



**CURFEW IN CIZRE**  
A SURVEY REPORT OF  
EVENTS\*

04 SEPTEMBER 2015 - 12 SEPTEMBER 2015

**21 September 2015/Diyarbakır.**

\* This report has been penned by Mr. Tahir ELÇİ (President of Diyarbakır Bar Assoc.) after three field surveys to Cizre town and has been approved to be issued by Management Board of Diyarbakır Bar Assoc. on 09.09.2015 with decision number as 101/5

# REPORT SUMMARY

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The curfew declared by Şırnak Governorship Office in Cizre town on 4 September 2015 lasted until 12 September 2015 and during this time all communication means connecting Cizre to the outside world had been cut with a very few exceptions. Within the same period all the roads to Cizre town have been blocked by barricades of security forces. The armoured military or police vehicles and tanks besieged all around the town.

All public services including water, electricity, garbage collection, health, education, legal services had been interrupted altogether during the curfew. Dwellers had been deprived of all basic life needs such as food, medicine, milk, infant formula etc. Especially disruptions in water, electricity, health services like ambulances had significantly affected the public health and caused deaths in some instances.

During the period of curfew, in some districts (Nur, Cudi, Sur and Yafes) security operations had been performed by military tanks, police panzers and the military with heavy weaponry. The officials had announced the aim of operation as removing trenches and barricades and arresting some armed suspects.

At the end of the operations carried out and conflicts happened during the period of curfew sixteen (16) civilians died of gunshots or shrapnel pieces; dozens of people were injured and six (6) people lost their lives due to not having access to hospitals. Ambulances had not been running and some people bled to death.

Despite a series of actions relating to the right to life and other grave human rights violations, no CSI or forensic examination and evidence collection process has taken place; victims and witnesses have not been heard.

The curfew has violated constitutional and basic rights of citizens like right to live, prohibition of inhumane treatment, right to freedom and security, inviolability of private and family lives.

This report prepared by Diyarbakır Bar Association covers a detailed examination of all the facts and incidents took place in Cizre town between 4 and 12 September 2015.



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## I. INTRODUCTION AND EVENTS

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There was news in the media about the armed actions and curfew which was declared in Cizre town of Şırnak city on 04th September 2015 in the evening. A short time before this date, an armed operation was carried out in same town on 27th August 2015 and after this event two (2) public officers and two (2) children lost their lives. A survey visit had been carried out by Diyarbakır Bar Association Board and a report had been prepared and presented to the public on 31st August 2015 (<http://www.diyarbakirbarosu.org.tr/H-610-2015-08-31-07-06-16-cizre-de-yasanan-sivil-olumlere-iliskin-inceleme-raporu.html>). A number of assessments and recommendations had been expressed in the report.

While the event occurred on 27th August 2015 had still maintaining its heat, the declaration of curfew on 04th September 2015 and inflowing news have raised concern. Upon that we, the President of Diyarbakır Bar Association lawyer Tahir Elçi and members of the Management Board Cihan İpek, Kutbettin Odabaşı and Bayram Incekara visited Cizre in the early hours.

It was observed that there was a miles long vehicle convoy along the way and a barricade had been built by Kurumcu Gendarmerie Station on International Silk Road at a point fifteen kilometres away from Cizre. We were acknowledged that a dispute had occurred between a delegation of MPs of The People's Democratic Party (HDP) and gendarmerie but the delegation had not been allowed to enter the city

After the discussions between our President of Bar Association and gendarmerie officers, entrance of the vehicles to the town was allowed. Our delegation went through main roads and crossroads. Since all other government buildings had been closed we visited Cizre Police Centre and wanted to talk with the District Governor and Police Chief but our demand for meeting was refused due to the "curfew". On the same day, police officers informed our delegation that we were supposed to leave the city because it was not safe to stay in the city for our delegation. The delegation left the city accompanied by the armoured police vehicles.

While the curfew still continued in the following days, all communication means connecting Cizre to the outside world had been cut with a very few exceptions. It was acknowledged that security operations had been performed by

military tanks, police panzers and the military with heavy weaponry; citizens of Cizre had been deprived of all basic life needs such as water, electricity, medicine, infant formula; many civilians lost their lives; dozens of people were injured and people lost their lives due to not having access to hospitals because of the curfew and ongoing operations. Upon all these events, Diyarbakır Bar Association called for all lawyers and bar associations in Turkey for humanitarian aid and action for Cizre in line with its management board decision numbered 2015/5 and dated 09.09.2015 (<http://www.diyarbakirbarosu.org.tr/H-628-2015-09-09-09-56-23-hukukculara-cizre-ye-gidis-cagrisi.html>).

Dwellers of Cizre had been deprived of all basic life needs. Especially disruptions in water, electricity, health services like ambulances had significantly affected the public health and caused deaths in some instances.

On 11th September 2015, hundreds of lawyers coming from different bar associations in Turkey went to Cizre to reach the people of Cizre, stop deaths and prepare a report by examining injuries, death and other events. Lawyers were stopped up on the road at police barricades which were built on the exit of Midyat town (of Mardin city). Lawyers protested the blockade by sitting in their robes and made a statement which was read by President of Diyarbakır Bar Association Tahir Elçi and addressed to the security guards, press and the group members present there. Then lawyers arrived in İdil town by vehicles after walking twenty (20) kilometres and passed a few military barricades. Lawyers managed to arrive in Cizre on 12th September 2015 the day when the curfew was lifted. The group and representatives of the bars collected detailed information about the incidents and talked to the relevant parties all day.

After the first visit on 12th September 2015, our President of Bar Association Tahir Elçi, General Secretary Abdullah Çağır and one of Bar Association staff visited again Cizre on 12th September 2015 and finished the field survey and interviews.

Bar Associations, as being mediator for advocacy has rights and duties to legal remedies, as professional associations we are entitled to monitoring human rights violations for reporting purposes apart from a dozen of other actions within the frame of duties and powers which are vested by Attorneyship Law no 1136 which defines it as “defending and protecting the supremacy of the law and human rights”. The provision of Article 76 of the Attorneyship Law is as follows:

“Amended as per Article 4667/46 dated 02/05/2001; Bar associations are professional organizations in the nature of public agencies with legal personality operating on the basis of democratic principles by conducting the whole range

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of activities for the purpose of promoting the profession of attorneyship; ensuring honesty and confidence in the mutual relations between the members of the profession and their relations with clients; defending and safeguarding the order, ethics, and respectability of the profession, the supremacy of the law, and human rights; and to satisfy the common needs of attorneys”

On the other hand, Diyarbakır Bar Association within the framework of these works currently carries out its works with Children’s Rights Centre, Women Rights Centre and Human Rights Centre about defending and promoting human rights. Although Cizre town is a settlement, outside of Diyarbakır jurisdiction; Diyarbakır Bar Association has been working at the regional and country levels as an active professional and advocacy organization.





## **II. Deaths by firearms**

- 1- Özgür TAŞKIN (18)
- 2- Cemile ÇAĞIRGA (Cızır) (10)
- 3- Bünyamin İRCİ (14)
- 4- Sait ÇAĞDAVUL (19)
- 5- Mehmet Sait NAYCI (16)
- 6- Osman ÇAĞLI (18)
- 7- Zeynep TAŞKIN (18)
- 8- Maşallah EDİN (35)
- 9- Mehmet Emin LEVENT (26)
- 10- Mehmet ERDOĞAN (70)
- 11- Suphi SARAK (40)
- 12- Bahattin SEVİNİK (52)
- 13- Eşref ERDİN (60)
- 14- Meryem SÜNE (45)
- 15- Selman AĞIR (10)



### **III. Deaths due to inaccessibility to the hospitals**

- 1- Muhammed Tahir YARAMI (35 days old baby)
- 2- Mehmet Emin AÇIK (41)
- 3- Mehmet Dikmen
- 4- Hacı Ata BORÇİN
- 5- Xêtban BÜLBÜL

### **IV. Injured people**

#### **a) Injured civilians**

- 1- Behiye YEŞİL (22)
- 2- Ferhat YEŞİL (25)
- 3- Bahattin YEŞİL (52)
- 4- Abdullah ÖZCAN (32)
- 5- Yusuf ŞIK (13)
- 6- Emin ŞAHİN
- 7- Ekrem DAYAN (56)
- 8- Ayşe EDİN (46)
- 9- Berxêdan TAŞKIN (6 Month old baby)

Quite many people have been injured due to the operations carried out and conflicts happened during the eight days of curfew but they were treated in different hospitals and because of that a full name list could not be formed.

