



DISPLACED AND DISPOSSESSED

SUR RESIDENTS' RIGHT TO RETURN HOME

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Cover photo: Historic “Four-legged Minaret” and mosque in center of Sur, damaged by armed clashes, next to an area cleared through the demolition of buildings.

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1. SUMMARY

In July 2015, a two-year ceasefire ended as a tentative peace process between the armed Kurdistan Workers' Party (PKK) and the Turkish state collapsed. Unlike previous phases of the decades-long conflict, during the following 10 months armed clashes took place not in rural areas of the south-east but in the region's cities and towns. Until now, an estimated 2,360 people have died, including at least 368 people who were unarmed residents.¹ It is likely that at least half a million people have been forcibly displaced by the violence, large-scale destruction of property and by ongoing curfews in areas across the south-east. This briefing focuses on the forced displacement of around 24,000 people from Sur, the historic central district of Diyarbakır; it documents the circumstances of their displacement, the ongoing violations of their rights, notably to adequate housing, and the increasingly remote prospect of their being able to return to their homes or the district they lived in.

In Sur, as in other towns and districts across the region, PKK affiliated individuals dug trenches, erected barricades and declared "self-governance". In response to this serious and difficult challenge to law and order, the Turkish authorities imposed a series of indefinite 24-hour curfews, culminating in a permanent and still ongoing curfew on 11 December 2015. As in other urban areas under curfew, militarised security operations involving the use of heavy weaponry resulted in large-scale destruction and scores of deaths including, according to the Human Rights Foundation of Turkey, at least ten unarmed residents.² In light of the disproportionate use of lethal force and the difficulties of surviving under curfew conditions, including the frequent deprivation of water and electricity, all or nearly all of the roughly 24,000 residents of the six neighbourhoods of Sur under curfew have left their homes. The majority remain empty and under curfew to this day.

Armed clashes ended in March in Sur and in June 2016 the last armed clashes in other areas under curfew ended. Since then armed clashes have continued, but are now taking place largely outside urban centres. Developments in the south-east have been significantly influenced by the response of the Turkish authorities following the violent coup attempt of 15 July this year. As part of a wider and systematic assault on dissent under the state of emergency declared shortly after the coup, the authorities have targeted opposition Kurdish voices, with blanket closures of media outlets, the imprisonment of journalists, the replacement of elected officials across the region with government appointed administrators and the mass closures of civil society organizations. The Sur and Diyarbakır Metropolitan municipality mayors, key actors in providing support for displaced families in the city, have been replaced by government trustees and NGOs providing direct humanitarian and other assistance have been shut down.

Within this landscape, the rights of families, displaced and dispossessed of their homes, are being neglected. The vast majority of residents from the main curfew area in Sur remain forcibly displaced. Despite important, but insufficient and far from universal assistance from the authorities, many displaced families have been unable to access adequate alternative housing. Other rights, such as children's education, have not been adequately respected. Likewise, the displaced residents' rights to return to their homes or area of habitual residence appear to be in grave danger with continuing curfews, damaged or destroyed infrastructure and homes and continuing house demolitions. At least 60% of the entire Sur district has been expropriated by the government, paving the way for an announced urban regeneration project that is being


¹ See International Crisis Group, *Turkey's PKK Conflict: the rising toll*. Figures updated on 18 November 2016. Available at <http://www.crisisgroup.be/interactives/turkey/>

² See Human Rights Foundation of Turkey, *16 Ağustos 2015-16 Ağustos 2016 Tarihleri Arasında Sokağa Çıkma Yasakları ve Yaşamını Yitiren Siviller Bilgi Notu*, 21 August 2016. Available at <http://tihv.org.tr/16-agustos-2015-16-agustos-2016-tarihleri-arasinda-sokaga-cikma-yasaklari-ve-yasamini-yitiren-siviller-bilgi-notu/>

developed without the required consultation of affected residents and foresees transfers of residents to areas far from Sur.

The current process across the region as a whole is suggestive of a premeditated plan to displace residents, destroy and rebuild the areas to ensure security through changes in infrastructure and transfers of population. In order to address this major crisis, there is an urgent need for the authorities to adopt a concrete plan for displaced Sur residents, and for all the hundreds of thousands of people displaced from curfew areas across the region. Such a plan, developed in full consultation with affected residents, must be developed quickly, address the lack of access to rights faced by displaced people and crucially, fulfil the state's duty to establish the conditions as well as provide the means, to enable internally displaced persons to return voluntarily to their homes or, failing that, to their areas of habitual residence.



 ↑ Historic "Four-legged Minaret" and mosque in center of Sur damaged by armed clashes. © Guy Martin/Panos



 ↑ Area of central Sur where buildings are damaged from armed clashes or have been demolished. © Guy Martin/Panos

2. BACKGROUND

Sur is the historic central district of Diyarbakır, the largest city in the predominantly Kurdish south-east of Turkey. An important centre since Hellenic times, its ancient fortified walls and adjacent Hevsel Gardens are a UNESCO world heritage site.³ Amongst Sur's historic mosques, churches and synagogues are modern buildings, many of them hastily built during the 1980s and 1990s as families fled to Diyarbakır from rural areas of the south-east of Turkey at the height of the conflict between the armed Kurdistan Workers' Party (PKK) and the Turkish security forces. The conflict and the forced evacuation of the south-east's villages by Turkey's security forces more than doubled Diyarbakır's population, now almost one million. Many of the internally displaced persons (IDPs) arriving in Diyarbakır made their home in Sur. Today, Sur's population of IDPs from the south-east and families from Diyarbakır make up a community that remains one of the poorest districts in Diyarbakır, itself at the centre of the south-east of Turkey, the poorest region in Turkey.⁴ Across the country, IDPs from villages in the south-east continue to suffer from problems of integration, poor housing and poverty. Only a small fraction have returned to their villages.⁵

In July 2015, a fragile peace process between the PKK and the Turkish state collapsed. After the end of the ceasefire and two years of relative peace, Diyarbakır and the south-east again became the scene of violence, with the PKK and state forces engaging in armed clashes, resulting in the deaths, according to an estimate by the International Crisis Group, of at least 2,360 people of whom at least 368 were unarmed residents.⁶ Unlike the period when the conflict was at its height in the 1990s, where fighting was concentrated in the mountains and isolated settlements of the south-east, from 2015, armed clashes took place to a much greater extent in densely populated urban areas across the south-east. In Sur, as well as in some other urban areas across the region armed individuals affiliated to the PKK set up barricades and dug trenches in its narrow streets; and state security forces used deadly force to try to regain control. In September 2015 the authorities began a policy of imposing indefinite, round-the-clock curfews, a total ban on residents leaving their houses, frequently enforced for months without break and accompanied by cuts to water and electricity and, on occasion, to mobile telephone networks and 3G internet signals. In some cases, it was difficult or impossible for residents to obtain food or even emergency medical care.⁷ The authorities maintain that any cuts to utilities were caused through damage to infrastructure caused by armed clashes, while residents allege that the authorities deliberately cut access to services. A police officer on duty in Sur who spoke to Amnesty International confirmed the residents' allegations, stating that they purposefully cut water and electricity in order to demoralise the armed individuals fighting the authorities.⁸

Amnesty International recognises that the Turkish authorities were confronted with an extremely difficult and serious security challenge as a result of the barricading of urban areas across the south-east accompanying declarations of self-governance. Indeed, they had a duty to restore law and order and protect everyone's right to life and security of person. However, security measures, however necessary, must not violate human rights. Amnesty International's assessment is that the authorities took measures, such as long term, indefinite curfews, the excessive use of often lethal force, forced displacement and related restrictions that

³ See UNESCO, *Diyarbakır Fortress and Hevsel Gardens Cultural Landscape*. Available at <http://whc.unesco.org/en/list/1488>

⁴ See Turkish statistical Institute, *Income and Living Conditions Survey Regional Results*, 2015. Available at <http://www.turkstat.gov.tr/PreHaberBultenleri.do?id=21868>

⁵ See Internal Displacement Monitoring Centre, *Turkey: Internal displacement in brief, December 2013*. Available at <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/turkey/summary/>

⁶ See International Crisis Group, *Turkey's PKK Conflict: the rising toll*. Figures updated on 18 November 2016. Available at <http://www.crisisgroup.be/interactives/turkey/>

⁷ See Amnesty International, *End abusive operations under indefinite curfews*. 21 January 2016. Available at <https://www.amnesty.org/en/documents/eur44/3230/2016/en/>

⁸ Conversation in Sur, June 2016

were disproportionate, violated human rights and, in some instances, amounted to collective punishment.⁹ In June 2016 the Council of Europe's Venice Commission concluded that the Turkish authorities' curfew decisions did not meet the requirements of legality as set out in Turkey's constitution and the European Convention on Human Rights. It recommended that the Turkish authorities end the declaration of curfews under the Provincial Administration Law and ensure that any emergency measures adopted are consistent with Turkey's national law and international legal obligations and that the legal framework for such declarations is reviewed.¹⁰

During curfews the authorities launched police and military operations and engaged in clashes with armed PKK affiliated individuals, using tanks and other heavy weaponry. Among the casualties of these security operations were ordinary unarmed residents. Information compiled by the Human Rights Foundation of Turkey recorded 321 deaths of unarmed residents in curfew zones, including 79 children, between August 2015 and August 2016. Ten of the deaths, including three children, were recorded in Sur.¹¹ The authorities told Amnesty International that they recovered the bodies of 65 armed individuals and detained 68 people during operations in Sur.¹² While a lack of effective investigation and conflicting accounts obscure the circumstances of many of the deaths, research by Amnesty International following a curfew in Cizre in September 2015 indicated that security forces were reckless in their use of firearms in curfew areas and operations were conducted with the intention of killing – rather than detaining – armed individuals.¹³ Among those killed in areas under curfew were young children and the elderly, who are very unlikely to have been involved in armed clashes.

