**APPEAL OF THE HEALTH LABOURERS FOR URGENT MEDICAL AND HUMANITARIAN AID ABOUT REGIONS UNDER CURFEW!**

We went to the Şırnak province on the call of the Health and Social Service Labourers’ Trade Union (SES) Headquarters on 31st December 2015, in order to put away Abdülaziz Yural, member of the Board of the Health and Social Service Labourers’ Trade Union Cizre Representation Office who was killed by police by a sniper shooting while delivering immediate medical response to a wounded civilian female citizen on the street of his home on the date of 30th December 2015.

Together with more than 100 health labourers from Istanbul, Ankara, Izmir, Aydın and provinces of the region, namely Batman, Van, Ağrı, Şanlıurfa and Diyarbakır for three days (31st December 2015- 2nd January 2016) we made interviews and observations about the lived experiences.

After the funeral of nurse Abdülaziz Yural was not permitted in Cizre, we organised a press statement in front of Şırnak State Hospital morgue. As the delegation arriving in Şırnak, we had contacts with the authorities of the Şırnak State Hospital and Municipality and with various civilian society organisations and the people.

Primarily violation of the right to life and violations about the right to health and education due to the curfew reaching 20 days and violations due to non-provision of basic needs such as water, food, housing, medicine, care and electricity were both clearly expressed during the interviews and these are also observed by our delegation. In many houses under siege, water and food totally had come to an end. The present condition is indicating a full humanitarian crisis. For this reason, we want to repeat our call for urgent aid to all national and international democratic organisations and institutions, primarily to the professional medical organisations and human rights organisations!

The corpse of Abdülaziz Yural, member and executive of SES, was not delivered to his family and friends after he was murdered by the special operations police. Selahattin Barınç, one of the executives of SES Şırnak branch was taken under custody because “siege” as a concept was used in the press statement made in order to protest the situation. When we take present curfews implemented unlawfully into consideration together with resulting violations, what is experienced is a full stage of siege and the policy of the state for emptying the region from people are being continued by various means.

In such a process when the normal flow of life is interrupted by war policies and even a single step is not taken towards normalisation, violations and loss of lives are being accelerated.

We want to share eight significant determinations we reached during the period we spent in Şırnak, expecting all democratic public opinion to mobilise urgently.

1. Nurse Abdülaziz Yural was killed in Cizre, a town under siege for 19 days and her citizens are forced to live in deprivation from their most basic rights, while he was trying to help his injured neighbour. This case is not a singular first case, but which became systematic. Since July, ambulance driver Şeyhmus Dursun and Nurse Eyüp Ergen, respectively were killed as the result of shooting at the ambulance by the special operations police while going to take injured people and by sniper police bullet after he was going home after finishing his shift.
2. Funerals of Abdülaziz Yural and tens of civilian people who were killed in a similar manner are being kept in the morgues and cold storage rooms in Şırnak, Cizre and Silopi state hospitals. Corpses, families, friends and entire people of the region are tortured in such unjust and unlawful murders. This may be clearly understood from the lived testimonies.
3. On the date of 1st January 2016, a new method is added to the already known methods of intimidation, extermination and punishing the entire people of the cities. The people of Cizre were forced to migrate under full day announcements heralding chemical weapon assaults to be launched. More than 1000 people were forced to leave their houses and it was observed that they were forced to find shelter in the surrounding neighbourhoods and villages. It is all clear that cold winter conditions make this forced migration more complicated.
4. While it is observed that the laws of the Turkish Republic and the international conventions are disregarded and this social and political process becoming more serious everyday is expected to come to an end, Şırnak people were given the “good news” that the morgues are going to be enlarged. The capacity of the Şırnak state hospital morgue is planned to be increased from 6 to 19, and again capacity increases and establishment of cold storage rooms are planned in Cizre and Silopi state hospital morgues. The autopsy procedures of the murdered people cannot be made in a proper manner. The autopsy procedures are performed by almost kidnapping the corpses from the families and lawyers, and they are buried without informing the families and no information are given about the burying locations. The relatives of the murdered have serious doubts about the death and autopsy reports. In addition to the right to life and right to health, the right of the people to organise their funerals according to their traditions are violated with impunity.
5. Like in Cizre and Silopi, also in Şırnak city centre, buildings of the Centre of Orthodontics and Health Directorate are turned into military quarters. It is told that at the roof of Cizre State Hospital sniper emplacements are established and armoured vehicles are deployed. Access of the civilians, elderly people and children to the hospitals are prevented and serious violations are experienced about access to health care service. The number of the expected normal polyclinic and emergency service applications has decreased by nearly 90%. Safe working conditions for the health labourers in the hospitals and health institutions are annihilated, the hospitals became targets and the health labourers are almost imprisoned in the hospitals.
6. Decisions of custody were taken about KESK (Confederation of Public Employees’ Trade Union) Women’s Secretary Gülistan Atasoy and SES Şırnak branch executive Selahattin Barınç, under the pretext of the press statement organised in front of the Şırnak State Hospital together with a large delegation from KESK, SES and Istanbul Medical Chamber about the murdering of Nurse Abdülaziz Yural. Selahattin Barınç was taken under custody while the SES headquarters delegation was still making hospital observations. The delegation coming from outside of Şırnak was spied on almost every moment and serious pressure was tried to be executed over the delegation in order to hide the unlawful and inhuman practices from the public opinion and ensure them not to be heard.
7. The basic needs of life (primarily food, medicine and water) have come to end. Access to adequate and safe health care service overcame. Satisfying basic needs and going out of home at emergencies now became a great life risk.
8. All such experiences created big furry in the people of the region.