#### **b) Injured Security Officers**

According to information, taken from Cizre district governorship, it was reported that there were twenty five injured security officers. Ten of them were very lightly injured and two of them were heavily wounded and there was not any security officer who has lost his life between 04th September and 12th September 2015

It was not possible to access the list of police officers' names who were wounded during the events and add this list in the report.

## **V. First findings and observations**

Between 04<sup>th</sup> September and 12<sup>th</sup> September 2015, when the curfew declared in Cizre

- All main roads which provide entrance and exit to Cizre including the roads pass from Turkey to Iraq and International Silk Road were blocked by military barricades, barricades were covered with barbed wires and security officers took up their positions behind sandbags. In the first few days of the curfew, vehicles allowed to pass partially and under control.
- The armoured military or police vehicles and tanks besieged all around the town including highways which provides entrance and exit to Cizre. Our committee had observed on their limited visit on 05<sup>th</sup> September 2015 that all the barrels of tanks and armoured vehicles which were located on high hills and all dominant points were aiming the city. During the curfew, it was not possible to enter or exit the town.
- From the 04<sup>th</sup> September to 12<sup>th</sup> September during the curfew, all networks of cell phone operators were cut by instruction of Governor of Şırnak. During this time all communication means connecting Cizre to the outside world had been cut with a very few exceptions.
- During the curfew neither a deputy, representative of political parties nor a committee consisted of representatives of non-governmental organizations or a journalist had been allowed to go to the county. Co-chairman of People's Democratic Party (HDP) Selahattin DEMİRTAŞ and accompanying committee including Minister of The European Union (EU) had not been allowed to pass beyond Midyat town of Mardin city. This committee managed to reach İdil town on foot but they had not been allowed to enter city even after the curfew had been lifted.



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- Except for one or two places, during the curfew food-drink or medicine supply could not be made and shops, supermarkets, pharmacy including bakeries remained closed. During this time any food or beverage could not be delivered to Cizre from outside.
- During the period of curfew, it was observed that stone barricades or ditches were dug on the roads at the junctions to the main streets in several neighbourhood of Cizre (Nur, Cudi, Sur and Yafes) and apart from a few exceptions it was not possible to enter these neighbourhoods by vehicles.
- It was acknowledged and observed that the curfew was carried out in a very strict manner throughout the entire time in all parts of Cizre. The armoured vehicles and tanks were placed on all main streets and crossroads of Cizre and panzers were placed on the beginning of the streets.
- During the period of curfew, a military security operation was carried out with armoured vehicles and heavy weapons were employed in neighbourhoods where people's accommodations are. During the curfew, shell, howitzer, mines and a number of heavy weapons were used in the habited areas.
- During the period of curfew, weapons were used and mines were planted against the security officers who wanted to progress into the inside of the neighbourhood with armoured vehicles.
- Many children, women and elderly people lost their lives; many people had been wounded or disabled because of the conducted security operations and conflicts occurred in the neighbourhoods during the period of curfew.



- Many houses, offices and vehicles were burnt, destroyed or damaged in various ways due to the employment of shells, howitzer, mines, heavy machine guns and etc. And aiming the places and houses where civil people live during the period of curfew.
- Many people who were injured by firearms because of the curfew, trenches and barricades bled to death or became disabled due to not able to call ambulance because of communication network cut or not having access to hospitals. Ambulances had not been running or they had not been allowed to.
- In our first observations in the town centre, especially in Nur and Cudi neighbourhoods where the events occurred, hundreds of shell casings, unexploded bullets and other remains of conflict, tear gas capsules, rocket parts, blood traces, broken glass, burnt or damaged car ruins, destroyed-burnt homes and offices, mine pits, armoured police vehicle ruins had been observed and recorded



## **VI. Related legal and statutory regulations**

### **A) National Law Regulations**

13<sup>th</sup> article of The Constitution of The Republic of Turkey

#### ***II. Restriction of Fundamental Rights and Freedoms***

**MADDE 13-** *(Değişik: 3/10/2001-4709/2 md.)*

*Fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be in conflict with the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular Republic and the principle of proportionality.*

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15<sup>th</sup> Article of The Constitution of The Republic of Turkey

#### ***IV. Suspension of the Exercise of Fundamental Rights and Freedoms***

**ARTICLE 15. (As amended on 07/05/ 2004-5170/2)** *In times of war, mobilization, martial law, or state of emergency, the exercise of fundamental rights and freedoms can be partially or entirely suspended, or measures may be taken, to the extent required by the exigencies of the situation, which derogate the guarantees embodied in the Constitution, provided that obligations under international law are not violated.*

*Even under the circumstances indicated in the first paragraph, the individual's right to life, and the integrity of his or her material and spiritual entity shall be inviolable except where death occurs through lawful act of warfare; no one may be compelled to reveal his or her religion, conscience, thought or opinion, nor be accused on account of them; offences and penalties may not be made retroactive, nor may anyone be held guilty until so proven by a court judgment.*

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17<sup>th</sup> Article of The Constitution of The Republic of Turkey

#### ***I. Personal Inviolability, Material and Spiritual Entity of the Individual***

**ARTICLE 17. (As amended on 07/05/ 2004-5170/3)** *Everyone has the right to life and the right to protect and develop his material and spiritual entity.*

*The physical integrity of the individual shall not be violated except under medical necessity and in cases prescribed by law; and shall not be subjected to scientific or medical experiments without his or her consent.*

*No one shall be subjected to torture or ill-treatment; no one shall be subjected to penalties or treatment incompatible with human dignity.*

*Cases such as the act of killing in self-defence, occurrences of death as a result of the use of a weapon permitted by law as a necessary measure during apprehension, the execution of warrants of arrest, the prevention of the escape of lawfully arrested or convicted persons, the quelling of riot or insurrection, or carrying out the orders of authorized bodies during martial law or state of emergency, are outside of the scope of the provision of paragraph 1.*

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19<sup>th</sup> Article of The Constitution of The Republic of Turkey

### **III. Personal Liberty and Security**

**ARTICLE 19.** *Everyone has the right to liberty and security of person.*

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23<sup>th</sup> Article of The Constitution of The Republic of Turkey

### **V. Freedom of Residence and Movement**

**ARTICLE 23. (As amended on October 17, 2001)** *Everyone has the right to freedom of residence and movement.*

*Freedom of residence may be restricted by law for the purpose of preventing offences, promoting social and economic development, ensuring sound and orderly urban growth, and protecting public property; freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offence, and prevention of offences. A citizen's freedom to leave the country may be restricted on account of civic obligations, or criminal investigation or prosecution.*

*Citizens may not be deported, or deprived of their right of entry to their homeland.*

120<sup>th</sup> Article of The Constitution of The Republic of Turkey

**MADDE 120-** *In the event of serious indications of widespread acts of violence aimed at the destruction of the free democratic order established by the Constitution or of fundamental rights and freedoms, or serious deterioration of public order because of acts of violence, the Council of Ministers, meeting under the chairmanship of the President of the Republic, after consultation with the National Security Council, may declare a state of emergency in one or more regions or throughout the country for a period not exceeding six months.*

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Article 11<sup>th</sup> of ACT NO. 2935 STATE OF EMERGENCY LAW

**Measures to be taken in the Case of Violence**

*Article 11. Whenever a state of emergency is declared in accordance with Article 3 (1)(b) to protect general security, security and public order and to prevent the spread of acts of violence, in addition to the measures taken in accordance with Article 9, the following measures may be taken:*

**a) Imposition of a limited or full curfew;**

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Article 3/1 of Act 1402 Emergency Legislation and Regulations

***l) to impose restrictions on the movement of people; to impose curfews; and, as and when necessary, to introduce appropriate civil defence measures;***

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**Article 11<sup>th</sup> of Act No. 5442 Law on Provincial Administration**

*Article 11 – A)The governor shall be the superior of all general and special law enforcement forces and organizations. He shall take necessary measures to prevent crimes from being committed, protect public order and security. For this purpose, he shall employ the general and special law enforcement forces of the State; the superiors and officers of such organizations shall be obliged to immediately execute the orders issued by the governor.*

*B) B)The governor shall secure the border and coasts of the country, and execute all affairs relating to border and coastal security according to the provisions in force.*



C) C) The governor shall have the duty, inter alia, to secure peace and security, personal immunity, safety of private property, public well-being and the authority of preventive law enforcement.

