



**TURKEY'S DESTRUCTION  
OF KURDISH GRAVES**

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Mesopotamia Observatory of Justice (MOJUST)

in collaboration with

Özgürlük için Hukukçular Derneği (Association of Lawyers for Freedom – ÖHD)

Turkey's Destruction of Kurdish Graves

With the Support of MOJUST & ÖHD

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# **Turkey's Destruction of Kurdish Graves**

Dr Deniz Arbet Nejbir

## Mesopotamia Observatory of Justice

The Mesopotamia Observatory of Justice is a Switzerland-based non-profit charity established by a group of international lawyers and academics in 2018. MOJUST's programme of action is focused on assisting victims of international crimes and gross violations of human rights in the Middle East region. Its core activities include monitoring and research, advocacy and strategic litigation, and legal training. It is also working, in particular, to raise awareness of legal and humanitarian issues affecting Kurdish populations and to develop sustainable cooperation with organisations pursuing similar objectives. MOJUST has completed significant litigation and advocacy activities since it has been established, including the preparation and submission of dozens of individual complaints to INTERPOL, the European Court of Human Rights and to various United Nations 'Special Rapporteurs.'

## Lawyers for Freedom Association

The Association of Lawyers for Freedom is a Turkey-based independent non-governmental civil society organisation re-established in November 2019 after its predecessor, the Association of Lawyers for Liberty, which established in 2010, was closed down by Emergency Decree-Law no. 677 of 22 November 2016, along with 375 other NGOs in Turkey. ÖHD currently operates with branches in İstanbul, Diyarbakır, Ankara, Van, Mersin, İzmir, and Urfa, and representations in Bursa, Gaziantep, Batman, Şırnak, Hakkari, Iğdır, and Mardin. The aim of ÖHD is to establish, improve and implement a contemporary, democratic and liberal understanding of law; abolish the restrictive legal norms and practices that prove an obstacle to the improvement of individuals and the society; raise awareness on law and legal remedies; eliminate all kinds of national and/or international regulations and practices that are discriminatory on grounds of race, language.



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# Methodology

This report, published by the Swiss based Mesopotamia Observatory of Justice (MOJUST) and Turkey based Özgürlük için Hukukçular Derneği (Association of Lawyers for Freedom - ÖHD) provides, for the first time, an unprecedented account of Turkey's war that has been directed against Kurdish cemeteries and graves in the South East of Turkey (North Kurdistan) from 2015 to the end of 2020.

This report is unique for three significant reasons. Firstly, it consolidates news presented by domestic and international newspapers as well as news agencies and the findings of human rights associations in Turkey that have addressed the nature and form of the Turkish state's attacks on Kurdish graves and cemeteries. Secondly, it demonstrates how the pro-Kurdish party, the Peoples' Democracy Party (HDP), persistently tries to hold the executive accountable in Parliament for the widespread and systematic attacks that have taken place against Kurdish cemeteries and graves in North Kurdistan by the Turkish security forces. Finally, it presents a rigorous study using empirical methods that have been used by both MOJUST and ÖHD in their tirelessly pro-bono efforts to assist the victims of these attacks in their quest of justice in order to break the state's traditional and systematic policy of impunity for perpetrators of these heinous crimes.

The research has the added advantage of making information accessible, in one place, about Turkey's systematic war against Kurdish cemeteries and graves in North Kurdistan. It will, therefore, be a key resource and substantially appeal to many scholars who write about the treatment of the Kurds by the Turkish state. In this context, this research will fill in an important gap in the field of Kurdish Studies and it has the potential to attract the interest of a wide readership.

This report consists of two parts. The first part of the report gives an overview brief on Turkey's Kurdish suppression policy under both the Kemalist (from 1923 to 2002) and the Erdogan

regimes (post-2002 to present). The second part of this report provides the detail account of Turkey's systematic war against Kurdish cemeteries and graves in North Kurdistan from 2015 to the end of 2020.

# 1. Historical Background: Turkey's Kurdish Suppression Policy

The roots of the Turkish security forces' widespread and systematic attacks on Kurdish cemeteries and graves and the non-international armed conflict between the Turkish security forces and pro-Kurdish armed group the Kurdish Workers Party (PKK)<sup>1</sup>, which has cost more than 50,000 lives<sup>2</sup> since 1984, are directly connected to Turkey's 'nation building project' built on the idea of 'Turkishness' since 1923. The founders of the Republic, secular Kemalists, abandoned their Muslim brotherhood linked pluralistic discourse which recognised the Kurdish people as one of the founders of the Republic in the years prior to the establishment of the Republic in 1923 after they consolidated their power.<sup>3</sup> Instead, the Kemalists adopted and developed the Young Turks' racial discourse of Turkishness, which absorbed many of the "proto-fascist" philosophical currents prevalent in

- 1 For assessment of application of Non-International armed conflict see D. A. Nejbir, 'Applying Humanitarian Law: A review of the Legal Status of the Turkey-the Kurdish Workers Party (PKK) Conflict,' *Journal of International Humanitarian Legal Studies* 12 (2021) 37-70.
- 2 See K. Yildiz and S. C. Breau, *The Kurdish Conflict: International Humanitarian Law and Post Conflict Mechanism*, (Taylor and Francis, UK, 2016), p. 16 and International Crisis Group, 'Turkey's PKK Conflict: A Visual Explainer' available at <https://www.crisisgroup.org/content/turkeys-pkk-conflict-visual-explainer>, accessed on 1 July 2021.
- 3 Türkiye Büyük Millet Meclisi Zabita Cenderesi (TBMMZC), 01.05.1920, p. 166; S. Borak, *Mustafa Kemal Atatürk, Gizli Oturumlarda Atatürk'ün Konuşmaları*, (Çağdaş Yayınları, İstanbul, 1977), p. 109; N. Arsan, *Ataturk'un soylev ve demeçleri, I: 1919-1938*, 2<sup>nd</sup> ed (Ankara, Ankara, 1961), p. 73-74; David McDowall, *The Modern History of the Kurds*, 3<sup>rd</sup> ed (I.B. Tauris, London, 2000), p.196; U Özkırımlı and S .A. Sofos, *Tormented by History: Nationalism in Greece and Turkey*, (Columbia UP. New York, 2008), pp. 55–56.

19<sup>th</sup> century Europe,<sup>4</sup> in order to reconstruct the entire population with the aim of creating a modern, homogenous and monoglot Turkish nation that was based on the uniformity of a Turkish culture and language.<sup>5</sup> The Kurds, who are the second largest Muslim ethnic group after Turks, became the main target of this construction of a homogenous ethnically pure Turkish nation project.<sup>6</sup>

During their one-party regime from 1924 to 1950, the Kemalists deployed authoritarian and totalitarian tendencies against Kurds with the intention of eradicating the Kurds' distinct identity and transforming the Kurds into Turks in 'tongue and heart' through a policy of Turkification. In order to achieve these ends, on the one hand, Kemalists implemented an unprecedented and coercive policy of assimilation of the Kurds so that to exterminate the Kurdish language by strictly prohibiting and criminalising the use of Kurdish in both the public and private sphere through law and court decisions.<sup>7</sup> The Kemalist Kurdish annihilation policy was supplemented and systematised through

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- 4 K. Karpat, "The Ottoman Ethnic and Confessional Legacy in the Middle East," in M.J. Esman and I. Robinovich (eds), *Ethnicity, Pluralism and the Middle East*, 3<sup>rd</sup> ed (Cornell UP, Ithaca, 1988), p. 51-52; E. J. Zürcher, "The Ottoman Legacy of the Kemalist Republic" in T. Atabaki and E. J. Zürcher (eds), *Men of Order: Authoritarian Modernisation under Ataturk and Reza Shah*, (I.B. Tauris, London, 2007), pp. 95-110, p. 95.
  - 5 D. Ergil, "The Kurdish Question in Turkey" (2000) 11(3):122, *Journal of Democracy* 122, 124; N. B. Çelik, "Kemalizm: Hegemonik Bir Söylem" in A. İnel (eds), *Modern Türkiye'de Siyasî Düşünce*, 2<sup>nd</sup> ed (İletişim Yayınları, İstanbul, 2002), p. 76-77.
  - 6 A. Hassanpour, *Nationalism and Language in Kurdistan, 1918-1985*, (Mellen Research University Press, San Francisco, 1992), p. 40; E. Opengin, "Sociolinguistic situation of Kurdish in Turkey: socio-political factors and language use patterns" (2012) 217 *International Journal of the Sociology of Language* 151, 151-155.
  - 7 Hassanpour, supra note 6, p. 40, E. Opengin, supra note 6, p.155; G. Haig, "The invisibilisation of Kurdish: the other side of language planning in Turkey", in S. Conermann and G. Haig (eds), *Die Kurden: Studien zu ihrer Sprache*, (Geschichte und Kultur, EB-Verlag, Schiefelfeld, 2004), p.7.

a colonial-style education system, especially in boarding schools, which sought to colonise the minds and consciousness of the Kurds in their childhood in order to destroy the Kurdish national consciousness and transform “primitive Kurds” into “civilized Turks.”<sup>8</sup> On the other hand, this strategy was complemented by the physical annihilation of those Kurds and their tribes’ members who stood against this forcible Turkification policy through committing, as stated by Bruinessen and Besikci, ethnocide<sup>9</sup> and genocide<sup>10</sup> respectively between 1924 and to 1938 in order to bury the Kurdish issue within the Republic. These brutal crimes were systematically supplemented with a forcible policy of Kurdish deportation in order to accelerate the Turkification policy.<sup>11</sup>

The systematic authoritarian methods used by the Kemalists, such as the use of military force and violence against the Kurds, which provided a “tempting precedent” for both Hitler and Mussolini in dealing with minorities,<sup>12</sup> shifted to less coercive methods after the transition to multiparty democracy in the 1950s. However, the Kemalists’ Kurdish annihilation policy and their colonial-style education system, especially boarding schools, has systematically continued up until the present. During this time, any void left in the prohibition of Kurdish was filled through the formulation and enforcement of the military-drafted 1961,

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8 D. A. Nejbir, *The Turkish State and Kurdish Linguistic Genocide: From Past to Present*, (Routledge, London 2022(forthcoming)), chp.4.

9 M. v Bruinessen, “Genocide in Kurdistan? The suppression of the Dersim rebellion in Turkey (1937-38) and the chemical war against the Iraqi Kurds (1988)”, in: George J. Andreopoulos (ed), *Conceptual and historical dimensions of genocide*, (University of Pennsylvania Press, the USA, 1994), pp. 141-170, p. 147-8.

10 I. Besikci, *Tuneli Kanunu (1935) and Dersim Jenosidi*, (Belge, Istanbul, 1990), p.53-76.

11 R. Olson, *The Emergence of Kurdish Nationalism and the Sheikh Said Rebellion, 1880-1925*, (the University of Texas, Austin, 1989), p. 125; Interview with A. Kahraman, quoted in D. Fernandes, *The Kurdish and Armenian Genocides –From Censorship and Denial to Recognition*, 2<sup>nd</sup> eds (APEC, Sweden, 2008), p.79.

12 S. Ihrig, *Ataturk in the Nazi Imagination*, The Belknap Press of Harvard University Press, Cambridge, 2014, p. 179.

1972 and 1982 Constitutions in the aftermath of each military coup (1960, 1971 and 1980 respectively). As stated by Nejbir, this deliberate and systematic Kurdish eradication policy fulfils the criteria of Lemkin's conceptualisation of linguistic genocide and is tantamount to cultural genocide as established in the case law of the International Criminal Tribunal for Yugoslavia (ICTY).<sup>13</sup> Similarly, Nejbir contends that, in the light of recent case law of the ICTY, the findings of the Australian Human Rights Commission, and the report of the Truth and Reconciliation Commission of Canada regarding Aboriginal people, the Kemalist boarding school policy for the Kurds violates Article 2(e) of the Genocide Convention and also constitutes cultural genocide.<sup>14</sup>

The state re-adopted its brutal violence policy of the one-party regime against the Kurds after the 1980 military coup. Expression of any form of Kurdishness was prohibited. Thousands of young Kurds, including legally elected Kurdish mayors, were arrested and subjected to systematic forms of torture. Some of them were kept in detention, while many others were maimed.<sup>15</sup> According to the report by the Parliamentary Investigation Commission for the Coups and Memorandums in 2012, after the 1980 military coup 650,000 people were detained and severely tortured, almost 500 people were killed by the torture while they were under custody, 517 people were sentenced to death and 50 of those were executed, 71,000 were charged mainly in relation to thoughts crimes, 1,683,000 people were blacklisted, 30,000 people were dismissed from work for political reasons, 14,000 were stripped of citizenship, 973 movies were banned, and 2,729 writers, journalists and actors were sentenced to 3,315 years imprisonment.<sup>16</sup>

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13 Nejbir, *supra* note 8, chapter 4.

14 *Ibid.*

15 H. Bozarslan, "Kurds and the Turkish State", in R. Kasaba (eds.) *The Cambridge History of Turkey, Volume 4: Turkey in the Modern World*, (Cambridge UP, Cambridge, 2008), p.349-50.

16 The Grand National Assembly of Turkey, *The Parliamentary Investigation Commission for the Coups between 2 May 2012 and November 2012 and Memorandum*, {Ordinal} (2012) 376 (1), p. 15, para

This suppression policy led the PKK to launch a revolutionary guerrilla-led armed struggle against the state forces in the Kurdish region in order to prevent them from further destroying Kurdish identity in 1984.<sup>17</sup> In response, the state converted the Kurdish region into a military zone by governing it under a state of emergency law from 1987 to 2002.<sup>18</sup> During this time period, the Kurds were individually and collectively targeted by state security forces on the basis of their ethnic identity as part of a state-organised forcible demographic change in the Kurdish region.<sup>19</sup> Turkish security used heavy weaponry, grenades, tanks, live ammunition and air dropped bombs to attack densely populated Kurdish residential neighbourhoods. The primary purpose of these systematic and widespread attacks, as stated

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4; available at [https://www.tbmm.gov.tr/arastirma\\_komisyonlari/darbe\\_muhtira/index.htm](https://www.tbmm.gov.tr/arastirma_komisyonlari/darbe_muhtira/index.htm), accessed 25 July 2020.

- 17 H. Bozarslan, *Violence in the Middle East: From Political Struggle to Self-Sacrifice*, (Markus Weiner, Princeton, 2004), p. 23; A. Uzun, *Living Freedom - The Evolution of the Kurdish Conflict in Turkey and the Efforts to Resolve it*, (Berghof Foundation Operations, Berlin, 2014), p. 14; Serxwebun, '15 Agustos Direnis ve Saldiri Ruhunu Selamliyoruz' (Serxwebun, the Netherlands 1984(32)) 32.
- 18 Decree having the Force of Law on the Establishment of the State of Emergency Regional Governance, Decree No. 285 of 10 July 1987; UK Home Office Nationality and Immigration Directorate (Country Information and Policy Unit), *Country Report - Turkey* (October 2004), Annex E, available at: <http://www.unhcr.org/refworld/docid/486a53800.html>; accessed 200 November 2020; İnsan Hakları Derneği (The Human Rights Organisation), *Olaganüstü Hal Kanuna Gore 1980'den Bugüne Azami Gözaltı Sureleri*, (IHD, Ankara, 28 Temmuz 2016); Hurriyet, '23 Yıl Sonra Resmen "Olagan Hal"', 30.11.2002.
- 19 See Dissident judgments of Judge Mularoni and Loucaides in *Hasan İlhan v Turkey*, Application No. 22494/93 (EC+HR, 9 November 2004); See also dissident judgment of the Judge Mularoni in *Dundar v Turkey*, Application No. 26972/95 (EC+HR, 20 September 2005); Human Rights Watch, *The Kurds of Turkey: Killings, Disappearances and Torture*, (HRW, New York, March 1993), p. 21; Amnesty International, *Turkey: A Policy of Denial*, (Amnesty International, London, 1995).

by the Minister of Human Rights of that time, Azimet Koyluoglu, was to “spread terror among the [Kurdish] community”<sup>20</sup> in order to destroy Kurdish identity. The state security forces, as declared by judgments of the European Court of Human Rights (ECtHR), committed some of the most heinous crimes such as mass graves,<sup>21</sup> disappearances,<sup>22</sup> extrajudicial killings,<sup>23</sup> destruction of villages,<sup>24</sup> torture,<sup>25</sup> the lack of due process, and sexual harassment, including rape<sup>26</sup> against Kurdish civilians in the name of the fight against “PKK terrorism”.

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- 20 *Turkiye İnsan Hakları Vakfı*, (The Human Rights Foundation in Turkey) (THIV), *Turkiye İnsan Hakları Yıllık Raporu 1994*, (THIV, Istanbul, 1994), p. 9.
  - 21 Sendika.org, ‘348 Toplu Mezarda toplam 4 bin 201 kişi bulundu’, 16 December 2014; IHD Diyarbakir Subesi, ‘Toplu Mezar Haritası’, available at <http://map.ihddiyarbakir.org/map.aspx>, accessed 20 October 2020.
  - 22 *Case of Er and Others v Turkey*, App no 23016/04 (EC+HR, 31 July 2012); IHD, *Zorla Kaybedilme*, (IHD, Ankara 30 May 2011). The chair of IHD, Ozturk Turkdogan, states that 153 cases in respect of disappearances were brought to ECHR. In 80% of these cases, the EC+HR held that Turkey violated article 2 of the ECHR. Interview with Ozturk Turkdogan.
  - 23 *Ergi v Turkey* Application no 40/1993/435/514 (EC+HR, 28 July 1998), *Benzer and others v Turkey*, App no 23502/06 (EC+HR, 12 November 2013).
  - 24 *Hasan İlhan v Turkey* App no 22494/93 (EC+HR, 9 November 2004); *Dundar v Turkey* App no 26972/95 (EC+HR, 20 September 2005).
  - 25 *Ahmet Ozkan and Others v Turkey* App no 21689/93 (EC+HR, 6 April 2004); *A.Gundogan, K.Mustak, B.Mustak, A. Mustak v Turkey (Friendly Settlement)* App no 15202/89, 15203/89, 15204/89, 15205/89 (EC+HR, Commission decision of 12 January 1993); *Aktas v Turkey* App no 2435/194 (EC+HR, 24 April 2003). See also, the Report of the European Committee on the Prevention of Torture CPT, *Report to the Turkish Government on the visit to Turkey carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) form 7-14 December 2005*, CPT/Inf (2006) 30, (Strasbourg, 6 September 2006).
  - 26 *Aydin v Turkey* App no 57/1996/676/866 (EC+HR, 25 September 1997); Amnesty International, *Turkey: Justice Delayed and denied*



These dreadful crimes have repeatedly, consistently and regularly been committed against Kurds by Turkish security forces during the 1990-95 timeframe in 13 out of 17 cities of the south-east of Turkey which covers 488-610 km acres of Turkey and governed by the state of emergency law. During this period, 3,415 Kurdish settlements<sup>27</sup> were forcibly evacuated and destroyed and around 4 million people were displaced from their homes.<sup>28</sup> Moreover, the security forces killed 2,680 Kurdish civilians through bombing villages and randomly shooting people in the area.<sup>29</sup> At the minimum, 363 Kurdish people were killed as the result of mines placed on the roads of Kurdish villages by the security forces.<sup>30</sup> Furthermore, the security forces also killed 181 detainees by torture<sup>31</sup> and raped 116 Kurdish women while

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*for victims of sexual violence*, (Amnesty International, London, 13 February 2003; Amnesty International, *Turkey: Torture/III Treatment*, (Amnesty International, London, 24 October 2000); Kurdish Human Rights Project (KHRP), *Trial Observation Report, Turkey's Shame: Sexual Violence without Redress - The Plight of Kurdish Women*, (KHRP, London, December 2003).

