

# **KOBANI PROTESTS IN TURKEY**

**HUMAN RIGHTS  
FAILURES**

**AMNESTY  
INTERNATIONAL**



First published in 2015 by  
Amnesty International Ltd  
International Secretariat  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

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Index: EUR 44/2017/2015  
Original Language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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# 1. INTRODUCTION

In October 2014, protests erupted across the majority Kurdish south-east of Turkey in response to the advance of the armed group calling itself Islamic State (IS) on the predominantly Kurdish city of Kobani/Ayn Al-Arab on Syria's border with Turkey, then held by the Kurdish Peoples' Protection Units (YPG) armed group which has links to the Kurdistan Workers' Party (PKK) an armed group in Turkey. Up to 200,000 Syrian Kurdish refugees fled across the nearby border into Turkey.<sup>1</sup> Demonstrators protested against the IS and those they claimed to be its supporters within Turkey and its government, who they alleged to be allowing the IS to advance. A week of protests and linked large-scale violence, left more than 40 people dead, including Kobani protestors, political opponents they accused of supporting IS, bystanders and three police officers.<sup>2</sup> The clashes also brought scores of injuries and the destruction of public and private property across the majority Kurdish south-east of Turkey and beyond.

Widespread protests, frequently involving violent clashes between rival political groups and/or the police, commenced on 6 October 2014, following calls by the Peoples' Democratic Party (HDP), a Kurdish rooted leftist political party, and the Kurdistan Communities Union (KCK), a banned umbrella organization linked to the PKK, for supporters to take to the streets.<sup>3</sup> Clashes frequently involved supporters of the YPG defence of Kobani and supporters of their religious conservative Kurdish political rivals Hûda Par (Hür Dava Partisi), a political party whom they accused of supporting the IS, which has been denied by Hûda Par. The Kobani crisis reignited already simmering tensions in the region between these political factions triggering concerns of a return to the killings and revenge killings carried out by rival armed groups in the region during the 1990s. Further killings have taken place in 2015, although not on the scale seen during October 2014.<sup>4</sup>

In the south-eastern province of Diyarbakır, the violent clashes between opposing Kobani protestors and Hûda Par groups resulted in the deaths of at least 11 people, including both supporters of the rival political groups and bystanders. Five people died in the southern city of Gaziantep, where Kobani protestors clashed with Turkish nationalist counter-protestors and the police. Five people were killed in Siirt as protestors clashed with the police and armed civilians. Further killings occurred in the south-eastern and eastern provinces of Batman,

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1 Amnesty International, Struggling to survive: Refugees from Syria in Turkey, EUR/44/017/2014, November 2014, page 10-11. Available at <https://www.amnesty.org/download/Documents/208000/eur440172014en.pdf>

2 Human Rights Association of Turkey, Kobanê Direnişi ile Dayanışma Kapsamında Yapılan Eylem ve Etkinliklere Müdahale Sonucu Meydana Gelen Hak İhlalleri Raporu (2-12 Ekim 2014), October 2015. Available at <http://www.ihd.org.tr/kobane-direnisi-ile-dayanisma-kapsaminda-yapilan-eylem-ve-etkinliklere-mudahale-sonucu-meydana-gelen-hak-ihlalleri-raporu-2-12-ekim-2014/>

3 Al Monitor, Kurdish activist violence brings Kobani conflict to Turkish streets, 8 October 2014. Available at <http://www.al-monitor.com/pulse/originals/2014/10/turkey-syria-kurds-kobani-pkk-street-violence.html#>

4 Radikal, Diyarbakır'da Yeni İhya Der Başkanı Aytaç Baran öldürüldü, 9 June 2015. Available at <http://www.radikal.com.tr/turkiye/diyarbakirda-ihya-der-baskani-aytac-baran-olduruldu-1375925>

Bingöl, Mardin, Muş and Van, the southern province of Adana and the western provinces of İstanbul and İzmir.<sup>5</sup> While clashes largely ended in October 2014, in the Şırnak's district of Cizre clashes continued, with a further eruption of violence at the end of December 2014, with all of the six deaths occurring in December 2014 and January 2015.

This briefing identifies failures by the authorities to prevent deaths and injuries during clashes between rival groups, the use of excessive force by police officers resulting in deaths and injuries and the inability of the judiciary to provide justice and reparations for the victims.

The briefing is based on research conducted in the provinces of Diyarbakır, Gaziantep and Siirt in October 2014 and in Diyarbakır, Şırnak and Siirt in February 2015, and through follow up interviews conducted with individuals in these and other locations since this time. Amnesty International delegates met with individuals who had been injured during the clashes, the relatives of individuals who lost their lives and with lawyers, activists, human rights organisations, political groups, municipalities and local representatives of the Ministry of Interior. The briefing does not provide an exhaustive account of the clashes across the region, and the subsequent criminal investigations, but rather takes representative examples from the four provinces in order to provide recommendations for the authorities to prevent further abuses.

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<sup>5</sup> Human Rights Association of Turkey, Kobanê Direnişî ile Dayanışma Kapsamında Yapılan Eylem ve Etkinliklere Müdahale Sonucu Meydana Gelen Hak İhlalleri Raporu (2-12 Ekim 2014), October 2015. Available at <http://www.ihd.org.tr/kobane-direnisi-ile-dayanisma-kapsaminda-yapilan-eylem-ve-etkinliklere-mudahale-sonucu-meydana-gelen-hak-ihlalleri-raporu-2-12-ekim-2014/>

## 2. LACK OF PROTECTION OF INDIVIDUALS

A failure by the state to protect individuals may amount to a violation of the right to life. Turkey's international human rights obligations to protect the right to life extend beyond the intentional and unlawful taking of life to taking appropriate steps to protect individuals from harm by third parties.<sup>6</sup> Amnesty International is concerned by the frequent failure of the police to adequately intervene during the violent events in the context of protests to protect the life and health of both protestors and bystanders. Numerous interviewees told Amnesty International that the police made no attempt to intervene in clashes between rival political groups in which protestors, counter protestors and bystanders were killed or injured.<sup>7</sup> It was also reported that in several cases where police were warned of specific situations of violence by protestors targeting individuals and property, police either failed or refused to attend the scene.<sup>8</sup> Interviewees also told Amnesty International that the police failed to intervene in cases where protestors were attacked by counter protestors/other civilians.<sup>9</sup> The authorities told Amnesty International, in some instances credibly, that they did not police incidents due to reasons of lack of capacity or in order not to escalate the situation. In Cizre, for example, the authorities argued they were prevented from entering several neighbourhoods because of trenches dug by protestors.

On 7 October in Diyarbakır's Bağlar district, where many of the worst clashes in the city took place, six males were killed as a result of injuries sustained in clashes between rival groups close to the offices of Köy-Der, an association linked to Hûda Par. All of those killed were associated with Hûda Par. One child, **Yasin Börü** (16), and three young adults, **Ahmet Dakak** (19), **Riyad Güneş** (26) and **Hasan Gökguz** (25) were killed after they entered a residential apartment to escape attackers. Autopsy reports indicate that they were stabbed and shot. Witnesses reported that bodies were thrown from the third floor apartment to the street below and that two of the bodies were burnt and one of those bodies was intentionally run over by a vehicle on the street below. Hûda Par officials told Amnesty International that numerous calls were made to the police during the 30 minutes that they were inside the

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<sup>6</sup> The European Court of Human Rights has found that Article 2 "Right to life" requires States to provide effective criminal law provisions backed up by law enforcement machinery (*Osman v United Kingdom*, application no. 23452/94, Judgment of 28 October 1998). The Court additionally found that the responsibility of the state would be engaged where "the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk" (para.116).

<sup>7</sup> Interviews in Cizre, Diyarbakır

<sup>8</sup> Interviews in Cizre, Diyarbakır

<sup>9</sup> Interviews in Gaziantep, Siirt, Siirt Kurtalan

apartment, warning them of the situation but that the police did not arrive until the bodies had been on the street for 45 minutes, an unreasonably long time to arrive at a central area of the city.

Hüda Par officials told Amnesty International of a separate incident in which another association with close links to Hüda Par, Cami-Der, was under attack by Kobani protestors. They told Amnesty International that emergency calls requesting the police to attend the place of the attack were refused with the police saying that “they had orders to remain in the police station” (less than 500 metres from the scene). The Cami-Der building was set alight and burned throughout, although nobody was injured in the attack.