*The governor shall take necessary decisions and measures to this end. Provisions of Article 66 shall apply to those who do not comply with such decisions and measures*

## **B) International Law Regulations**

The Common Article 3rd of the 1949 United Nations (UN) Geneva Conventions;

*Article 3. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:*

1) *Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:*

- a) *Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;*
- b) *Taking of hostages;*
- c) *Outrages upon personal dignity, in particular humiliating and degrading treatment;*
- d) *The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*

2) *The wounded and sick shall be collected and cared for.*

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

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On the other hand, first of all right to live, the prohibition of inhuman treatment, right to personal freedom and security and right to freedom of travel were guaranteed by The United Nations (UN) Individual and Political Rights Convention and Economic and Social Rights Convention and European Convention on Human Rights (ECHR) which Turkey is a signatory.



## **VII. Görüşmeler ve beyanlar**

### **Ahmet ADANUR (Cizre District Governor)**

A permission is required from Governor's Office or The Ministry of Internal Affairs for us to make statement if to be reported or published. Therefore, I would like to refrain from making an official statement. The need of operation had emerged in order to neutralize the armed groups and remove trenches and barricades. The curfew and the length of the curfew are determined by the Governor upon briefing from security offices. The length of period could change according to observations and assessments. According to the conditions sometimes a few days might be enough however at times even fifteen (15) days might be considered sufficient to reach goals of operation. The organization (PKK-T.N.) employed heavy weapons and planted mines on the streets in the town. All necessary instructions had been given to security forces to avoid damage to civilians. Many panzers have been damaged due to the explosion of mines and there are not any deaths among police officers. Still trenches exist in some areas of the town. Their aim is closing up to the Government House. Yesterday, they even tried to dig trenches at a location near the hospital. Security officers intervened. The state eventually will solve this problem (trenches, barricades, etc.). This problem may be solved in a very short time but its bill will be heavy. If the presence of trenches, barricades and armed groups continue, the operations would be on the agenda again and perhaps it will be more severe.

### **Cuma ÇOBAN (Head Public Prosecutor of Cizre)**

I think the courthouse and judicial authority should not express any opinion due to their position. We need to stay out of all discussions because all these issues will come down to the courthouse, in front of us. Our position is sensitive. I was in Cizre during the curfew and we saw what happened. The prosecutors have started to work and we will do our best. We will make an objective and impartial investigation, nobody should doubt that.

### **Tarık İRCİ (41- Running a Corner Shop/Bünyamin İRCİ's [14] Father)**

My son Bünyamin İRCİ was 14 years old. He was going to the 8th grade. Our house is in Kale neighbourhood. We had power supply in our neighbourhood and it was relatively safer than other neighbourhoods. There was no electricity in Nur neighbourhood. The communication means were cut or it was very limited. Meanwhile the weather is quite hot in here. My son Bünyamin and a few children were carrying ice blocks for people to other neighbourhoods because there was no electricity in their areas and the weather was hot. I woke up on

Wednesday morning on 09th September 2015, I checked the internet especially the news related to Cizre. I learned from the internet that my son Bünyamin İRCİ had lost his life. My son's uncle stays in the neighbourhood where my son had been shot. We thought he was at his uncle's house in that night. I learned from internet that my son had lost his life. He had been shot at Nusaybin Street. Two people took his body to a mosque. His body stayed in the mosque for two (2) days. Then they took his body first to Cizre State Hospital, then to Şırnak State Hospital. After the curfew was lifted, we brought his body here and buried him. Prosecutor asked me about who killed my son. I said to the prosecutor: "You killed my son, your security officers killed my son". As far as I know, he had been shot from his forehead, his temple, his heart and his hands although he surrendered and he lifted his hands.

**Abdurrahman UKŞUL (49- Retired Officer/ Eyewitness)**

I live in Nur Neighbourhood, Kırca Street. I am the eyewitness of Bünyamin İRCİ. The door of our house looks to the street. An unarmed child who I do not know entered from the gate of my yard and fell down at 21.00 in the evening. I run to help him with my children. I run to roof and shout out loud to want help. Neighbours came and wrapped him in a blanket and took the child to the mosque. After a short time, they brought him back to the front of my house on a stretcher. A panzer opened fire before they entered to the house. People shouted: "There is an injured person". The bullet had hit him from his heart. There were 15 or 20 minutes between taking and bringing the child back. After they shoot the child, they started to open fire on my house. The child's body stayed on the street until morning. In the morning, a group of young men came and took his body to the mosque. I did not see when the child was shot first, I saw him when he entered from my door and fell down but I saw the the second one , the fire came from a military vehicle.

**Mehmet Emin AÇIK (41- Driver/ Şahin AÇIK's Son)**



My father Şahin AÇIK was suffering from high blood pressure at the age of 76. His blood pressure rose again on 11th September at 18.00 in the evening. He was already sick and that night he got worse again. I went out to find a car and take my father to the hospital but police opened fire on me. They did not let us go. We called an ambulance but no one answered the phone. My father got sick a day before the curfew but we took him to the hospital and he got better. If that day, the police had let us to take my father to a hospital we could have saved my father.

**Nuri ÇAĞLI (62- Unemployed / Osman ÇAĞLI's Father)**

My son Osman ÇAĞLI was 18 years old. The event took place in the third day of the curfew around 6.30 in the morning. I performed the morning prayer at home. Everybody was at home at that time. My son was single. My married son and my daughter-in-law were at our house. We heard cries for help. The sounds of intense gunfire and explosions could be heard at that time. Then my son wondered what was happening and went out. We did not dare to go out and look but my son with the courage of youth wanted to see what was happening. After a short while my oldest son shouted from the second floor of the house; "Osman was shot, Father they shot Osman." He was shot at 40-50 meters away from the door of the house, he was on the ground. We could not go near him because of the intense fire. They were firing from the roof of high buildings. We were under heavy rain of bullets. I did not see panzer at that time. They were firing from the high buildings. He had told people around him "I want to see my parents last time before I die." His mother did not manage to see him but I could. We tried to take my son to the hospital for 2-3 hours but we could not call anybody because there was no live telephone line. Time to time AVAE line was working but it started to work in the last two or three days of the events. My son's wounded body stayed on the ground for two or three hours. Then my oldest son managed to call the ambulance and he came with the ambulance. They took my son to the hospital by ambulance but they were waited in front of the hospital gate by police. My son died in front of the hospital. My son both used to go to the school and read Qur'an. He was like a diamond. We will lodge a complaint.

**Mehmet Sait ÇAĞLI (23-Electrician / Osman ÇAĞLI's Brother)**

I was sleeping at home at 6.00 in the morning. I heard people shouting and crying. Someone had been shot. I went down from the second floor. Then I realized it was my brother who was shot. He did not die at the time of the first shot. I immediately ran to him, he was wounded. I talked to him; I tried to cheer him up.

He was wounded in his foot, I told him that he was wounded in his foot and he would heal. It turned out that he was shot in his stomach too, but I realized it later. The crowd besieged us and a military cobra vehicle was still stationed at the head of the street. People called the ambulance and 122 the emergency service but no one came. We carried him on a blanket to the street to take him hospital but police opened fire. Then we run to an alley. When the gunfire stopped, we took my brother to the funeral house in the mosque. This place was safer than other places. Then we took him to the hospital. His pulse stopped while we were on the road, and then he died. The Prosecutor was in the hospital on that day. He took my statement. I did not say it had been fired from a tank at that time because I was alone. The hospital was filled with police, I was afraid.

**Ramazan AĞIRGA (44 / Cemile AĞIRGA's Father)**



My daughter was shot in the courtyard of our house on the third day of the events. It was around 21:00 in the evening. I, her mother and my other children were at home. We think, they fired from places such as schools and public places in Karayolları Neighbourhood. The bullets used were very big. Bullet marks are still on our walls and doors. (Observations: The house was visited and bullet marks on the walls and doors were pictured with a camera. The place of shooting point was checked. It was seen and photographed that the door of the house and the street where the house is located can be clearly seen from the firing point.) Our house can be easily seen because it is located on high place. My daughter lost her life ten minutes after she was shot. We called the hospital and 122 Emergency Service almost instantly but health personnel could not come. We called Şırnak People's Democratic Party's (HDP) MP Faysal SARIYILDIZ. At that time, our house had power supply. We could contact with landline telephones. We put my daughter body in a freezer to keep her body from decay when no one came. We kept her body in the freezer for two days. After two days, we

took my daughter's body to the morgue of mosque with the HDP MPs' help. So far, any authorities has not contact with us. They have not taken any statement. My brother went to hospital to identify her. There is an entry mark of the bullet but no exit mark. The bullet is still in her body. My daughter's name is Cemile but we call her Cizir since she was little. Her real name is Cizir.