**We ask as the delegation of examination and observation:**

What else are hidden?

Why there is so great a fear about the democratic mass organisations and professional organisations coming outside of the region?

**OUR URGENT CALL AFTER OUR OBSERVATIONS AND INTERVIEWS IN THE REGION:**

**Sending delegations to locations under curfew is an urgent human and vital obligation for this moment.**

 **We urge the national and international:**

* **Health organisations:** Turkish Medical Association; World Medical Association, Physicians for Human Rights-PHR, The International Committee of the Red Cross, MSF and WHO etc.
* **Human rights organisations:** Human Rights Association (IHD), Human Rights Foundation of Turkey (THIV), etc.
* **Humanitarian aid organisations:** UNICEF, BM, etc.
* **Lawyers’ Organisations:** Bar, Contemporary Lawyers Association (ÇHD), Free Lawyers Association etc.
* **All democratic public opinion:** KESK, TMMOB, DISK, PSI etc.

**in order to observe the violations of the rights in the region and to take necessary measures in order to prevent new violations:**

1. We URGENTLY invite them to come to the region in order to observe and fully acknowledge the violations resulting from the unlawfully declared curfews;
2. We invite such organisations to organise campaigns by using their present networks for the violations experienced to be ended;
3. We invite the whole international community to show solidarity in order to meet the needs, primarily health needs, resulting from the violations;
4. We invite all national/international democratic mass organisations and institutions to start legal efforts and to closely monitor violations in order such unlawfulness to be urgently stopped.

Tomorrow may be too late…

**ANNEX 1:**

After 34 students were slaughtered by a bomb in Suruç in July, the bloody process which was started under the name of the struggle against ISIS has been turned into a systematic assault against the Kurdish people and democratic organisations. The government is expressing its insistence about war in every instance in spite of the peace calls of numerous intellectuals, democratic mass organisations and professional organisations. No progress has been attained until now about lightening the Suruç massacre in a manner satisfying the public opinion. Nevertheless various regions where mainly the Kurdish people live are declared as special security regions and curfews which last for many days in many towns are launched. In places which are declared as special security regions, there are very serious violations in terms of access to public services and in the field of human rights in general.

The Minister of Health did not make a single comment about the threats, murders, assaults and arrests which are being experienced in health institutions against the health labourers and health care takers due to the armed conflict concentrated mainly in Nusaybin, Cizre, Silopi, Dersim, Van, Bitlis, Lice Beytüşşebap and Silvan; did not accept our demands for making a meeting about the issue and did not even make a single attempt about the issue although we repeatedly remind him his task of protecting the health institutions and the health labourers.

Our member Nurse Eyüp Ergen, working in Cizre State Hospital Emergency Service was shot in his car by the special operations police snipers on the date of 29th August, after he left his hospital. Our member lost his life as the police did not permit the ambulance to enter to the site and he was awaited injured for more than 1 hour. Again our member Şehmus Dursun working in Beytüşşebap, lost his life due to the ambulance in which he was working was put under bullets at the police check-point on the date of 25th September 2015. Many of our members and other non-member health workers were injured and were subjected to threats and insults. On the date of 30th December 2015, Nurse Abdülaziz Yural, executive member of the board of SES Cizre representation office, was shot and killed by the special operation police while he was trying to help an injured woman.

During this process public hospitals are almost occupied by the special operations police; the hospital gardens are captured by panzers and the emergency services are emptied in order to make them special operations police bases. The emergency service of Cizre State Hospital is emptied and allocated to the police and the intensive care unit has to be turned into emergency service. Especially when the injured security forces and suspects are being brought to the hospitals and during their treatment process the hospital garden and its surrounding are taken under intensive blockade by the security forces and this siege is often reflected to the interior of the hospital. The special operation police commit maltreatment and arbitrary treatment against sick and injured people coming to the health institutions.

There are very serious decreases in the number of people applying to the hospitals, and most of the births cannot be done at the hospitals due to unlawful practices. There are very serious obstacles in front of the access of the injured people and patients with chronic diseases to the health institutions. There are dramatic decreases in terms of the criteria such as the daily numbers of applications made to the hospital emergency units, daily numbers of applications made to the polyclinics and in the number of hospital patients in comparison with the previous months. Home care services are greatly interrupted. Attention for health care services which are also taking place in the “Rules about armed conflict and other violent situations” of the World Medical Association is not regarded by the administrative authorities and the security executives.