- 27 KHRP *Internally Displaced Persons. The Kurds in Turkey* (KHRP, London, 2002); TIHV, *Turkiye Insan Haklari Yillik Raporu 1991*, p.109.
- 28 TIHV, *Turkiye Insan Haklari Raporu, Turkiye Insan Haklari Yillik Raporu 1991, 1992, 1993, 1994, 1995*, p. 52-3, 109, p.10, 16, 62, p.103, 130, 149, p. 130, 140, 161, p. 19, 71, 109, 149, 223, 259, 267 respectively; Turkiye Buyuk Millet Meclisi Insan Haklarini Inceleme Komisyonu (TBMM), *Terror ve Siddet Olaylari Kapsaminda Yasam Hakki Ihlallerini Inceleme Raporu*, 24 Donem, 3. Yasama, Yili 2013, p.64, 74. IHD, *Koy Koruculugu Uygulamasinin Zorunlu Goc Magdurlarinin Guvenligi Acisinda Yarattigi Sorunlar*, (IHD, Ankara, 8 August 2008; United States Department of State, *Country Reports on Human Rights Practices*, 2001 (March 2002).
- 29 TBMM, supra note 28, p.64 and THIV, *Turkiye Insan Haklari Yillik Raporu 1995*, p.176.
- 30 THIV, *Turkiye Insan Haklari Yillik Raporu*, 1991, 1992, 1993, 1994, 19995, p.53, p.62, p.130, p.161, p, 223 respectively.
- 31 TBMM, supra note 28, p.74, THIV, *Turkiye Insan Haklari Yillik Raporu 1995*, p.259.

hey were detained.<sup>32</sup> In addition, a total of 1,620 people were killed by unknown perpetrators,<sup>33</sup> and 911 people have become victims of extra-judicial execution.<sup>34</sup> Thousands of people were detained and at least 4,462 people were tortured.<sup>35</sup> Nejbir established that widespread and systematic collective punishment of the Kurdish civilians on the basis of their ethnic identity by the Turkish security forces in 13 cities of south east of Turkey within 1990-95 leaves no doubt that Turkey committed crimes against humanity against the Kurds in that period.<sup>36</sup>

Turkey went through the tremendous changes by the beginning of the millennium and raised hopes for a peaceful solution to the Kurdish issue more than ever before in Turkey's history: The announcement of Turkey's EU candidacy in 1999;<sup>37</sup> the change of the PKK's strategy from an independent Kurdistan within the territory of Turkey to the concept of democratic respect for Kurdish identity in Turkey;<sup>38</sup> the emergence of a new political actor, the Justice and Development Party (AKP), which promised to correct the Kemalists' systematic Kurdish suppression policy though the accommodation of the Kurdish people and the commitment to fulfilling the Copenhagen criteria<sup>39</sup> all increased these hopes.

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32 Ibid, p.267.

33 TBMM, supra note 28, p.74, TIHV, *Türkiye İnsan Hakları Yıllık Raporu 1994, 1995*, p.130 and 149 respectively.

34 TBMM, supra note 28, p.74.

35 THIV, supra note 28; TBMM, supra note 28.

36 D. A. Nejbir, 'The Treatment of the Kurds and Kurdish Language by the Turkish State', (PhD thesis, Queens University of Belfast, December 2019), Chapter 4, pp.83-114.

37 Presidency Conclusion, Helsinki European Council 10 and 11 December 1999, available at [http://www.europarl.europa.eu/summits/hell\\_en.htm](http://www.europarl.europa.eu/summits/hell_en.htm), accessed 10 December 2020.

38 Serxwebun, 'Kurtler Demokrasinin Yeni Gucudur' (Serxwebun, the Netherlands, 2000(19)); A. Akkaya and J. Jongerden, "Reassembling the Political: The PKK and the Project of Radical Democracy" (2002) 14 *European Journal of Turkish Studies*.

39 I. Dagi, "The Justice and Development Party: Identity, Politics and Discourse of Human Rights in the Search for Security and Legiti-

However, the AKP Kurdish policy demonstrates that the AKP has used the Kurdish issue as a political weapon to gain sizeable and credible support from the European Union in order to demolish the Kemalist monopoly on state power and establish its own civil tyranny. To achieve this, first, the AKP politicised Kurdish linguistic rights and introduced piecemeal legislative change which “allowed” the limited use of the Kurdish language in the fields of broadcasting, education, judicial proceedings and public institutions between 2002 to 2014. Secondly, the AKP held peace talks with the PKK (May 2009 to May 2010; and 21 March 2013 to 22 July 2015) which pretended to be involved in ending five decades of armed internal conflict and seeking a peaceful solution for the Kurdish issue in Turkey.<sup>40</sup> In analysing the AKP’s Kurdish linguistic policy, Nejbir shows how the AKP politicised Kurdish linguistic rights more than any previous government and used this for its evil purpose. Nejbir further establishes that “reform” which “allows” the use of the Kurdish language within public institutions pays only lip-service and that it violates international and regional human rights law relating to minority rights in this field, which Turkey is bound by. He concludes that the AKP’s ad hoc Kurdish linguistic “reforms”, aside from the restoration of

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macy”, in H. Yavuz(eds), *The Emergence of a New Turkey and the AK Party*, (Utah Publisher, Salt Lake, 2006), p.5; Z. B. K. Kisacak, “The Impact of the EU on Minority Rights”, in C. Gunes and W. Zeydanoglu (eds) *The Kurdish Question in Turkey - New perspectives on violence, representation and reconciliation*, (Routledge, London, 2014), pp. 205-225, p. 218; M. Cinar, “Turkey Present ancient regime and the Justice and Development Party” in M. Casier and J. Jongerden (eds), *Nationalism and Politics in Turkey-Political Islam, Kemalism and Kurdish Issue*, (Routledge, London, 2011), pp. 13-28, p.13, 22; M. Somer, “Democratization, clashing narratives, and ‘Twin Tolerations’ between Islamic-Conservative and Pro-Secular Actors”, in M. Casier and J. Jongerden (eds), *Nationalism and Politics in Turkey-Political Islam, Kemalism and Kurdish Issue*, (Routledge, London, 2011), pp. 28-48.

40 Nejbir, supra note 8, Chapters 7-10.

the Kemalists' Kurdish language genocide policy, cannot even stop the continuation of this linguicide.<sup>41</sup>

In the same vein, Erdogan's regime considered peace talks only as a tactical move and extended them only for the time period required in order to supplement the state's tradition of Kurdish annihilation policy with modern suppression methods. Repression became the main principle of the governance for the AKP in respect of the Kurds, despite the AKP holding secret peace talks with the PKK from May 2009 to May 2010 and 21 March 2013 to 22 July 2015. Criminalization of civil disobedience campaigns, continuation of the mass arrest of thousands of Kurdish opposition members under the so-called KCK trial,<sup>42</sup> and cross-border operations against the PKK in 2012,<sup>43</sup> marked the end of the AKP's 2009- 2010 peace talks. The AKP continued its Kurdish repression policy, despite the AKP having re-started secret peace talks with the PKK in December 2012. These talks were shared with the public through the "Democracy and Resolution" statement made at Newroz in Diyarbakir on 21 March 2013.<sup>44</sup> The next day, the PKK declared a unilateral ceasefire and withdrew its forces outside Turkish state territory in May 2013. In response, the AKP gave the impression that this time it was taking peace talks very seriously by creating, for the first time in the Parliament in April 2013, a "Wise Persons Delegation" and

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41 Nejbir, *supra* note 36, p. 277.

42 European Commission, Regular Report on Turkey's Progress Towards Accession in 2011, SEC(2011) 1201 final, (European Commission, Brussels, 12 October 2011), p.6-7. 41-41; European Commission, Regular Report on Turkey's Progress Towards Accession in 2012, SWD(2012) 336 final, (European Commission, Brussels, 10 October 2012) p. 7, 22 ,and 33-34; Evrensel, 'Kurt siyasetciler yargi kiskacinda', 24 March 2010.

43 Haber Turk, 'Kuzey Irak'a Operasyon', 4 February 2012; Haber Turk, 'Tezekere Kabul Edildi', 12 October 2012.

44 I. Aktan, "Chronology of Peace Process", (Hafiza Merkezi, 19 July 2015).

“Solution Process Commission” to contribute to finding a peaceful solution.<sup>45</sup>

However, losing 6% votes in comparison with previous elections in the 30 March 2014 local election,<sup>46</sup> and acknowledging that the Kurds had increased their political gains in Syria and become one of the main political actors there, the AKP prepared war against the Kurds while continuing peace talks. The state built up 341 new military stations, 900 kilometers of military roads and trained more than 2,000 new village guards from the beginning of the peace process to May 2014<sup>47</sup> as a part of its implementation of “Sri Lanka Model” for Kurds.<sup>48</sup> Indeed, the secret “Collapse Plan” in September 2014 demonstrates that the state was determined to annihilate Kurds within and outside its territory.<sup>49</sup> The reaction of the state against those people who protested against the barbaric actions of ISIS against Kurds in Kobani and Turkey’s “embargo over Kobani”, as well as its support to ISIS, illustrates the first indications of this plan. The state security forces intervened in protests in around 40 cities and killed fifty people, injuring 772 people as well as arresting 4,291 people during the protests, which took place on 6 and 8

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45 Ibid; European Commission, Regular Report on Turkey's Progress Towards Accession 2013, SWD(2013) 417 final, (European Commission, Brussels, 16 October 2013), p.15; ; European Commission, Regular Report on Turkey's Progress Towards Accession 2014, COM(2014)700 final, (European Commission, Brussels, 8 October 2014), p.8; Report by Nils Muižnieks, Council of Europe Commissioner for Human Rights, following his visit to Turkey from 1 to 5 July 2013, CommDH (2013)24, ( Council of Europe, Brussel, 26 November 2013), para. 192.

46 Haber Turk, ‘HT Secim 2014’, available at <https://www.haberturk.com/secim/secim2014/yerel-secim/iller>, accessed 10 January 2021.

47 IHD, *Geri Cekilme Sureci Izleme Komisyonu Bolge Geneli Askeri Hareketlilik ve Sinir Hatti*, (IHD, Ankara, 8 May 2014).

48 Cumhuriyet, ‘AKP’li vekilden gundeme bomba gibi dusen Sri Lanka onerisi’, 28 August 2015.

49 O. Yildiz, ‘Cokertme Planı’, *Nerinaazad*, 16 December 2015.

October 2014.<sup>50</sup> Instead of investigating these disproportionate uses of force against the protestors, Erdogan blamed the Peoples' Democracy Party (HDP) for calling "for permanent action"<sup>51</sup> for Kobani, and also blackmailed Kurds by threatening to end the peace talks if protests did not stop. Erdogan regime adopted extra-judicial killings as a method of punishment and deterrence in the Kurdish region as had been the case in the 1990s. For example, between 27 December and 17 January, 8 civilians were killed in Cizre alone by security forces.<sup>52</sup> Moreover, mass arrests of Kurdish activists systematically increased from February 2015 onwards in the Kurdish region.<sup>53</sup> As part of this strategy of destruction, the state forces also carried out 226 attacks against the PKK forces despite the PKK having abided by the ceasefire from May 2014 to April 2015.<sup>54</sup>

On the other hand, in parallel with these suppression methods, the AKP continued peace talks with the PKK. The Imrali delegation, which consisted of the HDP MPs alongside the Deputy Prime Minister, presented the "Dolmabahce consensus", a ten point reconciliation declaration for the peaceful resolution of Kurdish issue on 28 February 2015.<sup>55</sup> Acknowledging that the HDP's "politics of the people" and "belief in peace" discourse had become a counter-hegemonic instrument not only in the Kurdish region but across the whole country, the AKP continued to use this *pseudo* peace project as a weapon to eliminate the HDP. It aimed "to dismantle almost all forms of Kurdish politici-

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50 IHD, *Kobani Direnisi ile Dayanisma Kapsaminda Yapilan Eylem ve Etkinliklere Mudahale Sonucu Gelen Hak Ihlalleri Raporu* (IHD, Ankara, 2-12 Ekim 2014); *Selhattin Demirtas v Turkey(2)*, Application no. 14305/17 (EC+HR, 20 November 2018), para. 21.

51 IHD, *supra* note 48; Amnesty International, *Kobane Protestolari Insan Haklari Ihlalleri*, (Amnesty International, Istanbul, 2015), p.15-18.

52 Demokrat Haber, 'HDK: Cizre'deki cinayetlere sessiz kalmiyacagiz', 15 January 2015.

53 Hafiza Merkezi, *supra* note 44.

54 Available at <http://hezenparastin.info/tr/index.php/b-alamalarin-menu-299> accessed 10 January 2021; Aktan, *supra* note 44.

55 Milliyet, 'Dolmabahce'de Tarihi Aciklama,' 28 February 2015.

zation, as well as the political field constituted by the demands of the Kurdish people [and dissidents] ... in different terms from those dictated by 'government wisdom.'<sup>56</sup> This fact was specifically stated by Erdogan who expressed the dependency of sustainability of peace talks on his party majority in the parliament by stipulating that "if we want a solution process, then we must deliver 400 members of Parliament" in the June 2015 election.<sup>57</sup> This could only be possible at the expense of HDP votes. Therefore, the AKP ministers considered that the HDP's decision to enter the election as a political party rather than as independent candidates was "part of an international project aimed at blocking the AKP's path."<sup>58</sup> The AKP applied all kinds of suppression techniques to stop the HDP from entering the election or, if it could not achieve this, preventing the HDP from passing the 10% threshold. According to the statistics of the Human Rights Association, during the election period from 23 March to 3 June 2015, 168 attacks, including armed attacks, bomb attacks and arson-attacks, occurred against the HDP. During these attacks, "5 people were killed, 522 were injured."<sup>59</sup> The report also demonstrates how these attacks were indirectly planned and tolerated by the state by stipulating that "instead of preventing these attacks, the exact opposite course of action was adopted, and 183 HDP members were detained - 33 of whom were tortured in detention."<sup>60</sup> Despite all these suppression methods, the HDP

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56 S. Pelek, F. Benlisoy, "AKP's passion for Kurds: either you belong to me, or to the Courts" 4/11/2011 available at [http://www.jadaliyya.com/pages/index/3055/akps-passion-for-kurds\\_either-you-belong-to-me-or](http://www.jadaliyya.com/pages/index/3055/akps-passion-for-kurds_either-you-belong-to-me-or) accessed 23 February 2021; N. Duzel, 'Mustafa Erdogan: Amac Kurtleri AKP'lilestirmek', *Taraf*, 1 February 2010.

57 Milliyet, 'Erdogan: 400 milletvekili lazim', 06/02/2015, Aktan supra note 44.

58 Cumhuriyet, 'Bekir Bozdag: HDP'nin secime girmesi uluslarasi proje', 19 April 2015.

59 IHD, *23 Mart -3 Haziran 2015 Tarihleri Arasinda 7 Haziran 2015 Milletvekili Secimleri Nedeni ile Siyasi Partilere Yonelik Ihlaller*, (IHD, Ankara, 3 Haziran 2015).

60 Ibid.

achieved great success by gaining 13% of votes in the June 2015 election, having passed the 10% election threshold, the first time this had occurred in respect of a pro-Kurdish party in Turkey's history.<sup>61</sup> This demonstrated how the HDP had become the main counter-hegemonic force against the AKP, which lost its majority in parliament for the first time since 2002.

The AKP realized that its hegemony diminished in parallel to the seriousness of peace talks. It was afraid that it would completely lose its hegemony if transition from conflict to peace occurred. Therefore, the AKP gradually transformed its soft authoritarianism regime to hard authoritarianism, in order to retain its power. Erdogan denied the peace process and halted the frozen peace talks in July 2015 despite previously declaring that he maintained control of the process.<sup>62</sup> Acknowledging that the Kurds would not surrender themselves to the "Turkish-Islamic Nation" concept through limited linguistic rights and a pseudo peace project, witnessing the empowerment of the pro-Kurdish parties within Turkey and that the Kurds had become one of the main political actors in Syria, the AKP started an intense war against the Kurds in August 2015. The AKP government created a state of exception in the Kurdish region as a governing norm by imposing widespread, round-the-clock nine-month curfews imposed on 10 cities, 39 towns and 63 districts in the Kurdish region between August 2015 - April 2016.<sup>63</sup>

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61 Secim Haber, "7 Haziran 2015 Genel Secim Sonuclari," available at <https://secim.haberler.com/7-haziran-2015-secimi/> accessed 10 January 2021; European Commission, Regular Report on Turkey's Progress towards Accession 2015, SWD (2015) 216 final, (European Commission, Brussels, 10 November 2015), p.7.

62 Sozcu, 'Erdogan Dolmabahce mutabakati icin ne demisti?', 25 Nisan 2016; European Commission, supra note 61, p.9.

63 THIV, *16 Agustos 2015- 1 Haziran 2016 Tarihleri Arasinda Ilan Edilen Sokaga Cikma Yasaklari*, (THIV, Istanbul, 1 Haziran 2017); Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the human rights situation in South-East Turkey July 2015 to December 2016*, (UN High Commissioner Office, Geneva, February 2017); para.42; Council of Europe, Commissioner for Human Rights, *Memorandum on the Human Rights Implications of An-*



During this time period, the state security forces committed the same pattern of crimes as in the 1990s against the Kurds but in even more strict terms. The state security forces re-converted the Kurdish region into a war zone and “collectively punished” more than 1.5 million Kurdish civilians, who were “allegedly automatically branded as PKK-sympathisers.”<sup>64</sup> The Turkish security forces directly and indiscriminately attacked Kurdish civilians in those places where a curfew was imposed on the basis of their Kurdish ethnic identity and their particular political view, supporting the HDP. The state extended its collective punishment policy of Kurds in rural areas of the Kurdish region during the 1990s to Kurdish cities and towns, and designed military attacks similar to Israel’s approach in Palestine, destroying the Kurds’ livelihoods. Various domestic and international human rights organisations and the Office of the United Nations High Commissioner for Human Rights (OHCHR) documented how security forces besieged densely populated Kurdish urban areas and indiscriminately shelled them with heavy artillery, tanks and even air-dropped munitions without any prior warnings. They also noted that during the curfews, the state security forces deliberately destroyed daily resources and cut water, electricity and gas, prohibited food supplies to entire cities and obstructed people’s access to health care for prolonged periods of time.<sup>65</sup> The United Nations High Commissioner for Human Rights’ (UNHCHR’s) international and domestic human rights organisations noted that during this nine month long curfew, at least 2,000

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*ti-Terrorism Operations in South-Eastern Turkey*, CommDH(2016)39, (Commissioner for Human Rights, Strasbourg, 2 December 2016), para.16.

64 Council of Europe Commissioner for Human Rights, *supra* note 63, para. 16.

65 OHCHR, *supra* note 63, para19. 20, 27, 42; Council of Europe, *supra* note 63, para3-12, 24-41; Physicians for Human Rights, *Southeastern Turkey: Health Care Under Siege*, (PHR, New York, August 2016); Emergency Architects, *Report On The Building Damage Assessment Diyarbakir, Silvan and Cizre in the Wake of the Curfews* (Emergency Architects Foundation, Paris, 27-28 October 2015), p.10, 26.

people were killed; more than 2,040 civilians were wounded;<sup>66</sup> thousands of people were tortured;<sup>67</sup> total destruction of more than 24,000 buildings occurred<sup>68</sup> and more than half a million people were forcibly evacuated from their homes without being provided with any humanitarian aid.<sup>69</sup>

Nejbir argues that the AKP's Kurdish suppression policy goes beyond those dark days of the 1990s. He establishes that widespread and systematic atrocities by the Turkish security forces against Kurdish civilians during the 9 months curfew in the Kurdish region constitute a crime against humanity against the Kurds.<sup>70</sup> He also shows how the AKP has consolidated the state's previous Kurdish suppression techniques and supplemented them with new ones in order to bury the Kurdish issue: the AKP has extended the state's destruction of Kurdish villages to Kurdish towns and cities and has continued the state's forcible Kurdish displacement policy and supplemented it with a forcible expropriation policy not previously implemented. Similar to the Kemalist '90s regime, they arrested Kurdish MPs but went further, removing democratically elected Kurdish mayors and appointing trustees to their positions. Moreover, they have shut down all Kurdish institutions (including the children's TV channel), as had happened in the 1920s under the Kemalist one-party regime, in order to destroy the Kurdish identity and language.<sup>71</sup>

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66 OHCHR, supra note 63, para 2, para 24.

67 Ibid; IHD, *Çatısmali Ortamlarda Meydana Gelen İnsan Hakları İhlalleri*, (IHD, Ankara, 24 Temmuz 2015-2016), p.3-4.

68 Union of chambers of Turkish Engineers and Architecture, *2015-2016 Destroyed Cities Report*, 2016, available at <http://www.dimod.org.tr/sur/english.pdf>, accessed 20 January 2021.

69 Ibid, para.14, 47; Council of Europe, supra note 63, para 88, 27.

70 Nejbir, supra note 36, chapter 6, p.115-153.

71 Nejbir, supra note 36, chapter 11, p. 277-285.

## 2. Turkey's War against Kurdish Graves

*“Can a person be killed five times? Hüseyin Döner, whose family felt great pain when he lost his life in Kobanê, was killed a second time when the Garzan Cemetery where he was buried was destroyed, a third time when his bodily remains were kidnapped, a fourth time when he was buried on the sidewalk in Kilyos Cemetery, and a fifth time when they brought him to Hizan and buried him.”*

***Gülperi Döner, the sister-in-law of Hüseyin Döner.***

The Turkish security forces' widespread and systematic attacks on the Kurdish cemeteries and graves represents one of the AKP's modern suppression methods that has bolstered Turkey's Kurdish annihilation policy. As this report reveals, between 17 September 2015 and 4 April 2020, the Turkish security forces completely destroyed 18 cemeteries where entirely the graves of fallen Kurdish Workers Party (PKK) militants are located in 11 provinces of North Kurdistan by air bombardments and using explosives. In parallel with these attacks, the security forces vandalized in a systematic and widespread manner the graves of the PKK's members in the public cemeteries in every province in the Kurdish region since 2015. Although there is a lack of accurate data regarding the numbers of destroyed and damaged graves as a result of these attacks, the incomplete and limited figures that have been collected through empirical work and interviews in this research project reveals Turkey's war against Kurdish cemeteries and graves.

According to our findings, Turkish security forces made 122 attacks against the Kurdish cemeteries between 17 September 2015 and 4 April 2020. As a result of this ongoing war against

the cemeteries and graves at least 1,644 graves were completely destroyed and 2,926 graves were vandalised. Hence, 900 graves were completely destroyed and 1,475 vandalised in Sirnak province; 143 graves were completely destroyed and 340 vandalised in Diyarbakir province; 200 graves were completely destroyed and 369 were vandalised in Batman province; 150 graves were completely destroyed and 3 vandalised in Tunceli (Dersim) province; 41 graves were destroyed and 69 were vandalised in Van province; 200 graves were vandalised in Siirt province; 232 graves were vandalised in Mardin province; 9 graves were completely destroyed and 3 graves were vandalised in Suruc/Sanlıurfa; 267 graves were completely destroyed in Bitlis province; 54 graves were completely destroyed in Hakkari province; 27 graves were completely destroyed and 8 graves were vandalized in Mus province; 80 graves were vandalised in Bingol province.

The minimum aspect of these figures is very obvious due to the number of graves which were destroyed and damaged as the result of aerial bombardment of the “Martyr Suat Tekin Kizilay Cemetery” with helicopters in Ağrı province; “Pakrewangeha Eğit Suruç and Ayten Tekin Cemetery” in Mardin province; the “Çemçe Cemetery” in Kağızman district of Kars province are still unknown. Similarly, as stated by Mebya-Der, the figures of the vandalised graves provided in this research report can only “correspond to less than a quarter of the real figures” due to the fact that any research on his issue is constantly and persistently blocked and criminalized by the Turkish State.”<sup>1</sup> The executive failure to provide any statistics regarding the destruction of the Kurdish graves by the State security forces despite HDP’s MPs persistent inquiry regarding this issue further supports this claim.

Turkey’s war against Kurdish sacred places, as it demonstrates in our forthcoming report, has not only violated the most basic and fundamental international and regional human rights which Turkey is bound to protect. More importantly, it constitutes

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1 Interview with Gulistan Onen, the co-chair of the Unity and Culture Association for Aid and Solidarity with Families Who Lost Their Relatives in the Cradle of Civilizations (MEBYA-DER) Van Branch, 17 January 2021.

crimes against humanity (between August 2015 - April 2016) and also war crimes. Turkey's destruction of Kurdish graves policy has short and long-term goals. The Erdogan regime has institutionalized widespread and systematic attacks on Kurdish cemeteries and graves as part of his regime's psychological warfare strategy to demoralise and humiliate Kurds and it teaches them a memorable lesson to secure obedience through these dreadful crimes. More importantly, the long-term aim of these attacks is to complement the "state terror" of forcible evacuation and destruction of the rural and urban Kurdish regions which started in 1924, and which was systematically re-implemented in both the 90s and during the nine-month curfew in 2015-6 respectively. The Erdogan regime has acknowledged that, as long as the Kurdish graves are located in the Kurdish region, they would not be able to cut off the inherited connection of Kurdish people with their land, history and past generations. Therefore, through these heinous crimes, the Turkish state aims to erase the material traces of resistance of the PKK against Turkey's Kurdish annihilation policy and prevent transformation of it into a collective resistance memory.<sup>2</sup>

Turkey's war against the Kurdish cemeteries and graves demonstrates that these dreadful crimes have been planned by the executive and implemented by the security forces on the basis of executive order and legitimized by the judiciary. As this chronology reveals the security forces identified the locations of cemeteries where the fallen PKK warriors rested in the rural and urban areas of the Kurdish region in a systematic manner and destroyed them either with aerial bombardment or explosives. Similarly, the security forces deployed the same systematic pattern of identification of the graves of the PKK's militants in the public cemeteries in urban areas of the Kurdish region and they either vandalized these cemeteries in a systematic manner or

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2 See also D Aydin, *Cemeteries and and Memorials: Violence, Death and Mourning in Kurdish Society*, (Master Thesis, Sabanci University, September 2017); Hisyar Ozsoy, *Between Gift and Taboo: Death and the Negotiation of National Identity and Sovereignty in the Kurdish Conflict in Turkey*, (PhD Dissertation, University of Texas, May 2010).

forced the families of the fallen PKK militants to vandalize the graves of their children by force.

The fact that these crimes are systematized and institutionalized by the State can be validated by noting the rejection of a proposal to establish a Parliamentary Investigation Commission examining the conduct of state security forces on the Kurdish cemeteries and graves and the lack of any oral and written reply by the executive to 23 motions submitted by HDP MPs between 2 May 2019 and 17 June 2020 with regards to this matter. Further support for claiming that these heinous crimes were planned can be drawn from the extension of the state's traditional and systematic policy of impunity for perpetrators of these heinous crimes. The state authorities have persistently refused to open an inquiry to investigate these crimes despite the tireless efforts of those families whose children's graves were either destroyed or damaged, the OHD and the HDP. This research reveals that 16 individual separate criminal complaints by the families; 3 separate criminal complaints by the HDP and 13 separate criminal complaints by the OHD were submitted to the Public Prosecutors which demanded that public cases be filed against those security forces either destroying or vandalizing graves and they be accordingly punished between 14 May to 30 June 2020.

The Chief Public Prosecutor's Office has not made any decision with regard to 26 out of 32 of these complaints. In relation to 3 separate complaints made by families and 3 separate complaints made by the HDP, the Chief Public Prosecutor's Office decided that there was no need to investigate the criminal complaints against the security forces. Only one of the appeals against these decisions of the prosecutor has reached the Constitutional Court. The Court has firmly ruled that allegations of violations of the right to the protection and development of material and spiritual property, the right to respect for private and family life, and freedom of religion and conscience are inadmissible due to the failure to exhaust the remedies",<sup>3</sup> despite the applicant having already exhausted all available remedies.

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3 AYM (Turkey Constitutional Court), *Zeynelabidin Cagan* Basvuru Numarasi (Application Number): 2020/27464, 15/12/2020, p.2.

Indeed, the justification of the Malazgirt Chief Public Prosecutor for rejecting the opening of an investigation in relation to the HDP's complaint regarding the vandalism of the graves in Mus province leaves no doubt that the widespread and systematic attacks on cemeteries and graves are planned, executed and institutionalised by the Turkish state as part of its Kurdish annihilation policy. The decision states: *"As a result of the researches, the relevant parts of the grave were seized due to the decision of the Malazgirt Criminal Judgeship of Peace, due to the presence of inscriptions and emblems of terrorist organisation propaganda on the grave of Serkan Çokşen, who was killed when he was a member of the PKK/KCK terrorist organisation, in Tatar-gazi village."*<sup>4</sup>

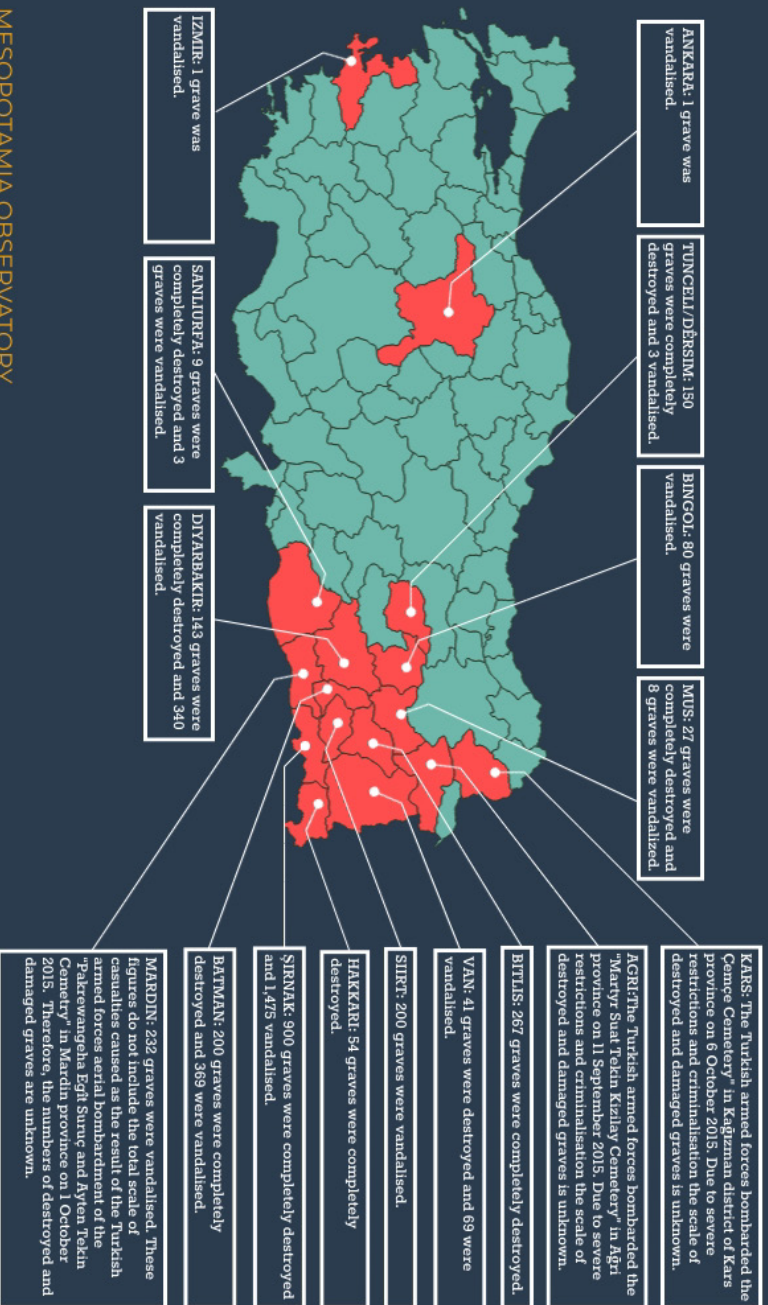
The justification reveals that state security has been ordered to identify the graves of the fallen PKK members in the public cemeteries and destroy them through the court's decision. Instead of opening an investigation against the perpetrators of these crimes, the Chief Public Prosecutors have brought mass criminal cases against those families whose children's graves were vandalised by the security forces on the basis that Kurdish inscriptions on the gravestones of their children constituted the crime of making 'propaganda' for the 'terrorist organisation', the PKK.

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4 T.C. Malazgirt Bassavciligi (T.R. Malazgirt Chief Public Prosecutor's Office), Sorusturma Numarais (Investigation No): 2020/460, Karar Numarais (Investigation Decision No): 2020/828, 23 October 2020.

# The Map of Turkey's Destruction of Kurdish Graves

Turkish security forces made 122 attacks against the Kurdish cemeteries between 17 September 2015 and 4 April 2020. As a result of this ongoing war against the cemeteries and graves at least 1,644 graves were completely destroyed and 2,926 graves were vandalised.





# The Chronology of Turkey's Destruction of Kurdish Graves

2015



*11 September 2015, Ağrı – Martyr Suat Tekin Kızılay Cemetery. Source: Free Women's Congress Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



17 September 2015, Muş/Varto - Martyr İsmail and Martyr Ronahi Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.

*The cronology of Turkey's destruction of kurdish graves*



*1 October 2015 Mardin/Nusaybin- Martyr Agit Suruç and Martyr Ayten Tekin Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



*10 October 2015, Hakkari/Cudi – Martyr Cuma and Martyr Bineş Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*

*The cronology of Turkey's destruction of kurdish graves*



*10 October 2015, Hakkari/Cudi – Martyr Cuma and Martyr Binevş Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



6 October 2015, Kars/Çemçe – Çemçe Martyrdom Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.

*The cronology of Turkey's destruction of kurdish graves*



*17 October 2015, Dersim – Martyr Suna Çiçek and Martyr Doktor Baran Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



*17 October 2015, Dersim – Martyr Suna Çiçek and Martyr Doktor Baran Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



*The cronology of Turkey's destruction of kurdish graves*



*17 October 2015, Dersim – Martyr Suna Çiçek and Martyr Doktor Baran Cemetery. Source: Free Women’s Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples’ Graveyards, January 2016.*



*17 October 2015, Diyarbakır/Lice- Martyr Amed and Martyr Hevidar Cemetery. Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*

*The cronology of Turkey's destruction of kurdish graves*



*Garzan Cemetery before the destruction. Source: These photos were provided to the author by researcher, Derya Aydin*



*Garzan Cemetery before the destruction. Source: These photos were provided to the author by researcher, Derya Aydin*

*The cronology of Turkey's destruction of kurdish graves*



*Garzan Cemetery after the destruction. Source: Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*



*Garzan Cemetery after the destruction. Source: Source: Free Women's Congress) Peoples and Faith Commission, Press Statement on the Destruction of Our Peoples' Graveyards, January 2016.*

*The cronology of Turkey's destruction of kurdish graves*



*Cemetery in Diyarbakir Province Lice District Yolçati Village (Gündê Sîsê); The photo above was taken in July 2013. The photo below was taken in October 2015. Source: Özgürlük İcin Hukukçular Derneği (Association of Lawyers for Freedom-ÖHD), Özgürlük İcin Hukukçular Derneği Diyarbakir Şubesi'nin Lice Yolçati Köyünde Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur' (Association of Lawyers for Freedom Diyarbakir Branch's Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçati Village), (ÖHD, Diyarbakir, 1 June 2020),*

## 2015

1. On 11 September 2015, the Turkish Armed Forces bombed the “Martyr Suat Tekin Kizilay Cemetery” with helicopters, where the graves of the fallen members of the Kurdish Workers’ Party (PKK) are located in Ağrı province.<sup>1</sup>
2. On 17 September 2015, the Turkish Armed Forces bombed the “Martyr Ismail and Martyr Ronahi Cemetery” with helicopters, where the graves of PKK militants are located in the Kulan area of Varto district of Muş.<sup>2</sup>
3. On 30 September 2015, the Turkish Armed Forces first bombed “Xerzan Martyrdom” in Olek village of Tatvan district of Bitlis with warplanes and helicopters, where there are graves of 267 PKK members. After the bombardment, soldiers then came to the cemetery and destroyed it with heavy equipment.<sup>3</sup>

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1 Kongre ya Jinên Azad (KJA) (Free Women Congress), ‘Press Statement on the Destruction of Our Peoples’ Graveyards’, January 2016.

2 İnsan Hakları Derneği (IHD) Güney ve Doğu Anadolu Bölgesi, 2015 *İnsan Hakları İhlalleri Raporu* (Human Rights Association (IHD)-East and Southeast Anatolia Region, ‘Human Rights Violations Report 2015’) (IHD, Diyarbakir ,2016), p. 103, available at <https://ihddiyarbakir.org/d562f0f0-e249-4b42-b7ab-8e0723e8f074.pdf>, accessed 10 December 2020.

3 ANF News, ‘Türk polisi yine Yeniköy Mezarlığı’na saldırdı’ (‘Turkish Police Attacked Yenikoy Cemetery Again’) 26 December 2017, available at <https://anfturkce.com/kurdistan/tuerk-polisi-yine-yenikoey-mezarligi-na-saldiridi-100706>, accessed 10 December 2020; Gazetekarınca, ‘PKK’lilerin cenazeleri yerlerinden çıkartıldı, mezarlık bütünüyle yıkıldı’ (‘The bodies of PKK members were removed from their places, the cemetery was completely destroyed’), 22 December 2017, available at <https://gazetekarınca.com/2017/12/pkklilerin-cenazeleri-yerlerinden-cikartildi-mezarlik-butunuyle-yikildi/>, accessed 10 December 2020; IHD, supra note 1, p.103.



4. On 1 October 2015, the Turkish Armed forces destroyed the graves of fallen PKK members in “Pakrewangeha Egît Suruç and Ayten Tekin Cemetery” where the graves of PKK militants were located, during the ongoing military operation in Bagok mountain near the village of Marine in Nusaybin district of Mardin. The security forces arrested 19 people who tried to create a human shield to protect the cemetery against destruction.<sup>4</sup>
  
5. On 7 October 2015, the Turkish Armed Forces bombed the “Çemçe Cemetery” in Kağızman district of Kars with warplanes and helicopters where graves of PKK members are located. The statement made by the Governorship of Kars confirms the attack on the cemetery:

*“While the surrounding walls of the so-called PKK cemetery, the flag poles around the building and the two-room building were completely destroyed by using explosives by the Explosive Destruction Teams affiliated with the Kars Provincial Gendarmerie Command, the graves were not touched”.*<sup>5</sup>

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- 4 Halkların Demokratik Partisi, *Mardin Nusaybin’de Sokağa Çıkma Yasakları Süresince Yaşananlar Parti Raporu* (HDP Party Report on What Happened during the Curfews in Nusaybin, Mardin), (HDP, Ankara, 2 December 2015), p.11-12; ANF News, ‘HDP’den Nusaybin raporu’ (HDP’s Nusaybin report), 2 December 2015, available at <https://anfturkce.net/kurdistan/hdp-den-nusaybin-raporu-59399>, accessed 10 December 2020.
  - 5 PolitiKars, ‘PKK’nin “Çemçe Şehitliği” (‘PKK’s “Çemçe Martyrdom” was Bombed’), 7 Ekim 2015, available at <https://www.politikars.com/pkknin-cemce-sehitligi-bombalandi-491792h.htm> accessed 10 December 2020; Haber7com, ‘PKK’nin sözde mezarı dümdüz edildi’ (PKK’s so-called grave was destroyed), 6 October 2015, available at <https://www.haber7.com/guncel/haber/1588739-pkknin-sozde-meza-ri-dumduz-edildi>, accessed 10 December 2020; Türkiye, ‘Kars Kağızman’da PKK’ya ağır darbe’ (Death blow to PKK in Kars Kağızman), 6 October 2015, available at <https://www.turkiyegazetesi.com.tr/gun->

Although the official statement stated that the graves were not touched, eyewitnesses reported that the military units landed in the area after the bombardment and that these units “destroyed the cemetery walls and graves with sledgehammers”.<sup>6</sup>

6. On 12 October 2015, the Turkish Armed Forces bombarded the “Martyr Resul and Martyr Azime Cemetery” in the Herekol region between Şırnak and Siirt with fighter jets, where the graves of 70 PKK members are located. The armed forces continued to bombard the cemetery despite ten civilians who tried to create a human shield to protect the cemetery, inside the cemetery.<sup>7</sup>
7. On 17 October 2015, the Turkish Armed Forces first bombed the “Martyr Cuma and Martyr Binevş Martyrdom” cemetery in Cudi Mountain in Şırnak with mortar shells. Then, the armed forces completely destroyed 460 graves of fallen PKK militants as well as the mosque and the guesthouse in the cemetery with diggers.<sup>8</sup>
8. On 18 October 2015, the Turkish Armed Forces bombed the Martyr Harûn and Martyr Hêwîdar Cemetery, near Yolçatı (Sîse) village in Diyarbakır’s Lice district, with mortar and cauldron bombs. After the bombardment, the Special Operations Teams came to the cemetery

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[dem/311957.aspx](http://dem/311957.aspx), accessed 10 December 2020.

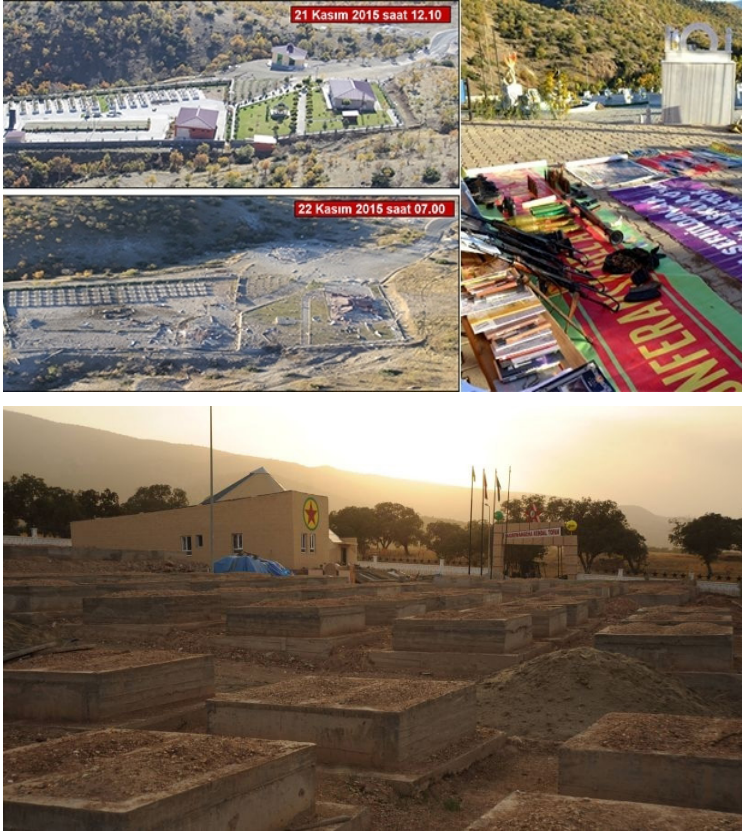
6 PolitiKars, supra note 4.

7 Demokrat News, ‘Türk savaş uçakları Pervari’de PKK’lilerin mezarlarını bombaladı’ (‘Turkish warplanes bombed graves of PKK members in Pervari’), 12 October 2015, available at <https://www.demokrathaber.org/guncel/turk-savas-ucaklari-pervari-de-pkk-lilerin-mezarlarini-bombaladi-h55627.html>, accessed 10 December 2020.

8 Interview with Serhat Kucuk, the co-chair of the MEBYA-DER’s Cizre Branch, 17 January 2021; IHD, supra note 2, p.104.

and detonated explosives destroying the cemetery, including the mosque, the museum and the guesthouse inside it. As a result of this attack, 50 of the 218 graves in the cemetery were destroyed. The tombstones of many graves were shattered due to the intense pressure of bombardment.<sup>9</sup>

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- 9 ANF News, 'Lice'de mezarlık ve cami yıktılar/YENİLENDİ' (They destroyed a cemetery and mosque in Lice / UPDATED), 18 October 2015,, available at <https://anfturkce.net/guncel/lice-de-mezarlik-ve-cami-yiktilar-yenilendi-56624>, accessed 15 December 2020; Fersude Newspaper, 'Arife gecesinde mezarlar balyozlarla tahrip edildi' ('Graves were destroyed with sledgehammers on the eve of the night'), 4 June 2019, available at <https://www.gazetefersude.net/arife-gecesi-mezarlar-balyozlarla-tahrip-edildi> 10, accessed 15 December 2020; Newspaper Patika, 'Mezarlık saldırılar sürüyor: Askerler mezar parçalarını parçaladı' ('Cemetery attacks continue: Soldiers smash headstones'), 22 May 2020, available at <https://www.gazetepatika12.com/mezarlik-saldirilari-suruyor-askerler-mezar-taslarini-parcaladi-61036.html>, accessed 15 December 2020; Yeni Yasam, 'Aynı mezarlığa 3'üncü saldırı' (3rd attack on the same cemetery), available at <https://yeniyasamgazetesi.com/ayni-mezarliga-3uncu-saldiri/>, 22 May 2020, accessed 15 December 2020; Ozgurluk İcin Hukukcular Derneği (Association of Lawyers for Freedom-ÖHD), *Özgürlük İçin Hukukçular Derneği Diyarbakir Şubesi'nin Lice Yolçati Köyünde Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur'* (Association of Lawyers for Freedom Diyarbakir Branch's Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçati Village), (ÖHD, Diyarbakir, 1 June 2020), p. 4; IHD, supra note 2, p.103.



*Martyr Harûn and Martyr Hêwîdar cemetery, source: Evrensel*

9. On 22 October 2015, the Turkish Armed Forces completely destroyed the graves of 200 fallen PKK militants that were located in “Mawa Martyrdom” cemetery in Batman province with diggers.<sup>10</sup> Thirteen civilians who

10 Interview with Ferhan Aras, the co-chair of the MEBYA-DER's Batman Branch, 15 January 2021; Evrensel News, 'DİHA: Gerilla mezarlığı keççelerle yıkıldı' ('DİHA: Guerrilla cemetery destroyed by diggers'), 22 October 2015, available at <https://www.evrensel.net/haber/263387/diha-gerilla-mezarligi-kepcelerle-yikildi>, accessed 15 December 2020.

acted as human shields to prevent an attack on the cemetery were arrested. Lawyer Mehdi Oztuzun, who was among these civilians, said that despite visiting every part of the cemetery, contrary to what the President claimed, they did not find any ammunition in the cemetery. He said such faulty excuses could not be used as justification to legitimise attacks on the most sacred places.<sup>11</sup>

10. On 26 October 2015, during a military operation, the Turkish Armed Forces bombed the “Suna Çiçek and Doctor Baran Martyr Cemetery” with Cobra helicopters, where graves of PKK members and victims of the 1938 Dersim Genocide once lay. As a result of the bombardment, around 140-150 graves were destroyed and many other graves were damaged.<sup>12</sup> This cemetery is located near the Alacık Village of Dersim (officially Tunceli). Later, the Cemevi (an Alevi place of worship), located in the cemetery, was also destroyed by the explosives placed by soldiers.<sup>13</sup> The statement made by the Tunceli Gover-

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11 ANFNews, ‘Öztüzün: Savcı ve hakimlerin hukuk güvenceleri de ortadan kaldırıldı’ (Mr Öztüzün: Legal immunity of prosecutors and judges have also been removed), 26 October 2015, available at <https://anfturkce.net/kurdistan/oztuzun-savci-ve-hakimlerin-hukuk-guvence-leri-de-ortadan-kaldirildi-57128>, accessed 15 December 2020.

12 Interview with M. Nur Nuri, a member of the MEBYA-DER’s Van Branch, 21 January 2021.

13 Dersimnews, ‘Dersim’deki ‘PKK Şehitliği’ bombalandı’ (‘The “PKK Martyrdom” in Dersim was bombed’), 17 October 2015, available at <http://dersimnews.com/haberler/2015-10-17/dersimdeki-pkk-sehitligi-bombalandi>, accessed 15 December 2020; Sendika.org, ‘Dersimlilerden mezarlıkların bombalanması hakkında suç duyurusu’ (Criminal complaint from people of Dersim about bombing cemeteries), 26 October 2015, available at <https://sendika63.org/2015/10/dersimlilerden-mezarliklarin-bombalanmasi-hakkinda-suc-duyuru-su-303996/>, accessed 15 December 2020; Demokrat Haber, ‘Dersim’de cemevi bombalandı’ (‘Cemevi was bombed in Dersim’) (18 October 2015), available at <https://www.demokrathaber.org/guncel/>

norship on the subject confirms the attack on the cemetery. This statement affirms:

*"In the operation started by the security forces on 15.10.2015, the structures around the terrorist cemetery built by the PKK were destroyed, and the natural structure of the graves was not damaged during the operation".<sup>14</sup>*

Contrary to this statement, the HDP's Tunceli MPs Alican Önlü and Edibe Şahin, Dersim Municipality co-chairs, the 1938 Victims, Alevi leaders, families of PKK members, lawyers, writers and poets, artists, and journalists who all visited the cemetery after the bombardment, said that they observed that many graves in the cemetery were destroyed by bombardment. Families whose children's graves were destroyed filed a criminal complaint to the Tunceli Chief Public Prosecutor's Office.<sup>15</sup>

11. On 14 November 2015, during the military operation, the Turkish Armed Forces first bombed the "Martyr Mehmet Goyî Cemetery" in the Feraşın Plateau in the Beytüşşebap district of Şırnak, where the graves of PKK members were located. Later, Special Operations Teams who came to the cemetery destroyed the mosque, guesthouse, and walls in the cemetery by placing explosives.<sup>16</sup> On the same day, the Turkish Armed Forces also

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[dersimde-cemevi-bombalandi-h55923.html](https://dersimde-cemevi-bombalandi-h55923.html), accessed 15 December 2020.

14 *Dersimnews*, supra note 13.

15 *Sendika63.org*, supra note 13; *Demokrat Haber*, supra note 13.

16 ANF News, 'Türk ordusu Beytüşşebap'ta mezarlık bombaladı' (Turkish army bombed a cemetery in Beytüşşebap), 14 November 2015, available at <https://anfturkce.net/guncel/turk-ordusu-beytus->

bombed the “Martyr Kurtay Feraşın Martyrdom” cemetery which was also in the same location.<sup>17</sup> As the result of the bombardments, 370 graves of fallen PKK militants in both cemeteries were completely destroyed.<sup>18</sup>

12. On 22 November 2015, the Turkish Armed Forces bombed the cemetery in the village of Birlik (Çemê Elika) of Lice district of Diyarbakır by air and land, where the graves of 140 PKK militants were located. The Special Operations Teams, who came to the cemetery later, completely destroyed 78 of the 140 graves in the cemetery, and disassembled and broke the gravestones of the remaining graves.<sup>19</sup> Special Operations Teams detonated the mosque and library in the cemetery with explosives.<sup>20</sup>
13. On 27 November 2015, during the 9 months curfew in the Kurdish region, the Turkish Armed Forces destroyed the “Sheikh Sait Martyrdom” cemetery in Dicle district of Diyarbakır with explosives, where the graves of PKK militants are located. After the Special Operations Teams destroyed many graves in the cemetery, they completely

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[sebap-ta-mezarlik-bombaladi-58276](#), accessed 15 December 2020.

17 Ibid.

18 Interview with Serhat Kucuk, the co-chair of the MEBYA-DER's Cizre Branch, 17 January 2021.

19 Urfada Bugün.com, ‘Binlerce askerle mezarlık, cami ve kütüphaneyi yıktılar’ (‘Thousands of soldiers destroyed the cemetery, mosque and library’), 22 November 2015, available at <https://www.urfada-bugun.com/haber/93521/binlerce-askerle-mezarlik-cami-ve-kutuphaneyi-yiktilar.html>, accessed 15 December 2020; T24, ‘Lice’deki ikinci PKK mezarlığı bombalandı’ (‘Second PKK cemetery in Lice bombed’), 22 November 2015, available at <https://t24.com.tr/haber/licedeki-ikinci-pkk-mezarligi-bombalandi,317578>, accessed 15 December 2020.

20 T24, supra note 19.

destroyed the mosque and guest house in the cemetery with explosives.<sup>21</sup> HDP's Diyarbakır MP Çağlar Demirel, who visited the cemetery, said, "In Kurdistan, the places of worship, mosques and cemeteries of our people are being bombed with the instructions of the Justice and Development Party (AKP) and those in the Palace. They are afraid of even dead bodies".<sup>22</sup>

14. On 29 November 2015, the Turkish Armed Forces destroyed the "Ronahi Memorial Cemetery" in the countryside of Andiçin (Kelahêrê) village in the Çatak district of Van, by bombing it from the air.<sup>23</sup> It was known that 41 PKK militants, who lost their lives in the clash that broke out on 23 October 1998 including German-origin PKK member Andrea Wolf (Ronahî), were buried in a mass grave in this cemetery.<sup>24</sup> As a result of the bombardment, the mosques, guesthouses and kitchens in the cemetery were also destroyed.<sup>25</sup>
15. On 10 December 2015, the Turkish Armed Forces destroyed the PKK cemetery in the Besta-Dereleler area of Şırnak by air bombing.<sup>26</sup>

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21 IHD, supra note 2, p.103, Evrensel, 'Operasyona çıkan askerler gerilla mezarlığını yıktı' (The soldiers who went into the operation destroyed the guerrilla cemetery), 7 November 2015, available at <https://www.evrensel.net/haber/264571/operasyona-cikan-askerler-gerilla-mezarligini-yikti>, accessed 15 December 2020.

22 Evrensel, supra note 21.

23 IHD, supra note 2, p. 103; Yeni Yasam, 'Toplu mezar davası AYM'de' ('Mass grave trial at Constitutional Court'), 8 July 2020, available at <http://yeniyasamgazetesi2.com/toplu-mezar-davasi-aymde/>, accessed 20 December 2020.

24 Yeni Yaşam, supra note 23.

25 IHD, supra note 2, p.103.

26 Haberler.com, 'PKK'nin Sözde, 'Mezarlık Olarak Kullandığı Depo Yerle Bir Edildi' ('The depot used by PKK as a so-called cemetery



## 2016

16. During the curfew on 13 March-July 2016, the Turkish Armed Forces broke for a second time the gravestones in the cemetery where the bodies of PKK militants were located in Orman neighbourhood in the Yüksekova district of Hakkari.<sup>27</sup> The cemetery was vandalised by the security forces in 2015 and subsequently was repaired by the villagers.
17. During the curfew on 13 March-July 2016, the Turkish Armed Forces vandalised 200 graves of fallen PKK militants that were located in “Zeyve Cemetery” and “Sehy Suleymanbeyler Cemetery” in the centre of Siirt Province and its Eruh, Bayikan, Pervari and Kurtasan’s district by destroying the gravestones and breaking graves.<sup>28</sup>
18. During the curfew on 13 March-July 2016, the Turkish Armed Forces vandalised 360 graves of fallen PKK militants that were located in central Sirnak province; 80 in Uludere district; 140 in Idil district; 250 in Silopi district; 140 Meynana Kolya; 505 in Cizre district of Sirnak provinces by completely breaking the gravestones and

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was destroyed’), 10 December 2015, available at <https://www.haberler.com/pkk-nin-kampi-ve-sozde-mezarlik-olarak-kullandigi-7956123-haberi/>, accessed 20 December 2020.

27. Gazete Yolculuk, ‘Yüksekova’da özel harekatçılar mezarlığı tahrip etti, ‘leş’ yazılması yaptı!’ (Special operations forces destroyed the cemetery in Yüksekova, they wrote ‘carrion’!), 28 Nisan 2017 available at <https://www.gazeteyolculuk.net/yuksekovada-ozel-harekat-cilar-mezarligi-tahrip-etti-les-yazilamasi-yapti>, accessed 20 December 2020.
28. Interview with Abbas Ciftci, the co-chair of the MEBYA-DER’s Batman Branch, 16 January 2021.

damaging the graves.<sup>29</sup>

19. On 3 April 2016, the Turkish Armed Forces destroyed the graves of PKK and People's Defence Forces (HPG) militants in the Girmeli neighbourhood in Nusaybin district of Mardin province during the curfew.<sup>30</sup> According to co-chair of the Mebya-Der - Mardin Branch, during the curfew on 13 March-July 2016, the state security forces destroyed the graves of 103 PKK militants in Nusaybin; 5 graves of PKK militants in Artikullu; 18 graves of PKK militants in Midyat; 12 graves of PKK militants in Mahserte; 16 graves of PKK militants in Stewre; 22 graves of PKK militants in Kerboran and 6 graves of PKK militants in Semrex in Mardin provinces.<sup>31</sup>
20. On 1 May 2016, Turkish police broke and destroyed the graves of PKK militants' graves in the "Yeniköy Cemetery" in Bağlar district of Diyarbakır.<sup>32</sup>
21. On 27 June 2016, Turkish Armed Forces soldiers destroyed the graves of PKK militants in the Yolçatı village of Lice district in Diyarbakır province during a

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29 Interview with Serhat Kucuck, the co-chair of the MEBYA-DER's Cizre Branch, 17 January 2021; IHD, *supra* note 2, p.104.

30 IHD, *Guney ve Dogu Anadolu Bolgesi, '2016 Insan Haklari Ihlaleri Raporu* (2016 Report on Human Rights Violations in East and South-east Anatolia Region), (IHD, Diyarbakir, 2017), p. 114, available at [96462fa8-8094-4f4b-922d-0cdb8b286d14.pdf](http://96462fa8-8094-4f4b-922d-0cdb8b286d14.pdf) ([ihddiyarbakir.org](http://ihddiyarbakir.org)), accessed 20 December 2020.

31 Interview with Netice Kalkan, the co-chair of the MEBYA-DER's Van Branch, 20 January 2021.

32 Yeni Yasam, '5 yılda 47 saldırı: Cenazeler kaldırılma gömüldü, mezarlar tahrip edildi' (47 attacks in 5 years: Funerals buried on pavement, graves destroyed), 10 July 2020, available at <http://yeni-yasam-gazetesi2.com/5-yilda-47-saldiri-cenazeler-kaldirima-gomuldu-mezarlar-tahrip-edildi/>, accessed 20 December 2020.

military operation.<sup>33</sup>

22. On 27 November 2016, the family of the PKK militant Recep Karakaş, who lost his life in the clash between the Turkish Armed Forces and PKK militants in Dersim on 27 November 2016, wanted to bury him in the cemetery in Kaynaklar neighbourhood of Buca district in Izmir province, which was close to their address. Authorities allowed the body to be buried in the cemetery in the Ayrancı neighbourhood of Torbalı district on the grounds that there was no place in the cemetery in Buca district. While there were no problems during the burial, racist groups that came together after the burial, marched to the cemetery with the banner 'We don't want your body here whether it is dead or alive'. Racist groups tried to break into the cemetery and exhume the body for three days.<sup>34</sup> Whilst there was no intervention to stop the assailants, District Governor Aydın Memük and Torbalı Mayor Adnan Yaşar Görmez, who were elected from the AKP party, decided that the body of Recep Karakaş should be exhumed and buried outside the province.<sup>35</sup> After this decision, teams came to the Ayrancılar Cemetery, exhumed the body and took it to a place outside of Izmir and buried it. The place where Recep Karakaş was buried was not disclosed for security reasons.<sup>36</sup>

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33 IHD, supra note 30, p. 114.

34 Sözcü Newspaper, 'Tepki dinmedi, PKK'li cenazesi 4 gun sonra mezardan cikarildi' ('The reaction did not end, the body of PKK member was exhumed after 4 days'), 27 November 2016, available at <https://www.sozcu.com.tr/2016/gundem/tepki-dinmedi-pkkli-ce-nazesi-4-gun-sonra-mezardan-cikarildi-1532675/>, accessed on 20 December 2020.