Our neighbour Abdullah ÖZCAN was also wounded on the same day but we could not help each other because we were under heavy fire. I heard they had cut his leg.

I had lost seven (7) members of my family in a house in Cudi neighbourhood because of military shelling in 1992. Eight (8) of us had been wounded.

**Ramazan NAYCI (41- Construction Worker/ Mehmet Sait NAYCI's Father)**



We live at Cudi Neighbourhood, Ziraat Street. I will tell you what I told to the Prosecutor at the hospital during autopsy. It was the third day of the curfew. There was a panzer in front of our house at the beginning Ziraat Street. All residents of neighbourhood were running towards the inner alleys of the neighbourhood. Panzer was firing on the whole neighbourhood. Everybody was running, so we started to run too. I, my wife and my children were about to arrive the adjoining courtyard. At that moment, I heard my son's voice: "Oh, father". The gunfire stopped when my son fell down. We took our son to the animal shelter behind the house. It was safer. That place was not the target of bullets. My son lived until 03.00 in the morning. He agonized until that time. Then he lost his life at 03.00. The bullet entered through his back and exited through his stomach. My son bled to death. Even the neighbours could not go for help to their neighbours so it was impossible to take him to a hospital. There was neither power supply nor telephone network. His mother and I got worse and fainted. Our neighbours came in the morning and took my son's body to funeral home in

## CURFEW IN CIZRE

### A SURVEY REPORT OF EVENTS

the mosque. My son's body along with the other two bodies were kept in a cold room. The Prosecutor did not come to the crime scene for examination. So far no authorized person have come for evaluation or examination. We will sue them and we will struggle to the end for our rights. My son did not have any criminal record. He was such a respectful child.

#### **Abdullah ÇAĞDAVUL ( 46- Municipality Worker / Sait ÇAĞDAVUL's Father)**



My son Sait ÇAĞDAVUL was 19 years old. He was working at his uncle's shop. I think three days had passed over curfew when he was killed. We left our house and went outside to go a safer place when the gun fires and bomb voices got worsen at Nur Neighbourhood, Özkan Street. When I went out with my wife and my children they opened fire on us on the street. They were firing from a tank through a park at Nur Neighbourhood and from military panzers in the Culture Centre. The panzer was at the corner of the park. They opened fire on us as soon as we went out. I realized my son fell down. We took our son and took him in a courtyard of a house in the street. He had agonized for two hours in here then he died in my arms. After he died we took him to the mosque at Nur Neighbourhood. There were no power supply and telephone line. My son's body had stayed in mosque for two days then we carried him to an ambulance with MPs' help but they opened fire to the ambulance too. His burial permit had been prepared. Neither mine nor my family member's statements have been taken until now. I have just identified my son. I saw my son's eyes were removed during the autopsy. I asked the Prosecutor "why his eyes are in this condition" and he told me that "it is necessary for the autopsy".



**Sadun TAŞKIN (41- Vegetable Vendor/ Özgür TAŞKIN's Father)**



My son Özgür Taşkin was 18 years old and he was going to 3rd grade in high school. Our house is at Yafes Neighbourhood, Sınır Street on the Silk Road which is close to the Syrian border. He went to his uncle's house to drink water and watch the news on TV. It is four metres away from our house. On 09th September 2015 at 04.00 in the morning, there were not any electricity and telephone in our house but my brother-in-law had a generator whose house is just across our house and they were providing electricity by it. My son went outside to go to his uncle's house to drink cold water and watch TV. He went there at 04.00 a.m. and after an hour at 05.00 a.m. he was shot on his way back home. They shot my son. A citizen took his body and carried his body to a relatively safer place where bullets couldn't be shot at. My son was shot with big bullets. His right arm was completely shattered and ruptured. He was shot at from various parts of his body. My son stayed that way then he lost his life. There were military panzers and tanks in front of our house. Their backs were against to the Syrian border and their fronts were turned to the neighbourhood. I have seven (7) children. I have six daughters and Özgür was my only son and he was the eldest of my children. My wife gave birth to our youngest baby 20 days ago. My wife had heard that my son was shot. I was asleep and she had been crying out and she came and told me that Özgür had been shot. We immediately got up and ran to see him. He said "mom, dad, let me kiss you, give me your blessings" and he kissed us, then he died in my arms. The voices of gunfire was coming from all sides, we could not take our son to the hospital. One of our friend took heart and brought a car. We put my son's body in the car and took him to the hospital and hoped they could save my son if they do a cardiac massage. The doctor looked at him and said he is dead. They took my son to the Şırnak State Hospital

## CURFEW IN CIZRE

### A SURVEY REPORT OF EVENTS

for autopsy. They did not let us go with him. The place where my son was shot is an open area. It is close to the Kadiođlu High School on Silk Road. Our house and the place where my son was shot could be easily seen from the point of the tanks. My son was shot from either by a panzer or a tank. The bullets on the walls were too big. Even concrete columns were shredded. I gave my statement to the Prosecutor at the hospital in this way.

**Ahmet EDİN (38-Driver/ Maşallah EDİN's Husband and Zeynep TAŞKIN's Relative)**



Our house is at Cudi Neighbourhood. I was in Iraq during the event. My uncle Ekrem DAYAN, Ayşe EDİN and 3 months old baby Berxwêdan TAŞKIN have been wounded and they are still in Şırnak State Hospital. The event took place on 08 September. I was in Iraq and watching the news. I wondered about my family and I called my brother's land line number. I told him to call my family. My wife came and we spoke. There was not any event until that time. My brother's house is just next to our house. We finished the conversation and closed the phone. As they walked home, my sister-in-law went out from the courtyard door first and she was shot and she was also carrying her three month old baby Berxwêdan TAŞKIN at that time. The baby was wounded too. He was shot from his feet and his ear. When my wife and my uncle saw that my sister-in-law was shot and fell, they run for help but snipers shot everyone outdoor and they shot my wife and my uncle too. While my uncle fell on the inner side of the door to the courtyard side, my wife fell to the outer side of the door, next to my sister-in-law. While these events were taking place the baby was still crying, wounded and on the ground. My sister-in-law covered the baby with herself to prevent bullets while she was wounded. My wife's mother and my wife lost their lives at that place. The baby stayed among the dead bodies wounded. Nobody could pick up the baby because the snipers were shooting everyone who tried to go out.

**Mehmet EDİN (24- Driver/ Maşallah EDİN and Zeynep TAŞKIN's Relative)**



Our house is at Cudi Neighbourhood on Aşkın Street. The event took place at around 22.00 in the evening. I was asleep that time. My sister-in-law came and told that “they opened fire on the house” I looked out from window. My uncle Ekrem Dayan was crying for help. I quickly ran to help even without wearing my shoes. My brother came after me but I had to go back home again because they opened fire on me. My uncle Ekrem DAYAN was lying on the floor in front of the door. I pulled him inside. My sister-in-law Maşallah EDİN and our bride Zeynep Taşkın were lying wounded in front of the door on the floor. The baby was with them at that time and he was wounded too. My uncle was at the inner side of the door on the floor and my sister-in-law, our bride and the baby were on the outer side of the door. They covered the baby with themselves otherwise they were going to kill him. I had tried to pull the women a couple of times after I took my uncle but every time they fired on us. My brother and I were trying to help in our house. I took my uncle to my brother’s house. He was shot from his foot. I tore my shirt and tried to stop the blood with it. I asked around for help. I shouted and told people “help! They are shooting everyone”. My other sister-in-law came. The women and the baby stayed there for 2 or 3 hours in this way. The baby was crying then we stopped a car which was passing from there. Meanwhile they were still firing. We ran back inside again. We attempted to go outside again 15 or 20 minutes later. When I looked later again I saw that my sister-in-law and our bride bled to death. My sister-in-law Ayşe KOLİN was shot too while she was going there to help them. Approximately 3 hours later we took both wounded and dead bodies to the Cizre Funeral Home. After bodies stayed in funeral house for one night we put the bodies into a cold room of a supermarket of which KIPMAR where meats are kept. Then the wounded people were taken to Şırnak State Hospital by a car next day with MPs help. The wounded people and the baby are now in Şırnak State Hospital.