**Abdullah Deniz** (65), father of a local Hüda Par official, was shot dead on 27 December in Cizre. Party officials in the city told Amnesty International that he was shot after six hours of clashes in which the houses of party members were subjected to persistent gunfire, which they reported to the authorities with requests for them to intervene. They told Amnesty International that police made no attempt to intervene until the next morning despite soldiers being stationed on the street where Hüda Par members lived, where Abdullah Deniz was shot. According to Hüda Par officials, he could not be taken to hospital after he was shot due to the continuing gunfire. His body was finally recovered six hours after the shooting. The authorities stated that they could not attend the place of the clashes due to trenches dug by protestors. Hüda Par acknowledged the existence of the trenches but argued, reasonably, that it should not prevent the authorities bringing order to the neighbourhood. Hüda Par accuses PKK supporters, including the Patriotic Revolutionary Youth Movement (YDG-H), of attacking Hüda Par supporters and killing Abdullah Deniz.

In Siirt, on 9 October, **Kamil Taş** (25) and **Şakir Çal** (39) were shot during a conflict between protestors and the owners of a petrol station in the city (see investigations, page 15). The family of Kamil Taş told Amnesty International that people at the scene made numerous calls to the police and ambulance services while he lay injured on the ground at the petrol station but that they did not attend the scene. His family told Amnesty International that he lay injured for 45 minutes before people were able to reach him and take him to hospital in a private car. Şakir Çal died in hospital two weeks later as a result of his injuries.

Witnesses told Amnesty International that on 7 October, in Siirt’s district of Kurtalan, the mayor’s family members and private bodyguards attacked Kobani protestors with firearms on three different occasions during the day without the police intervening.<sup>10</sup> During the day widespread protests took place in which vehicles belonging to the municipality (controlled by the Justice and Development Party, the party of the national government) were burned and businesses belonging to the family of the mayor were attacked. According to interviewees, tensions in the city rose after the first incident, a Kobani-related protest was held at midday, with stones thrown at the municipality building, breaking several windows, and the mayor’s bodyguards repelling the protestors with firearms. The second incident, in the market district of the city at around 1pm, was caught on video. A number of armed men are seen shooting into the air in the crowded market area while police and soldiers stand motionless.<sup>11</sup> One

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<sup>10</sup> Interviews in Siirt, October 2014

<sup>11</sup> Siirttenöte, Kurtalan Belediye Başkanı Saldırganlar Arasında, Polis ve Asker Saldırısı Sadece İzliyor, 17 October 2014. Available at <http://www.siirttenote.com/2014/10/17/kurtalan-belediye-baskani-saldiriyor-polis-ve-asker-izliyor/>



person, **Cüneyt Yılmaz** (27), received gunshot injuries. Cüneyt Yılmaz told Amnesty International that he saw members of the mayor's family firing weapons but that he could not say which one fired the shot that resulted in his injury. No attempt was made to apprehend the armed men following the shootings. A third incident occurred at approximately 5pm. Witnesses identified several members of the mayor's family within a group of up to ten people armed and firing at the scene. According to witnesses, the armed group opened fire into a crowd of around 30 people, who were unarmed, from a distance of approximately 15 metres. **Mehdi Erdoğan** (30), **Necmettin Çelik** (35) and his son **Yusuf Çelik** (17) died as a result of gunshot wounds. According to official records the gendarmerie were alerted to the incident and attended the scene approximately 45 minutes after the shooting took place, recovering shotgun cartridges and recording the presence of bloodstains at the scene. As of June 2015 prosecutors had initiated a prosecution against 10 people in relation to the shooting and the indictment remained pending acceptance by the court.<sup>12</sup>

In Gaziantep, on 9 October, violent clashes took place between Kurdish Kobani protestors and groups shouting Turkish nationalist and religious slogans "Allahu ekber" [God is great] which many city residents perceived to be a statement of support for the IS attacks on the Kurds in Syria. The clashes took place in neighbourhoods with a large Kurdish population, resulting in deaths and injuries on both sides and of bystanders caught in the clashes (see investigations, page 15). Officials from the Democratic Regions Party (DBP), a Kurdish leftist political party, told Amnesty International that two of their buildings in the city were burnt by Turkish nationalist counter-protestors. At the time Amnesty International visited the party's building in the Şehitkamil area of the city in October 2014, the building was charred and all contents destroyed as a result of the fire while bullet holes were present in the broken shutters of the building through which, according to officials, the attackers had entered the building.<sup>13</sup> Party officials told Amnesty International that a hostile crowd gathered outside and started to attack their building at 7pm in the evening and burnt the building at 7.30pm. Despite calls to the police from the moment that the group started to attack the building, according to party officials, no police officers arrived until after 8.30pm, when the building was already burnt.

It is clear that, the policing of the Kobani protests and subsequent clashes presented law enforcement services with extremely difficult challenges, on account of the levels of violence, the wide participation in violent protests and clashes and the speed with which they spread within particular towns and across the region. The authorities have argued, reasonably, that they were both unprepared and lacking in capacity to deal effectively with violence on this scale. In some instances, claims by the police that their intervention at hostile anti-government protests may well have escalated tensions and resulted in further violence also have some justification. However, this situation does not explain or excuse the frequent failure of the police to attend the scene of what were, in many cases, prolonged attacks on individuals and groups where they were called upon to do so. Likewise, there were incidents where public order had descended to the point where the loss of life of individuals taking part in the clashes and members of the public in the area was inevitable. In such cases the law enforcement services have a duty to attend and must have the will and the ability to do so. In

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<sup>12</sup> Interview 24 June 2015

<sup>13</sup> Amnesty International visit to Gaziantep October 2014

addition, whereas many public buildings that were the likely target of attacks were afforded police protection as were the offices of the ruling Justice and Development Party (AK Party), Kurdish political party offices and associations from across the political spectrum were not afforded protection. This lack of protection increases the risk of deaths and injuries, in attacks, and further deaths when individuals under attack use force to defend themselves or engage in revenge attacks. There is an urgent need for the policing operations to be investigated in terms of their ability to protect individuals, and for lessons to be learnt, planning undertaken and then applied in the event of further violent clashes occurring in the future.

## 3. POLICE USE OF FORCE AND FIREARMS

While policing demonstrations is a difficult and complex task, and it may be necessary for law enforcement officials to use certain amount of force in order to carry out the state's responsibility to maintain public order and safety and prevent crime, in the face of violent acts, in carrying out their duties they must comply with the state's obligations under international law.

International law enforcement standards are clear that any use of force by the police should be exceptional and must comply with the state's international human rights obligations, particularly the obligation to respect and protect the right to life, physical integrity and security of the person.<sup>14</sup> In carrying out this duty, they must as far as possible use non-violent means before resorting to any use of force. Only if there are compelling reasons, such as protection of public safety or the prevention of violent crime, should police consider resorting to use force. Any force should be only what is strictly necessary and only to the extent required.

The circumstances in which force and firearms can be used by police officers is clearly set out in the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (BPUFF). Principle 14 provides that: "In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9." (i.e. when strictly unavoidable in order to prevent an imminent threat to life or life-threatening injury).

If the lawful use of force is unavoidable, the BPUFF requires that police must exercise restraint in its use and act in proportion to the legitimate objective to be achieved, minimize damage and injury, and ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment. Police must distinguish between individuals who are engaged in violence and those who are not – whether peaceful demonstrators or bystanders; any force they use should be only against those engaged in violence, and they should always ensure that uninvolved persons are protected from injury. The Principles also stipulate that governments should ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under national law.<sup>15</sup>

During the violent clashes in the context of the protests relating to the situation in Kobani, protestors and counter-protestors resorted to violence including the use of firearms that

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<sup>14</sup> Article 3 of the UN Code of Conduct for Law Enforcement Officials: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".

<sup>15</sup> Article 7 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

represented a serious threat to the life and integrity of others. Given the number of individuals in the protests holding and using firearms, it is likely that, in many cases, police officers did not have any alternative means to protect life than to use firearms. However, numerous interviewees told Amnesty International of instances where police officers used firearms in situations where there was no imminent threat to life or serious injury, in order to disperse hostile crowds or to protect public property.<sup>16</sup> The circumstances that led to the use of firearms in many cases still remains unclear almost a year after the Kobani protests due to the authorities' failure to effectively investigate the cases of alleged abusive police use of force and firearms (see investigations, page 15). In a number of cases documented below however, there is strong evidence that police used excessive or unnecessary force.

Alleged arbitrary use of firearms by police described to Amnesty International include the use of live ammunition to disperse a peaceful assembly of 2000 people in the main square in Siirt on 8 October before a press statement could be made. Interviewees told Amnesty International that clashes with the police took place following the incident.<sup>17</sup>

The Cizre municipality told Amnesty International that in January 2015 police fired arbitrarily at one of its earthmovers, (presumably because the driver was suspected of attempting to dig a trench to prevent police access to the neighbourhood) hitting the vehicle but not injuring the driver.<sup>18</sup>

Members of the Taş family told Amnesty International that their home in Gaziantep was deliberately fired upon by police officers. According to the family, on 9 October 2014 at around 11pm they were in their flat in the Güzelvadi neighbourhood. Clashes between Kobani demonstrators and groups of Turkish nationalists were taking place close by. Riot police officers and water cannon vehicles were stationed in the small square below their building. According to the family, at the time there were 14 people in the house. Shots were fired at the house from the direction where the police were stationed, on the square immediately below their building. For up to eight minutes shots were fired and the family later found 16 bullet holes in their property including those that had broken windows. The bullet holes were clearly visible at the time that Amnesty International interviewed the family in October 2014. The family told Amnesty International that they called the police emergency number during the shooting but police did not attend the scene to investigate. Following the event they requested that a forensic investigation be conducted but no police officers or a prosecutor ever came to their house to investigate. Family members then made a statement to the police regarding the incident and provided them with photographs of the damage to the building. As of the end of May they had heard no further details of any investigation into the shooting.

**Hakan Buksur** was shot in the head at around 12.30 in the afternoon on 7 October 2014 at the scene of a Kobani demonstration in Varto, in the province of Muş, and died of his injuries. His family's lawyer told Amnesty International that Hakan Buksur took part in the demonstration but didn't throw stones or engage in violence and that he was hit after exiting a building onto the street after the police had dispersed stone throwing protestors. His lawyer told Amnesty International that there had been no progress in the investigation and that as of

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<sup>16</sup> Interviews with eye witnesses in Cizre, Gaziantep and Siirt October 2014 and February 2015.

<sup>17</sup> Interviews with eye witnesses in Siirt, October 2014.

<sup>18</sup> Interview with Cizre Municipality February 2015.

the end of May 2015 none of the six witnesses to the event that he had found had been called to give statements to the prosecutor. At the time he saw the file in May it only included a police report detailing the damage resulting from stones thrown at police and no CCTV camera footage was available. No police statements had yet been taken by the prosecutor before a secrecy ruling was applied to the case preventing details of the investigation being revealed to the lawyer.

There were six deaths as a result of the use of firearms in Cizre between December 2014 and January 2015. In five of these cases, police officers are suspected of firing the shots, (see investigations, page 15). There is only clarity around the circumstances of one of the shootings. Twelve year-old **Nihat Kazanhan** was shot dead with a single bullet to the head on 14 January 2015. Initial statements from the authorities indicated that the police were not responsible for firing the shot.<sup>19</sup> However, police cameras showing the shooting were later obtained by journalists and the videos broadcast on national television news channels.<sup>20</sup> The footage clearly shows Nihat Kazanhan with other children on a small area of grass next to the neighbourhood where his family lived at the time of the shooting. The videos show the small group of children throwing stones while a tear gas canister lands close to where they were standing. As Nihat Kazanhan turns to run away, a shot is heard and he falls immediately to the ground before being carried off to a vehicle and then taken to the nearby Cizre state hospital. Another video of the scene shows three police officers standing outside of their armoured vehicle and one police officer firing a weapon towards the children. The spot where the armoured vehicle stood was seen by Amnesty International to be approximately 50 metres from where the children were standing and close to a police compound. Nihat Kazanhan's father told Amnesty International that he often played with children in this area and that he only learnt of his son's death when he was called to the hospital. The reasons why the police officers left the compound, alighted the armoured car and fired tear gas and live ammunition at the children is not known. The five police officers who were present in the armoured vehicle are being prosecuted. Their trial started in Cizre on 7 May 2015. The second hearing was held on 2 July 2015.

The use of lethal force by police during some of the Kobani protests raises serious concerns that the conduct of the police has violated international human rights law and standards, including the right to life.

Amnesty International has also raised its concern over the law legal changes approved by the Parliament on 27 March expanding the authority of the police to use lethal force, citing the Kobani protests as the main justification for their doing so.<sup>21</sup> The law, part of the "domestic security package", contains provisions that grant explicit powers to the police to use firearms in situations where "individuals or groups attack or attempt to attack police or others, workplaces, homes, public buildings, schools, dormitories, places of worship, vehicles using Molotov cocktails, explosive, combustible, injurious... or similar weapons".

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19 See the statement of the Prime Minister, Davutoğlu'ndan Cizre'de öldürülen Nihat Kazanhan açıklaması, available at [http://www.dailymotion.com/video/x2erx9v\\_davutoglu-ndan-cizre-de-oldurulen-nihat-kazanhan-aciklamasi\\_news](http://www.dailymotion.com/video/x2erx9v_davutoglu-ndan-cizre-de-oldurulen-nihat-kazanhan-aciklamasi_news)

20 See the video as broadcast here <https://www.youtube.com/watch?v=S1uWNHILeh0>

21 See Amnesty International, Draconian reforms give police wide-ranging powers to repress dissent, 27 March 2015, available at <https://www.amnesty.org/en/latest/news/2015/03/turkey-gives-police-broad-powers-to-repress-dissent>

In proposing the amendments on police use of firearms, the government referred to the principle of proportionality in existing law as an “abstract” concept, resulting in police being too hesitant to use firearms. These provisions contradict the UN BPUFF by allowing the police to use firearms against individuals or groups in all cases where “injurious weapons” are used, without proper consideration of the principles of necessity and proportionality.

## 4. INVESTIGATION OF DEATHS AND INJURIES

Turkey's human rights obligations extend not only to preventing violations to the right to life, but also to effectively investigating any deaths that have occurred due to a use of force whether by state officials or third parties.<sup>22</sup> The essential purposes of the investigation are to ensure the effective implementation of law protecting the right to life and ensure accountability in cases involving the responsibility of state bodies or agents.<sup>23</sup>

Amnesty International's interviews with victims of violence, their family members and lawyers underlined the serious obstacles for accessing to justice. Decades of impunity for human rights abuses, by state and non-state actors alike, has left an almost universal belief that those responsible will go unpunished. Victims and their relatives were in many cases reluctant to engage with criminal investigations in which they saw no chance of success, while witnesses to the violence often declined to provide statements to prosecutors, fearful of further reprisals where giving statements could result in their own prosecution and/or make them vulnerable to attack from those accused.

Even in cases where the victims and their families have lodged criminal complaints, nearly one year later there appears to be little progress in uncovering the circumstances of the attacks in the vast majority of the criminal investigations. In other cases, despite strong evidence, suspects have not been pursued nor prosecutions opened by the authorities. Amnesty International is only aware of three cases where investigations have progressed and prosecutions have been opened. One is the case of the four Huda Par supporters killed in Diyarbakır, a case that gained national prominence and was raised by the President and Prime Minister.<sup>24</sup> Another is the shooting of 12 year-old Nihat Kazanhan (see section on police use of force, page 11), whose case rose to national prominence after footage of the shooting by police was obtained by the national media and broadcast widely. A third case is the fatal shooting of protestors in Kurtalan in the province of Siirt (see section on protection of people, page 7).

Amnesty International interviewed four families in Gaziantep regarding injuries sustained at the scene of protests in the city. **Musa Bayram** (26) died after being shot in the head at the scene of a protest following the burning of the Şehitkamil district DBP party building on 9 October 2014, by Turkish nationalist counter protestors earlier in the evening. His family told Amnesty International that he was hit in the head by a bullet at 11pm in a side street opposite the party building. Witnesses stated that police had used live ammunition against

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22 European Court of Human Rights, *Kılıç v Turkey*, application no. 22492/93, Judgment of 28 March 2000 para.78

23 European Court of Human Rights, *Angelova v Bulgaria*, application no. 38361/97, Judgment of 13 June 2002

24 Dünya Bülteni, Erdoğan'dan 'Yasin Börü' hatırlatması, 5 June 2015 <http://www.dunyabulteni.net/gunun-haberleri/331830/erdogandan-yasin-boru-hatirlatmasi>

the crowd protesting the burning of the party building and throwing stones at police. As of the end of May 2015, according to a lawyer representing his family, no progress had been made in establishing whether the bullet was fired from a police weapon, nor had the police authorities provided prosecutors with a list of police officers present at the scene.

There has been similarly little progress made in the investigations into other injuries sustained the same day. Twelve year-old **A.Ö.** told Amnesty International that she was hit by a bullet at around 9.30pm on 9 October 2014, in the Beybahçe neighbourhood where she lived, close to the DBP party building and where clashes were taking place between Kurdish Kobani protestors and counter-demonstrators.<sup>25</sup> A.Ö. told Amnesty International that she heard a shout of Allahuekber [God is great] before she was hit and that the bullet came from the direction that police and counter demonstrators (whom the Kobani protestors alleged were being protected by the police) were occupying. Her family told Amnesty International as of the end of May 2015 that they had received no news of the investigation as of May 2015.