35 Ibid.

36 Ibid.

23. The day and month are not clarified in the following news: In 2016, the Turkish Armed Forces smashed all tombstones and the graves of 6 PKK members with sledgehammers in Yarbaşı (Hespist) village of İdil/Sirnak.<sup>37</sup>

## 2017

24. On 16 February 2017, the Batman Chief Public Prosecutor's Office decided to demolish the gravestones in the İkiztepe Cemetery in Batman province, where 23 graves of those who lost their lives in the Ankara Massacre on 10 October, and 23 PKK and YPG militants were located, on the grounds that they contained propaganda of the PKK. After this decision, the gravestones were changed by the municipality.<sup>38</sup> From that date to July 2020, the municipality along with the security forces had erased inscriptions in Kurdish on 130 PKK militants' graves in Asi Cemetery; 23 PKK militants' graves in Gibesek İkiztepe Cemetery; 60 PKK militants' graves in Cudi Cemetery; 20 PKK militants' graves in Kirik Cemetery; 25 PKK militants' graves in Timiz Cemetery; 5 PKK militants' graves in Biledirme Cemetery; 30 PKK militants' graves in Bozo Cemetery and 35 PKK militants'

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37 Kizil Bayrak, 'Askerler Sirnak'ta da mezar taslarini parcaladi' (Soldiers destroyed gravestones in Şirnak too.), 10 May 2020, available at <https://kizilbayrak46.net/ana-sayfa/haber/guncel/askerler-sirnak-ta-da-mezar-taslarini-parcaladi>, accessed 20 December 2020.

38 Hurriyet, 'Batman'da PKK ve YPG'lilere ait 23 mezar taşı için yıkım kararı' (Decision to demolish 23 headstones of PKK and YPG members in Batman), 14 February 2017, available at <https://www.hurriyet.com.tr/batmanda-pkk-ve-ypglilere-ait-23-mezar-tasi-i-40365441>, accessed on 20 December 2020; IHD, 2017 *Insan Haklari Ihlalleri Raporu* (2017 Eastern and Southeastern Anatolia Region Human Rights Violations Report), (IHD, Diyarbakir, 2018), p.90, available at <https://www.ihddiyarbakir.org/Content/uploads/900b9d41-4898-49c5-a32f-a9a5cd738a85.pdf>, accessed 20 December 2020.

graves in Huzur Mahallesi Cemetery in Batman province without informing their families.<sup>39</sup>

25. On 21 February 2017, the police of Van Police Department destroyed the graves of PKK militants in Yeni Mahalle Cemetery in İpekyolu district of Van. The police, who dismantled and smashed the tombstones, wrote 'T.R.' (Republic of Turkey) on most of the graves.<sup>40</sup>
26. On 22 February 2017, the Turkish Armed Forces destroyed the "Xerzan Martyrdom" cemetery in the village of Olek in Tatvan district of Bitlis, where 267 PKK militants' graves were located, by breaking the tombstones of the repaired graves for a second time during the military operation. On 30 September 2015, the cemetery was bombed by air for the first time.<sup>41</sup>
27. On 7 April 2017, with the orders of the governor of Dersim and Osman Kaymak, who was appointed as trustee to Dersim municipality, members of the Turkish Armed Forces demolished the graves of PKK militants Sancar Buluç and Baran Çetinkaya in the village of Karabulut (Sürek) in Dersim.<sup>42</sup>

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39 Interview with Ferhan Aras, the co-chair of the MEBYA-DER's Batman Branch, 15 January 2021.

40 ANF News, 'Turk polisi yine Yenikoy Mezarligi'na saldirdi' (Turkish police attacked Yenikoy Cemetery again), 26 December 2017, available at <https://anfturkce.com/kurdIstan/tuerk-polisi-yine-yenikoey-mezarligi-na-saldirdi-100706>, accessed 20 December 2020.

41 IHD, supra note 38, p.90

42 ANF News, supra note 40; Gazete Yolculuk, 'Tunceli Valiligi'nin talimatiyla iki PKK gerillasinin mezarlari yikildi' ('The graves of two PKK guerrillas were demolished by the order of the Tunceli Governorate), 8 April 2017, available at <https://www.gazeteyolculuk.net/tunceli-valiliginin-talimatiyla-iki-pkk-gerillasinin-mezarlari-yikildi>, accessed 20 December 2020.

28. On 11 April 2017, the police of the Diyarbakır Security Directorate disassembled the tombstones of PKK militants in the Yeniköy cemetery of Diyarbakır for the second time. The first time was on 1 May 2016. The families condemning the attack on the graves of their children reacted by saying, “Let our children sleep in their graves at least. What do they want from dead people?”<sup>43</sup>
  
29. On 28 April 2017, Turkish Special Operations police destroyed the 45 graves of PKK/YPG/YPJ militants in the cemetery located in Orman neighbourhood in Yüksekova district of Hakkari province during the curfew on 13 March-July 2016 for the third time<sup>44</sup>. The cemetery, which was repaired by the villagers, was destroyed for the second time on 28 April 2017. After the special operations police smashed the stones of some graves in the cemetery, they also wrote “carcass” on some tombstones.<sup>45</sup>

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43 Artıgerçek, ‘Diyarbakır’da mezar taşları kırıldı’ (‘Headstones were broken in Diyarbakır’), 15 April 2017, available at <https://artigercek.com/haberler/diyarbakir-da-mezar-taslari-kirildi>, accessed 20 December 2020.

44 Interview with Gulistan Onen, the co-chair of MEBYA-DER’s Van branch, 17 January 2021; IHD, supra note 1, p.104.

45 Gazete Yolculuk, supra note 27; IHD supra note 38, p.90.



Source: *Gazete Yolculuk*, ‘Yüksekova’da özel harekatçılar mezarlığı tahrip etti, ‘leş’ yazılması yaptı!’ (Special operations forces destroyed the cemetery in Yüksekova, they wrote ‘carrion’!), 28 Nisan 2017 available at <https://www.gazeteyolculuk.net/yuksekovada-ozel-harekatcilar-mezarligi-tahrip-etti-les-yazilamasi-yapti>, accessed 20 December 2020.

30. On 6 May 2017, “unidentified people” destroyed the graves of 9 YPG and YPJ militants, who lost their lives in clashes with ISIS, in the cemetery in Suruç district of Şanlıurfa.<sup>46</sup>
31. On 5 June 2017, the Turkish Armed Forces destroyed the “Martyr Kurtay Feraşîn Martyrdom” cemetery in the Beytüşşebap district of Şırnak province for the second time during a military operation, where the graves of PKK militants are located. The first time that damage took place was on 15 November 2015.<sup>47</sup> Special Operations police completely demolished the walls of the cemetery and the visitors’ building with the diggers they brought.<sup>48</sup>

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46 IHD, supra note 38, p.91.

47 Ibid.

48 IHD, supra note, 38, p.91, ANF News, supra note 40.

32. On 16 June 2017, the Turkish Armed Forces bombed the PKK cemetery in Beytüşşebap district in Şırnak and destroyed it. Army forces recorded those moments and shared them on social media.<sup>49</sup>
33. On 12 June 2017, the mausoleum in the Asri Cemetery of Dersim of Kurdish politician Sakine Cansiz, who was assassinated by the Turkish Intelligence Organization in Paris, was destroyed by unidentified people. The cemetery official said that the cemetery was only '500 meters away from the military checkpoint',<sup>50</sup> indicating that the mausoleum was destroyed by members of the Turkish Armed Forces.
34. On 26 June 2017, the Turkish Armed Forces destroyed the "Martyr Hevidar and Martyr Harun Amed Martyrdom" cemetery, where the graves of PKK militants lay, located near Yolçatı (Sîse) village in Lice district of Diyarbakır, during a military operation. On 18 October 2015, the martyrdom cemetery was bombed by air and land<sup>51</sup> but subsequently had been repaired by the villagers.
35. On 3 July 2017, Turkish security forces defaced the gravestones in Kobanê Cemetery in the Akçakale neighbourhood of the Suruç district of Şanlıurfa with paints.<sup>52</sup>

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49 Haberler.com, 'Şırnak'ta PKK Mezarlığı Böyle Bombalandı' (PKK Cemetery in Şırnak Was Bombed Like This), 14 June 2017, available at <https://www.haberler.com/sirnak-ta-pkk-mezarligi-bombalandi-9726874-haberi/>, accessed 10 January 2021.

50 Gazetemek, 'Sakine Cansiz'in Anıt Mezarı'na Saldırı' (Attack on Sakine Cansiz's Grave), 12 June 2017, available at <https://www.gazetemek.net/gundem/sakine-cansiz-in-anit-mezari-na-saldiri-h736.html>, accessed 10 January 2021.

51 IHD, supra note 38, p.91.

52 Ibid.



36. On 7 September 2017, Special Operations Teams of the Turkish Armed Forces destroyed 45 graves of PKK/YPG/YPJ militants in Orman neighbourhood of Yüksekova district in Hakkari for the fourth time.<sup>53</sup>
37. On 14 September 2017, a racist attack was carried out against the funeral of the mother of HDP Deputy Co-chair Aysel Tuğluk in Ankara. The racist group attacking the funeral shouted slogans: “This is Turkish land, not Armenian land: we don’t want the Armenians here”, “This is not an Armenian cemetery: we neither want your dead body nor live body”.<sup>54</sup> They tried to exhume the deceased from her grave. HDP Ağrı MP Dirayet Taşdemir said that with the increase in the numbers present in the crowd, the Riot Force also came, but they did not intervene with the crowd”.<sup>55</sup> Due to the group’s attack, the family took the body from Ankara and buried it in Dersim.<sup>56</sup> Following the attack, Deputy Prime Minister Bekir Bozdağ, Minister of Interior Süleyman Soylu and President Spokesperson İbrahim Kalın made the same

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53 IHD, supra note 38, p.91.

54 Artgerçek, ‘İrki siyaset mezarlar saldirilarini gelenek haline getirdi’ (‘Racist politics made attacks on graves a tradition’), 15 September 2017, available at <https://artigercek.com/haberler/mezarlara-saldiri-gelenek-haline-getirildi>, accessed 10 January 2021; BBC NEWS Türkçe, ‘Aysel Tuğluk’un annesinin saldırıya uğrayan cenazesi defnedildiği mezardan çıkarıldı’ (‘The body of Aysel Tuğluk’s mother was exhumed from the grave where she was buried’), 14 September 2017, available at <https://www.bbc.com/turkce/haberler-turkiye-41262278>, accessed 10 January 2021.

55 BBC News, supra note 54.

56 Hürriyet, ‘Aysel Tuğluk’un annesinin cenazesini gomdurmediler’ (‘They did not let the body of Aysel Tuğluk’s mother to be buried: The body was buried and exhumed from the grave’), 13 September 2019, available at <https://www.hurriyet.com.tr/gundem/ayse-lu-glukun-annesinin-cenazesini-gomdurmediler-40578158>, accessed 10 January 2021.

statement: "I condemn this incident, what was done is ugly. I condemn those who did it. There is disrespectful and excessive behaviour. A behaviour that does not comply with our traditions and beliefs".<sup>57</sup>

38. On 1 November 2017, the Turkish Armed Forces dug the graves of nearly 70 PKK members in the "Martyr Resul and Martyr Azime Cemetery" in the Herekol region between Şırnak and Siirt provinces and took the remained bodies from the cemetery without the knowledge of their families. The cemetery was previously bombed by warplanes of the Turkish Armed Forces on 12 October 2015.<sup>58</sup>
39. On 10 November 2017, the Special Operations Teams of the Turkish Armed Forces destroyed the graveyard of PKK/YPG/YPJ militants in the Orman neighbourhood of Yüksekova district in Hakkâri province for the fifth time and wrote "carcasses" on some tombstones. The same cemetery had been destroyed four times in total, twice on 13 March 2016, once on 7 September and once on 29 April 2017.<sup>59</sup>
40. 22 November 2017, Çekdar Çubuk, who applied to the Diyarbakır Branch of the Human Rights Association on 22 November 2017, said that the grave of his brother YPS militant Çekvar Çubuk who lost his life in the clash with the Turkish Armed Forces during the self-government resistance, was destroyed by the police for the fourth time. The cemetery directorate informed him that the police had destroyed his brother's grave.<sup>60</sup>

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57 Artıgerçek, supra note 54.

58 <http://www.jinnews.com.tr/TUM-HABERLER/content/view/68743>.

59 IHD, supra note 38, p.91

60 Ibid.

41. On 16 December 2017, Kamuran Yalçın, who applied to the IHD Van Branch on 16 December 2017, stated that the gravestone of the PKK militant's son, who died in the clash between the Turkish Armed Forces and PKK militants in 2007, in the Doğu cemetery in Van, along with the gravestones of 4 militants were destroyed by the Turkish Armed Forces, and he requested legal help.<sup>61</sup>
  
42. On 19 December 2017, Turkish army forces demolished the Garzan Cemetery, which had been destroyed in September 2015, in Tatvan district of Bitlis with construction equipment. The bodies of 282 PKK members in the cemetery were exhumed and taken to Istanbul by state officials without informing their families.<sup>62</sup> OHD (the Association of Lawyers for Freedom) Van Branch lawyers who visited the cemetery on the same day stated that: *"We witnessed the cemetery being destroyed, the graves were dug with a digger, and so to speak, the bodies were stolen"*.<sup>63</sup> Lezgin Bingöl, the father of YPJ (Women's Protection Units) member Dilan Bingöl, who lost her life while fighting against ISIS in Kobane in 2014 and whose body was buried in Garzan Cemetery, made the following statement on his social media account: *"I applied with a written petition to the Governorship of Bitlis on 18.12.2017, after I heard that this cemetery was destroyed by the security forces recently. ... In the petition I submitted, I requested that I would like to visit my daughter's grave and I requested to be informed whether there is any ban in that area. The governorship officials referred my petition to the Gendarmerie, saying that it was the Gendarmerie area. I left the petition to*

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61 Ibid.

62 ÖHD's Istanbul Branch, *Kilyos Mezarlığı Gözlem Raporu* ('Kilyos Cemetery Observation Report'), (OHD, Istanbul, 16 March 2021).

63 OHD's Van Branch, *Basin Aciklamasi'* (Press Release) (OHD, Van, 19 December 2017).

*the Gendarmerie and returned. They called me from the Gendarmerie on 19.12.2017 and they said that 267 corpses in that cemetery were exhumed with the order of the Prosecutor's Office and sent to the Istanbul Forensic Medicine Institute. Then, on 20.12.2017, I went to the cemetery in Yukari Ölek village to visit my daughter's grave. When I went to the cemetery, my daughter's grave was not in place, the grave was demolished and the bones of the body were exhumed and taken away. There was no such thing as a grave there. I looked at the other graves as well. All the graves were in the same situation. In short, all the bodies, including the body of my daughter, were taken from there. Then I applied to the Bitlis Chief Public Prosecutor's Office on 21.12.2017. I both requested the body of my daughter and filed a criminal complaint against the concerned people. Because prior to burying my daughter in the cemetery, I obtained the death and burial certificate from the Urfa Forensic Medicine Institute which clearly identified the identity of my daughter. An investigation was opened against me and my wife regarding this burial. We were tried and acquitted in court. The authorities claimed that they took the body of my daughter and sent it to the Forensic Institute in order to identify the identity of the corpse, despite the fact that the Urfa Forensic Medicine Institute confirmed that the corpse belonged to my daughter. This is completely against the rule of law".<sup>64</sup>*

Devrim Döner, who is a relative of one of those whose bodies was exhumed, said that the cemetery had been

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64 Gazete Karınca, 'PKK'lilerin cenazeleri yerlerinden cikartildi, mezarlik butunuyile yıkildi' ('The corpses of the PKK members were exhumed from the graves, the cemetery was completely destroyed'), 22 December 2017, available at <https://gazetekarınca.com/2017/12/pkkli-lerin-cenazeleri-yerlerinden-cikartildi-mezarlik-butunuyile-yikildi/>, accessed 10 January 2021.

destroyed with cannonfire before, the tombstones were broken and the Turkish Armed Forces had laid mines around the cemetery for 3 years to prevent people from visiting the cemetery. Döner stated that the graves were dug deeply during burials and the cemetery was covered with concrete in order to prevent the bodies from being exhumed since the cemetery had been destroyed with cannonfire before. *“They don’t even endure the grave. Are they afraid of dead people ... They should have respect for the dead. These were also buried according to Islam. Well, does a Muslim do this to a Muslim?” he said.*<sup>65</sup> Human Rights Association (IHD) Bitlis Branch President Fatih Şanlı, who investigated the cemetery, also said that what was done was against the law. He said that one family was also told during the meeting with the prosecutor that the bodies would be taken to the Istanbul Forensic Medicine Institute and handed over to the families after they were identified. *“In any case, it is wrong to take the bodies, whose identities are known and buried in accordance with the legal procedure, to be exhumed and not to notify the families as if they were kidnapping the bodies. The state should not have done this; the families should be contacted and be told details of the plan; the bodies should be identified under the supervision of families and lawyers; the process had to be run like this. For some bodies, there was no need for such a thing. Unfortunately, the state broke its own law”.*<sup>66</sup>

43. On 26 December 2017, Turkish police disassembled and broke the gravestones of PKK militants’ graves in the Yeniköy Cemetery in the Bağlar district of Diyarbakır for the third time. Families whose children’s tombstones were broken expressed their concerns, saying that

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65 Ibid.

66 Ibid.

what was done was inhumane. The same cemetery was previously attacked on 1 May 2016 and 11 April 11 2017.<sup>67</sup>

## 2018

44. On 2 January 2018, after the Xerzan Martyrdom attack was reported in the press, the Bitlis Governorship made the following statement on this subject and then gave a confidentiality order on this issue:<sup>68</sup>

*“In the process that was undertaken, 279 graves decorated with illegal symbols were opened, the bones of 268 bodies were taken under the supervision of the Public Prosecutor and the Forensic Medicine Specialist, one by one, in accordance with the legal legislation, and the determination of who the bodies belonged to within the scope of the Bitlis Chief Public Prosecutor’s investigation file dated 11.12.2017 and numbered 2017/5596 has been sent to the Istanbul Forensic Medicine Institute for DNA testing. 11 graves were found to be empty. Following the end of the examination carried out by the Forensic Medicine Institute, it is respectfully announced to the public that the identified bodies will be delivered to their families in order to be buried in places allocated as cemeteries in accordance with the legislation”.*<sup>69</sup>

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67 ANF News, supra note 40.

68 Gazete Duvar, ‘Bitlis’te PKK’lilerin cenazeleri mezarlıktan çıkarıldı’ (‘The bodies of PKK members were exhumed from the cemetery in Bitlis’), 26 December 2018, available at <https://www.gazeteduvar.com.tr/gundem/2017/12/26/bitliste-pkklilerin-cenazeleri-mezarlik-tan-cikarildi>, accessed 10 January 2021.

69 Bitlis Valiligi (Bitlis Governorship), ‘Basina ve Kamuoyuna’ (To the Press and Public Opinion), 2 January 2018, available at <http://www>.

45. On 4 January 2018, with the instructions of the Diyarbakır Governor, the police officers of the Diyarbakır Security Directorate disassembled and destroyed the gravestones of the graves of PKK members in various cemeteries in Diyarbakır's Bismil district, on the pretext that "the martyr, the date of martyrdom and the code names" are written on them. Mehmet Ali Karabulut, father of Ertem Karabulut whose grave was destroyed, expressed his reaction by saying: "[T]hey are trying to fight our children's bones".<sup>70</sup>
46. On 13 January 2018, Turkish armed forces destroyed the graves of 27 PKK militants in the "Ismail Ronahi Cemetery" in Varto district of Muş with construction equipment. There is still no information about what happened to the bodies.<sup>71</sup>
47. On 13 January 2018, Mehmet Ali Ateş, who applied

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[bitlis.gov.tr/basina-ve-kamuoyuna-saygiyla-duyurulur-02012018](https://bitlis.gov.tr/basina-ve-kamuoyuna-saygiyla-duyurulur-02012018), accessed 10 January 2021.