**Abdullah ÖZCAN (33-Construction Worker/ Wounded)**

My name is Abdullah. I am 30 years old. I am married and I have six (6) children. I am unemployed do not have a job. I am freelance worker. I mostly work in constructions. It was around 20:15-20:30 on 06th September 2015. Electricity was given time to time. There was electricity before the incident but they cut it five minutes before the incident, it was cut and an intense sound of gunshot started. Our house has three floors. I am in the ground-floor. I went to in front of the house, to the yard. I went out for ablutions. I performed ablution and went to guest room, the prayer rug was there, the doors were open and I was going to perform prayer. Inside the house, the room where I was standing for prayer could be seen from outside. I was going to stand for prayer, I had not intended yet and I felt warmth in my foot. I touched my foot and I got blood in my hand. I realized I was shot, then I fell on the ground. I called my parents and wanted help. My family came and pull me from there. They were still shooting on our door. The sound of gunshot was very close. There were panzers at down the streets but I did not see any panzer when I was shot. It is obvious that military officials opened fire, it cannot be someone else. After I called my family I saw myself in blood and I cannot remember the rest. They took me to the hospital the next day morning. It had been 12 hours. They could not take me to the hospital because the voices of gunshots and explosions were too intense. There were voices of gunshots and conflicts at the streets. They would have killed us if we went out. There was a conflict between a group and security forces. I do not know who or what was the group. After I was shot, my family called 112 Emergency Service and the hospital but there was not live telephone line. My family managed to speak with 112 once and they told my family "come to the corner of the street, we will take you from there". We went there by ourselves

but 112 emergency did not come. We had to go back home because we did not have life security. In the morning when the voice of gunshots calmed down, ambulance came and took us to the Cizre State Hospital. They sent us to Şırnak State Hospital from Cizre then we were sent to the Diyarbakır State Hospital. They were only able to put a dressing around my foot at Cizre Hospital, except that they could not do any treatment. Security officers firstly send me to Şırnak, not to Diyarbakır. They said that they do not have the authority to send me to Diyarbakır. Actually they did not send us to Diyarbakır from Şırnak. We contacted with a private hospital by our own means then we came here.



## **VIII. Documents**

### **1- Şırnak Governor's Announcement About The Curfew**

Press Statement 04.09.2015

In order to capture the members of separatist terrorist organization, protect people's safety of life and their property in accordance with the Article 11/C of Provincial Administration Law No. 5442, the curfew was declared in Cizre District valid from 04th September 2015 at 20.00 until further notice.

Respectfully announced to the public

Governor of Şırnak

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### **2- Şırnak Governor's Announcement About Continuation of the Curfew**

Press Statement 05.09.2015

Our efforts continue meticulously to arrest the members of separatist terrorist organization who disturbs the peace and security of our citizens and threatens people's lives and properties and attacks with rockets, explosives and long barrelled weapons. In addition to the arrests; to remove the ditches and barricades in which handmade explosives planted; to destruct bombs and mine traps inside Cizre and to protect our citizens' security of life and property the curfew will continue.

Respectfully announced to the public

Governor of Şırnak

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### **3-Press Statement 06.09.2015**

In order to arrest the members of the separatists terrorist organization who threaten the security and peace of the citizens of Cizre District and blatantly attack civilians, soldiers and police with rockets, explosives and long barrelled weapons; and to remove the mine and explosives planted ditches and barricades which prevent citizens to meet their daily needs, our security forces continue to work carefully within the rule of law to prevent any damage against our citizens

and in this context the curfew will continue for the security of lives and properties of our citizens.

During the curfew period the needs of our citizens particularly health needs are met in a meticulous way.

Respectfully announced to the public

Governor of Şırnak

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#### **4-Press Statement 08.09.2015**

In order to arrest the members of the separatists terrorist organization who threaten the security and peace of the citizens of Cizre district and blatantly attack children, women, men, soldiers and police with rockets, explosives and long barrelled weapons our security forces continue to work carefully in the rule of law to prevent any damage against our citizens and in this context the curfew will continue for the security of life and property of our citizens.

In this period, in order to remove ditches and barricades planted explosives and mines inside by the members of the separatists terrorist organization who prevent citizens to meet their daily needs , our security forces continue to work meticulously.

During the ongoing process we are always in the service to meet the our citizens' needs particularly health and all necessary measures had been taken to prevent any damage and it has still be taken.

Respectfully announced to the public 08.09.2015

Şırnak Governor

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#### **5-Press Statement 09.09.2015**

Our security forces continue to work meticulously to remove explosive and mine planted ditches and barricades erected by the members of the separatist terrorist organization who threaten the security and peace of the citizens of Cizre district

In this context, our security forces carefully carry out their work towards de-

taining the members of the separatist terrorist organization who attack treacherously to children, young, elderly, women, soldiers and police and in order to fully ensure public order, the curfew will continue.

We offer our sincere gratitude to our dear citizens of Cizre who have been acting with patience and sensibility during this ongoing curfew period and we will continue to serve in order to protect our citizen's security of life and property within the framework of the rule of law.

All measures had been taken to meet our citizens' needs of health, food and other requirements and it will continue to be done so.

Respectfully announced to the public 09.09.2015

Governor of Şırnak

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#### **6-Press Statement 11.09.2015**

The curfew which came into effect on 04th September 2015 at 20.00 will end on 12th September 2015 at 07.00.

Our security forces have conducted a successful operation against the members of separatist terror organization during this period.

We offer our sincere gratitude to our dear citizens of Cizre who have been acting with patience and sensibility.

We will continue to protect our citizens' safety of life and property and ensure public order against the members of separatist terror organization as we have been doing so far.

Respectfully announced to the public 11.09.2015

Governor of Şırnak



### **7-Press statement 17.09.2015**

Dear Members of the Press

We are gathered here to share the information about conducted operations during the curfew which was lifted on 12th September 2015.

The curfew was declared in order to ensure public order, to neutralise the members of terrorist organization PKK/KCK ( Kurdistan Worker's Part/ Union of Kurdistan Communities) and to protect people's security of life and property by removing explosives and traps planted ditches and barricades. Extensive operations had been initiated and implemented successfully in accordance with the decision of the judicial authorities.

As much as 1,150 kilograms of explosives and 39 explosive devices were eliminated, 45 trenches and barricades were destroyed and long-range rifles and ammunition were seized during the operations. Also seven terrorists have been killed and seventeen terrorists have been taken into custody. According to analysis of our related units, the loss of the terrorist organization is considered to be around 40-42. Twenty five police officers were injured in security operations during the eight-day curfew and seven armoured police vehicles were damaged as militants carried out attacks with 21 rockets, 19 hand grenades, and two road-side bombings.

Dear members of the press

Maximum efforts had been spent to ensure the continuity of health, nutrition and electricity services during the period of curfew in Cizre

During the period of curfew 2252 patients applied to the Cizre State Hospital and were treated. During this time 251 emergency calls were received by 112. But unfortunately health service personnel could not reach sixty eight of these cases because of the opened fire and bomb planted barricades and ditches done by terrorists. Also, ambulance and health services had been provided for thirty four cases of birth. These services had been conducted by eleven doctors and enough health care personnel in Cizre State Hospital.

Dear members of the press

During this period, in order to meet the basic needs of our citizens enough market, bakery and pharmacy had been kept open and a suitable environment had been created to ensure access to that places. Twenty power stations had

## **CURFEW IN CIZRE**

### A SURVEY REPORT OF EVENTS

been damaged because of the gunfire of members of terrorist organization in the district. Ensuring the officers' security, necessary works had been done in order to eliminate the electrical disruptions. On the whole, there was not any electricity shortage.

I thank all citizens of Cizre for their patience and common sense during the period of curfew. I also thank the tradesmen who opened their markets, bakeries, pharmacies in spite of the threats of the members of terrorist organization.

We will determinedly continue to eliminate all kinds of activities that threaten our people's security of life and property, disturb the peace and our brotherhood within the framework of the rule of law as we had before.

Ali İhsan Su

Governor of Şırnak



The Decision of Dismissal of Injunction of the Constitutional Court on  
the Application of Some Victims from Cizre



**THE CONSTITUTION OF THE REPUBLIC OF TURKEY**

**PART ONE**

**INTERLOCUTORY DECISION IN REGARD TO INJUNCTION**

**CASE OF MEHMET GIRASUN AND OTHERS**

(Application no: 2015/15266)

Judgement

11/09/2015

# PART ONE

## INTERLOCUTORY DECISION

**President** : Burhan ÜSTÜN

**Members** : Serruh KALELİ

Erdal TERCAN

Kadir ÖZKAYA

Rıdvan GÜLEÇ

**Judicial Clerk**: M. Serhat MAHMUTOĞLU

**Applicants** : Mehmet GİRASUN, Ömer ELÇİ

**Lawyers** : Av. Tahir ELÇİ, Av. Muhammed Neşet GİRASUN

### I. THE CIRCUMSTANCES OF THE CASE

1. The application is about the alleged violation of the right to respect for private and family life, ill treatment, freedom and security rights and right to life of the applicants due to the curfew in Şırnak Province, Cizre County. The applicants required a stay of execution of orders related to the curfew as a precautionary measure.

### II. APPLICATION PROCESS

2. Application had been submitted through The Regional Administrative Court of Diyarbakır on 09/09/2015. (Application was received by The Constitutional Court on 10/09/2015, at 15.29) it has been ruled that there is no lacking in preliminary examination of the administrative aspects of the petition and attachments are to be submitted to the Commission
3. According to the First Department of the Second Commission, applicants' measures request is considered necessary to be finalized, in accordance with 3rd numbered of article 33 of The Rules of Procedure of The Constitutional Court, it has been decided that admissibility review should be done by Department and the case should be sent to the Department.

### **III. THE MERITS**

#### **A. The Events**

4. As it has been stated in the application form and its attachments, the summary of events is as follows:
5. The applicants live in Şırnak Province Cizre County.
6. The announcement of Governor of Şırnak on the official internet site on 04/09/2015 is as follows:

“In order to detain the members of separatist terrorist organization, protect people’s security of life and property in accordance with the Article 11/C of Provincial Administration Law No. 5442, the curfew was declared in Cizre district valid from 04th September 2015 at 20.00 until further notice.”

7. The applicants have applied to the Mardin Administrative Court on 07/09/2015 for annulment of execution of the decision of Şırnak Governor numbered 2015/3425 . The Court has not decided on applicants’ request yet.
8. Due to the delayed decision for the request of the stay of execution in the Court, the applicants has applied to Constitutional Court with individual measure request on 10/09/2015

#### **B. RELEVANT DOMESTIC LAW**

9. Article of 11/C of 10/06/1946 dated and 5442 numbered Law on Provincial Administration is as follows

“The governor shall have the duty, inter alias, to secure peace and security, personal immunity, safety of private property, public well-being and the authority of preventive law enforcement.

The governor shall take necessary decisions and measures to this end. Provisions of Article 66 shall apply to those who do not comply with such decisions and measures.”

### **IV. REVIEW AND JUSTIFICATION**

10. Application form and its attachments were examined and it is decided by the court:

### ***A. The Applicants' Claim***

11. The applicants submitted that because of the curfew decision which was given by Governor of Şırnak, they could not meet their basic needs; they and their families were exposed to the risk of being killed due to the operations and their rights guaranteed by the Articles 17,19,20,21 and 22 of Constitution were violated

### ***B. The Court's Assessment***

12. According to paragraph (5), Article 49 of dated 30/03/2011 and numbered 6216 Law of The Establishment and Rules of Procedure of The Constitutional Court and paragraph (1), "Injunction" entitled Article 73 of Rules of Procedure of the Constitutional Court; if it is understood that there is a serious danger to life or property or the applicant's moral integrity, until the examination done on the merits about the application, necessary measures can be ruled by departments or with the request of the applicant.
13. To respect fundamental right and freedoms is a constitutional duty of all state organs, the improvement of human rights violations caused by the neglect of this duty is the duty of the administrative and judicial authorities. Therefore, the alleged violation of fundamental rights and freedoms first should be submitted to administrative authorities and court of first instance and should be assessed by these courts ( Ayşe Zıraman and Others, Application no: 2012/403,26/03/2013,Article 16)
14. Governor of Şırnak declared the curfew in accordance with Law no 5442, Article 11/C in Cizre town where the applicants live. Governor declared the curfew due to ensure the security of people's lives and property. It cannot be said that it is unfounded to declare the curfew due to ensure the security of people's lives and property because of the mentioned reasons.
15. The applicants could not submit any concrete information or document about how they were effected from the decision of the curfew taken in order to protect their lives and properties which will require immediate intervention. They have relied on the alleged deaths of civilians in the town and in general they made referrals to the news in social media.
16. By the above detailed reasons the refusal of individual application has been ruled since from the content of the file no serious threat has been observed

and therefore no urgent need for stay of execution of orders has been appreciated.

**V. RULE**

REFUSAL of the applicants for interim injunction unanimously has been ruled on 11/9/2015

Chairman	Member	Member
Burhan ÜSTÜN	Serruh KALELİ	Erdal TERCAN
Member	Member	
Kadir ÖZKAYA	Rıdvan GÜLEÇ	



# CURFEW IN CIZRE

## A SURVEY REPORT OF EVENTS\*


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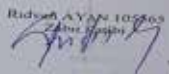
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SIRAK  
CUMHURİYET BAŞSAVCILIĞI

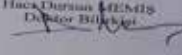
SORUŞTURMA NO: 2015/2380 11/09/2015

**DEFİN İZİN BELGESİ**

11/09/2015 günü, Cizre Cumhuriyet Başsavcılığı tarafından 2015/2644 soruşturma sayılı dosya üzerinden gönderilen Tarık ve Güneş oğlu 11/11/2001 Cizre Doğumlu, Şırnak ili Cizre İlçesi Dağkapı Nüf. Kay. Bünyasının IRCI (T.C. Kimlik No: 6483136240) olarak belirlenen ceset üzerinde Adli Ölü Muayene İşlemlerinin yapılmasının akabinde kesin ölüm nedeninin belirlenmesi için, klasik otopsi yapılmak üzere Şırnak Cumhuriyet Başsavcılığına gönderilmesi üzerine Şırnak Devlet Hastanesi morguna getirildiği, gerçekleştirilen "Klasik otopsi işlemi" sonucu kesin ölüm nedeninin çoklu Akut Solunum Merkezi Çekirleği yaralanmasından dolayı et kemikleri, kalburğu ve kafıması kırıkları ile birlikte iç organ yaralanmasından gelişen iç kanama, beyin doku harabiyeti ve beyin kanaması sonucu vefat ettiği anlaşıldığı ve aşağıda kimlik bilgileri belirtilen kişilerin, kesin ölüm nedeni belirlendiğinden cesazenin defnedilmesinde herhangi bir sakınca bulunmadığı anlaşıldığından, 8271 sayılı CMK m. 159/2 gereğince söz konusu cesazenin defnedilmesine izin verilmiştir.

  
Davut KEBATE AKÇADAĞ  
139762  
Cumhuriyet Savcısı

  
Rıdvan AYAN 105505  
Zabıt Kâhisi

  
Hüca Durmuş MEMİS  
Doktor Bâirkişi

**KİMLİK BİLGİLERİ:**  
Tarık ve Güneş oğlu 11/11/2001 Cizre Doğumlu, Şırnak ili Cizre İlçesi Dağkapı Nüf. Kay. Bünyasının IRCI (T.C. Kimlik No: 6483136240)

Cesedi ve defin ruhatını teslim alan  
**İhsan GÖREN**  
Vefat edenin babasının dayısı  
11/09/2015

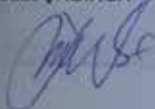
T. C.  
CİZRE CUMHURİYET BAŞSAVCILIĞI  
(Soruşturma Bürosu)

Soruşturma No: 2016/2639 12/09/2015


**DEFİN RUHSATI**

07/09/2015 tarihinde Cizre'de devam eden operasyonlar sırasında hayatını kaybeden Cemile ÇAĞIRGA'nın cesedi üzerinde ölü muayene işlemi ve Şırnak Adli Tıp Kurumunda Klasik otopsi işlemi yapılmış olup definde bir sakınca kalmadığından CMK'nun 159/2 maddesi gereğince iş bu defin ruhsatı tanzim edilmiştir.

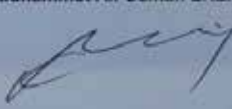
**Cesedi Teslim Alan**  
Vedat ÇAĞIRGA



**Doktor Bâirkişi**  
Serdar MONİS



**Cumhuriyet Savcısı 150026**  
Muhammet Ali Osman EKER



## CURFEW IN CIZRE

### A SURVEY REPORT OF EVENTS

#### İŞ GÖREMEZLİK BELGESİ

(1)

(1) SİGORTALININ BAĞLI BULUNDUĞU S.G.İL MÜDÜRLÜĞÜ / S.G.MERKEZİ :		
(2) SAĞLIK TESİSİ GAZİ YAŞARCI E.A. HASTANESİ		(3) DÜZENLEYEN POLİKLİNİK : Ortopedi C Blok Seyithan CETİNFAYA
(4) ADI SOYADI : ABDULLAH ÖZCAN	(5) SİGORTA SİCİL NO	(6) T.C. KİMLİK NO : 7202009426
(7) EV ADRESİ : CİDİ MAH. KARMA SK. 36 CIZRE SİRNAK	(8) TELEFON : 5422554170 --	(9) RAPOR TAKİP NO : 10000000016057035

( II ) BİRİNCİ ON GÜNE KADAR AYAKTAN İSTİRAHATLER İÇİN DOLDURULACAK BÖLÜM

(10) İŞ KAZASI	(11) HESLEK HASTALIĞI	(12) HASTALIK X	(13) ANALİZ
(14) TEŞHİS : Y24 Akut üst solunum yolu enfeksiyonu, gorgelama ve/veya bakteriyel, Y60.3 Enfeksiyon veya yaralama monozoonu karışık tes. dişine, perforasyon ve karaciğer yağlanması ile ilişkili amipiyozis	(15) POL. TARİHİ : 10.09.2015	(16) POL. DEFTER SIRA NO: GP-149522-10092015-10413013429	(17) 17.09.2015 den 01.11.2015 tarihine kadar istirahatler
02.11.2015 tarihinde	ÇALIŞIR	KONTROL	Hastaneye Yatış Tarihi : 10.09.2015
	X		Hastaneden Çıkış Tarihi : 16.09.2015
(19) ADI SOYADI : Seyithan CETİNFAYA	DÜZENLEYEN HEKİMİN İMZASI		(20) ONAY
SİCİL NO : DR143003			
DİPLOMA NO : 00199			
TESCİL NO : 119672			

( III ) İKİNCİ ON GÜNE KADAR AYAKTAN İSTİRAHATLER İÇİN DOLDURULACAK BÖLÜM

(21) TEŞHİS :	(22) POL. TARİHİ :	(23) POL. DEFTER SIRA NO :
(24) İm tarihine kadar istirahat devamına	(25) (26)	
tarihinde	ÇALIŞIR	KONTROL
(25) ADI SOYADI : Seyithan CETİNFAYA	DÜZENLEYEN HEKİMİN İMZASI	
SİCİL NO : DR143003		
DİPLOMA NO : 00199		
TESCİL NO : 119672		

CURFEW IN CIZRE  
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T.C.  
ŞIRNAK  
CUMHURİYET BAŞSAĞLIĞI

SORUŞTURMA NO :2015/2367 09/09/2015

**OTOPSİ TUTANAGI**

09/09/2015 günü, Cizre Cumhuriyet Başsavcılığı tarafından 2015/2641 soruşturma sayılı ceza davasından 63399300482 T.C. kimlik numaralı Meryem SÜNE'ye ait olduğu belirtilen ceset Şirnak Adli Müeyyene İşlemlerinin yapılmasını akabinde kesin ölüm oranının belirlenmesi için, otopsi yapılmak üzere Şirnak Cumhuriyet Başsavcılığına gönderildiği, cesedin Şirnak Devlet Hastanesi Morgunda hane ödüllüğü bildirilmekle, şoför Tarık AKARSU yönetiminde olan Şirnak Adliyesine ait 21 AT 780 plaka sayılı araç ile başta Cumhuriyet Savcısı Oktay ALPTEKİN (174472), refakatte Zabıt Katibi Mikail SÖYLER (131973) ile birlikte Şirnak Devlet Hastanesi morguna gelindi. Şirnak Adli Tıp Uzmanı Dr. Murat YILDIZ, Otopsi Teknikeri Burçin ALPTEKİN ile Şirnak Adli Tıp Uzmanı Dr. Hacı Dursun MEMİŞ refakate alarak Şirnak Devlet Hastanesi morg odasına geçildi.

Cesedin harici görünüşünden anlaşılmış olduğu görüldü. Saat:21:00

**BİLİRKİŞİLERİN KİMLİK TESPİTİNE GEÇİLDİ:**

**Bilirkişi Hekim, Hacı Dursun MEMİŞ;** Mirtaz ve Hacaliman oğlu, 1984 Bayburt doğumlu, İncev. Şirnak Adli Tıp Uzmanı Olarak görev yapar.

**Bilirkişi Hekim, Murat YILDIZ;** Abime ve Kutsal oğlu, 1980 Erzincan doğumlu halere. Şirnak Adli Tıp Şube Müdürlüğünde adli tıp uzmanı olarak görev yapar.

**Otopsi Teknikeri, Burçin ALPTEKİN;** (T.C. 56227233066), Ali ve Şükriye kızı (139403961) Dize Kumruya İli, Şirnak İlgesi Nof. Kay olup halere. İstanbul Adli Tıp kurumu (E-Kanlar) Morg İhtisas Dairesi. Otopsi Teknikeri olarak görev yapar. İl dışı görevlendirme nedeniyle Şirnak da bulunur.

**OTOPSİ YARDIMCILARI:**

**1-İskender BEKTAŞ,** (T.C.NO: 3420359222), Osman ve Zeliha oğlu, 30/04/1982 Şirnak doğumlu, Şirnak Devlet Hastanesinde Hizmetli olarak görev yapar. Cep Tel :0539 642 43 21

**2-Tarık AKARSU,** (T.C.NO:25771604912), Harun ve Hayriye oğlu, 01/09/1983 Diyarbakır Eğil doğumlu, Halen Şirnak Adliyesinde şoför olarak görev yapar.

**TEKNİK BİLİRKİŞİLER:**

**1-Ozan KORKMAZ;** (Kameraman) (T.C. 59857148502)- Mutin ve Meryem oğlu, 1980 doğumlu, Gözdes nüfusuna kayıtlı olup, halen Şirnak İl Emniyet Müdürlüğünde OYİB elemanı olarak görev yapar. Engel hali yok usulen yemini yaptırıldı.

**2-Mehmet KAYA,** (T.C. NO 29833707740) (Fotoğrafçı); Yahya ve Firdase Songul oğlu, 23/10/1983 İskenderun doğumlu, Hatay/İskenderun nüfusuna kayıtlı olup, halen Şirnak İl Emniyet Müdürlüğünde OYİB elemanı olarak görev yapar. Engel hali yok usulen yemini yaptırıldı.

Bilirkişliğe engel durumları yok, bilirkişilik yapacakları konu ve hukuksal sorumlulukları anlatıldı.Bilirkişilik yapacakları konuyu ve bilirkişilik yapmanın ve yemin etmenin hukuksal sorumluluklarını anladıklarını beyan ettiler.

**TEKNİK BİLİRKİŞİLER BEYANLARINDA;**Yapacağımız işi anladık, cesedin fotoğraflarını çekip görüntülü kayda alacağız, soruşturmanın gizliliğinden haberdarız dediler.

Teknik bilirkişilere cesedin çeşitli açılarıdan fotoğraflanması ve otopsi işleminin kayda alınması, inşaatı verildi; görevliler cesedin çeşitli açılarıdan fotoğraflama ve görüntüleme işlemini yaptı.

