

INVESTIGATION REPORT

ABOUT THE INCIDENTS THAT ARE OCCURED IN BEYTÜŞŞEBAP ON THE DATE OF 24.09.2015

THE INCIDENT

On the date of 24.09.2015, the armed clashed that started at 5:00 a.m. and lasted till 12:00 with hearings of gunshots, over 10 houses hit by howitzer bullets and 5 houses became unusable by fire. 3 people are killed and 2 people are seriously wounded in the house that hit in Setkar village by the howitzer bullets coming from District Gendarmeria Command. With the hit, Ahmet Temel, his son Behçet Temel and their relative Alya Temel are killed and Fevzi Temel and Hasan Temel who is the son of Ahmet Temel are seriously wounded. The ambulance driver named Şeyhmus Dursun is also killed when he is going to the scene on demand of 112 Emergency and the hospital administration by raking 15-20 meter away from the police control point

We set up a delegation and went to Beytüşşebap district when we have learned that there are armed conflicts in Beytüşşebap district of Şırnak from social media on the date of 24.09.2015 for investigating the incidents.

The Formation and the Aim of Delegation

İHD (Human Rights Association) Şırnak Branch, SES (Health and Social Service Laborers Union) and TARIM ORKAM-SEN (Agriculture and Forestry Public Laborers Union) Şırnak Branch

It is aimed that identifying the damages, deaths and wounds that the poeple are experienced district-wide clashes in Beytüşşebap district of Şırnak on the date of 24.09.2015 and writing a report on this. As it always been, today, Human Rights Association aimed to report the difficult conditions that are exposed by civilian people who live in Beytüşşebap district salubriously. Also, it is aimed to reveal the unfair deal against the health laborers and to act with solidarity with them even though their workplaces are distant and circumstances are hard.

The executives and members of Non-Governmental Organizations in the delegation;

İHD Şırnak Branch Chairperson Emirhan UYSAL

İHD Şırnak Branch Board Member Mucip ERDEM

SES Şırnak Branch Co-president Lezgin GÖZLEK

SES Şırnak Branch Board Member Selahattin BARINÇ

TARIM ORKAM-SEN Representative Metin ÖZKAN

Deaths

Ahmet Temel

Behçet Temel

Alya Temel

Şeyhmus Dursun

Casualties

Fevzi Temel

Hasan Temel

As it will be understood from the information that will be explained below, there are many people who are unpermitted to get a treatment even though they came to Beytüşşebap Public Hospital.

Contacts and Findings of the Delegation

Our delegation contacted with the staff of Beytüşşebap Public Hospital that is in the entrance of the district.

It is contacted with the homeowners whose houses are damaged and it is asked their opinions.

Our delegation visited the houses that are damaged in the district and made observations.

Talks with Hospital Staff who are Experienced Victimization in the Event Day

EMİNE SÖNMEZ (The person who were with ambulance driver Şeyhmus Dursun when he is killed; also a victim)

I am Emine Sönmez; I am working as a nurse in Şırnak Public Hospital. I came to Beytüşşebap Public Hospital for a month-long temporary duty. On the date of 24.09.2015, we woke up at 5:30 a.m. because of clash noises. Firstly we are called by 112 Emergency Service at 6:05 a.m. and it is said to us "you have to stand by". Then, 112 called again and they said to us to go Police Headquarters. After a while, Beytüşşebap Public Hospital Directress Mrs. Leyla called and said to us that "District Governor has a strict order, there are casualties in Police Headquarters" and it is ordained that to go there with an ambulance. Against danger of all sorts, we activated the siren of the ambulance. For about 15 meter away from police control point, we heard gunshots and with the gunshots, our vehicle stopped. We could not even get out the ambulance, we are blazed away and our friend Şeyhmus Dursun get badly wounded. His blood spilled on my face, hair and all of my body. We ran away to the opposite direction (opposite of police control point) with other employees and we pulled off our duty vests because of that they are luminous. At the direction that we ran away, there were houses and there was no gunfire from there. We knocked at the door of a house and got in. We were under fire for about 4-5 hours and also many bullets were hitting to the walls and the windows of the house we are in. About 4-5 hours after the ambulance driver is shot, the people took to the streets and me and Muhammed İsmail went out for taking a look at our friend Şeyhmus's

situation for a while when the gunshots stopped. When Muhammed İsmail headed for the door of the vehicle for taking Şeyhmus's pulse, there have been shots fired again. Bullets were passing through our legs and I run away to the house that we are trapped in. When Muhammed İsmail also run away, the people did not accept this situation and are entrucked Şeyhmus to a small van and took him to the hospital. After about an hour, the people also took us to the hospital.

When we went to hospital, I was still in shock and casualties were coming to hospital. These casualties were civilian people. My friends did not want me to work but I wanted to work because one or two casualties brought to hospital. One of them had tissue lost. This person was 18-19 years old and his forefinger is severed. When our friends were performing a medical intervention and we were talking about the incident in x-ray room, we heard the voices of special operations forces. They were swearing and yelling loudly. At the same time the noise of gunshots came both inside and outside the hospital. You can see the traces on iron door, hallway windows and the roof. I raised my hands up and asked "can I cross?" He said "Yes" and only the person who had snow mask and glasses was talking, only he was running this operation. The others did not behave badly to us. The man in the mask was talking to us like -I am sorry- "sons of the bitches, carrions etc." and said to our doctor "Doctor, stand across me! You will wait here! Do you understand, doctor? Give me your id!" When our doctor gave his medical identity, he said "no I want the other identity". And when our doctor gave his national identity card, he said "ok, now you have to sit across us" and he reprehended the doctor like he is a child. After that, he held his long barreled weapon to the doctor's head and we all went before the people who were waiting outside. He used our doctor as a shield and he said the people "if a bullet hits here, we will kill you all". 8 armed people are standing with their weapons in the hallway of the hospital. But I do not know that how many armed people outside; we were already scaring to look outside. While I was in the hallway, I asked "can I go to the nurse room?" and one of them said "go and wash your faces". When I wiped the blood traces on my face, I went to the nurse room. When I opened the door, all of my fellow laborers were lying on the ground. I asked "what is happening, why are these people are lying on the ground?" My friend named Emine said "come and lie here" to me and I replied "no way, I will not lie, this is nonsense, I will leave the doctor alone". As far as I understood that they laid down my friend with hitting them with weapons gun strokes and with swearing. I went to the hallway and I witness this words: "Look, doctor; we will remove all the cameras with the order of the prosecutor". I even thought that they will demolish the hospital on us. They cleared all the civilians out, even the patients that we were treating. They said the doctor "Look, doctor; we are not taking you away because you are the only doctor in here now but if you will catch between, you know..." I said "sorry but what do you mean with 'catch between'? You wheeled out us with ambulance, then you shot us, doesn't it matter that how our physiological condition is?" One of them replied "Are we fool? Why did I call an ambulance in the middle of a clash? We took our casualties away with helicopter". When I said that "How come! The district governor personally called for an ambulance and when we came here you shot us!", he replied, "Do you want me to say what the catch between means? If a terrorist came here and if you gave medical attention to him/her, catch between is something like that". When I said that "This is a hospital. Whoever came here will be given

consultation or medical attention", they said that "If a carrion comes here, I am not counting them as human; it means they are terrorists and when we see them we will them; they are only carrions for us" and they went.

Muhammed İsmail YILDIZ (The health laborer witness of killing of ambulance driver Şeyhmus Dursun and also a victim)

I was assigned as paramedics on July 7. We came here as three friends. I did not receive training from 112 yet and so, I can only accompany to the medical intervention unit. I have even no authority to answer the phones. Mrs. Emine answered the phone. We departed at 8:03 a.m. and there are not any gunshots at that time, it is only pluming smoke from the city. When we are on the road, the ambulance is stepped down because of the steep; while Şeyhmus was changing gears, our vehicle is stopped with the beginning with the gunshots. Some blood spilled on me and I saw him. Then I stooped in front of the seat. I thought of that I cannot get out live from here and I started to pray. I thought Mrs. Emine is dead too. When I looked at the back, I saw Şeyhmus wilted his neck. When I saw that Mrs. Emine is alive, I said that "let's take off our 112 Emergency shirts. They can kill us because of this". Then we take off the 11 shirts. Noises were coming from the houses. In a fear and panic situation, we could not understand what was people saying, somebody is saying only "run away, run away to your homes". We got out of the ambulance and ran away to the direction which is a street and also a steep. We took refuge in a house in that street and we stayed there for about 4 hours. When we hear the voices of the people, we went out; everybody was going out but police started to fire their gun into the air. I went to take Şeyhmus's pulse to learn if he is alive or not. I took the pulse but I guess he is dead already. When the special operations forces intensified the cross fire, I back away to the house that we took refuge. Then, some people took Şeyhmus away to hospital with a small van. After that, some of our friend came and took us away to hospital too. While I was in the x-ray room, noises came. I did not see the incidents inside the hospital. I heard noises, yelling and gunshots. When Mrs. Emine went out, I trailed behind her and when I went to 112 emergency service room, I saw that everybody was lying on the ground facedown or on their back. Nobody was standing; so I lay down too until the special operation forces are gone. The civilian people had never a bad attitude against us. I really don't know why the special operations forces behaved us like that. That's all I know.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am working in the hospital as a nurse. In the incident day, I was on off-call duty. The special operations forces came and raided the hospital. Our number was about 10-15. They came and said us that "we will shoot whoever raised their head". They opened fire in the hospital. Because I heard the noises. They pounded up many friends. I could hear from the noise that they were affronting and I know about pounding only from the noises. I heard the affronts they did to the doctors and the staff. They were swearing constantly and yelling to the hospital staff like reprehending children. There were police officers, special operations forces and soldiers among the people who raided the hospital. They pounded up an 18-19 years old, wounded young man. Then they took the camera recorder and the computer and they are

gone. I did not see whether they removed the cameras or not but they took the computer case and recorder away.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am working in the hospital as a nurse. When the incidents happened, it has been calling from 112 Emergency Service constantly and the doctor was saying that nobody will go out for security reasons and he was not allowing anybody to go. Then it is called and said to us that "everybody has to go to police station, the interventions will carry out there". Neither the doctor nor the staff accepted it. Then, the ambulance is gone. The special operations forces came in the afternoon. We were all in the nurse room. They were constantly coming and controlling us. There have been shots fired and there were noisy clamor. While they were leaving the hospital, one of them who did not wear mask came and asked for their blessings.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am working in the hospital as a health laborer. At 5:30 a.m. on the date of 24.09.2015, we woke up with clash noises. At 7:30 a.m. we are called constantly by the hospital manager and 112 emergency service; it is said that "there are casualties in the police station, the district governor has an order about this, both two ambulances have to go there" and moreover, it is wanted from all the staff who are outside the hospital to go to district police station and to intervene the casualties. We could resist this order only for half an hour. Then, two health staff and the ambulance driver named Şeyhmus Dursun left the hospital. The ambulance has been fusilladed 10-15 meter away from the police control point and our ambulance driver friend has been killed there. The other health staff took refuge in a house off their own bat and they came back in the afternoon. After they came back, the special operations forces raided our hospital. All the doors which are closed because of the official holiday are broken by them. The fired guns in the hospital; there are bullet holes under the television; many windows are broken by the bullets; there are also bullet traces on the windows of the patient admissions room. The special operations forces pounded up, swore and affronted everybody no matter they are staff or patient. They even affronted and pounded up the patients who came for treatment. Also they affronted and assaulted our doctor friend who is working in the hospital. They took him away and held their long barreled weapon to the doctor's head and we all went before the people who were waiting outside. They used our doctor as a shield and threatened us with saying that "if a bullet hits here, we will kill you all". They dropped a hint constantly like "do not catch between" to us. They said that they did not want the ambulance. While they are in the hospital, it is heard gunshots inside the hospital. They put all the health staff in the nurse room and got all of us on the ground. They came and pointed their gun to us again and again. Then they took the computer case and recorder away and they are gone.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I came here for temporary duty for 15 days. I was not on duty at that night. I was in the teacherage. I woke up at 5:30 with gunshots. For about 12:00 o'clock, we got the news that the clashes are over. I went to the hospital in the expectation that there are many cases in there. The people started to walk outside. When we arrived, I heard the news about that our friend

Şeyhmus Dursun is killed. Then, the special operations forces and the prosecutor came; I thought that they will perform an autopsy or a corpse examination. But one of the police held the nape of Dr. Uğur and when they entered a room, a member of special operations forces hit me with the back of his weapon and clear the way for him. While doing this, he said "get out of my way, you ... (swear word)". They got us on the ground in the nurse room with swears and insults. After they took Dr. Uğur to the patient admissions room, they said to him loudly that "you have only one minute, show those carrions us now! Where did you hide those carrions? There were patients' relatives there. They got out of them and they threatened the people by using Dr. Uğur as a shield. Then we heard gunshots, those noises were all resounding. I think they fired guns inside the hospital. Because many bullets hit to the patient admissions room and the television stand. They were swearing constantly. There were two deputies and the people outside. They also fired warning shots when they were using Dr. Uğur as a shield at the door for dispersing the people. After everything is over, a police came who are shorter and wears no mask. He said to us that "we are sorry, give us blessing" and they took the computer case and recorder away and they are gone.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am working as a nurse in the health institution. We woke up at 5:30 a.m. on the date of 24.09.2015 with clash noises. We passed to another room that could be safe because of the noises. Then, we are called by the public hospital. They said that they are called by the 112 emergency service and the hospital manager, they wanted from them to send an ambulance, all the staff inside and outside the hospital has to be sent to the police station and they are calling to get our opinion about these. We answered that "Do not go outside in this clash environment. Something bad can happen and they cannot take precautions about that". There was not a secure environment outside. Because of this, we said our opinion as "don't go out". Normally they had to come here for the security of the hospital but they were pulling us into clashes. We saw the ambulance going with siren sound; then, the siren sound stopped and we could not even guess how many meters could it go. Some hospital staff friends called us and they said that they may bring many casualties to the hospital. They said that "the ambulance is gone already". They were calling us to the hospital too but going to hospital among clashes will mean to suicide. When the gunshots stopped, we ran to hospital. When we arrived to the hospital, they said that "there is a casualty". We supposed that he/she is a civilian person but they brought our ambulance driver friend Şeyhmus and he is dead already. A lot of casualties came to hospital; the people whose fingers are chopped, who came for medical dressing. While we were doing medical dressings, we heard vehicle sounds. Normally we were waiting for the prosecutor but some people entered the hospital with yelling, swearing and assaults. I saw that Dr. Uğur was holding by a man in the mask in front of the patient observation room. When I walked through them, they started to ask questions threateningly about that who is the patients that we are treating and whom we are helping to with yelling and swearing. They are asking that whom we are giving medical attention and why. We were treating the child whose fingers are chopped at that time. They brought Dr. Uğur by force with holding him from his neck. They pointed the child whose fingers are chopped and asked that "who is this patient, why are you permitting this situation, what happened to him?" Dr. Uğur answered that "he is

a normal patient. We have to give medical attention everybody who come to hospital". Then they yell at me that "go inside!" When I entered the nurse room, I saw that my friends were lying on the ground. Shotguns began. They took the record imageries, recorder and the computer case away with them.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am working in the hospital. 4-5 armored vehicle and special operations forces entered the hospital from the emergency entrance. Firstly they asked about the doctor. We said that he is in the emergency service. They got out of the doctor by force immediately and they said that "you will come downstairs with us". They were yelling that "You are hiding the carrions, you are curing their casualties". A debate is occurred about clearing the patients, patients' relatives and deputies out of the hospital. When the deputies were there, they fired gun in the hospital and everybody is dispersed to outside. They pointed their gun to our heads and took us away to the morgue; they said to us "you will enter the morgue first, if we see anybody dead or alive, we will kill you first". We opened the door and went inside. We opened all the cabinets in the morgue, only the corpse of our friend Seyhmus was there. Then, when they went upstairs, they broke all the doors with kicks. They changed the viewpoints of security cameras with their gun strokes. They took the recorder and the computer case.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I was on leave on the incident day; I came to hospital to help my friends. I came after my friends who brought the corpse of Şeyhmus. They put the corpse to the morgue. After two hours, special operations forces came here and started to shout everybody. They were yelling that "we will kill you all, get the f.ck out of here". There were deputies, they came to the door and said "What are you doing? Stop!". At that moment, they pointed their gun to the deputies' heads and said "Do not talk!" With noisy clamor, I saw that a member of special operations forces was preparing to fire, I ran to the downstairs. At that time, they started crossfire. Then, they took us to the morgue with pointing their guns to our heads and said "you will enter the morgue first, if we see anybody dead or alive, we will kill you first". We opened the door and went inside. We opened all the cabinets in the morgue, only the corpse of our friend Seyhmus was there. Then, when they went upstairs, they broke all the doors with kicks. They changed the viewpoints of security cameras with their gun strokes. They took the recorder and the computer case.

An Anonymous Hospital Staff (A victim and witness who is suffered an affront)

I am a nurse who is working in Beytüşşebap Public Hospital. I do not want to give my name. At 7:30 a.m. on the date of 24.09.2015, we are called by the hospital manager and 112 emergency service; it is wanted from us that we have to go the incident scene and to intervene the casualties. We resisted but I don't know what happened, our friends took the ambulance and got out of the hospital with ending of the gunshots. A couple of minutes later, they are shot and our ambulance driver friend is killed right there. They brought Şeyhmus back after four hours and other friends came one hour after that. In the afternoon, the special operations forces entered the hospital with a crash and they fired gun inside the hospital. We scared a lot.

I was lying down in the nurse room. I shut my eyes until they are gone. Then, our friends said that they are gone and I finally could stand up.

Dr. UĞUR KARA who is Working in Beytüşşebap Public Hospital

I was working here as a doctor. They entered the hospital and cleared the hallway (I guess my friend told you at length). They singled out me because I had a white coat. They only asked about the corpses and casualties of PKK. I said that there are two casualty case and an EX (death). We all left the hospital. They kicked and broke our doors and checked inside. We said that we are health laborers and we have no truck with something. They pointed gun to me; they brought me on my knees; they used me as a shield and they fired the gun into the air over my head. They wore uniforms; I do not know if they are soldiers or special operations forces.

Talks with District Residents who Experienced Victimization on the Incident Day

Owner of a House that is Hit by Many Bullets (Victim)

I would not slander anyone; my house is shot by the police. Look at here, when you look from where the bullet traces exist, there are broken windows and holes and you can see the police control point from these holes. My little son was sleeping in this room, with the gunshots, bullets started to hit this room. My son ran to the sitting room at once and I removed all my family to stairway. We were stuck in there for hours, we experienced a danger of death; all my children are still scaring when they hear a crackle because of the fear they lived. There were 21 people in the building and 21 people were stuck in a confined space of 10 m². For not poisoning from the gunpowder and burnt wall plaster smell, I went to close the door creepily. I closed the door and turned back; when the children uttered, the gunshots were thickening. In every utter, more bullets are shot.

Owner of a Burnt House (Victim)

We woke up at 5:50 a.m. on the date of 24.09.2015 with gunshots. The wall of our house is made up of briquette; if it was stone, the bullets could not pass through. In other words, when a bullet hits any wall, even though it reaches to a second room, it has no effect. In the opposite direction of the place from which the fire opened, we have a coal burning stove, I hide behind that. It is shot from the police station side until an outbreak of fire next door. I could not go down the stairs because the stairs were at the police station side. If I tried to go down, they would shoot me too. I hanged firstly the women and the children down by rope from the back side of the house and then, I went down. A blaze spread to our house. My brothers yelled at us and tell that our house was burning. With the fire outbreak at upstairs, I climbed there by the same rope and I carried water by the rope upstairs to put out the fire. After then, the pvc windows started to burn. There was a camp cylinder among our wares that we banded together in a room. I spill furthest water to that camp cylinder for hindering it to explode. One of the floors of our house and the wares in it are all burned. It is burned until 11:00 a.m. The fire stopped after the top floor of the next door is burned completely.