70. Gazete Karınca, 'Bu kez Diyarbakır'da 'mezarlık operasyonu': Polisler zirli araçlar esliğinde mezar taslarını degistirdi ('This time, "graveyard operation" in Diyarbakır: Police changed the headstones in the presence of armored vehicles'), 4 January 2018, available at <https://gazetekarinca.com/2018/01/bu-kez-diyarbakirda-mezarlik-operasyonu-polisler-zirhli-araclar-esliginde-mezar-taslarini-degistirdi/>, accessed 20 January 2021.
71. Evrensel, 'Bitlis'in ardında, Varto'da mezarlık tahrip edildi' ('The cemetery was destroyed in Varto after Bitlis'), 13 January 2018, available at <https://www.evrensel.net/haber/343193/bitlisin-ardindan-var-toda-da-mezarlik-tahrip-edildi>, accessed 20 January 2021; 2018 Yılı Dogu ve Guneydogu Bolgesi Insan Haklari Ihlalleri Raporu (2018 East and Southeast Anatolia Region Human Rights Violations Report), (IHD, Diyarbakir, 2019), p.63, available at [88716a57-1389-4d73-9a58-aa8fa3f2e880.pdf](https://www.ihd.org.tr/88716a57-1389-4d73-9a58-aa8fa3f2e880.pdf) ([ihddiyarbakir.org](https://www.ihddiyarbakir.org)), accessed 20 January 2021.

to the IHD Batman Branch, stated that the body of his brother Ramazan Ateş, who died in Rojava (West Syria) in 2014, was exhumed from the grave found in the Kurtalan district of Siirt and taken to Siirt. Mehmet Ali Ateş said that in 2014, he took his brother's body from Habur Border Gate and buried him in Kurtalan district of Siirt province after all official procedures. *"On 11 January 2018, the prosecutor told my brother that the body found in the grave did not belong to my brother Ramazan Ateş and that the proceedings before the 15 July coup attempt [including official procedure for burial] were unlawful. With this reason, the Kurtalan Prosecutor's Office ordered [the] opening of the grave of my brother Ramazan Ates and [the] tak[ing of a] DNA sample from the deceased. However, the Siirt Prosecutor's Office refused to follow this order and ordered to the deceased body to be taken to Siirt. The body of my brother is now in Siirt and our family is experiencing a second pain", he said.*<sup>72</sup>

48. On 7 March 2018, following the letter sent by the Kızıltepe Police Department to the Kızıltepe municipality, the municipal teams who came to the Mesopotamia Cemetery in the Kızıltepe district of Mardin destroyed at least 50 tombstones of the graves of PKK militants.<sup>73</sup>

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72 IHD, supra note 671, p. 64; Yolculuk Haber.net, 'İŞİD'e karşı savaşırken öldürülen Ramazan Ateş'in cenazesi, mezardan çıkarıldı: Aile, 3 gündür cenazeyi arıyor!' (The body of Ramazan Ateş, who was killed while fighting against ISIS, has been exhumed: The family has been searching for the body for 3 days!), 14 January 2018, available at <https://www.yolculukhaber.net/iside-karsi-savasirken-oldurulen-ramazan-atesin-cenazesi-mezardan-cikarildi-aile-3-gundur-cenazeyi-ariyor> accessed 20 January 2021, accessed on 20 January 2021.

73 IHD, supra note 71, p.64; Arti Gercek, 'Kızıltepe'de mezar taşları tahrip



49. On 23 March 2018, Turkish armed forces destroyed the gravestones of PKK militants in the Asri Cemetery in the Diyadin district of Ağrı by breaking and dismantling them. On 28 March 2018, Diyadin District Police Department called the relatives of the bodies in the graves to the Police Headquarters to take their statements and interrogated them with questions such as: “*Why did you make gravestones? Who asked you to make these?*”<sup>74</sup>
50. On 6 April 2018, the Turkish Armed forces destroyed the gravestones in the cemetery, where the graves of PKK militants were located, during the ongoing military operation in the Cudi and Gabar mountains. Turkish Armed forces also placed the tombstones side by side on the ground and made inscriptions on them as “*METELER JÖH (Gendarmerie Special Operations Battalion)*”.<sup>75</sup>

*Source: ArtiGercek, ‘JÖH mezar taslarına da el attı’ (The Gendarmerie Special Operations’ (JÖH) destruction of gravestones!), 6 April 2018.*

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edildi’ (Gravestones destroyed in Kızıltepe), 7 Mart 2018, available at <https://artigercek.com/haberler/kiziltepe-de-mezar-taslari-tahrip-edildi> accessed 20 January 2021; **Interview** with Netice Kalkan, the co-chair of the MEBYA-DER’s Van Branch, 20 January 2021.

74 IHD, supra note 71, p. 64; Gazete Karınca, ‘Diyadin’de PKK’lilere ait mezarların taşları kırılarak tahrip edildi’ (The stones of the graves of PKK members were broken and destroyed in Diyadin), 23 March 2018, available at <https://gazetekarinca.com/2018/03/diyadinde-pk-klilere-ait-mezarlarin-taslari-kirilarak-tahrip-edildi/> accessed 20 January 2021.

75 IHD, supra note 71, p. 64.



51. On 3 May 2018, Turkish armed forces attacked the graves of PKK/HPG militants buried in Yeniköy Cemetery in Merkez Bağlar district of Diyarbakır province and broke the nameplates on the gravestones.<sup>76</sup>

## 2019

52. On 21 February 2019, in the cemetery in the Suruç district of Urfa, unidentified people destroyed the tombstones of Osman Çiçek and Kasım Deprem, who died in an ISIS attack on 20 July 2015 and Yılmaz Elmascan, who died in the ISIS attack in Ankara on 10 October 2016.<sup>77</sup>

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76 Ibid.

77 IHD, *2019 Yılı Dogu ve Guneydogu Bolgesi Insan Haklari Ihlal-leri Raporu* (2019 East and Southeast Anatolia Region Human Rights Violations Report) (IHD, Diyarbakir, 2020) p.52, available at [887297c2-6044-49ce-b2e7-27514ec0e708.pdf](https://www.ihddiyarbakir.org/wp-content/uploads/2020/01/887297c2-6044-49ce-b2e7-27514ec0e708.pdf) ([ihddiyarbakir.org](http://ihddiyarbakir.org)), accessed 20 January 2021; Artı Gerçek, 'Suruç va Ankara Katliamı'nda yaşamını yitirenlerin mezarları tahrip edildi' ('The graves of those who lost their lives in the Suruç and Ankara Massacre

53. On 29 March 2019, Turkish Armed Forces destroyed the tombstones of PKK militants in the Kazancı (Kaniya Kurda) neighbourhood of Bismil district.<sup>78</sup> HDP Bismil District Co-chair Refai Baran, who visited the cemetery after the attack, expressed his reaction: *“The current attacks on Kurdish cemeteries have not been performed by any tyrant in history. These cemeteries have not fired a bullet on anyone. These bodies were of civilians and they are the children of this land. Their crimes are being Kurdish and losing their lives in Kurdistan, and writing the dates of birth and death in Kurdish on gravestones. This mentality does not even tolerate the reality of this people”*.<sup>79</sup>
54. On 25 April 2019, the cemetery where the graves of PKK militants in the Orman neighbourhood of Yuksekova district are located, was destroyed for the 6th time by the Turkish Armed Forces. Eyewitnesses said that the Special Operations police, who stayed in the cemetery for about 4 hours with 4 armoured

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were destroyed’), 21 February 2019, available at <https://artigercek.com/haberler/suruc>, accessed 20 January 2021; Yenyiasamgazetesi, ‘Suruc ve Ankara katliamlarında yasamini yitirenlerin mezarlari tahrip edildi’ (The graves of those who lost their lives in the Suruç and Ankara massacres were destroyed) (22 February 2019) available at <http://yenyiasamgazetesi2.com/suruc-ve-ankara-katliamlarinda-yasamini-yitirenlerin-mezarlari-tahrip-edildi/>, accessed on 20 January 2021.

78 Ozgur Manset, ‘HPG’lilerin mezarlarına saldırı’ (Attack on the graves of HPG members), 30 March 2019, available at <https://ozgurmanset.net/hpglilerin-mezarlarina-saldiri/>, accessed 10 February 2021; ANF News, ‘Türk askerinin mezarlığa saldırısı protesto edildi’ (The attack of the Turkish soldier on the cemetery was protested), 2 April 2021, available at <https://anfturkce.com/kurdistan/tuerk-askerinin-mezarliga-saldirisi-protesto-edildi-123109%20%20%20accessed%2010%20February%202021>, accessed 10 February 2021.

79 ANF News, supra note 78.

vehicles and a digger at night, destroyed the cemetery and left.<sup>80</sup> In this attack, the armed forces also destroyed the grave of Süleyman Aksu, who died in the Suruç Massacre on 25 July 2015.<sup>81</sup>

55. On 31 May 2019, Süleyman Aksu's mother, Kudret Aksu, filed a criminal complaint to the Yüksekova Chief Public Prosecutor's Office through her lawyer on the grounds that the Special Operations police officers who destroyed the grave of her son, violated the right to Respect to Private and Family Life, insulting the memory of the person and damaging the places of worship and cemeteries. In the criminal complaint, she demanded that the Prosecutor's Office initiate a fair, impartial, and effective investigation and carry out the investigation in person so that a public case be filed against the perpetrators of the action against Süleyman Aksu's grave.<sup>82</sup>
56. On 2 May 2019, HDP Hakkari MP Sait Dede brought the damage done by the security forces to the cemetery

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80 Mezopotamya Ajansi, 'Yüksekova'da mezarlığa 6'ncı saldırı: Taşlar paramparça edildi' (6th attack on the cemetery in Yüksekova: Stones were smashed, 26 April 2019, available at <http://mezopotamyaajansi29.com/search/content/view/55596?page=11?page=1&key=c-c7f8fe431d337f40dce382cfc0840f1>, accessed 10 February 2021; Gazete Karınca, 'Yükseova'da aynı mezarlığa altıncı saldırı: Duvar kırıldı, mezar taşları parçalandı' ('Sixth attack on the same cemetery in Yüksekova: The wall was broken, headstones were smashed'), 26 April 2019, available at <https://gazetekarinca.com/2019/04/yukseovada-ayni-mezarliga-altinci-saldiri-duvar-kirildi-mezar-taslari-parcalandi/>, accessed 10 February 2021.

81 Ibid.

82 Yüksekova Criminal Complaint to the Yüksekova Chief Public Prosecutor's Office, 25-26 April 2019 (the complaint letter was provided to the author by OHD's lawyers.); IHD, *supra* note 77, p.52.

in the Orman neighbourhood of Yüksekova district to the Parliamentary agenda. Mr Dede stated that it is an unacceptable crime that the attacks that took place in the cemeteries under the responsibility and security of the state were carried out by the security forces themselves.<sup>83</sup> In this sense, he submitted an Early Day Motion to the Assembly and requested that the Minister of the Interior Süleyman Soylu provide a written statement. The proposal inquired whether there was any investigation about the law enforcement forces making such an attack and what measures the Ministry of Internal Affairs would take to prevent the repetition of these attacks against the cemeteries under the protection of the state.<sup>84</sup>

57. On 3 June 2019, on the eve of Bayram, Turkish army forces destroyed the “Martyr Hevidar and Martyr Amed Cemetery” near Yolçatı (Sise) village in Diyarbakır’s Lice district, where the graves of PKK militants were located, by smashing the gravestones and graves with sledgehammers for the third time. The first attack had taken place on 18 October 2015, and the second on 26 June 2017.<sup>85</sup> Reacting

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83 Sait Dede (Hakkari MP), ‘Türkiye Büyük Millet Meclisi Başkanlığına’ (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 2 May 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-13295s.pdf>, accessed 10 January 2021.

84 Ibid.

85 Gazete Fersude, ‘Arife gecesi mezarlar balyozlarla tahrip edildi’ (‘Graves were destroyed with sledgehammers on the eve of night’), 4 June 2019 available at <https://www.gazetefersude.net/arife-gecesi-mezarlar-balyozlarla-tahrip-edildi>, accessed 10 February 2021; ANF Turkce, ‘Lice’de şehitliğe balyozlarla saldırı’ (Attack on the cemetery in Lice with sledgehammers), 4 June 2019, available at <https://anfturkce.com/analiz/lice-de-sehitlige-balyozlarla-saldiri-126016> accessed 10 February 2021.

to the destruction of her son's grave, Afife Kartal expressed her feelings as follows: *"Destruction of graves is brutality. We go to Diyarbakır cemetery: the same image, we go to Lice cemetery: the same image. They're afraid of our children's names"*.<sup>86</sup> HDP Diyarbakır MP Remziye Tosun, who visited the cemetery, said: *"The state security forces do not even have respect for graves"*. She further stated that: *"The mosque in the cemetery was destroyed by a bombing and that there were even no stones left over"*.<sup>87</sup>

58. On 30 September 2019, the police of the Dicle Police Department attacked the grave of Mahmut Alınbay six times in 98 days due to the 'Martyr Piro' writing on his gravestone. He died in the clash on 23 June 2019 in Dersim and was buried in Dicle district of Diyarbakır. Mahmut Alınbay's mother, Saliha Alınbay, said, *"Aside from the death of my son, I am deeply upset that they attack his grave. I have been going to the grave every day for 3 months. When I leave, they go and attack it. Leave my son alone: do not go, and do not step on his grave. How can someone under the ground hurt you? What kind of a grudge is this, what kind of anger is this?"*<sup>88</sup>

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86 Ibid.

87 Diyarbakır Gazete, 'HDP'li Vekiller Mezarlık ziyaretinde bulundu' ('HDP MPs visited the Cemetery'), 3 June 2019, available at <https://www.diyarbakirgazete.com/hdpli-vekiller-mezarlik-ziyaretinde-bulundu/>, accessed 15 February 2021.

88 Evrensel, 'Dersim'deki çatışmada ölen Mahmut Alınbay'ın annesi: Mezarına saldırıyorlar' (The mother of Mahmut Alınbay, who died in the conflict in Dersim: They are attacking his grave), 30 September 2019, available at <https://www.evrensel.net/haber/387866/dersim-deki-catismada-olen-mahmut-alinbayin-annesi-mezarina-saldiriyorlar>, accessed 15 February 2021.

59. On 16 October 2019, HDP Muş MP Şevin Coşkun and HDP Antalya MP Kemal Bülbül brought the attacks of the state's security forces against cemeteries and graves to the Parliamentary agenda. Ms Coşkun and Mr Bülbül submitted written motions requesting written replies from Vice President Fuat Oktay and Minister of Interior Süleyman Soylu. The written motions questioned the reasons for the exhumation of the bodies in the Xerzan (Garzan) Martyrdom Cemetery in Olek village of Tatvan district of Bitlis, the legal basis of carrying out this process, and who exhumed the bodies; why bodies were kept in Istanbul Forensic Medicine Institute for nearly 2 years; the accuracy of the allegations that said that the bodies were buried in the Cemetery of the Nameless in Kilyos and if this is correct, which institution decided upon this based on which law; and why 11 bodies holding DNA matches were not given to their families.<sup>89</sup>
60. On 17 October 2019, HDP Bitlis MP Mahmut Celadet Gaydalı submitted a similar written motion to the Parliament on the shame of humanity in the Xerzan (Garzan) Martyrdom Cemetery, with a request for a written reply from the Minister of Interior Süleyman Soylu.<sup>90</sup>

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89 Sevin Coskun (Mus MP) 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 16 October 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-20623s.pdf>, accessed 15 February 2021; Kemal Bulbul (Antalya MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 16 October 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-20669s.pdf>, accessed 15 February 2021.

90 Mahmut Celadet Gaydali (Bitlis MP) 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 17 October 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-20669s.pdf>, accessed 15 February 2021.

61. On 18 October 2019, HDP Şırnak MP Meral Daniş Beştaş submitted a similar written motion to the Parliament, requesting a written reply from Vice President Fuat Oktay regarding the situation in the Xerzan (Garzan) Martyrdom Cemetery.<sup>91</sup>
  
62. On 29 October 2019, the soldiers of the Bulanik Gendarmerie Command, on the instructions of the Bulanik Prosecutor, destroyed Aydın Kaya's grave because of the inscription "*Em te ji bîr nakin*" ("*We will not forget you*" in Kurdish) on the tombstone. Aydın Kaya was the head of the pro-Kurdish BDP party Erentepe town organisation in Bulanik district of Muş province who died in Muş E-Type Prison on 6 June 2012.<sup>92</sup> Aydın Kaya's older brother Hüseyin Kaya said that the Turkish state has exposed its hatred of the Kurdish language. Kaya said that he was called to Erentepe Police Station in Bulanik on 27 October 2019, where the Police Station Commander informed him that they would break his brother's tombstone in line with the instructions of the Bulanik Prosecutor's Office. Kaya said that the Commander of the Police Station had asked: "What does this mean?", pointing to the Kurdish text "*Em te ji bîr nakin*" ("*We will not forget you*") written on the tombstone. When I said it means "*we will not forget you*", he asked me

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[tbmm.gov.tr/d27/7/7-20671s.pdf](https://www.tbmm.gov.tr/d27/7/7-20671s.pdf), accessed 15 February 2021.

- 91 Meral Daniş Bestas (Siirt MP), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 18 October 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-21011s.pdf>, accessed 15 February 2021.
- 92 Mensur Isik (Mus MP), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 31 October 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-21564s.pdf>, accessed 15 February 2021; IHD, *supra* note 68, p.52.



whether I was sure about the meaning. I said I was sure that it had no other meaning. Then, they said, “We have an order from the prosecutor, we will break this tombstone”. After that, they broke and took the tombstone away.<sup>93</sup>

63. On 31 October 2019, HDP Muş MP Mensur Işık brought the attack on Aydın Kaya’s grave to the agenda of the Parliament with a motion requesting Interior Minister Süleyman Soylu reply in writing. In the written motion, it was asked whether it was a crime to write in Kurdish on the tombstone, how many of the tombstones were destroyed because writing other than Turkish was written on them in the last 10 years, and whether any legal action had been taken against the law enforcement officers who broke Aydın Kaya’s tombstone?<sup>94</sup>
64. On 5 November 2019, Muş MP Şevin Coşkun submitted a similar motion to Parliament requesting a written reply from Minister of Interior Süleyman Soylu regarding the attack on Aydın Kaya’s grave. In the written motion, it was asked whether Aydın Kaya’s gravestone was destroyed with the knowledge of the Minister of Interior, how many graves were destroyed since 2002 because of Kurdish inscriptions on the tombstones, how many people who destroyed the graves were investigated and how many people were punished as a result of these investigations.<sup>95</sup>

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93 Gulustan Kilic Kocyigit (Mus MP), ‘Turkiye Buyuk Millet Meclisi Baskanligina’ (To the Presidency of The Grand National Assembly of Turkey) (TBMM, 7 November 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-21570s.pdf>, accessed 15 February 2021.

94 Mensur Isik, supra note 92.

95 Sevin Coskun (Mus MP), ‘Turkiye Buyuk Millet Meclisi Baskanligi-

65. On 7 November 2019, HDP Muş MP Gülistan Kılıç Koçyigit submitted a written motion to the Parliament that Aydın Kaya's grave was destroyed by members of the Turkish Armed Forces; he asked Interior Minister Süleyman Soylu to respond.<sup>96</sup>
66. On 13 December 2019, the security forces of Diyarbakir's Silvan district destroyed the grave of PKK militant Ramazan Yılmaz, whose grave was located in the cemetery in Tekel neighbourhood of Silvan district in Diyarbakir. The security forces broke Ramazan's gravestone and took it away.<sup>97</sup>

## 2020

67. On 4 April 2020, members of the Turkish Armed Forces destroyed all tombstones and some graves with sledgehammers in 6 cemeteries where PKK militants lay in Yarbaşı Village of Idil district of Sirnak province. These cemeteries were previously destroyed by the security forces in 2016 and later they were repaired by the villagers.<sup>98</sup>

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na'(To the Presidency of The Grand National Assembly of Turkey), (TBMM, 5 November 2019), available at <https://www2.tbmm.gov.tr/d27/7/7-21567s.pdf>, accessed 15 February 2021.

