

**Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 26/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **alleged killings in the context of violent clashes between security forces and armed groups in the southeast of Turkey**.

According to the information received:

Since July 2015's breakdown of the 2.5-year ceasefire agreed by the Turkish Government and the Kurdistan Workers' Party (PKK), urban battles have been reported between security forces and the "Patriotic Revolutionary Youth Movement" (YDG-H), an armed movement associated with the PKK, leading to hundreds of deaths. Since August 2015, provincial authorities in the southeast have announced repeated and prolonged curfews in cities, towns or particular neighborhoods, including for example in Cizre, Sivan and Nusaybin. During the curfews, lasting up to two weeks, Special Operations Police teams and other security forces have conducted counter-terrorism operations against the armed Kurdish youth movement, using armored vehicles and sometimes tanks and heavy artillery against their barricades. During the curfews, officials have also severely restricted people's freedom of movement and prevented access to the area by observers or media. Meanwhile, supporters of the youth movement have dug trenches often planted with explosives, and erected barricades to seal off neighborhoods.

Witness reports indicate that security forces repeatedly opened fire on anyone on the streets, failing to distinguish between armed and unarmed people or to make assessments of the potential threat posed by each individual and the necessity to respond with lethal force. Reports further indicate that wounded people have been denied access to medical treatment, either because ambulances could not arrive to care for the wounded or because police blocked those who tried to drive wounded victims to hospitals. The establishment of trenches has also had an adverse impact on the population, affecting access to medical care and impeding the delivery of other emergency services.

Kurdish civilians, including women, children and elderly residents, have been killed during the security operations and armed clashes. Some teenagers and young men who were killed may have been armed and actively participating in the armed clashes against the police, while others may have been unarmed but in the vicinity. Human rights organizations estimate that since the collapse of the ceasefire, the conflict has cost more than 550 lives, 150 of which were civilian. The death toll of police officers, alleged members of the PKK youth wing, and PKK members has also run into the hundreds.

In many cases, the authorities have failed to complete investigations which could establish the full circumstances surrounding the killings and identify the perpetrators.

In recent days, unprecedented military deployments have been witnessed in the region. Several cities are again under curfew and shelling by the military and heavy clashes with armed Kurdish groups have been reported in certain neighborhoods, raising fears that the civilian death toll may rise steeply in the coming days.

I express alarm at allegations that hundreds of persons, including civilians, have died during violent clashes between security forces and armed groups in the southeast of Turkey, and that civilian toll may rise in the coming days. I am further concerned at allegations of excessive use of force by security forces and its role in obstructing the delivery of emergency services to the wounded. Finally, I express concern at the lack of effective investigation and accountability for the above mentioned killings.

In view of the urgency of the matter, I call upon your Excellency's Government to **take the necessary measures to safeguard the life and personal security of all persons in the south east of Turkey in compliance with international instruments.** While recognizing the duty of your Excellency's Government to protect the population from violence by armed groups, I urge you to ensure that counter-terrorist operations are implemented in full compliance with human rights guarantees enshrined in international standards and satisfy at all times the criteria of necessity and proportionality. I also call

upon the relevant authorities to ensure prompt, thorough, independent and impartial investigations into the alleged violations and prosecute and sanction the perpetrators.

In connection with the above alleged facts and concerns, I would like to refer your Excellency's Government to Articles 3 of the Universal Declaration of Human Rights and 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkey on 23 September 2003, which respectively guarantee the right of every individual to life and security and provide that these rights shall be protected by law and that no one shall be arbitrarily deprived of his life.

The Human Rights Committee in its General Comment 6, para. 3, has said that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts, and to prevent arbitrary killing by their own security forces. Additionally, in its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

Furthermore, I would like to draw your attention to relevant international principles and norms governing the use of force by law enforcement authorities. Under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. Moreover, the Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not binding, provide an authoritative interpretation of the limits on the conduct of law enforcement forces. According to these instruments, law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. The use of force and firearms must as far as possible be avoided, using non-violent means before resorting to violent means. Force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary.

Principle 9 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials further stipulates that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. In addition, principle 8 establishes that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Moreover, the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (resolution 1989/65 Economic and Social Council) recall that exceptional circumstances including a state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of such executions, and that it is States' duty to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions, and bring to justice all persons identified by the investigation as having participated in those executions. The families and dependents of victims of extra-legal, arbitrary or summary executions shall be entitled to fair and adequate compensation within a reasonable period of time.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

As it is our responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide the full details of any investigations which have been carried out into the killings of individuals in the southeast of Turkey. Please also provide the full details of any investigations which have been carried out concerning cases of alleged excessive use of force by Turkish security forces, which may amount to unlawful killings and extrajudicial executions, as well any investigations into the role of security forces in obstructing the delivery of emergency services to the wounded. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

3. Please indicate whether the families of the victims have or will receive reparation.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions