

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Turkey: Uludere bombing investigation lacks credibility**

Amnesty International has written to the Turkish authorities expressing grave concern regarding the investigation into the bombing of civilians by a Turkish warplane in the district of Uludere/Qileban in the south-eastern province of Şırnak.

On the night of 28 December 2011 a Turkish warplane carried out a bombing in the district of Uludere/Qileban resulting in the death of 34 civilians, 18 of whom were children. No military target was hit in the attack which the authorities at first claimed to have struck armed Kurdistan Workers' Party (PKK) members. The authorities later admitted that civilian smugglers were hit after entering Turkey from neighbouring Iraq.

Amnesty International called for the authorities to conduct a thorough, independent and impartial investigation and to ensure reparations, including compensation, for the victims of this attack. Turkey has obligations under international human rights law to ensure that allegations of human rights violations are investigated promptly, thoroughly and effectively through independent and impartial bodies, and to ensure reparations, including compensation, for the victims and that those responsible are held accountable.

Amnesty International welcomes the fact that financial compensation has been arranged for the families of those who died in the attack. However, the organization is gravely concerned regarding other developments since the announcement of the investigation, which raise doubts about whether it is thorough and impartial and will be effective in identifying what happened and those responsible.

Statements by witnesses to the bombing provided to civil society delegations including opposition political parties, bar associations and a commission of human rights organizations have indicated that soldiers knew that people present at the scene were civilians. Witness statements indicated that soldiers were aware of and tolerated smuggling activities carried out habitually by villagers and also knew that on the day of the bombing villagers engaged in smuggling activities were at the scene. Witness statements also indicate that the villagers who had crossed the border from Iraq were prevented by soldiers from re-entering the village of Ortasu/Roboski, requiring them to remain in the area that was subsequently bombed.

Human rights organizations seeking to investigate the incident reported that delegates were denied permission to visit the scene of the bombing by soldiers citing "security concerns". Governments may not prevent representatives of civil society organizations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law have been committed. Amnesty International has sought clarification from the authorities as to why the delegates were denied access.

The conduct of the investigation by prosecutors also increases concerns that the full circumstances of the bombing will not be revealed.

Prosecutors have reportedly not taken witness statements, more than a month after the bombing took place. Prosecutors must ensure that witness statements are thoroughly

investigated and that military personnel are brought to justice if there is evidence that they negligently or intentionally allowed civilians to be targeted.

Additionally, according to reports, prosecutors did not conduct an investigation of the scene, citing “the anger of local residents assembled in the area and the risk of terrorist activity at the location”. Such a justification is reminiscent of the failure to conduct a prompt crime scene investigation following the death of Ceylan Önkol a girl killed while grazing cattle near her home, allegedly by a mortar fired by the Turkish armed forces in 2009. Amnesty International notes that in this case the criminal investigation has not yet been concluded, more than two years after the death of Ceylan Önkol.

Amnesty International is also concerned at reports that prosecutors have relied on military units to provide evidence from the scene of the bombing, threatening the independence of the investigation.

Amnesty International has sought clarification from the authorities as to why a “secrecy decision” has been applied to the investigation thus rendering it closed to both public scrutiny and to lawyers acting on behalf of the victims’ families.

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