Nineteen year-old **S.S.** and her father told Amnesty International that she was injured during the same clashes in the Beybahçe neighbourhood on 9 October. S.S. was hit at around 6.30pm in the evening after leaving her home in the neighbourhood to go to the scene of the protests. She was hit by four bullets in her chest and back and was paralysed from the waist down as a result. At the time of the interview nine days later, she was still in hospital after having been in intensive care for five days.<sup>26</sup> As of May 2015, the family had heard no news on the progress of the criminal investigation to find the perpetrator(s) responsible for inflicting her injuries but a prosecution under anti-terrorism laws, based on S.S.'s alleged participation in the protests was pending with the first hearing due to take place in September 2015.<sup>27</sup> A civil claim brought against the police for her injuries had been blocked by the authorities on the basis of her ongoing prosecution.<sup>28</sup>

Twenty-four year old A.G. was injured at around 8.30pm on the same day in the Vatan neighbourhood of the city by one bullet and seven shotgun pellets. He told Amnesty International that he saw two rival groups and police officers but did not know where the bullets came from. He had been in intensive care and undergone three operations, including one to remove a kidney. He was due to remain in hospital until the first week of November 2014.<sup>29</sup> He told Amnesty International that police officers had taken his statement and told him that they would later update him on the progress of the investigation. He told Amnesty International that as of the end of May 2015 he had received no update from the police and was still unable to work as a result of the injuries he sustained. He had received compensation for the hospital expenses but nothing to compensate for the loss of his income.<sup>30</sup>

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25 Interview, 20 October 2014

26 Interview of 21 October 2014

27 Telephone interviews with S.S.'s father and lawyer, 24 June 2015

28 Telephone interview with S.S.'s father June 2015

29 Interview with A.G. 21 October 2014

30 Telephone interview with A.G. 24 June 2015



Six months after the shootings in Şırnak's Cizre province which left six people dead, there remains little clarity as to the circumstances in which the deaths occurred, with the exception of the case of Nihat Kazanhan (see police use of firearms, page 11). In none of the five cases have those responsible been charged.

One investigation is being conducted into four deaths that occurred between the night of 26 December and 28 December 2014 when armed clashes were taking place between rival political groups in and around the Nur neighbourhood of the city. Secrecy orders covering the investigation into the four deaths prevent lawyers representing the families obtaining investigation documents and effectively scrutinising its progress. In one of the killings, **Abdullah Deniz** (65), the father of a Huda Par Cizre official, was shot outside his home after clashes had been taking place for more than six hours (see protection of individuals, page 7). Huda Par officials told Amnesty International that he was likely defending himself with a firearm at the time that he was shot. According to Huda Par officials, no developments had been recorded in the investigation after statements were taken from the family. In the shooting of **Barış Dalmış** (16), **Yasin Özer** (21) and **Zeki Alar** (32), statements from eye-witnesses indicated that all three were shot by the police, but since the event none have come forward to give statements to the prosecutor nor have others been called. The authorities have argued the existence of footage that will exonerate the police force in the case of these deaths. However, following the shootings, according to lawyers no footage or audio records of police radios was presented to the prosecutors, nor had statements of police been taken. Sixteen year-old Ümit Kurt was shot dead on 6 January 2015 in the Cudi neighbourhood of Cizre. In the afternoon, following an agreement broached with the help of the municipality, the trenches dug by protestors were filled in. According to police reports, the police entered the neighbourhood following information at 5.30pm that armed youths with their faces covered had stopped traffic in the neighbourhood and were distributing leaflets. Witnesses report that shots were fired and that the electricity was cut, leaving the neighbourhood in darkness. The police recorded that armoured vehicles entered the neighbourhood and were fired upon and returned fire with live ammunition from the armoured vehicle, and have also stated that footage recorded from the camera attached to one of the vehicles could not be recovered for unknown reasons, which has allegedly been sent to technicians to be recovered. So far, only one minute of the footage from this camera has been provided by the police authorities to the prosecutor. Law enforcement officials allege that the footage shows Ümit Kurt holding a firearm at the time that he was shot, a claim disputed by his family. The origin of the bullet that killed him has not been established, but the fact that police officers in the armoured vehicle used live ammunition is not disputed. Ümit Kurt's family told Amnesty International that at the time the police entered the neighbourhood, he was leaving a building where he was working as a painter that day. Police records state that they recovered Ümit Kurt's clothes and a wireless radio [presumably to evidence his connection to groups clashing with police] from the hospital he was taken to after the shooting, but his family denies that he was in possession of a wireless radio. At the end of May 2015 the investigation was ongoing.

In the case in Kurtalan, Siirt, in which three people were shot dead and 12 injured (see section on protection of individuals, page 7), a prosecution against 10 people in relation to the shooting was opened pending acceptance of the indictment by the court, as of June

2015.<sup>31</sup> In the case of the killings of **Kamil Taş** (25) and **Şakir Çal** (39) who were shot in the context of a dispute between Kobani protestors and the owners of a petrol station in the city of Siirt (see section on lack of protection of individuals, page 7), no prosecution has been brought against the perpetrators. According to witnesses, following the incident, security forces arrived and escorted the vehicle of the owner of the petrol station with armoured cars. According to the statement of the owner, who is recorded in the investigation as a victim, he admitted using a firearm in self-defence. The owner stated that none of the cameras present at the petrol station were working at the time of the incident. At the time Amnesty International returned to Siirt in February 2015, the petrol station was closed and being protected by officers in an armoured police vehicle.

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<sup>31</sup> According to information provided by the Siirt branch of the Human Rights Association, 24 June 2015

# 5. CONCLUSIONS AND RECOMMENDATIONS

## CONCLUSIONS

The Kobani protests and related violence presented the authorities with circumstances that any state would find challenging. The response of Turkey's authorities in all of these areas, from the obligation to protect individuals and not engage in excessive force themselves, to the requirement to bring abuses to justice and provide accountability, were lacking.

Part of the reason for the scale of the abuses and the obstacles to providing accountability for them lies in the decades of impunity for human rights abuses in the region that has left few believing that the perpetrators will be brought to justice and allowed violence to continue unchecked.

The response from the authorities since the protests has been equally bad, with provisions within the "domestic security package" granting police extra authority to use firearms an invitation to apply arbitrary and abusive force, increasing the likelihood of abuses still further.

There is an urgent need to reverse the failings not just seen during the protests, but for decades in the region and to adopt policies that will address the human rights challenges and not make them worse.

## RECOMMENDATIONS TO THE TURKISH AUTHORITIES

### POLICING DEMONSTRATIONS

- Establish an independent, public inquiry into the Kobani-related protests and clashes, mandated to make recommendations to public authorities, including law enforcement agencies, on the human rights compliant policing of violent demonstrations and broader measures to de-escalate tensions.
- Ensure that law enforcement officials comply at all times with international human rights law and standards on policing, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, they must respect, protect and ensure the rights to life, liberty, personal security and physical integrity.
- Law enforcement agencies and officials should communicate and engage with groups planning demonstrations and counter-demonstrations, before and during the assembly in order to create de-escalate tensions and avoid unnecessary confrontation between law enforcement officials and protestors, and to find ways to prevent violence.
- Provide as necessary protection to political parties buildings, associations and other locations which may be the scene of conflict without discrimination.

### USE OF FORCE AND FIREARMS

- If there is violence in the context of an assembly and if the use of force is unavoidable, for example to protect themselves, participants, or bystanders against violence, law enforcement officials must use only the minimum level of force necessary to contain the situation and must comply with the UN Basic Principles.
- Law enforcement agencies and officials should be provided with sufficient resources to police large scale hostile demonstrations and counter-demonstrations and effective training in the appropriate and differentiated use of force and weapons. Law enforcement officials must ensure that anyone injured a result of use of force receives assistance and medical aid at the earliest possible moment, and they must report the incident promptly to superiors.
- Repeal the provisions found within the “domestic security package” granting further powers to law enforcement officials to use firearms. Ensure that all use of force and firearms complies strictly with international human rights standards, and are used only when strictly necessary and only to the extent required.

### ACCOUNTABILITY

- Ensure that effective investigations are held into all deaths which may have been caused by use of force and ensure that the perpetrators are brought to justice;
- Conduct prompt, impartial and effective investigations into all cases of unnecessary or excessive use of force by law enforcement officials during the Kobani protests and, as appropriate, bring criminal and disciplinary proceedings against those responsible;
- Law enforcement officials under investigation for torture or other ill-treatment or other serious human rights violations should be suspended from active duty during the proceedings;
- Establish without delay an independent police complaints commission to investigate alleged abuses by law enforcement officials, and take effective steps to ensure that the close cooperation between the prosecution and the police on general criminal matters does not undermine its independence or impartiality in investigating and prosecuting such cases;
- Ensure that victims of human rights violations by law enforcement officials have access to an effective remedy and obtain adequate reparation, including compensation, rehabilitation, satisfaction, and guarantees of non-repetition.



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