96 Gulustan Kilic Kocoyigit, supra note 93.

97 IHD, supra note 77, p.52.

98 Gazete Alinteri, 'Mezarlıklara donuk saldiri devam ediyor' ('Attack on cemeteries continues'), 10 May 2020, available at <https://gazete.alinteri1.org/mezarliklara-donuk-saldiri-devam-ediyor>, accessed 15 February 2021; Gazete Karınca, 'Şimdi de Şırnak: Mezarlıklar tahrip edildi' ('Now Şırnak: Cemeteries have been destroyed'), 10 May 2020, available at <https://gazetekarinca.com/2020/05/simdi-de-sirnak-mezarliklar-tahrip-edildi>, accessed 15 February 2021.

68. Between 17 April and 19 April 2020, the members of the Turkish Armed Forces destroyed the tombstones of 7 graves, including the graves of PKK militants Ikram Sidar, Serkan Çokşen, Meryem Akpolat and Serhat Akpolat in Tatargazi village of Malazgirt district of Muş province and Suluca village of Muş Center, in front of their families, on the orders of the Muş prosecutor.<sup>99</sup>
69. On 17 April 2020, Serkan Çokşen's mother, Hamide Çokşen, filed a criminal complaint to the Malazgirt Chief Public Prosecutor's Office through her lawyer on the grounds that Special Operations police officers who destroyed the grave of her son, violated the Right to Respect to Private and Family Life, insulting the memory of the person and damaging the places of worship and cemeteries. In the criminal complaint, she demanded that the Prosecutor's Office initiate a fair, impartial, and effective investigation and carry out the investigation in person and that a public case be filed against the perpetrators of the action against Serkan Çokşen's grave.<sup>100</sup>
70. On 17 April 2020, members of the Turkish Armed Forces destroyed the graves and tombstones of PKK

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99 Ozgur Manset, 'Muş'ta da mezar taşları parçalandı' ('Gravestones were destroyed in Mus'), 20 April 2020, available at <https://ozgur-manset.net/musta-da-mezar-taslari-parcalandi>, accessed 15 February 2021; Gazete Karınca, 'Van ve Muş'ta parçalanan mezar taşları Meclis gündeminde' ('Headstones destroyed in Van and Muş are on the agenda of the Parliament'), 20 April 2020, available at <https://gazetekarinca.com/2020/04/van-ve-musta-parcalanan-mezar-taslari-meclis-gundeminde/>, accessed 15 February 2021.

100 Patnos Sulh Ceza Hakimliği (Patnos Magistrate Judge), Dosya Numarası (File No): 2020/404, 21 September 2020.

militants Ozan Bozan and Mehmet Necip Çağan with a sledgehammer in front of their fathers in the cemetery near Şehirpazar (Şarbazar) village in the Zilan River (Gêlîyê Zîlan) region of the Erciş district of Van province because of the Kurdish code names written on them.<sup>101</sup>

71. On 18 April 2020, members of the Turkish Armed Forces of Bingöl Karlıova Police Station asked the family and the mukhtar to remove the PKK militant Zamani Çamak's tombstone in İlipınar village in Bingöl province. Soldiers cited the following poem on the tombstone as the reason for removing the tombstone: *"With your smile more beautiful than a rose, with your look despite the cowards, he was Zamani, and became Xebatkar. You resisted so that the people of these lands laugh. Sleep well, dear Heval, you have become a greeting for those who know yourself"*. Zamani Çamak's father removed the tombstone to prevent soldiers from destroying the cemetery. Stating that he could not accept this situation, Zamani Çamak's father said, *"Why are they doing this to our values? Why do they make us suffer this pain? How much more pain will they inflict on us?"*<sup>102</sup> According to the co-chair of Mebya-Der, the security forces have vandalised at least 80 graves of the fallen PKK members in Bingol province since December 2017.<sup>103</sup>

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101 IHD and OHD, *Report of Rights Violations experienced with the Destruction of Cemeteries in Ercis District of Van Province* (IHD Van, OHD Van, Van, 28 May 2020), p.1-2.

102 Mezopotamya Ajansi, 'Askerler tahrip etmesin diye mezar taşını kaldırdılar' (They removed the headstone so that the soldiers would not destroy it), 4 May 2020, available at <http://mezopotamyaajansi29.com/search/content/view/95430?page=1&key=954af-f5239324426e6a92bb9cb1e431d>, accessed 15 February 2021.

103 Interview with M. Nur Nuri, a member of the MEBYA-DER's Van

72. On 18 April 2020, members of the Turkish Armed Forces destroyed the gravestones of 10 PKK members' graves in Van's Çaldıran; 2 PKK members' graves in Van's Muradiye; 5 PKK members' graves in Van's Saray; 20 PKK members' graves in Van's Özalp; 8 PKK members' graves in Van's Erciş; 10 PKK members' graves in Van's Edremit; 7 PKK members' graves in Van's Karsiyaka districts for reasons such as code names written on them and flags being hung.<sup>104</sup> The soldiers went to families whose graves were destroyed after the demolition and threatened them not to hang pieces of cloth (flags) on the graves again and not to write on gravestones.<sup>105</sup>
73. On 20 April 2020, HDP Van MP Murat Sarisac and Bingöl MP Erdal Aydemir brought the destruction of graves in cemeteries in Van and Bingöl provinces by members of the Turkish Armed Forces to the agenda of the Parliament on 18 April 2020. In their speeches, the MPs emphasized that the cemeteries where PKK members who lost their lives in the clashes are located were destroyed, and fallen PKK members' families were called and threatened to remove the pictures and names on the gravestones.<sup>106</sup> They stated

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Branch, 21 January 2021.

104 Interview with Gulistan Onen, the co-chair of the MEBYA-DER's Van Branch, 17 January 2021; Yeni Yaşam, 'Aileler cagrildi, mezar taslari parcalandi' ('Families were called, headstones were destroyed'), 18 April 2020, available at <http://yeniyasamgazetesi.info/aileler-cagrildi-mezar-taslari-parcalandi>, accessed 20 February 2021; Özgür Manşet, supra note 99; Gazete Karınca, supra note 99.

105 *Yeni Yaşam*, supra note 104.

106 Erdal Aydemir (Bingöl MP), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 20 April 2020), available at <https://www.tbmm.gov.tr/d27/7/7-28589s.pdf>, accessed 20 February 2021; Murat Sarisac

that the attack on the cemeteries is unacceptable in the context of immoral practices that disturb the cultural and religious values of society as well as the conscience of society.<sup>107</sup> The MPs made a written motion to Parliament, with the request of a written reply from Interior Minister Süleyman Soylu. In the written motion, the following questions were asked: Whether the Minister of the Interior has knowledge about the order to destroy the graves of those who lost their lives in the clashes and to collect the information of their families; what legal basis this practice is based on, who ordered the destruction of graves and whether an investigation had been filed about the perpetrators.<sup>108</sup>

74. On 24 April 2020, Diyarbakır Silvan District Gendarmerie Command forced the families of PKK members who had lost their lives in the clashes, either by phone or when calling them to the police station, to break the gravestones of their children and delete the Kurdish letters X, W, Q from their gravestones. The commander of the police station told the families that, otherwise, they would “uproot the graves and take them out of there”. He threatened them saying that “you will send us photos after breaking the gravestones”.<sup>109</sup>

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(Van MP), ‘Türkiye Büyük Millet Meclisi Başkanlığına’ (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 20 April 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-28590s.pdf>, accessed 20 February 2021.

107 Ibid.

108 Ibid.

109 OHD’s Diyarbakır Branch, *Silvanda Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Ve İnceleme Raporu* (Violations of Rights Regarding Cemetery Destruction in Silvan and Investigation Report)

75. On 24 April 2020, HDP Diyarbakır MP Semra Güzel said that attacks on cemeteries in the Silvan district of Diyarbakır are considered crimes against humanity under both national and international law. Ms Güzel, who brought the issue to the agenda of the Parliament, submitted the following written motion to the Minister of Interior Süleyman Soylu to answer: *“The instructions given to the families by the gendarmerie to demolish the tombstones of their children and their relatives and send their photographs is based on what morality and what law? Is there a humanitarian, moral and legal explanation for the instructions given to families to demolish their children’s graves with an inhuman method and approach because of the Kurdish expressions on gravestones?”*<sup>110</sup>
76. On 26 April 2020, the cemetery in which the graves of PKK members are located in the Orman neighbourhood of Yüksekova district was destroyed for the 7th time. Unidentified people destroyed the wall surrounding the cemetery and smashed the tombstones.<sup>111</sup> The attackers also destroyed the graves of 9 civilians in the same cemetery. Among them is the grave of the teacher Süleyman Aksu, who lost his life in the bomb attack organised by ISIS in Suruç in 2015. Kudret Aksu, the mother of Süleyman Aksu, stated that not only the graves of PKK members

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(OHD, Diyarbakır, 21 May 2020).

- 110 Yeni Yaşam, ‘Mezar taslarında da Kurtce’ye yer yok’ (‘There is no place for Kurdish on gravestones, either’), 24 April 2020, available at <http://yeniyasamgazetesi2.com/mezar-taslarinda-da-kurtceye-yer-yok/>, accessed 20 February 2021.
- 111 Mezopotamya Ajansi, ‘Aynı mezarlığa 7’nci saldırı!’ (7th attack on the same cemetery!), 2 May 2020 available at <http://mezopotamyaajansi29.com/search/content/view/95295?page=1&key=1e07ed-7f6ed41fee9d3bf10261f54de4> accessed 20 February 2021.

but all the graves in the cemetery were destroyed. *“Mother Aksu said that her son’s grave had been attacked by law enforcement forces 6 times previously, his tombstones were broken, the walls were destroyed and the cemetery was damaged beyond repair. She also stated that in previous attacks, insulting words like ‘carcasses’ were written on the tombstones; she constantly visited the cemetery for fear that her son’s grave could be attacked at any time; she went to the scene approximately two hours after the attack on the graves and the cemeteries were attacked more heavily than the previous attacks, but this time, unlike other cases, graves of civilian citizens were also attacked”*.<sup>112</sup>

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112 OHD’s Hakkari Branch, *ÖHD Hakkari Temsilciliğinin Yüksekova’da Meydana Gelen Mezarlık Tahribatlarına İlişkin İnceleme Raporudur* (OHD Investigation report of the Hakkari representation on the destruction of the cemetery in Yüksekova), (OHD, Hakkari, 3 May 2020).





Sources: Mezopotamya Ajansi, 'Aynı mezarlığa 7'nci saldırı!' (7th attack on the same cemetery!), 2 May 2020 available at <http://mezopotamyaajansi29.com/search/content/view/95295?page=1&key=1e07ed7f6ed-41fee9d3bf10261f54de4> accessed 20 February 2021.

77. HDP Hakkari MP Sait Dede, who investigated the cemetery after the attack, said: *"A similar incident took place a year and a half ago, and similar incidents took place in Muş, Bingöl and most recently in Yüksekova. There can be no explanation for this. What do they want from a deceased person? They cannot even tolerate the bones of the Kurds. Just days ago, they sent the bones of a Kurdish mother's child by cargo. This is the continuation of it. The Provincial Governorship and District Governorship should explain who did this and why. There is no such attack on graves anywhere else. Such a practice was not encountered even in the Hitler period"*.<sup>113</sup>

113 Yüksekova Haber, 'Yüksekova'da aynı mezarlık yedinci kez tahrip edildi' ('The same cemetery was destroyed for the 7th time in Yüksekova'), 02 May 2020, available at <https://www.yuksekovahaber.com.tr/video/yuksekovada-ayni-mezarlik-7nci-kez-tahrip-edildi-3459.htm>, accessed 20 February 2021.

HDP Yüksekova District co-chair Abdulkerim Akdoğan, who visited the cemetery, also said: *“The destruction of the cemeteries during Ramadan did not fit into Islam’s practices. Today, they destroyed the grave of not only a 22-year-old teenager, but also a 70-year-old woman in the same way. We got the message: yes, you are even afraid of our dead bodies”*.<sup>114</sup>

78. On 27 April 2020, HDP Van MP Muazzez Orhan brought the Turkish Armed Forces’ attack on the cemeteries in the districts of Van back to the agenda of the Parliament. Underlining in her speech that the right to be buried and respect for cemeteries is a natural and indisputable right that does not even require it to be written by law, Ms Orhan submitted the following written motion to Parliament with the request that the Minister of Interior Süleyman Soylu present a written reply. In the written motion, she asked the Ministry of the Interior whether a precaution would be taken against those who attacked the cemeteries, whether an investigation was initiated against the perpetrators, how many bodies were exhumed in the last 5 years and how many bodies were buried in the cemetery of the nameless.<sup>115</sup>
79. On 1 May 2020, after the Turkish army forces destroyed the gravestones of PKK and MKP militants in Gözeler (İbrahiman) in central Bingöl and Karer village in Adaklı district, they called the families of the deceased and instructed them to remove the

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114 Ibid.

115 Muazzez Orhan (Van MP), ‘Turkiye Buyuk Millet Meclisi Baskanligina’ (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 27 Nisan 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-28984s.pdf>, accessed 20 February 2021.

fragments of gravestones they destroyed. Before the destruction of the gravestones, the Bingöl police station commander called the family of the MKP militant Sevda Serinyel, whose gravestone was also broken, to the police station on 14 April 2020. The police station commander threatened the family and asked the family members to break the gravestone because of the inscriptions “We died too many times to live” and “Mercan” (code name) on Sevda Serinyel’s gravestone. The family said that there were no criminal elements in the gravestone and therefore would not break it. After this meeting, 11 gravestones in the cemetery were destroyed.<sup>116</sup>

80. On 3 May 2020, a delegation consisting of ÖHD Hakkari branch lawyers inspected the cemetery in the Orman neighbourhood of Yüksekova, where the graves of PKK members are located. As a result of the delegation’s observations, it was determined that a total of 20 graves of 11 PKK members and 9 civilians were attacked by state forces. In the examination, it was determined that the gravestones were completely destroyed, the cemetery walls were destroyed, and the trees next to the cemetery were taken down. The delegation announced that they recorded the destruction of the gravestones with photographs and video.<sup>117</sup>
81. On 4 May 2020, HDP Mersin MP Fatma Kurtulan and HDP Mardin MP Tuma Çelik brought the Turkish Armed

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116 Gazete Patika, ‘Bingöl’de mezar taslarini kiran askerler ailelere taslari yok edin dedi’, 1 Mayıs 2020, available at <https://www.gazetepatika15.com/bingolde-mezar-taslarini-kiran-askerler-ailelere-taslari-yok-edin-dedi-59383.html>, accessed 20 February 2021.

117 ÖHD’s Hakkari Branch, supra note 112.

Forces' systematic attacks on graves in cemeteries in Bingöl, Diyarbakır, Van and Hakkari to the Parliament's agenda.<sup>118</sup> Underlining that the cemetery in Orman neighbourhood of Hakkari's Yüksekova district had been attacked seven times since 2016, Kurtulan said that even the rights of the dead had been violated by attacks on cemeteries. Kurtulan submitted a written motion to the Parliament with the request that Süleyman Soylu, the Minister of Interior, present a written reply.<sup>119</sup> Çelik, on the other hand, submitted a written motion to Parliament with the request that the Vice President, Fuat Oktay, present a written reply.<sup>120</sup> Both MPs asked what the motive was for the attacks on the cemeteries, whether any legal action was taken against those who attacked the cemeteries, and what was the purpose of threatening the families by law enforcement officials?<sup>121</sup>

82. On 5 May 2020, HDP Hakkari MP Sait Dede brought the seventh destruction of the cemetery in the Orman neighbourhood of Hakkari's Yüksekova district to the Parliament's agenda. Dede submitted a written motion to Parliament with the request to Interior Minister Süleyman Soylu to present a written reply. He asked the Minister of the Interior whether it

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118 Tuma Celik (Mardin MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 4 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-29050s.pdf>, accessed 20 February 2021; Fatma Kurtulan (Mersin MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 4 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-29049s.pdf>, accessed 20 February 2021.

119 Fatma Kurtulan, supra note 118.

120 Tuma Celik, supra note 118.

121 Ibid; Fatma Kurtulan, supra note 1118.

was possible for such an attack to occur without the knowledge of the state in Yüksekova district, which is controlled by cameras, watchtowers, UAVs, and SİHAs 24 hours a day. He also asked whether a judicial and administrative investigation was opened against the security forces involved in this action, in light of worrying statements from witnesses that those who destroyed the graves were the security forces.<sup>122</sup>

On the same day, HDP Diyarbakır MP Remziye Tosun underlined in her speech in Parliament that the grave destructions that had been carried out by members of the Turkish Armed Forces in Van, Silvan and Hakkari were unacceptable. In her speech, MP Tosun stated that while the soldiers were visiting the neighbourhoods and villages, they were checking the graves of people who lost their lives in clashes one by one, and if a script, code name or any cloth was found on the gravestones, they called the families and destroyed the gravestones in front of them. Moreover, the families were threatened to cover up this incident. In this sense, the Vice President was asked whether an investigation was initiated against law enforcement officers who committed these crimes in the motion submitted to the Parliament, with a request of a written reply from Fuat Oktay.<sup>123</sup>

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122 Sait Dede (Hakkari MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 5 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-29364s.pdf>, accessed 20 February 2021.

123 Remziye Tosun (Diyarbakir MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 5 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-29307s.pdf>, accessed 20 February 2021.

83. On 5 May 2020, Süleyman Aksu's mother, Kudret Aksu filed a second criminal complaint to the Yüksekova Chief Public Prosecutor's Office about those who destroyed her son's grave (the first criminal complaint was made on 31 May 2019). In the criminal complaint, it is underlined that there are eyewitnesses and camera records that law enforcement officers came to the cemetery on 1 May 2020 with armoured vehicles and destroyed 20 graves, including the grave of Süleyman Aksu. For this reason, she requested that the Prosecutor's Office immediately initiate a fair, impartial and effective investigation and carry out the investigation in person, and that a public case be filed against the perpetrators of the action against Süleyman Aksu's grave.<sup>124</sup>
84. On 11 May 2020, HDP Şırnak MP Hasan Özgüneş brought the attack on the cemetery of PKK militants in the village of Yarbaşı in İdil by members of the Turkish Armed Forces to the Parliament's agenda. Stating that the cemetery was attacked by the security forces again in 2016, Özgüneş submitted the following written motion to Parliament requesting a written reply from the Minister of Interior, Süleyman Soylu. The motion demanded that the following information be provided: Who gave the instruction in question; whether the law enforcement officers who carried out the attack were identified and whether any investigation was opened against them; the number of graves/tombstones destroyed in the provinces since 2002; and whether the Ministry of Interior had

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124 ÖHD's lawyers made a criminal complaint on behalf of Kudret Aksu on 5 May 2020. The criminal complaint's letter was given to the author by them.

worked to prevent the destruction of the graves.<sup>125</sup>

85. On 11 May 2020, the Peoples' Democratic Party filed a criminal complaint to the İdil Chief Public Prosecutor's Office regarding the destruction of the cemetery in the village of Yarbaşı, in the Idil district of Şırnak province. In the criminal complaint, it was emphasized that the graves of PKK militants who died in the conflicts in Van, Bitlis, Mus, Diyarbakir, Hakkari and in many other provinces, the victims of unidentified murders which took place during Turkey in the 1990s, those killed in custody and those who lost their lives as a result of the attacks of the ISIS terrorist organisation, were destroyed. For this reason, the Prosecutor's Office was requested to initiate an effective and impartial investigation to identify the perpetrators of the attack on the cemetery in Yarbaş village. It was requested that the Prosecutor's Office should identify and listen to witnesses who have knowledge about the incident, identify and punish the perpetrators of the attack in the cemetery in Yarbaşı village of İdil district in Şırnak province, and increase measures to prevent frequent attacks in the mentioned cemetery.<sup>126</sup>
86. On 11 May 2020, the Peoples' Democratic Party filed a criminal complaint to the Malazgirt Chief Public Prosecutor's Office regarding the destruction

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125 Hasan Ozgunes (Şırnak MP), 'Türkiye Büyük Millet Meclisi Başkanlığina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 11 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-29369s.pdf>, accessed 20 February 2021.