In Sur, following a period where a curfew had already been in force for nine days, on 11 December 2015, an indefinite curfew was declared in six of the district's 15 neighbourhoods, an area with a combined population of approximately 24,000 residents.¹⁴ By the time operations by the security forces and armed clashes had ended, on 9 March 2016, 65 soldiers and police and 65 PKK affiliated armed individuals had been killed and their bodies recovered according to information provided by the Diyarbakır Governor's office to Amnesty International in May 2016.¹⁵ Yet much of this area remains under curfew today despite the armed clashes and military operations in the area ending in early March 2016. In addition to the six neighbourhoods, parts of which have been under curfew continually for almost a year, other neighbourhoods in Sur were under curfew for shorter periods.

Like in Sur, in each of the cities where long-term round-the-clock curfews were imposed, the use of heavy artillery and the huge destruction of infrastructure and buildings during and after operations by security forces was accompanied by the forced displacement of almost the entire population. Following the cessation of the clashes in Sur, almost all property has been expropriated and many buildings already demolished, a view to the district's redevelopment. "Emergency expropriation" orders have also been issued by the government in other areas, including, Cizre, Silopi and Yüksekova, with the stated aim of building police check points within the areas formerly under curfew.¹⁶ The scale of the expropriation in these areas is extensive if not as great as in Sur. For example, in the city of Cizre, a total of 22 plots of land were expropriated across three neighbourhoods.¹⁷ In other areas, such as Nusaybin and Şırnak, considerable demolition of buildings has taken place after the end of the armed clashes without "emergency expropriation" orders being made. The process across the region as a whole is suggestive of a premeditated plan to displace residents, destroy and rebuild the areas to ensure security through changes in infrastructure and transfers of population. Return to the areas has been prevented, either by continuing curfews, or by the sheer scale of the damage to housing and infrastructure.

⁹ See Amnesty International, *End abusive operations under indefinite curfews*. 21 January 2016. Available at <https://www.amnesty.org/en/documents/eur44/3230/2016/en/>

¹⁰ See Venice Commission, *Turkey - Opinion on the Legal Framework governing Curfews, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016)*. Available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)010-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)010-e)

¹¹ See Human Rights Foundation of Turkey, *16 Ağustos 2015-16 Ağustos 2016 Tarihleri Arasında Sokaga Çıkma Yasakları ve Yaşamını Yitiren Siviller Bilgi Notu*, 21 August 2016. Available at <http://tihv.org.tr/16-agustos-2015-16-agustos-2016-tarihleri-arasinda-sokaga-cikma-yasaklari-ve-yasamini-yitiren-siviller-bilgi-notu/>

¹² Interview with Diyarbakır Prosecutor's office May 2016.

¹³ See Amnesty International, *End abusive operations under indefinite curfews*. 21 January 2016. Available at <https://www.amnesty.org/en/documents/eur44/3230/2016/en/>

¹⁴ See announcement of the curfew by the Diyarbakır Governor's office http://www.diyarbakir.gov.tr/11122015-basin-duyurusu-surda-sokaga-cikma-yasagi?_sm_au_=-iVINVI4mijFFJV2

¹⁵ Amnesty International meeting with Diyarbakır Governor 20 May 2016.

¹⁶ See BBC Türkçe *Diyarbakır, Hakkari, Mardin ve Şırnak'ta yeni kamulaştırma kararları*. 11 April 2016. Available at http://www.bbc.com/turkce/multimedia/2016/04/160411_kalekol_kamulastirma. Emergency Expropriation decisions are made based on Article 27 of the 1983 Expropriation Law no. 2942 which allows the authorities to use the expropriated property seven days after the order having been issued.

¹⁷ See Evrensel, *7 ilçede daha 'acele kamulaştırma' yapılacak*, 11 April 2016. Available at <https://www.evrensel.net/haber/277295/7-ilcede-daha-acele-kamulastirma-yapilacak>

In the case of Sur, a planned but largely un-actioned urban regeneration project, dating from 2012, that foresaw transfers of residents from the district has been revived.¹⁸ Exactly how the project will be amended and what it will mean for the ability of residents to return to their neighbourhoods in Sur is not clear, given the lack of any detailed publically available information provided by the authorities or consultation with displaced residents. While the authorities have made repeated pledges to invest and rebuild infrastructure including housing, huge question marks remain regarding the ability of displaced people to return to their homes or places of habitual residence.¹⁹ While the current number of people displaced from areas across the region under curfew is unknown, it is certainly in the hundreds of thousands and is very likely to be in excess of half a million people. This report focuses on the situation of IDPs displaced from Sur, Diyarbakır. In many ways the problems they face are shared with other displaced persons in across the region. However, in other cases persons displaced from areas where the entire city was declared under curfew are likely to be even more significantly affected, with less recourse to accommodation with relatives and greater problems with accessing education and essential services.

The number of people displaced from Sur was estimated by the municipal authorities to be 40,000.²⁰ In total at least 35 districts across the east and south-east of Turkey were declared under curfew. These include, notably, the city of Cizre, with a pre-curfew population of 120,000, for 79 days, Silopi 19 days, and Nusaybin, with a pre-curfew population of over 100,000, where a curfew remains in place in part of the city since 14 March 2016 despite clashes there ending over six months ago. Night time curfews remain in place in Cizre, Silopi, Şırnak, Yüksekova and İdil. Already in February 2016, ahead of the declaration of curfews in Nusaybin, Şırnak and Yüksekova, the Ministry of Health reported that there were at least 355,000 displaced people from Cizre, Silopi and other areas of south-east Turkey where security operations had taken place.²¹ Since this time no updated figures on the number of displaced people have been provided by the authorities, but given the extent of curfews declared, the total number of displaced across the region from areas where curfews have been declared is very likely to exceed half a million people.

KEY DATES

July 2015: Ceasefire between the PKK and Turkish state breaks down and hostilities resume.

6 September 2015: First curfew declared in Sur.

11 December 2015: An indefinite curfew is declared in 6 out of the 15 neighbourhoods of Sur. Armed clashes between state forces and PKK-affiliated individuals intensify. Many residents of Sur leave.

9 March 2016: The authorities announce that the military operation in Sur has concluded. Armed clashes are over, but the curfew is still in force.

21 March 2016: The government orders the “emergency expropriation” of most of the land in Sur. The possession of the land passes to the Ministry of Environment and Urban Planning.

4 September 2016: Prime Minister Binali Yıldırım announces regional investment and reconstruction plan for east and south-east Turkey, including 7,000 new homes in Sur. The announcement makes no reference to consultation with residents. The return of displaced residents to Sur continues to appear unlikely.

¹⁸ See Ministry of Environment and Urban Planning, *Kentsel Dönüşüm ve Diyarbakır*. February 2015. Available at <http://www.csb.gov.tr/db/diyarbakir/editor/dosya/1.pdf>

¹⁹ Regarding government plans, see the statement of the Prime Minister during a visit to the region reported by the state news agency. Anadolu Ajansı, *Turkish PM reveals economic package for eastern Turkey*, 4 September 2016. Available at <http://aa.com.tr/en/politics/turkish-pm-reveals-economic-package-for-eastern-turkey/640803>. See also statements made by the Minister for Environment and Urban Planning. Milliyet, *Çevre ve Şehircilik Bakanı açıkladı! 7 bin lira maaş vermişler...* 7 September 2016. Available at <http://www.milliyet.com.tr/bakan-acikladi-7-bin-lira-maas-siyaset-2323180/>

²⁰ Interview with Sur Municipality May 2016.