Such unlawful practice spoils safety in the health environment and at the same time makes health labourers and health institutions its targets. Such an environment creating unsafe conditions spoils the desire to work. Thus many health workers want to get distanced from the places where they live either by taking permission, or by designation or resignation. The health workers expressed that their morals are spoilt by continuing conflicts, treats and oppression and they do not want to work in such conditions. The mental affects of the trauma stemming from the conflict environment show itself as anxiety, depression and acute stress responses. The war environment may result with long term mental trauma in the entire society and especially in the children.

Numerous press statements and reports had been issued by SES and Turkish Medical Association about the affects of the conflict environment and curfews over health and health labourers.

**ANNEX 2:**

**Curfews do not have a lawful basis!**

The Şırnak Governor Office declared curfew from 23.00 o’clock on lately at the date of 14th December 2015[[1]](#footnote-1). Maintenance of public security and public order and protection of the security of the soul and property of other people were shown as the legitimate aim of the intervention.

First, the authority to declare curfew is arranged in the Martial Law numbered 1402 and the Law of State of Emergency numbered 2935. However the law clearly does not give authority to declare curfews to the governors.

According to articles 13 and 15 of the Constitution, the basic rights and freedoms can only be limited by law and the basic rights and freedoms can be partially or totally interrupted only during war, mobilisation, martial law and emergency state periods and according to the article 90 of the Constitution without violating the obligations stemming from the international agreements. As in Turkey there is not yet martial law or emergency state declared and noticed to the European Council General Secretary according to article 15 of the European Convention of Human Rights, it is unlawful that such an authority causing permanent violation of the rights such as the right to life, ban on torture, right to freedom and safety, right to respect to private life and family life, right to travel, right to access to courts and right to education, to be used by the governors.

Also the curfews which are declared unlawfully continue for a day long and for many days, until a second order, without their ending time being known and they are not predictable. According to the European Council Human Rights Commissar’s statement, since the last August the curfews which are being declared frequently and widely for an indefinite period of time in neighbourhoods and towns in the South Eastern Region of Turkey are in violation with the principles of proportionality and essentiality which are the requirements of a democratic society.

**ANNEX 3:**

**Unlawfulness about the funerals:**

Everyone has the right to be buried in dignity and to have a grave as a memory symbol and this right is so natural and non-debatable that it does not even require a written arrangement. There is no clear provision in the Constitution requiring provision of proper burying for people after their death, but in the introduction section of the Constitution the human dignity, in its article 17 the ban on torture and torment and in its article 20 protection of private life are mentioned. Right of a person to be buried and right to bury his/her relatives are not either arranged clearly in the European Convention of Human Rights. However the European Court of Human Rights examines the issue under article 8 of the European Convention of Human Rights, protecting the right to respect for the private life and family life.

Cemile Cağırğa, 10 years old, was killed on the date of 7th September 2015 by the fire of the security forces, and as she was not buried because of the curfew she was awaited in the deep freeze at home during days where the thermometers showed 40° C.

The body of Taybet İnan, 57 years old, mother of 11 children, who was murdered by the fire from the armoured vehicles in Silopi on the date of 19th December 2015, was left for seven days on Cumhuriyet Street.

In the case of Taybet İnan, the basis of the prevention of the rights of the people to bury their relatives who they claim to be murdered by the security forces is the curfew.

The Şırnak Governor Office, in the press statements issued on the dates of 17th and 23rd December stated that the police and the district governorships shall help the citizens primarily in health and food aids and in funeral services. Despite this no result was taken from the notices made by the family to the prosecutor’s office and to the police, and the authorities permitted the body to be left on the street for seven days even without finding an alternative way to take the body and the family to the morgue by maintaining their security.

According to the data of the Foundation of Human Rights of Turkey, in Silopi, which is among the places where curfew was declared in between the dates of 16-22 December 2015, 12 people including Taybet İnan were killed, and according to People’s Democracy Party deputies Ferhat Encü and Faysal Sarıyıldız, only the bodies of two people among the murdered 12 people could be buried and as electricity was cut, the bodies were kept at the houses by cold water and in nylons. Again according to the statements of Osman Baydemir, PDP deputy, the bodies kept in the morgue of the Şırnak State Hospital which has a capacity for six bodies, due to lack of adequate cooling provision and other bodies as they were kept in the houses and at the street without being taken to the morgue, started to decompose. Also, in the other towns where curfews were declared, the cars of some people who tried to take the dead bodies to the hospitals were stopped and these people were arrested by being accused for “escaping with the body of a dead terrorist” and were subjected to maltreatment.

Again according to the data of the Foundation of Human Rights of Turkey, the brother in law of Taybet İnan, Yusuf İnan, who tried to help her after she was shot, was also shot in the garden of his house and lost his life due to bleeding. Sons of Taybet İnan told that they were not permitted to take the body of their mother from the street, and despite during the meeting made with the prosecutor’s office and police they were told to be permitted to take the body with a white flag, Halit İnan, who went out to the street to take the body of his wife was also injured by bullets and they had to watch the bloody body of their mother laying at the street for seven days.

1. According to article 11/C of the Provincial Administration Law numbered 5442 in Cizre and Silopi towns with the aim of making the members of the organisation ineffective, eliminating the barricades and ditches and maintaining the public order. [↑](#footnote-ref-1)