Owner of a Burnt House (Victim)

It was 5:00 a.m. on the date of 24.09.2015 and we thought that all hell break loose. We took refuge behind a column because of gunshots. We hold it right there for about one hour, it has been firing consistently. All we have were in our house. Our next neighbor threw a rope to us, I hanged firstly the women and the children down from third floor and then, I went down. While I was going down, my hands are burned because of friction. We lost our house, our money and our wares. Our house is shot constantly from the police station across. Till the outbreak of fire, I hang six children down by rope. My entire family is victims and everything we have is burned.

The Findings that the Delegation Ascertained

There was a crowd in front of the Public Hospital in the entrance of the district who had casualties and corpses.

There were bullet traces from inside to outside in the roof and the windows of the hallway of Beytüşşebap Public Hospital. They are screened and their photos are taken.

It is identified that the room doors in the hospital are broken and are made unusable by kicking and their photos are taken.

It is seen that the vision angles of security cameras are changed.

It is identified that the security camera record device and the master computer case that is connected with cameras are seized.

It is identified that the hospital staff are subjected to maltreating, insults and swearing.

It is identified that the ambulance is removed from the scene by the security forces before crime scene investigation.

It is identified that when it is looked from the place the bullets hit, the place where the ambulance stopped is 10-15 meter away from police control point.

It is identified that nearly all vehicles are shot and are made unusable.

It is identified that the municipality building is shot, all if its windows are broken and the office tools are made unusable.

It is identified that many shops in the bazaar are shot and have serious damages.

It is identified that the electricity power supplies are exploded and the wires are cut.

It is identified that all the houses across the police station are shot and have serious damages.

It is identified that the houses in the street that could not be entered are damaged by howitzers and are made unusable.

It is identified that snipers are placed on most of the high buildings.

When we walked into the neighborhoods for investigating, we identified that most of special operations forces were grey-haired and 50 or over years old.

When we walked into the neighborhoods, we identified that a howitzer bullet did not explode on the roof of a house and it is photographed.

It is identified that the engineering vehicles of the municipality are shot and are made unusable.

It is identified that the public life is became nonfunctional to a large extent.

It is identified that the district governorship building is closed.

It is seen that the municipality building is made unusable and the staff was doing cleaning in the building.

SUGGESTIONS

Our delegation is condemning the assault that caused serious human rights violations, notably which targeted the civilians and caused right to live violation regardless of their actualization reasons and their courses. Our delegation is demanding that it has to be started an effective investigation for disclosing the incidents with their all dimensions.

Our delegation is suggesting that a judicial and administrative investigation has to be started immediately about the executions of the security forces which are threatened the security of life and property of the civilian citizens during and after the operation and that relevant staff and their chiefs has to be suspended from duty during these investigations.

According to our delegation's findings, it is confirmed certainly that the health institutions, the health staff and the health equipments that are untouchable even in the warfare, are intervened by the security forces and our delegation is demanding that it has to be made effective investigations about the responsible people and it has to be taken disincentive measures.

Our delegation is demanding that a judicial and administrative prosecution has to be started about the considered and responsible people by making effective investigations about the deaths of the health staff and the other civilians.

According to the observations and investigations of our delegation, it is observed that serious damages are occurred in the houses of the people as a result of the operations. 35. Article of Constitution is violated by causing serious damages in people's properties as a result of the operation. In this context, these damages to personal properties have to be compensated immediately. It has to be established a loss assessment commission by Şırnak Governorship and the material and moral sufferings that the citizens are experienced during the incidents have to be compensated.

Our delegation considers that the power cuts of electricity, water and mobile network which are executed during operations are a restriction to communication rights of the people and also a violation of rights. Our delegation is demanding an explanation to the public opinion

about that on what grounds; by which institution's instructions and how the authorities of the relevant institutions are used.

Our delegation observed that the garbage dumps in the neighborhoods in which the investigations conducted, were crucial as they can cause possible health problems. Our delegation is suggesting that the witness statements about that the garbage were not collecting because of the operation and security reasons have to be taken into consideration.

Our delegation is remarking the increment in human rights violations that occurred generally with the conflicting process. For this reason, our delegation is calling for that provisional government has to desist from the security policies and that all parties have to resume dialog and negotiation.