²¹ See T24, *Güneydoğu'daki operasyonlar yüzünden 355 bin kişi göç etti*, 28 February 2016. Available at <http://t24.com.tr/haber/guneydogudaki-operasyonlar-yuzunden-355-bin-kisi-goc-etti.329927>

2.1 INTERNATIONAL LAW AND STANDARDS ON THE RIGHTS OF IDPS

International human rights law conventions to which Turkey is a party contain protections for the rights of internally displaced people. Displaced people retain the same civil, cultural, economic, political and social rights as anyone else within the country and must not be discriminated against due to their status.²² Beyond this, strong protections exist against forced internal displacement. The International Covenant on Civil and Political Rights (ICCPR) ratified by Turkey, guarantees freedom of movement (Article 12), which extends to the right to be protected against all forms of forced internal displacement.²³ Any restrictions to this right must be provided by law, and can only be justified in a limited number of exceptional circumstances: necessary for the protection of national security, public order, public health or the rights and freedoms of others.²⁴ Restrictions must also be consistent with all other rights in the Covenant.²⁵

Article 17 of the Covenant protects the right to freedom from arbitrary or unlawful interference with privacy, family, home or correspondence.²⁶ The Human Rights Committee has made clear that protection from arbitrary interference can also extend to interference provided for under the law and that any such interference should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances.²⁷

Turkey is also a party to the European Convention on Human Rights and Fundamental Freedoms (ECHR). Like the ICCPR, it contains, in Article 8 of the Convention, a protection of the rights to family and privacy, the interference with which is again subject to a limited range of strict exceptions.²⁸ The European Court of Human Rights has found Article 8 to be violated in the case of previous forced evictions and displacements from Turkey.²⁹

Forced evictions are also prohibited under Article 11 of the Covenant on Economic, Social and Cultural Rights (ICESCR), which protects the right to adequate housing. Adequate housing has been defined by the Committee on Economic, Social and Cultural Rights, the expert body mandated to interpret the Covenant to include the criteria of legal security of tenure including protections against forced eviction, availability of services, affordability, habitability, accessibility, location and cultural adequacy.³⁰ Forced evictions occur when a number of procedural safeguards are not adhered to including genuine consultation, adequate notice and the provision of adequate alternative accommodation for those who need it.³¹ Other relevant provisions of the ICESCR for IDPs and for those living under prolonged round the clock curfews include the rights to water, sanitation, standard of living, food, health and education.³²

The European Court of Human Rights has held that arbitrary house destruction can violate the prohibition of inhuman treatment (Article 3).³³

The United Nations Guiding Principles on Forced Displacement were developed by the UN Special Representative on IDPs in 1992 based on existing standards in international law to address the specific

²² The UN Guiding Principles on Internal Displacement. Available at <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

²³ UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, para 7. Available at: <http://www.refworld.org/docid/45139c394.html>

²⁴ UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, para 2. Available at: <http://www.refworld.org/docid/45139c394.html>

²⁵ *International Covenant on Civil and Political Rights*, UNTS, vol. 999, p. 171, Art. 12(3). See also UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, para 11. Available at: <http://www.refworld.org/docid/45139c394.html>

²⁶ Article 17 states: '(1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.'

²⁷ UN Human Rights Committee (HRC), *CCPR General Comment No. 16: Article 17 (Right to Privacy)*, *The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*, 8 April 1988, para 4. Available at: <http://www.refworld.org/docid/453883f922.html>

²⁸ Article 8(2) states: 'There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of other'

²⁹ See for example ECtHR. *Doğan and others v Turkey*, 29 June 2004, paras 157-160.

³⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, 13 December 1991, E/1992/23, para 8

³¹ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions*, 20 May 1997, E/1998/22, para 15. Available at: <http://www.refworld.org/docid/47a70799d.html>

³² *International Covenant on Economic, Social and Cultural Rights*, UNTS, vol. 993, p. 3, Arts. 11, 12 and 13.

³³ ECtHR. *Selcuk and Asker v Turkey*, 24 April 1998, para. 38.

needs of IDPs.³⁴ The Principles require that persons should not be subjected to arbitrary displacement, and that any displacement should be no longer than required by the circumstances (Principle 6). They require that the authorities ensure that accommodation is provided for displaced persons and ensure that displaced persons have an adequate standard of living (Principle 18). The Principles state that nobody shall be arbitrarily denied of property and possessions and that those that they leave behind are protected against destruction, arbitrary and illegal appropriation, occupation or use (Principle 21). Displaced persons have the right to education. The authorities should ensure the full and equal participation of women and girls in educational programmes (Principle 23). Critically, states have a primary duty and a responsibility to establish the conditions as well provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to homes or places of habitual residence or to resettle voluntarily in another part of the country. States should make special efforts to ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration (Principle 28). States must assist returning displaced persons in recovering their property and possessions; and, when recovery is not possible, ensure they receive just reparation (Principle 29).

The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, based on international human rights law, also address the human rights implications of development linked evictions and related displacement.³⁵

On 22 July 2016, following the 15 July attempted coup to overthrow the elected government in Turkey by force, the government declared a state of emergency across the country. The initial three-month period was extended for a further three months on 3 October. While some rights in the ICCPR and ECHR are subject to derogation during an officially proclaimed state of emergency which threatens the life of the nation, including freedom of movement, the authorities still have a duty to respect and protect these rights and ensure that all measures taken within the state of emergency are proportionate to the legitimate aim pursued and that additional restrictions imposed under state of emergency legislation are temporary in nature. No derogation is permitted under the ICESCR in any circumstances, recognising that people's essential socio-economic needs must be safeguarded at all times.

The curfew areas from which people were forcibly displaced, were the scene of widespread human rights violations and accompanying impunity for perpetrators. Under the state of emergency the human rights situation in the south-east of Turkey has deteriorated still further. In a series of executive decrees issued under the state of emergency, the government, as part of a systematic attack on dissenting voices across the political spectrum, has acted to eliminate all opposition Kurdish voices. This has included media, NGOs and political representatives supporting displaced people in the south-east. Government decrees have permanently shut down all opposition national Kurdish media outlets and many regional ones based in Diyarbakir and elsewhere in the south-east of Turkey, and replaced elected mayors, including those for Sur and Diyarbakir, with government appointed trustees.³⁶ In November, hundreds of NGOs across Turkey were first suspended, then permanently closed on the unspecified grounds of "links to terrorist organizations or threats to national security".³⁷ Among the NGOs that were closed were NGOs providing direct assistance to families displaced from Sur. These developments and the general deterioration in human rights under the state of emergency across the country make the prospect of IDPs being able to access and enjoy their rights even more remote.

2.2 METHODOLOGY

This briefing, focusing on forced displacement from Diyarbakir's Sur district is based on research conducted in Diyarbakir throughout 2016, including interviews conducted with 26 displaced families and extended families, lawyers, activists and NGOs, the Sur and Diyarbakir Municipalities and the authorities. Amnesty International met with the head prosecutor of Diyarbakir and had meetings with the Governor. Written information provided by the Governor's Office was particularly helpful for the research and is reflected in this

³⁴ The UN Guiding Principles on Internal Displacement. Available at <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>


³⁵ The UN Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex 1 of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. Available at http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf?sm_au=iVVF1500P7DHLL3F

³⁶ See Amnesty International, *Turkey: Massive crackdown on media in Turkey*. 8 November 2016. Available at <https://www.amnesty.org/en/documents/eur44/5112/2016/en/> Also, Amnesty International *Turkey: HDP deputies detained amid growing onslaught on Kurdish opposition voices*. 4 November 2016. Available at <https://www.amnesty.org/en/latest/news/2016/11/turkey-12-kurdish-deputies-detained-amid-growing-onslaught-on-opposition-voices/>


³⁷ See Amnesty International, *Turkey suspends activities of hundreds of NGOs*, 16 November. Available at <https://www.amnesty.org/en/documents/eur44/5141/2016/en/>

briefing paper. The authorities also granted limited access to the area of Sur under curfew in May and June 2016. In June, despite the curfew there having been lifted, Amnesty International delegates were prevented from entering Cizre, on the spurious grounds that written permission was required to enter the city. Amnesty International delegates were due to conduct interviews with returning families in Cizre and families displaced from Şırnak and living in surrounding villages. Amnesty International requested to meet with the Nusaybin District Governor in October but this request was rejected. Amnesty International presented its main findings and requested additional information in a letter to the Minister of the Interior on 28 November.



 ↑ Satellite imagery shows Sur on 8 November 2015 before the major curfew put into effect on 11 December 2015. © Google Earth, DigitalGlobe



 ↑ Satellite imagery taken on 10 May 2016, after the end of the armed clashes and “emergency expropriation” order in March, shows that a significant portion of buildings in the eastern half of the city have been damaged or demolished. © Google Earth, DigitalGlobe

3. FORCED EVICTIONS AND DISPLACEMENT FROM SUR

“The police made the announcement from the main street, they said that for our own safety we should leave our houses. Not everyone in the neighbourhood could hear the announcement, everyone was calling each other saying “they are telling us to leave”. By the time we got out onto the street many people had already left, we went left, then we went right, trying to avoid the clashes.”