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## **X. Results and Evaluation**

1. Although a military unit in the centre of Cizre was attacked on 27th August 2015 and then two (2) public officials and two (2) children lost their lives by opened fire by security forces, no information of armed attack during a week has been reached before the curfew was declared on 04th September 2015.
2. Although it is considered to be necessary by law to establish public order and therefore removing barricades and ditches had been built in some streets which leads down to the main road in four neighbourhood of Cizre ( Nur, Cudi, Sur, Yafes); making operations or taking action against the some armed people who are members of a structure not fully identified (PKK/KCK, YPG or YDG-H). It is believed that to declare the curfew in all neighbourhoods of Cizre lack of the constitutional and legal basis. Its population is 120.000 and not in all neighbourhoods of Cizre alleged threats occurred. As it can be understood from the above written legal regulations, in the context of Articles 13 and 15 of the Constitution and in accordance with the Article 120 of the State of Emergency or Martial Law and in the context of Article 11/C of 5442 numbered Law on Provincial Administration within the “ preventive law enforcement/ crime prevention” , to implement curfew which threats all fundamental rights and freedoms of citizens is excessive and arbitrary. As it is contrary to the constitutional and legal provisions as well as being openly against to the European Convention on Human Right (ECHR) to which Turkey is a part.
3. During the period of eight days lasted curfew, electricity and water was cut in especially Nur, Cudi, Sur and Yasef neighbourhoods where the operations were carried out. Particularly the absence of drinkable water became a serious threat for the health of society. Even administrative authorities have claimed that these two services are under the responsibility of Municipality and DEDAŞ (Electricity Distribution Authority). DEDAS and Municipal authorities had stated that they were not able to work for disrptures and breakdowns due to conflicts and carried out operations.
4. During the period of curfew all shops were closed and because of that it was not possible to buy the basic life needs such as food, medicine, milk, infant formula, and apart from a few exceptions, bakery owners had not given the opportunity to open their bakeries and even bread need could not be met in the county.

5. Except a few pharmacies opened in one or two places for a limited time where operational activities had not been carried out, all other pharmacies had been kept closed. It was not possible to have access to pharmacies, hospitals and health centres.
6. Although it is claimed that the curfew had been declared for removing the barricades and ditches and detain the criminals, to start heavy operations in areas habituated by civilians would entail exposure of civilians to serious life threats. It is not hard to foresee that employing armoured police and military vehicles including heavily loaded tanks and heavy machine guns in the town centre would endanger civil people's lives and cause deaths.
7. Although it is a fact that the security forces were resisted with weapons from the barricades, ditches or other places and there were mine explosions in some streets, it is thought that they opened fire from police panzers and armoured vehicles at the corners of streets on the main roads and high overlooking points or high buildings to people without considering whether they are civilians or armed militants or dwellers. The deaths, in most occurrences, are thought to happen in this way. A public officer Bahattin SEVİNİK who has an opposing political tendency against PKK/KCK lost his life on the same road due to fire opened from an armoured vehicle when he went out from his house to help his relative Suphi Sarak upon hearing his cries for help. Suphi Sarak was living just a few blocks away and was a butcher. He died in his house due to the fire opened from a panzer.
8. Although the purpose of the curfew was stated as eliminating armed elements fighting against the security forces, it has been observed that all of the casualties were locally resident civilians. In other words no person registered to another city was found among casualties. Even all the people who lost their lives in Nur neighbourhood lived in the same neighbourhood. In the other neighbourhoods as well, most of the casualties actually lived in the very same neighbourhood where they were shot at their houses or nearby.
9. Let alone going to the hospital or health centres, people even could not go out to their own courtyards because of heavy firing. They could end up being a target of the bullets and most of the death and injury events occurred in this way. People could not go to hospitals and bled to death because of the implementation of the curfew. Such as Abdullah ÖZCAN, married and father of six (6) children from Cizre. He was shot from his foot while he was performing pray but he could go to the Cizre State Hospital during 12 hours, and

because of the limited treatment at the hospital, he was referred to Şırnak and then three days later he managed to come to Diyarbakır and in spite of the medical intervention, his right leg has been amputated below the knee because of the late treatment.

10. Wounded people could not call 112 Emergency Service or hospitals because all communication means were disrupted after the curfew and even when they managed to call, the ambulance could not come to the neighbourhoods due to the barricades, ditches or military security operations and conflicts. Apart from exceptions, they could not take wounded people to the hospital.
11. During the period of the curfew, most of the health care personnel of Cizre State Hospital left the town. People who wanted to serve at hospital voluntarily and came from mostly Diyarbakır were not allowed to enter the town. Existing health care personnel at Cizre State hospital worked devotedly but they had to stay at the hospital during the tightly implemented curfew and they could not even take any news from their families, living in Cizre.
12. During the period of the curfew, Government Office and Courthouse stayed completely closed and no judicial and administrative services were provided. Long after the end of curfew, except from people' autopsy or death inspection who died due to firearms, as the date of 16th September 2015, further investigation and evidence collection process were not performed. As of the aforementioned date, no crime scene investigation, evidence collection or prosecution investigation was conducted at any place where the death events occurred. After the event during our field survey, our committee found hundreds of shells, unexploded bullets, shrapnel parts, the residue of the conflict objects, armoured police vehicle parts, blood traces, bullet holes on doors, walls and furniture and burned vehicle remains in the places where the death and injury events occurred. It had been observed that the evidences were scattered around and about to disappear. Our committee noted that carrying out CSI and evidence collection in the venues where the deaths and injuries occurred could cause risk for investigation authorities and crime scene investigation teams.

## **IX. Suggestions**

1. We strongly suggest that the investigation authorities immediately should go to the places where the death and injury events occurred and carry out necessary investigation and evidence collection procedures. Strongly, no act of



violence against the crime scene investigation team should take place and in order to ensure that opinion leaders, civil society organizations and lawyers should contribute.

2. To conduct the investigation rapidly and objectively, cameras on the police vehicles and radio records should be seized and necessary examinations should be done especially to identify the security forces who have caused deaths and injuries by using excessive, arbitrary power and weapons; shells, bullets. Other evidence on the crime scenes should be collected and their ballistic examination should be made and compared with the weapons used by security forces.
3. In the same fashion, all telephone records and radio records of 112 Emergency service or other health units should be examined to identify the people or health care personnel who had negligence and intent in failing to take injured people to the hospital.
4. The open trenches and erected stone barricades in some neighbourhoods of Cizre should be removed. We would like to underline the importance of finding a civil solution for the problem without need for military operations. The implementation of curfew and security operations had a negative impact on the daily life of the community and also constituted ground to bring up close or long term military operations and security measures. We declaring here to all public and to the press that this situation may lead to new conflicts and we are concerned that this operations and conflicts could be heavier than the conflicts occurred between 04th September and 12th September 2015.
5. There is a strong conviction in the society that there may be widespread detentions and arrests upon incoming of the security forces to inwards of the neighbourhoods along with breaching the rights of freedom and security of people of Cizre similar to the incidents happened in 90's during which many grave human rights violations occurred against civilians. We would like to state that the authorities, judicial and administrative authorities should reassure the Cizre society that there will not be any illegal situation, peoples' life and property security will be ensured and the investigations and prosecutions of the arrested people will be fair.
6. As it is known, in accordance with the Article 11 of the Law no 5442 on Provincial Administration "The governor shall be the superior of all general and special law enforcement forces and organizations". Therefore Şırnak

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Governor and Cizre District Governor share responsibility in every implementation which is done by security forces. Considering the results of events in the town, during which twenty one (21) civilians lost their lives, judicial and administrative investigation should be started for Şırnak Governor and Cizre District Governor and a though should be given to the suspension of these two officials.

7. As it is known, law of no. 5233 entered in force on 17.07.2004. According to this law, in situations where the administration have all responsibility, economic losses which is occurred after the state of emergency had declared on 19.07.1987 and after this law entered in force should be indemnified. For this reason, administrative examinations should be carried out to compensate the people's economic losses in Cizre which were occurred during the curfew and in the events that we tried to explain in detail above.
8. As we reported in our survey and described above, due to the security forces' excessive and disproportionate use of force, many people's house walls have collapsed, been destroyed, homes became uninhabitable and some of them have been completely burned. For this reason, emergency measures must be taken to ensure the settlement for victims.
9. We as Diyarbakır Bar Association have taken decision for inviting Special Rapporteur on extrajudicial, summary or arbitrary executions of United Nations to Cizre to investigate death and casualties.
10. We as Diyarbakır Bar Association have also taken decision for inviting the Committee on Human Rights Inquiry of Grand National Assembly of Turkey to investigate death and casualties as well as inquiring other breaches of constitutional rights of citizens.

The Presidency of Diyarbakır Bar Association