

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **No truth and no justice one year after the Uludere/Qileban bombing**

Amnesty International is extremely concerned that, one year on, the truth about the bombing by a Turkish warplane in the Uludere/Qileban district of the south eastern province of Şırnak in which 34 civilians, majority of whom were children were killed, has still not been established.

A Parliamentary inquiry by a sub-committee of the Human Rights Inquiry Committee was established in January 2012, with the task of investigating the incident. According to media reports, the Uludere sub-committee has been denied access to key army documents. The sub committee's chair has, in any case, stated on a number of occasions that its task would not be to determine individual responsibility for the decision to carry out the bombing. Amnesty International is concerned that the publication of the sub-committee's report has repeatedly been postponed and that recent scheduled meetings have reportedly been cancelled.

Significant flaws in the criminal investigation have already been highlighted by Turkish human rights organisations and in by the European Union in its annual progress report on Turkey published in October this year. There was no investigation of the scene, witness statements were not taken and no military officials had been interrogated months after the incident. To date no charges have been brought and the entire investigation has been conducted in secret, with even relatives of the victims been denied any additional information on its progress or findings to date.

Although the families of the 34 people who died were given compensation for the deaths, they have set it aside until they learn the truth and see justice done<sup>1</sup>.

Amnesty International is calling on the Uludere sub-committee to conclude its inquiry and publish its findings as soon as possible and on the Turkish authorities to ensure that a thorough, impartial and effective investigation into the incident is concluded without delay. All those identified as being responsible for the deaths must be brought to justice, in accordance with Turkey's obligations under international human rights law.

#### **Background**

On 28 December, a Turkish warplane bombed the area near the village of Roboski/Ortasu in the Uludere/Qileban district of Şırnak. 34 civilians including 18 children were killed in the bombing. In the immediate aftermath of the bombing, eye witness accounts included statements about soldiers from the Turkish army blocking the passage of the villagers, keeping them in the area where the bombing subsequently took place. The initial statements by the government regarding the authorities' belief that the group of villagers were PKK fighters were put in doubt due to the soldiers' knowledge of the villagers' smuggling activities.

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<sup>1</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law <http://www2.ohchr.org/english/law/remedy.htm>

In January 2012, a sub committee of the parliamentary Human Rights Inquiry Committee was established, with the task of investigating the incident. In April, the Chief of General Staff stated that they would not be divulging documents to the sub committee because of the secrecy of the investigation and that they had acted within the rules with regards to the incident.

In February, the Amnesty International wrote to the Turkish authorities, repeating its call for a thorough, independent and effective investigation in order to bring those responsible to justice, a key component of reparations to victims of human rights violations.

In September, the president of the Uludere sub-committee said they would expose that a mistake had been made but that the identification of those responsible for the mistake was within the remit of the judiciary.

In October, the annual EU progress report on Turkey as part of the country's accession process stated that: "34 civilians were killed in Uludere by the Turkish armed forces on 28 December. The authorities prevented a number of NGOs from visiting the site of the airstrike. In February, a sub-committee of the parliamentary Human Rights Inquiry Committee was set up to inquire into the killing of Uludere villagers. Judicial and administrative investigations are ongoing. However, there are concerns about their transparency and effectiveness. Allegations of intelligence failure and operational negligence have not been cleared up. At the end of February, the Şırnak Prosecutor sent the file on Uludere to the Diyarbakır Prosecutor with Special Authority noting that the incident did not fall within their competence. There has been no direct apology, from either the military or civilian authorities; calls on the authorities for effective and swift investigation and a transparent public inquiry have not been met."

In November, the sub-committee chair stated that the report into its findings would be released in December. To date, the report has not been released. A separate investigation by the prosecutors in Diyarbakır has also not yet been concluded.

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