Woman from Sur explains the events of 11 December when they left their homes.

The Sur District Governor’s office declared curfews on numerous occasions starting from 6 September 2015 (one day), repeated on 13 September (two days), 10 October (four days), 28 November (three days), 2 December (nine days) until the latest, uninterrupted curfew on 11 December 2015 (continuing in some areas). Some of the families that Amnesty International interviewed said that they left the neighbourhood after the curfew was declared on 28 November, some others stayed on until late December 2015. The vast majority of families however told Amnesty International that they left on 11 December in the hours that preceded the commencement of the curfew at 16:00. There was a brief window to leave since the previous nine-day curfew was lifted at 23:00 the night before.³⁸ The families that left included not just those who make up the approximately 24,000 population of the six neighbourhoods of Sur declared under curfew but also other residents of Sur in nearby areas whose proximity to the area made it dangerous or impossible to live there. The municipal authorities in Sur told Amnesty International that up to 40,000 residents of Sur were forcibly displaced from the district.³⁹ Very few residents remained for a significant period of time within the curfew area. For those that did, after significant delays, the authorities opened a series of “security corridors” during specified hours for people to leave from mid-February until early March.⁴⁰ Up to around 60

³⁸ See Human Rights Foundation of Turkey, *16 Ağustos 2015-16 Ağustos 2016 Tarihleri Arasında Sokağa Çıkma Yasakları ve Yaşamını Yitiren Siviller Bilgi Notu*, 21 August 2016. Available at <http://tihv.org.tr/16-agustos-2015-16-agustos-2016-tarihleri-arasinda-sokaga-cikma-yasaklari-ve-yasamini-yitiren-siviller-bilgi-notu/>

³⁹ Interview with Sur municipality May 2016

⁴⁰ See Milliyet, *Dişarbakır Sur’dan 14 kiři tahliye edildi*. 7 March 2016. Available at <http://www.milliyet.com.tr/diyarbakir-sur-dan-14-kisi-tahliye-gundem-2205773/>

people are thought to have left via the corridor.⁴¹ Parts of the six districts still under curfew remain entirely empty.

Families displaced from Sur told Amnesty International that there were multiple reasons compelling them to leave. The families that left following the declaration of a curfew on 28 November told Amnesty International that they felt compelled to leave after hearing about the extended curfews enforced elsewhere in the region, including in Cizre (eight days), Nusaybin (14 days) and Silvan (12 days) and concluding that they could not endure such a long curfew if it was enforced in Sur. One woman described to Amnesty International how hard it was to live under curfew: "I was in the house with two children, we didn't drink water for one week. One day a [tear] gas capsule was fired into the house. We didn't have electricity for 20 days. I wanted to leave but I had nowhere to go."⁴² Few very residents attempted to stay in their homes and instead left during the window on 11 December before it was re-imposed at 16:00 that day. Under international law, restrictions on freedom of movement, including both curfews and ordering the displacement of residents, must be provided by law.⁴³ However, this curfew was imposed on the basis of a vague provision in the Provincial Administration Law that does not make any reference to curfews. As concluded by the Venice Commission it fails the test of legality, and is not provided by law.⁴⁴ Seen in this light, the forced displacement of residents due to a curfew that is not provided by law is itself arbitrary, and violates Article 12 of the ICCPR which prohibits arbitrary displacement.⁴⁵

Residents frequently cited cuts to water and electricity and lack of access to food as also forcing them to leave. Cuts often occurred as soon as the curfew came into force. A woman told Amnesty International that she and her family lived for days sharing tiny rations of stale bread during the curfew before they left.⁴⁶ Another woman said that her water was cut off directly after the curfew came into effect and her electricity several days later.⁴⁷ The water cuts raise issues with the state's obligation to refrain directly or indirectly with the right to water. Residents' claim that the authorities deliberately cut off services during curfews was corroborated by a police officer in Sur who told Amnesty International that they (police) cut off water and electricity to demoralise the armed individuals clashing with them.⁴⁸ However, the authorities officially denied the assertion that utilities were cut off deliberately, stating that the cuts were due to damage caused by the armed clashes.⁴⁹ Families also told Amnesty International that they feared for the safety and welfare of their children in particular and worried that they would miss school if they stayed in their houses under curfew. A woman resident told Amnesty International: "I was afraid for my home and my possessions but left with nothing so that my children would be safe and could go to school. They had already missed classes under previous curfews."⁵⁰

Many of the families that left on 11 December after the previous curfew was lifted the night before told Amnesty International that they were compelled to leave by police, who ordered them to leave via loudspeakers. According to interviewees, the announcements were made from the main street in Sur. Those that lived close to it heard the announcement but others living further away did not.⁵¹ Residents told Amnesty International that, on the day that the curfew was due to be imposed, residents frantically telephoned each other, relaying news that the police were ordering them to leave.⁵² Several families told Amnesty International that the police warned that they would not be safe if they remained in their homes and that they had to leave immediately before the new curfew came into force at 16:00 on 11 December. Among those that told Amnesty International that they were compelled to leave by police in this way was a family that lived outside of, but very close to, the curfew area within Sur.⁵³ The Governor of Diyarbakir during a meeting with Amnesty International rejected the claim that police compelled people to leave Sur in this way.⁵⁴

⁴¹ Interview March 2016

⁴² Interview April 2016

⁴³ UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, para 2. Available at: <http://www.refworld.org/docid/45139c394.html>

⁴⁴ Article 11(c) of Law no. 5442 on Provincial Administration states: '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.' See also Venice Commission, *Turkey - Opinion on the Legal Framework governing Curfews, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016)*. Available at [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)010-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)010-e)

⁴⁵ See Principle 6 of the UN Guiding Principles on Internal Displacement. Available at <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

⁴⁶ Interviews with families from Sur June 2016

⁴⁷ Interview June 2016

⁴⁸ Conversation June 2016

⁴⁹ Interview with Diyarbakir Governor May 2016

⁵⁰ Interview April 2016

⁵¹ See case of A.C., page 22.

⁵² Interviews June 2016

⁵³ Interview April 2016

⁵⁴ Interview June 2016

Others told Amnesty International that the armed clashes, and use of force by the security forces near to their homes was what compelled them to leave. Several families told Amnesty International that bullets penetrated the exterior walls of their homes while they remained in Sur, and that they were too afraid to sleep because of the sound of explosions and armed clashes taking place in their neighbourhood.⁵⁵ One family said that a shell partly destroyed one of the walls of their home while they were still in it.⁵⁶

Not everyone could or wanted to leave their homes. Among the reasons families gave to Amnesty International for wanting to remain in their homes were a fear that they would be damaged or looted if they left. One woman told Amnesty International that her home was in an area under curfew for 10 days. After she left the house it was ransacked and her possessions were destroyed. Her neighbours who stayed in their houses kept their houses intact.⁵⁷ The desire to stay and not to lose their homes was particularly strong among families that had arrived in Sur after being forcibly displaced from their villages during the conflict in the 1980s and 1990s. NGOs told Amnesty International that they believed that families also remained in Sur because they did not want to leave neighbourhood youths who were engaged in clashes with the police and military and others because they felt or were actually pressured by the PKK to remain in the area or for their young sons to remain in the area and to join in the clashes against the police and military.⁵⁸

It is clear that many of those who did leave did not do so voluntarily. There were cumulative reasons forcing families to leave their homes in Sur despite pressures and desires to remain. It is also clear that the conditions under curfew in the neighbourhoods, including cuts to essential services, lack of access to food and water, existence of armed clashes, including the use of heavy weapons and artillery meant that it was impossible to remain. There can be little doubt that the residents of Sur did not leave of their own free will but were forcibly evicted and displaced.

⁵⁵ Interview June 2016

⁵⁶ Interview June 2016

⁵⁷ Interview June 2016

⁵⁸ NGO interviews April and May 2016

4. CONDITIONS IN DISPLACEMENT

“All my life I have lived in poverty, all I had was the house, all I wanted was for my son to go to university. Now I have neither.”

Woman, resident of Sur, describes the loss of hope following her displacement along with her husband and five children.

All the families forcibly displaced from Sur that Amnesty International interviewed explained that they had to leave their homes with only a few hours' notice, taking few if any of their possessions. Many said that they had expected to return quickly to their homes and in any case did not have anywhere to take possessions to. None of the families interviewed owned a car to transport their belongings. Many households were in a precarious economic situation before they were displaced, with large families surviving on a single income earned by a parent or child often working in the informal economy without access to social security and no savings to fall back on. Roughly half of the families were owner occupiers, while the others were living in long term low cost rented accommodation. Many said that they lost their jobs when they were displaced, either because they worked in businesses within Sur that were closed down, others because they depended on the informal economy in Sur that collapsed with the curfew and the outbreak of clashes. Still others explained that they lost their jobs because of the disruption and trauma caused by their displacement. The authorities have however provided some rent support and, after a long delay, partial compensations for lost possessions. These measures have rarely been sufficient, however. Families described how difficult it has been for them to replace belongings and enjoy their rights to adequate housing, education and work. Amnesty International's research demonstrates that the authorities have failed to adequately meet their obligations to provide displaced persons with access to a range of their economic and social rights including adequate housing, standard of living and education.

4.1 HOUSING

All the families interviewed by Amnesty International said that their living conditions deteriorated sharply after they were displaced from Sur. Most people had moved to rented accommodation in other low cost areas of Diyarbakır – within Sur itself, Bağlar or Kayapınar, while a minority were living with relatives. Five families had to move at least twice in the months after they were displaced from Sur because they could not pay the rent. Families complained that while they were often paying either no rent because they or their relatives owned their homes, or low, affordable rents for their homes in Sur, often traditional Sur houses with large yards suitable for their large families, now they were paying considerably more for worse quality homes with insufficient rooms for the size of their family. Many displaced families were sharing rented accommodation with other families displaced from Sur (See for example H.Y. family, page 21). Of those who were previously renting in Sur, their rental payments after being displaced were frequently 100 or even 200% higher than

their previous accommodation. NGO representatives told Amnesty International that the cost of the cheapest rented accommodation increased dramatically after the curfew was declared due to the increase in demand caused by families leaving Sur.⁵⁹

The Diyarbakır Governor's office told Amnesty International in June 2016 that it had provided 4,996 displaced families from Sur a total of 22,740,312 TL (approximately 6.8 million Euro) of cash rent assistance and that 800 displaced people had been accommodated in hotels at a cost of 1,767,682.36 TL (approximately 528,000 Euro) and that 29 families (109 individuals) continued to be accommodated in hotels as of 14 June (when the information was provided). While none of the families interviewed by Amnesty International had been accommodated in hotels, many of them had been provided with cash rent assistance by the authorities. Typically families told Amnesty International that they had received 300TL (90 Euro) in the first month of their displacement and 1,000TL (300 Euro) per month thereafter per household. While this amount covered the rent of alternative housing in most cases, where extended families were not living together in large houses as a single household, the payments did not cover other costs associated with the displacement. These include the loss of income through lost employment, furnishing rented houses and replacing other possessions. For these reasons, families were using the rent support largely to pay for their living costs and their housing was often of poor quality, overcrowded and lacking basic furnishings as a result.

There were also families interviewed by Amnesty International that had received no rent assistance at all. Research conducted in March and April 2016 by a research company on behalf of the municipality found that approximately one third of displaced families had received no rent support.⁶⁰ Complaints received by Amnesty International from the families regarding the rent support included that:

- They were not informed that they could claim this money, and as a result had not applied despite being in rented accommodation that was unaffordable and unsustainable.⁶¹
- They were denied rent assistance because although they had been compelled to leave, their homes were outside the curfew area.⁶² The Governor of Diyarbakır denied that families were denied rent support on these grounds.⁶³
- In order to receive rent support, they had to sign a document saying that they were displaced as a result of "terrorism", which some residents objected to and declined to do.⁶⁴
- That the amount was provided per household irrespective of the number of persons in the household, and was therefore, in some cases, inadequate.⁶⁵ Many large families had lived in large houses with several stories and yards that are now not available to rent outside Sur. As a result large displaced families were living in overcrowded apartments.⁶⁶ In other cases families were forced to share houses resulting in overcrowding. See, for instance, the case of H.Y., where four families, 12 people including their children, were living in a small two bedroom apartment (page 21). Research conducted on behalf of the municipality found that nearly 50% of displaced residents had previously lived in houses in Sur that had multiple stories and yards.⁶⁷
- That from May 2016 the payments were discontinued if any of the members of the household were working in the formal economy or had been offered a job under a government assistance scheme (see Standard of Living below) regardless of whether the income was sufficient to meet rent. Of the six families interviewed by Amnesty International in September, only one was still receiving cash rent assistance from the authorities.⁶⁸ Most fundamentally, all the families interviewed by Amnesty International *who had received rent support* said that while the cash assistance they received did cover the cost of rent, it could not cover the cost of furnishing their houses after their possessions were lost due to their displacement. As a result families lived in barely furnished apartments or relied on NGOs or individuals to provide them with items such as fridges and other essentials.⁶⁹ Separate compensation for loss of possessions was delayed and inadequate to cover losses (see Loss of Possessions below).

⁵⁹ Interviews in April and May 2016

⁶⁰ Interview with NGO representative May 2016

⁶¹ Interviews in Kayapınar, April 2016

⁶² Ibid.

⁶³ Interview May 2016

⁶⁴ Ibid.

⁶⁵ Interviews April to September 2016

⁶⁶ Ibid.

⁶⁷ Unpublished research report conducted on behalf of the Municipality.

⁶⁸ Interview September 2016.

⁶⁹ Interviews with families and NGOs April to September 2016

4.2 STANDARD OF LIVING

Both the central government authorities, the Diyarbakir metropolitan municipality and the Sur district municipality in coordination with NGOs have taken steps to make up for the short fall in income and goods of families displaced from Sur. The provincial Governor's office told Amnesty International that the central government authorities had assisted 3,617 people through vocational courses and salaried work programmes between February and June 2016.⁷⁰ However, families frequently told Amnesty International that the salary of one person within the household was not enough to support their family.⁷¹ It also said that it had provided food, blankets, clothing and cash assistance, assistance to small businesses and operated a tent providing free meals to break the fast during the month of Ramadan.⁷² The municipal authorities and several NGOs told Amnesty International that they had also provided in kind donations despite having limited resources which had already been stretched by providing donations to the large number of Kurdish refugees from Iraq and Syria who were living in the city.⁷³ Another NGO said that due to high levels of poverty within Sur they were already providing food stuffs to around 500 families in Sur before the curfew was declared.⁷⁴ Despite these efforts it was clear that many of the displaced families had been pushed further into poverty as a result of their displacement from the cumulative effects of the loss of the houses, jobs, increase in living costs and that their living situation was unsustainable in the long term.

4.3 LOSS OF POSSESSIONS

All of the families that Amnesty International interviewed reported that they had left their houses without taking any of their possessions. Many responded that they left with only the clothes that they were wearing.⁷⁵ None of the displaced families interviewed by Amnesty International in April, knew whether their homes and possessions remained intact.⁷⁶ In June, Amnesty International accompanied families returning to their homes in the area of 14 streets where the curfew was lifted. Amnesty International observed that homes had been ransacked, possessions were often burnt or otherwise destroyed. Families told Amnesty International that valuable possessions such as white goods, and electrical equipment had been shot at and destroyed, apparently deliberately. Families also reported that expensive items including jewellery, handmade wool mattresses, chests containing valuable items stored until daughters' marriages and electrical items had been looted from their houses during the curfew.⁷⁷ The impact on the families is compounded by the fact that for many their wealth consisted of their houses and their household possessions rather than in the form of savings. The impact of losses and the destruction of possessions on residents' ability to return is considered below (page 26). The destruction, loss, inability to take possessions or to receive adequate and timely compensation for their loss is also a significant factor in increasing the hardship faced by displaced families. None of the families interviewed before September had received any form of compensation from the authorities for the loss of their possessions although officials had visited some of their homes to carry out assessments of the damage. Of the six families and extended families interviewed in September, all of them had been offered compensation for the loss of their possessions. Most of the households had been offered and had accepted between 3,000TL and 5,000TL (900 - 1,500 Euro) in compensation for their lost possessions, even though in most cases they estimated the value of their possessions to be at least 40,000TL (12,000 Euro) and the figure was inadequate to cover basic essentials required to furnish a home. All but one of the families told Amnesty International that they agreed to sign documents accepting the compensation payments because the authorities told them they would receive nothing if they did not.⁷⁸ One man told Amnesty International that his family had refused a compensation payment of 7,000TL (2,000 Euro) and had lost possessions well in excess of 100,000TL (30,000 Euro).⁷⁹

⁷⁰ Written information provided by Diyarbakir Governor's office June 2016

⁷¹ Interviews June 2016

⁷² Written information provided by Diyarbakir Governor's office June 2016

⁷³ Interviews April, May 2016

⁷⁴ Interview 19 May 2016

⁷⁵ Interviews April 2016

⁷⁶ Interviews April 2016

⁷⁷ Interviews May, June 2016

⁷⁸ Interviews September 2016

⁷⁹ See H.Y., page 21

4.4 EDUCATION

Displaced families interviewed by Amnesty International frequently cited concerns for their children's education among the greatest negative impacts of their displacement. Families reported that their children had already missed school because of the insecurity in Sur ahead of their displacement. They frequently cited concerns for their children's education as a factor that made them leave their homes.⁸⁰ However, for a variety of reasons, including the trauma of displacement, difficulty in adapting to the new environment and economic hardships preventing families being able to meet the costs of education, displaced children have missed school and some of them have not returned to school since their displacement. The authorities have taken some steps to assist children to continue their education. The Governor's office reported to Amnesty International that of the 4,784 students registered at six schools within the six neighbourhoods under curfew it had by June, provided free transport, one of the costs associated with continuing education, to 1,927 of the students while the remaining 2,857 students had been registered at alternative schools without being provided with transport. These figures are contradicted somewhat by civil society accounts. Research conducted by an NGO on behalf of the municipality in April found that only one third of students were continuing their education at that time.⁸¹ Information provided by the education union, Eğitim-Sen indicated that there were 15 schools within areas in Sur under curfew and a total of 7,450 pupils. They found cases where displaced children did not attend school because they were traumatised by the displacement or because children could not adapt to the new schools.⁸² While the majority of families Amnesty International spoke to reported that their school age children had returned to school by May, they said that they were not aware of any free transport available to them.⁸³ An NGO that had carried out a survey of displaced families told Amnesty International that although children from displaced families were in theory able to register in new schools, the turmoil of their displacement and economic hardships had resulted in many children missing months of education. The NGO said that the situation was particularly bad for girls who already suffered from lower attendance rates at schools than boys and along with dropping out of from school, girls were at increased risk of early and forced marriage due to families' greater insecurity and economic hardships.⁸⁴

⁸⁰ Interviews April 2016

⁸¹ Interview May 2016

⁸² Union of South-eastern Anatolia Region Municipalities (GABB), *Damage Assessment and Forced Migration Report*, June 2016, p. 10. Available at: <http://www.gabb.gov.tr/doc/2016/07/gabbhasartespit/GABB-Report-EN.pdf>

⁸³ Interviews June 2016

⁸⁴ Interview May 2016

FAMILIES OF SUR

S.K.



  *S.K. in his house in the Bağlar district of Diyarbakır. © Guy Martin/Panos*

S.K. was born in 1944, he was a plasterer. Their house was an old house in Hasır neighbourhood. They came to the house in 1968. They had six children, and two daughters in law. A total of 10 people lived in the house. S.K. told Amnesty International in June: “It’s still under curfew. Neighbours said that it had been destroyed. I can’t believe the basalt walls have been destroyed. They were 200 or 300 years old. I didn’t think anything could destroy them... I can’t even cry any more, I have cried so much over losing my house”. S.K. told Amnesty International that the house had six rooms off the courtyard. “I had 25 chickens and 20 pigeons. I don’t know what happened to them. There was a fig tree, a well and a small pool in the courtyard. We drank from the fountain for nine days while the curfew was on and the water was cut off.”

In June S.K. told Amnesty International that he had applied to go back to the site but permission had not come through. Amnesty International spoke to his daughter in law in September. S.K. and his wife had moved in to her home in Bağlar. She told Amnesty International: “S.K. went back to see the house in August. All the old walls of the house had been collapsed in. There is nothing left. They are still receiving cash assistance for rent but there is no news on compensation for their possessions or what will happen with the house.”

H.Y.



 ↑ *H.Y. and his extended family in their rented apartment in Talaytepe, far from Sur. © Guy Martin/Panos*

H.Y. and his extended family lived in Sur until they were forced to leave when the curfew was declared. He told Amnesty International that they had four separate houses in the Cemal Yılmaz neighbourhood of Sur. Now the four families are living together in the same small two bedroom flat in rented social housing in Talaytepe, in a distant part of Kayapınar, far from the centre of city where they were before. When Amnesty International spoke to H.Y. in June, he had requested but hadn't received permission to go back to see their houses which are in the area still under curfew. Their neighbour told them that all the furniture had been destroyed. H.Y. is a film maker. What he was most worried about was the expensive camera lenses which were in the house. He was sure that they are now destroyed or more likely stolen. According to neighbours, his brother Ş.Y.'s house had been completely destroyed. They heard from neighbours it had had been burnt out but was still standing at the end of the military operations. Ş.Y. applied in April to visit the site but by June permission had not yet been granted to visit the house. H.Y. told Amnesty International: "Our extended family of about 500 people all lived in the same district of Sur, we saw and talked to each other every day on the street. Now we are spread across the whole of Diyarbakır and only speak on the phone."

Amnesty International spoke to H.Y. again in September 2016. He had been granted permission to visit his house that was still under curfew. "I went two months ago. The kitchen was completely destroyed, in pieces. There was a hole in the one of the walls. All the furniture was broken. There was nothing that was usable and the camera equipment was gone." His brother went back to see his own house. The area where it once stood had been completely bulldozed. He said that the authorities had made them offers regarding the losses of their possessions. One daughter had been offered 3,000TL (900 Euro) for her household, and had rejected the offer. Another daughter had been offered and accepted 7,000TL (2,100 Euro) for hers. He and his brother had been offered 7,000TL (2,100 Euro) and 5,000TL (1,500 Euro) respectively and both rejected the sums. The contents of his brother's house is worth 40,000TL (12,000 Euro). H.Y. said that his camera equipment was worth more than 100,000TL (30,000 Euro) alone. Regarding the loss of their houses H.Y. said: "I went to the [Governor's] office. They don't give any information, they don't make any offer. They just say to bring your title deeds." None of H.Y.'s family were receiving cash rent assistance from the Governor's office.

A.C.

A.C. is around 45 years old. She has lived in the Diyarbakır province all her life. She has been in the Savaş neighbourhood of Sur since she came to the city from her village when she got married 30 years ago. She had lived in her house for four years with her husband and four children. It's an old Armenian house. She told Amnesty International: "We stayed here for three days during the curfew, bullets came into the house, we could hear the sound of explosions and guns. We feared for our lives." A.C. and her family attempted to clean up the house so that they could move back in. It is in one of the 14 streets from the six neighbourhoods where the curfew was lifted in May 2016. She told Amnesty International: "When we came back to the house, we found all our belongings broken and piled up in the courtyard. The television was in two pieces. They [the authorities] came to assess the damage. I don't know how much they will give. I have heard about the expropriation decision, but only from people in the neighbourhood, I don't know anything about it." Her daughter in law who lived in a nearby street told Amnesty International: "I came here when I was six, this is the second time I've been forced to move. We stayed here for seven days under the curfew. We could hear explosions and the sound of guns. A rocket hit one of the walls. All we had to eat was bread which we shared. There was very little left by the end."

Amnesty International spoke to the family again in September 2016. They had not been able to move back to their houses, despite the curfew in the area having been lifted because "there was too much damage and the police harass us there." Each household had been offered 3,000TL (900 Euro) compensation for the loss of their possessions a week earlier. The daughter in law said "We were going to appeal but they said that this is all we would get, so we signed."

Ş.A. AND I.A.

Ş.A. and I.A.'s house is in Alipaşa neighbourhood, on the other side of Sur from the area that remains under curfew. Ş.A. told Amnesty International in June: "It was under curfew for only ten days. People who didn't leave kept their houses in one piece. Many of those who left, like me, had their houses ransacked. All of the rooms around the courtyard were ransacked and rubble piled high in the rooms. It was not possible to enter. The sofa in the courtyard belonged in the first floor of the house. All our possessions were destroyed. The water meter was removed." Ş.A. told Amnesty International that the house belonged to her grandfather. They went to the authorities to report the losses and damage but nobody had come to make an assessment.

Ş.A. told Amnesty International: "We have received no compensation for rent. We have no prospect of returning to the house without compensation for our losses. We want to be compensated for our losses and want to return to our home. We stayed in one house for four months after we left, paying 300TL rent per month, then we moved to another house [in Sur] because it was cheaper, 250TL rent per month."

I.A. spoke to Amnesty International again in September. He said "They [the authorities] gave us 3,000TL (900 Euro) for our lost possessions. We can't go back to the house with this amount of money. We still don't know what will happen with the house. I went to the office but they said that they don't know if it will be part of the [development] project. They don't say anything else. The house is going to be destroyed so they should at least give us the compensation for it. Now the house is ransacked and unsecured. It has been squatted. We can't even go there."

Ö.Z.



 ↑ *Ö.Z. and his family with their possessions in their house in Sur. © Guy Martin/Panos*

Ö.Z. and his family's house is in the small area of Sur where the curfew was lifted in May. Ö.Z. and his family spoke to Amnesty International in June while they were back at the house, trying to bring it back into a liveable state. He told Amnesty International: "My father, my brother and I stayed. We didn't want to leave the house. We left when special operations police came to our house and forced us to leave with guns to our heads. The police told us "You are really lucky, the special operations police do not take people alive". Ö.Z. told Amnesty International that they were brought before the court and charged with terrorism offences. The police report recorded them as having been caught on the street not in their house. The judge did not remand them in pre-trial detention when he saw that they had slippers on their feet and no socks, an unlikely way to leave the house in the cold of December. The four female members of the family came out after the men were detained by police. When they returned, more than five months later, they found their possessions burnt and piled in the centre of the courtyard. They spent ten days removing the rubbish from the house. There were racist and Turkish nationalist slogans daubed on the walls and police had apparently used the house as a base. The house had been ransacked, jewellery was missing, women's underwear taken out of the draws and left on the floor. The food that hadn't been eaten was left to rot. They were working on getting the house to be liveable again each day but leaving before nightfall. Ö.Z. told Amnesty International: "Police hassle people at night but we want to move back, we will move back after the Eid." Ö.Z.'s father earned money selling watches on the street: "There were 2,000 watches in the house. These were all missing or destroyed. When the authorities came to assess the damage they asked for the receipts for the missing items. How can you show receipts when everything was burnt?"

S.A. AND M.A.



 ↑ S.A. and M.A. with some of their children and grandchildren. © Guy Martin/Panos

S.A. is 64; his wife M.A. 57. They have seven children and 11 grandchildren. The youngest grandchild was 15 days old when they were forced to leave the house (seen in the arms of her mother's sister in the picture). When the photograph was taken in June, she was seven months old. Between them they had owned three houses in Sur, and rented another. Now they are all in four rented houses. "We lost everything from 45 years of marriage. We had 15 mattresses filled with wool. All are missing. When we went back to the house there were bullet holes in the washing machine, TV, air conditioning units and freezer. The *çeyizler* [valuable possessions prepared for when the daughter gets married and kept in a chest] had all gone."

When Amnesty International spoke to S.A. and M.A. again in September they had been offered 5,000TL (1,500 Euro) compensation for the loss of their household possessions. They said: "We didn't accept it. We submitted a petition. I don't know what will happen. What we lost was worth around 60 or 70,000TL. We asked about the house but they didn't have any information for us, they didn't ask for the title deeds." The couple were still receiving 1,000TL (300 Euro) monthly rent assistance because neither of them were working. Their daughters were not receiving any support for rent. One daughter had received 5,000TL (1,500 Euro) in compensation for the loss of the household possessions. She said the authorities told her "Take this money or you will receive nothing."

5. PROSPECTS FOR RETURN

“Our extended family of about 500 people all lived in the same district of Sur, we saw and talked to each other every day on the street. Now we are spread across the whole of Diyarbakır and only speak on the phone.”

Sur resident H.Y.

The government of Turkey has a duty to facilitate the voluntary return of displaced persons to their homes or places of habitual residence, derived from the right to freedom of movement and choose ones residence as set out in Article 12 of the ICCPR.⁸⁵ As stated in the UN Guiding Principles on Internal Displacement, competent “authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.”⁸⁶ The authorities also should ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration. They must ensure that returning displaced persons can recover their property and possessions; if this is not possible they should ensure they receive appropriate compensation.⁸⁷ They also have an obligation to ensure that the displacement lasts no longer than the conditions require.⁸⁸

One year on, however, most of the 24,000 residents from the six neighbourhoods in Sur under the main curfew remain displaced, as do a minority of residents from other neighbourhoods within Sur. Worryingly, there is no concrete, publicly available or convincing government plan for return, nor has there been any genuine attempt to consult with or involve residents in the planning of their return.

The government has made reference to its ambitious plans to re-develop and invest in the south-east of Turkey.⁸⁹ The then Prime Minister Ahmet Davutoğlu was even fond of referring to turning Sur into a “new

⁸⁵ Regarding the basis for the right to return, author of the UN Guiding Principles on Internal Displacement, Francis Deng remarked “There is no general rule that affirms the right of internally displaced persons to return to their original place of residence or to move to another safe place of their choice. However, such a right can, in principle, be deduced from the freedom of movement and the right to choose one’s residence.” Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1995/57 Compilation and analysis of legal norms, para 242. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G95/146/89/PDF/G9514689.pdf?OpenElement>

⁸⁶ UN Guiding Principles on Internal Displacement, Principle 28/1

⁸⁷ UN Guiding Principles on Internal Displacement, Principle 29/2

⁸⁸ UN Guiding Principles on Internal Displacement, Principle 6/3

⁸⁹ Anadolu Ajansı, *Turkish PM reveals economic package for eastern Turkey*, 4 September 2016. Available at <http://aa.com.tr/en/politics/turkish-pm-reveals-economic-package-for-eastern-turkey/640803>. HaberTürk, *Başbakan, Diyarbakır’da yatırım*

Toledo” in reference to the redevelopment of the Spanish city.⁹⁰ Displaced Sur residents who spoke to Amnesty International were far less sure of the government’s commitment and willingness to enable them to return. A survey by an NGO on behalf of the municipality found that 95% of displaced residents wanted to return to their homes in Sur.⁹¹ The reasons displaced Sur residents expressed to Amnesty International for wanting to return were varied. Many cited the unique environment of the ancient streets without traffic where their children played; others emphasised the community that had built up over a long period. Persons who had previously been forcibly displaced from their villages in the south-east were particularly insistent that they must return to their homes in Sur. The most frequent reason Sur residents gave was that they shared the streets with their extended family and could not get used to living apart.

One of the barriers preventing Sur residents returning to their homes is the damage to or complete destruction of their houses. In cases where neighbourhoods were under curfew for as little as 10 days, some residents’ homes were ransacked to point that they are no longer habitable (see the case of I.A. and Ş.A. page 22). Likewise even in the streets in the main curfew area where it has been lifted, damage to houses has prevented residents returning (see case of A.C. page 22). The armed clashes and police and military operations that continued from late November 2015 until 9 March 2016 and the use of heavy weaponry by the Turkish security forces resulted in very significant damage. Many houses have also been demolished after the end of security operations (for scale, see satellite images of Sur, page 12). Families told Amnesty International that when they went to visit their houses, which neighbours had told them were still standing at the end of security operations, they found their homes had been bulldozed.⁹² According to reports, of 5,200 houses in the five neighbourhoods, 1,750 had been demolished by October 2016 and at least another 500 were scheduled for demolition.⁹³ The authorities told Amnesty International that the Ministry of Environment and Urban Planning has carried out assessments into the damage to buildings and produced reports but that these are not available to residents.⁹⁴ They say that information on the process is provided by the communications office in the Governor’s office. They do not claim to have consulted residents whose homes have been demolished regarding whether their homes should be repaired or demolished. Four families who spoke to Amnesty International said that they only discovered the state of their house or learnt that it had been demolished when they received permission and visited the area under curfew.⁹⁵ None of them had been shown damage assessments of their houses or any justification for their demolition. The fact that homes are being demolished without residents’ knowledge, consultation or consent fails to uphold the government’s obligations to ensure the full participation of displaced persons in the planning and management of their return. While the lack of transparency surrounding the process hinders scrutiny, it may well be that the demolitions are unnecessarily extending the length of the displacement beyond what the conditions otherwise would require.

Another barrier to return is the continuing curfew. While the curfew was lifted in a small area, parts of 14 streets, on 22 May and a larger number of streets within the six neighbourhoods on 27 August, much of the area remains under curfew a year after it was introduced and nine months after the end of security operations. The Diyarbakır Governor’s office told Amnesty International in May 2016 that the curfew would be lifted after the area had been checked for and cleared of explosives.⁹⁶ Amnesty International considers the application of the extensive and extended curfews themselves to have been disproportionate and amounting to collective punishment while operations continued.⁹⁷ There is even less of a justification to keep the curfew in place without the need for or the existence of ongoing security operations that the curfews sought to facilitate. Nine months after the end of armed clashes in Sur, the justification for maintaining the curfew to make safe explosives also lacks credibility. The continuing curfew appears unnecessary, violating the prohibition of arbitrary displacement and the requirement to ensure that displacements only occur for the shortest possible time.⁹⁸ In the absence of concrete contradictory evidence by the authorities, the real reason for the continuing curfew seems much more likely to be to facilitate the expropriation of the area and the urban regeneration project being undertaken by the authorities.

destek paketini açıkladı, 4 September 2016. Available at <http://www.haberturk.com/ekonomi/is-yasam/haber/1292115-basbakan-yildirimdan-dogu-ve-guneydogu-anadoluya-yatirim-mujdesi>

⁹⁰ Milliyet, *Davutoğlu: “Sur, Toledo gibi olacak”*, 1 February 2016. Available at <http://www.milliyet.com.tr/davutoglu-sur-toledo-gibi-olacak-ankara-yerelhaber-1191664/>

⁹¹ Interview May 2016

⁹² See H.Y. and family page 21

⁹³ Diyarbakır Yenigün, *10 Ayın Bilançosu: Sur’da Bin 750 Ev Yıkıldı!*, 19 October 2016. Available at <http://diyarbakiryenigun.com/surda-bin-750-ev-yikildi/>

⁹⁴ Written information provided by Diyarbakır Governor’s office June 2016

⁹⁵ Interviews, May and September 2016

⁹⁶ Interview May 2016

⁹⁷ See Amnesty International, *End abusive operations under indefinite curfews*. 21 January 2016. Available at <https://www.amnesty.org/en/documents/eur44/3230/2016/en/>

⁹⁸ Principle 6 of the UN Guiding Principles on Internal Displacement. Available at <https://docs.unocha.org/sites/dms/Documents/GuidingPrinciplesDispl.pdf>

The urgent expropriation order, covering according to the authorities, 60% of the total area of the Sur district, was passed by the government on 21 March, less than two weeks after the end of security operations.⁹⁹ Based on its own expert assessment, the Diyarbakır branch of the Chamber of Architects and Engineers states that together with previous expropriation orders in 2013, 98% of the district of Sur has now been expropriated.¹⁰⁰ The order allowed the authorities to use the expropriated land within seven days of it being passed meaning that there is no effective way to appeal it before buildings can be demolished.¹⁰¹ None of the families that Amnesty International interviewed had received information from the authorities regarding the expropriation decision, whether their homes were included within the expropriated area or how they could appeal the decision. A survey carried out on behalf of the municipality found that despite the efforts of the Bar Association to provide legal assistance, only 15% of residents had appealed the decision although 95% were opposed to the expropriation order.¹⁰² The lack of any attempt by the authorities to provide information to or consult with the residents of Sur regarding the expropriation order combined with the timing of the decision that came when displaced residents were attempting to rebuild their lives has meant that residents are not informed regarding the expropriation and its consequences. An appeal was made by the Diyarbakır Bar Association, the Chamber of Architects and Engineers and NGOs to the Council of State, the highest administrative court, to issue an injunction halting the execution of the expropriation order. The court has yet to rule on an injunction or the substance of the appeal.

Linked to the expropriation order is a transformation project to redevelop the Sur district. A municipality plan to redevelop the area existed since 2012, prior to the curfew and destruction of property during armed clashes and security operations.¹⁰³ The central government authorities who have now taken over responsibility for the project have not published details of how it will be conducted following the curfew. However, public statements to media and the Diyarbakır Governor's office responses to Amnesty International have indicated that the project will now be aimed at not only protecting the cultural heritage of the area, but also increasing security with the construction of police security infrastructure. It will involve the reconstruction of some residential buildings and transfers of residents to housing outside of the district.¹⁰⁴ In May 2016 the Diyarbakır Governor's office told Amnesty International that further details of the project and its impact on residents would be published imminently. However, as of November 2016 no further details regarding the impact on residents have been published. All the families who Amnesty International interviewed reported that the communication office set up by the authorities did not provide them with any details regarding the options available to them or the amount of compensation that they would be provided. Given that the implementation of the project, including the demolition of existing housing under curfew is continuing, the process is wholly inconsistent with the principle that authorities should ensure the full participation of internally displaced persons in the planning and management of their return, resettlement and reintegration.¹⁰⁵

All these factors taken together are also highly suggestive of an outcome in which Sur residents will not be able to return to their neighbourhoods as they wish and which the state has a duty to facilitate. Not only has the project been progressed without prior consultation with the residents, but previous regeneration projects in Turkey, from which the Sur project is not substantially different, have resulted in poor residents being unable to afford the regenerated housing. The stated aims of the project, in establishing a greater security infrastructure and protecting historic buildings, together with the transfer of residents to outside of the district tend to this conclusion. So too does the context of a general unwillingness of the authorities to acknowledge human rights violations and provide restitution to residents of the south-east of Turkey in areas under curfew. This context is further reinforced by an ongoing attempt by the government to silence opposition voices that has included the closure of NGOs working with and providing assistance to displaced people from Sur. This course of events is highly unlikely to lead to the state fulfilling its duty to establish conditions

⁹⁹ See Hürriyet, *Bakanlar Kurulu Sur'un yüzde 60'ı için 'acele kamulaştırma' kararı aldı*, 25 March 2016. Available at <http://www.hurriyet.com.tr/bakanlar-kurulu-surun-yuzde-60i-icin-acele-kamulastirma-karari-aldi-40075526>. The order states: "The properties within the borders of the risk area in the Sur district in Diyarbakır province, indicated in the list attached by their location and block and plot numbers, are urgently expropriated by the Ministry of Environment and Urban Planning; upon this Ministry's document numbered 2988 and dated 16/3/2016, and relying on provision 27 of the Expropriation Law no. 2942, the Cabinet of Ministers took this decision on 21/3/2016."

¹⁰⁰ See Mimarlar Odası Diyarbakır Şubesi, *Sur'un Acil Kamulaştırılması*, 26 March 2016. Available at <http://www.mimarist.org/gundem/4676-mimarlar-odasi-diyarbakir-subesi-sur-un-acil-kamulastirmasi.html>

¹⁰¹ Emergency Expropriation decisions are made based on Article 27 of the 1983 Expropriation Law no. 2942 which allows the authorities to use the expropriated property seven days after the order having been issued.

¹⁰² Unpublished research carried out on behalf of the municipality.

¹⁰³ See Ministry of Environment and Urban Planning, *Kentsel Dönüşüm ve Diyarbakır*. February 2015. Available at <http://www.csb.gov.tr/db/diyarbakir/editor/dosya/1.pdf>

¹⁰⁴ Written information provided by the Diyarbakır Governor's office, June 2016

¹⁰⁵ Principle 28(2) of the UN Guiding Principles on Internal Displacement states: 'Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.'

as well as provide the means for internally displaced people to return to their homes or area of habitual residence.¹⁰⁶

¹⁰⁶ Principle 28(1) of the UN Guiding Principles on Internal Displacement states: 'Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.'

6. RECOMMENDATIONS TO THE TURKISH AUTHORITIES

- Establish conditions, as well as provide the means, to enable internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country;
- Lift the curfew without delay and take steps to ensure that as many residents as possible can immediately return to their homes, that businesses are allowed to operate and normal economic life can return;
- Provide fair and adequate financial assistance to all residents unable to reside in their homes to cover their essential socio-economic needs, including adequate housing, due to damage or continuing curfew or expropriation until permanent housing solutions are reached; ensure access to adequate services and infrastructure;
 - Ensure that there is a mechanism for residents to appeal compensation awards to an independent body;
- Immediately publish detailed proposals for the redevelopment of Sur and the steps they are taking to end residents' displacement without delay; halt its execution until residents have been engaged in a genuine consultation in order to determine the course of the reconstruction;
- Ensure the full participation of displaced persons in the planning and management of their return or resettlement and reintegration;
- Ensure that there is the option for residents, both home owners and tenants, to return to the district after the reconstruction project has been completed;
 - To this aim ensure that facility within the project is provided for sufficient affordable housing with access to adequate services and infrastructure for both owners and tenants from the district.
- Provide residents with information on expropriation orders and engage them in a genuine consultation on the future of the district before proceeding further;
- Ensure that independent legal aid is available to individual residents who may wish to appeal expropriation orders;
- Ensure thorough investigations into the violations that occurred in the course of security operations and effective access to legal remedies for residents whose rights have been violated and who have sustained financial and other losses as a result of administrative measures imposed during and after the curfews.

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DISPLACED AND DISPOSSESSED

SUR RESIDENTS' RIGHT TO RETURN HOME

Amid the crackdown on opposition Kurdish voices by the Turkish government, this report focuses on the forced displacement of residents of Sur in Diyarbakır, south-east Turkey's most populous city. Displaced and dispossessed of their homes, around 24,000 former residents of Sur are unable to return one year after the outbreak of heavy clashes in the district and other towns across the south-east of the country.

Despite important but insufficient assistance from the authorities, many displaced families have been unable to access adequate alternative housing. Other rights, such as children's education, have not been adequately respected. Likewise, the displaced residents' rights to return appear to be in grave danger with continuing curfews, damaged or destroyed infrastructure and homes and continuing house demolitions. Sur residents are among an estimated half-million people displaced in the south-east of the country in what appears to be a deliberate policy to displace residents and destroy and rebuild urban areas to ensure security through changes in infrastructure and population transfers. The government of Turkey must address the lack of access to rights faced by displaced people and fulfil its duty to establish the conditions, as well provide the means, to enable internally displaced persons to return voluntarily to their homes or the areas they lived in.