi State Hospital should be included in the investigation file at once.
3. The police officers including the one nicknamed "Sultan" mentioned in victims' statements who had taken armed action and partaken a role in torture-maltreatment of civilians should be identified and investigated; suspended from their duty during the investigation. All camera recordings from Silopi District Police Department where torture cases occurred should be included in the investigation file.
4. A commission for damage determination should be formed by Governorship of Şirnak and the resulting pecuniary damages of the civilians should be compensated.
5. In order to prevent possible incidents, local authorities should start a dialog platform with political parties, non-governmental organizations and opinion leaders of the town.
6. The ditches in Başak quarter in Silopi can be closed via dialog without any conflict or violations of human rights; however authorities has chosen to start an operation resulting in death, injuries and severe violations of human rights. Our committee is concerned that similar operations will result in further violations of human rights.
7. Our committee draws attention to increasing number of occasions where violation of human rights including right to life occurs during this conflict period; calls for the interim government to abandon security policies and to provide an conflict-free

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environment at once and for all the parties to return to dialog and negotiation
process.