126 T. C. İdil Cumhuriyet Bassavciligi, (T.R. İdil Chief Public Prosecutor's Office), Soruşturma Numarasi (Investigation No): 2020/581, Karar Numarasi (Investigation Decision No):2020/559, 04 December 2020.

of the cemeteries in Muş province and demanded that the perpetrators of this attack be identified and punished.<sup>127</sup>

87. On 11 May 2020, the Peoples' Democratic Party filed a criminal complaint against the Muş Chief Public Prosecutor's Office against the demolition of the gravestones of Meryem Akpolat and Serhat Akpolat by law enforcement officers on 19 April 2020 in the village of Merkez Suluca of Muş province, and demanded that the perpetrators - the law enforcement officers - who carried out this attack be identified and punished.<sup>128</sup>
88. On 14 May 2020, Hüseyin Bozan and Zeynel Abidin Çağan, through their lawyers, filed a criminal complaint to the Erciş Chief Public Prosecutor's Office about the gendarmerie personnel who destroyed the graves of their children, violating and insulting the memory of the person, and damaging places of worship and cemeteries.<sup>129</sup>
89. On 18 May 2020, the video footage used by the Mesopotamia News Agency about the bodies removed from the Xerzan (Garzan) cemetery, revealed that the bodies were buried in the Kilyos cemetery in Istanbul. In the images taken by Mesopotamia News Agency on

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127 T.C. Malazgirt Cumhuriyet Bassavculigi, supra note 75.

128 T. C. Mus Cumhuriyet Bassavciligi, (T.R. Mus Chief Public Prosecutor's Office), Soruşturma Numarasi (Investigation No): 2020/6587, Karar Numarasi (Investigation Decision No): 2020/4316, 25 December 2020

129 ÖHD's Lawyers have shared the criminal complaint's letter with the author.



2 March 2020, it is shown that the bones of Demir and Döner, whose bones were removed from the Xerzan (Garzan) cemetery, in the storage containers buried in graves 6 and 9, were removed by the officials and given to the families whose DNA samples matched. It is also heard in the footage that the officer answered 'yes' to the question as to whether all the corpses were buried there or not.<sup>130</sup>

Mesopotamia News Agency's images show that: *"[B]ones belonging to 261 persons ... were buried collectively in 18 numbered graves opened under the pavement in large transparent plastic storage containers with broken lids. Each of the graves numbered from 1 to 18 are double sided. Containers with bones inside are arranged in 4 rows, two on top of each other. There are only 24 corpses in grave number 6 that was opened"*. It is seen that one of the opened graves remained under water.<sup>131</sup>

Demir and Döner's families reacted to the burial of their children's corpses on the sidewalk by stating that it represents "immorality and unscrupulousness, where words fail". Cengiz Demir's brother, Azad Demir, stated that, on 2 March 2020 when they went to Kilyos Cemetery to receive his brother's bodily

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130 Mezopotamya Ajansi, '261 cenaze kaldırıma defnedildi' (261 bodies buried on pavement), 18 May 2020, available at <http://mezopotamyaajansi29.com/search/content/view/97098?page=4?page=1&key=3b46aa79bc4428955b4221ec03562b24>, accessed 1 March 2020.

131 Mezopotamya Ajansi, 'İşte cenazeler kaldırıma böyle gömüldü' (Here's how the bodies were buried on the pavement), 21 May 2020, available at <http://mezopotamyaajansi29.com/search/content/view/97464?page=1&key=a84eb48860654dc09c9ff3a8913e4d62>, accessed 1 March 2020.

remains, after 3 years of strenuous efforts to find his body, the sight they saw before them crushed them once again. He said that the place they were shown as a cemetery was on the roadside and the surroundings were in dirt. He added that when the graves were opened, the boxes containing the bones were in water and mud.<sup>132</sup>

Similarly, Gülperi Döner, the sister-in-law of Hüseyin Döner, who lost his life in Kobanê and was buried in Garzan Cemetery, stated that they found the stolen bodily remains of Hüseyin Döner, which they buried in Garzan Cemetery in the Kilyos Cemetery after 3 years of their research. She said that Hüseyin Döner, whose family felt great pain when he lost his life in Kobanê, was killed a second time when the Garzan Cemetery where he was buried was destroyed, a third time when his bodily remains were kidnapped, a fourth time when he was buried on the sidewalk in Kilyos Cemetery, and a fifth time when they brought him to Hizan and buried him. *“Can a person be killed five times? Gülperi Döner, who asked the question, emphasized that they will never forget what has been done”*.<sup>133</sup>

90. On 20 May 2020, HDP Istanbul MP Züleyha Gülüm brought the situation that ‘shamed and harmed human dignity’ in Kilyos to the agenda of the Parliament. Stating that this savagery is considered to be a crime in international and domestic legislation, Gülüm submitted the following motion to Parliament, requesting a written reply from Vice President Fuat Oktay:

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132 Ibid.

133 Ibid.

- *For what reason were 282 bodies taken from Garzan Cemetery and taken to Istanbul Forensic Medicine Institute on 19 December 2017? Why were there no disclosures to families and the public until 2 January 2018 that the bodies were moved?*
  
- *Who are the officials responsible for the removal of the corpses from the Garzan Cemetery and their burial in the Kilyos Cemetery where the sewer pipes pass, on the sidewalk and on top of each other?*
  
- *Damaging cemeteries, demolishing and destroying these structures and their annexes is defined as a crime in Article 153 of the Turkish Penal Code. Have the necessary investigations been made about those who destroyed cemeteries in accordance with this article?*
  
- *Of the 282 corpses taken from Garzan Cemetery to Istanbul Forensic Medicine Institution, how many were delivered to their families and how many were buried in Kilyos Cemetery? Why are deceased not delivered to their families?*
  
- *Have the attacks on the cemeteries that have been taking place for years and especially in the last month been undertaken with your knowledge?*
  
- *Will the corpses be buried again under suitable conditions until they are delivered to the families? When will these be initiated?*
  
- *What kind of measures do you plan to take against*

*inhumane acts against cemeteries?*<sup>134</sup>

91. On 20 May 2020, HDP Şırnak MP Nuran İmir made a speech in Parliament on the inhumane situation in Kilyos Cemetery. She said that “respect for the dead, burying the dead body, condolence and mourning is a universal right, and it is a moral responsibility”. İmir submitted the following motion to Parliament addressed to Vice President Fuat Oktay in writing:

- *Why were DNA samples of those families who applied to get the body of their children not compared with the corpses for two years? What is the point of keeping bodies waiting for such a long time?*
- *What was the purpose of 11 bodies whose DNA matches were completed not to be given to the families but instead buried in the ‘nameless’ part of Kilyos Cemetery?*
- *What was the purpose of burying the corpses, which should have been in Bitlis, in the ‘nameless’ part of Kilyos cemetery in Istanbul?*
- *Has work been conducted to reach the families of these bodies in the past two years? If not, why not? If so, what are the results?*
- *After these bodies were buried, how many families*

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134 Züleyha Gülüm (Istanbul MP), ‘Türkiye Büyük Millet Meclisi Başkanlığına’ (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 20 May 2020), available at <https://www.tbmm.gov.tr/d27/7/7-29612s.pdf>, accessed 1 March 2021.

*whose DNA were matched to them were able to receive their funeral?”<sup>135</sup>*

92. On 20 May 2020, HDP Şanlıurfa MP Ayşe Sürücü submitted a petition to the Presidency of the Turkish Grand National Assembly to open a Parliamentary Investigation into the unlawful removal of corpses from the Garzan Cemetery and burial of these corpses on top of each other under the highway in Kilyos Cemetery.<sup>136</sup> The content of the petition illustrates how the families of PKK militants who lost their lives in the clashes between the Turkish Armed Forces and the PKK were subjected to systematic state torture. The petition states: “... *With the request of Bitlis Tatvan Chief Public Prosecutor’s Office and the decision of Tatvan Criminal Judge of Peace, Garzan Cemetery was entered in 2017 with construction machines, and 268 bodies were illegally exhumed from the graves and sent to the Institute of Forensic Medicine in Istanbul.*

*“The Prosecutor’s Office did not consider that the removal of corpses with burial certificates would be contrary to the law. Families have been experiencing full procedural torture for 3 years. At the same time, the Institute of Forensic Medicine operated a cumbersome work process, and families had to*

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135 Nuran Imir (Sirnak MP), Türkiye Büyük Millet Meclisi Başkanlığına’ (To the Presidency of The Grand National Assembly of Turkey) (20 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-30078s.pdf>, accessed 1 March 2021.

136 Ayşe Surucu (Sanlıurfa MP), ‘Türkiye Büyük Millet Meclisi Başkanlığına’ (To the Presidency of The Grand National Assembly of Turkey) (20 May 2020), available at <https://www2.tbmm.gov.tr/d27/10/10-654376gen.pdf>, accessed 1 March 2021.

*come to Istanbul from all over the country and give DNA samples. In the DNA matching process, which we suspect was done meticulously because work machines were used in the grave opening process, there have been 65 applications and 21 matches so far.*

*“The distress experienced by families whose DNA matched was exacerbated after taking the bodies. While burying the bodies they took back to their hometown, they faced the pressure and prohibitions of law enforcement officers. For example, children of two relatives living in Dilbumu village of Bitlis, namely two cousins with the same surname, were not even allowed to be buried side by side. During the re-burial of the corpses, even the grave digging and burial process was not allowed. Only parents and first degree relatives were allowed to be present and bury their children.*

*“In addition to all the remaining corpses from Garzan Cemetery, 21 more were brought to Kilyos Cemetery, but from where and how, we do not know. A total of 261 corpses were placed in a transparent box with broken caps, as reported in the press, and buried on top of a wall at the end of the highway in Istanbul-Kilyos. It is not possible for us to consider this treatment of bodies as an acceptable approach. This treatment of bodies violates the right to mourning; the right to be buried – these are serious violations of human rights. The actions taken in the Garzan Cemetery in front of the families/ witnesses create a serious memory break and trauma in society.*

*“The relatives of those who lost their lives in the conflicts*

*took the initiative and created such cemeteries. As these cemeteries are places where families and relatives can experience grief processes, they have undertaken important functions in removing social trauma. However, the cemeteries, which were created in accordance with the religious beliefs of the families and in accordance with customary law, were not seen to be either accepted or respected.*

*“We cannot provide an example of a country where the state has dealt with deaths in such a way. Making death ‘political material’ deepens social trauma, creating ruptures in common social memory. Respect for the dead and the mourning rights of the survivor since the history of humanity is the biggest indicator of being ‘human’. We entered a period in which many rights, especially those of customary law, were violated in accordance with the religious beliefs of the families and the grieving processes of the families were not respected. This understanding is a state of insanity that started with the hiding of the graves of Sheikh Said, Said Nursi and Seyid Rıza and continues”.*<sup>137</sup>

93. On 20 May 2020, the Erciş Chief Public Prosecutor’s Office decided that there was no need to investigate the criminal complaint against the gendarmerie personnel who destroyed the graves of Hüseyin Bozan and Zeynel Abidin Çağan.<sup>138</sup>
94. On 21 May 2020, a delegation consisting of the Diyarbakır Branch of the Lawyers Association for

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137 Ibid.

138 Ercis Sulh Ceza Hakimliği (Ercis Magistrate Judge), Degisik Is Numarasi (File No): 2020/829 D.Is, 20 May 2020.

Freedom examined the cemeteries destroyed by members of the Turkish Armed Forces on 24 April 2020 in Kutlu Alan village (Gündê Şêx Dewdada), Topçay village (Gündê Mûlkêseray), Tekel neighbourhood, Silvan Centre (Mehela Xerzîya) and Köprülübağ (Gündê Kinyate) in Silvan district of Diyarbakır province. They collected evidence and captured photographic evidence of the destruction of the graves.<sup>139</sup>

95. On the same day, the delegation held a meeting with Mustafa Yeni, whose son and nephew's graves were destroyed by the soldiers. Mustafa Yeni declared to the delegation that he was called to the Bağdere Police Station through the village mukhtar. While he was at the station, the commander of the station and an official told him that the tombstones of his relatives' graves were illegal and that he had to destroy them upon the orders of the prosecutor. He stated that he was asked to take a photograph of the shattered gravestones and send them to the gendarmerie commander via WhatsApp. Mustafa Yeni stated that he was subjected to threats and insults in the Police Station. He said that before this incident happened, he was called upon by the governor's office and asked to join the families sitting in front of the Diyarbakır HDP Province building to protest and blame the HDP for carrying out "terrorist actions". He said, however, that he refused and, consequently, the security forces destroyed his relatives' graves to punish him.<sup>140</sup>

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139 ÖHD's Diyarbakır Branch, *The Rights Violations and Examination Report of the Association of Lawyers for Freedom regarding the Destruction of the Cemetery in Silvan*, (OHD, Diyarbakır, 21 May 2020).

140 Ibid, p.2 and 3.



96. On the same day, the delegation held a meeting with Selçuk Dadak, the Silvan Chief Public Prosecutor, in the Chief Public Prosecutor's Office, regarding the destruction of the graves in the cemeteries. During the meeting, Dadak stated that the investigations regarding the destruction of the cemeteries were carried out by him and that the code names of the people who lost their lives and the images of the 'organisation' found on the grave stones constituted the crime of propaganda; and that they initiated an investigation against all of the grave owners who were committing this crime, with the allegation they were conducting terrorist propaganda. He stated that he did not give instructions to send photos from WhatsApp after the graves were destroyed.<sup>141</sup>
97. During the meeting with Sabriye Kaçar, whose child's grave was destroyed, the delegation learned that an investigation was launched against her by the Silvan Chief Public Prosecutor's Office in 2020 on the allegation of propaganda of the organization because of the writing on her child's gravestone.<sup>142</sup>
98. On 22 May 2020, a delegation formed at ÖHD's Istanbul branch inspected the bodies that were removed from the Xerzan (Garzan) Cemetery and brought to the Kilyos Cemetery in Istanbul. The delegation confirmed and reported the inhumanity shown towards the dead, which is incompatible with human dignity, and it was reported by MA. The following was stated in the delegation's report:

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141 Ibid, p.5.

142 Ibid.

*It has been determined that the bodies exhumed from Garzan Cemetery were not buried in the Kilyos Cemetery of the Nameless in accordance with the legislation. Although it was seen that there was an area reserved for the burial of the nameless, photographic and video recordings showed that the place used as a sidewalk was excavated and they were buried under it.*

*It has been determined that the burial place was excavated as a whole. Burials were dug in the places numbered from 1 to 18 and, as can be seen from the photographs taken at the end of number 18, where the burial was finished, the soil was dug approximately 3 metres deep; the upper part was covered with concrete blocks and about 15 cm of soil was poured on it; the side was covered with ytong blocks, but it was also determined that there were gaps between the ytong blocks and it was open to external intervention.*

*After number 18, where the burial was finished, it was determined that this area where the numbers continued was left empty as excavated: there were sewer pipes in the excavated area, sewage and rainwater accumulated in an area of approximately 10 m<sup>2</sup>. While the length of a grave [according to Islamic rule] should be 2 metres, the width should be 80 centimetres, the depth should be at least 1.5 metres, with the side-by-side spacing of the two graves, the distance from each other from the head and foot sides, and with 50 cm to form a small and regular road, it was determined that 261 corpses, exhumed from Garzan Cemetery, were buried in an area of approximately 50 m<sup>2</sup>.<sup>143</sup>*

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143 ÖHD's Istanbul Branch, *Kilyos Cemetery Observation Report*, (OHD,

*The cronology of Turkey's destruction of kurdish graves*



*Source :ÖHD's Istanbul Branch, Kilyos Cemetery Observation Report, (OHD, Istanbul, 20 May 2020) and Photos were taken by OHD's lawyers.*

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Istanbul, 20 May 2020).

99. On 22 May 2020, Turkish army forces destroyed “Martyr Hevidar” and “Martyr Amed Cemetery”, located near the village of Yolçatı (Sîse) in Diyarbakır’s Lice district, where the graves of PKK members could be found, by breaking the gravestones for the fourth time, on the eve of the Ramadan Feast (The cemetery was first attacked in 2015, a second time on 26 June 2017, a third time on 3 June 2019).<sup>144</sup>



*Photos from 2013 when the cemetery was built*

*Source: Özgürlük İçin Hukukcular Derneği (Association of Lawyers for Freedom-ÖHD), Özgürlük İçin Hukukçular Derneği Diyarbakır Şubesi’nin Lice Yolçatı Köyünde Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur’ (Association of Lawyers for Freedom Diyarbakır Branch’s Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçatı Village), (ÖHD, Diyarbakır, 1 June 2020).*

- 144 Newspaper Patika, ‘Cemetery attacks continue: Soldiers smashed headstones’, 22 May 2020, available at <https://www.gazetepatika15.com/mezarlik-saldiri-lari-suruyor-askerler-mezar-taslarini-parcaladi-61036.html> accessed 15 March 2021; Yasam Gazetesi, ‘The cemetery in Lice, Diyarbakır, which was bombed from the air and land before, was destroyed for the 3rd time’, 22 May 2020, available at <https://yeniyasamgazetesi.com/ayni-mezarliga-3uncu-saldiri/>, accessed 15 March 2021; IHD, 2020 Yılı İlk 6 Ay Dogu ve Guneydogu Anadolu Bolgesi Insan Haklari Ihlalleri Raporu , (The First 6 months of 2020, Eastern and Southeast Anatolia Region Human Rights Violations Report), (IHD, Diyarbakır, 28 July 2020), p. 29, available at <https://www.ihddiyarbakir.org/Content/uploads/554ad85a-6ce2-43e5-b87f-c7c2f99fa4eb.pdf>, accessed 15 March 2021.

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*Photograph of partial destruction of the upper side of the cemetery in 2017 and 2018.*

*Source: Ozgurluk Icin Hukukcular Dernegi (Association of Lawyers for Freedom-ÖHD), Özgürlük İçin Hukukçular Derneği Diyarbakir Şubesi'nin Lice Yolçati Köyünde Yaşanan Mezarlik Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur' (Association of Lawyers for Freedom Diyarbakir Branch's Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçati Village), (ÖHD, Diyarbakir, 1 June 2020).*



*Cemetery photos of 2019 (it is seen that the destruction has increased compared to previous years)*

*Source: Özgürlük İçin Hukukcular Derneği (Association of Lawyers for Freedom-ÖHD), Özgürlük İçin Hukukçular Derneği Diyarbakir Şubesi'nin Lice Yolçati Köyünde Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur' (Association of Lawyers for Freedom Diyarbakir Branch's Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçati Village), (ÖHD, Diyarbakir, 1 June 2020).*

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*After the destruction of 2020*

*Source: Ozgurluk Icin Hukukcular Dernegi (Association of Lawyers for Freedom-ÖHD), Özgürlük İçin Hukukçular Derneği Diyarbakir Şubesi'nin Lice Yolçati Köyünde Yaşanan Mezarlık Tahribatlarına İlişkin Hak İhlalleri Gözlem Raporudur' (Association of Lawyers for Freedom Diyarbakir Branch's Observation Report on Violations of Rights Regarding Cemetery Destruction in Lice Yolçati Village), (ÖHD, Diyarbakir, 1 June 2020).*

100. On 22 May 2020, HDP Izmir MP Serpil Kemalbay Pekközeğü brought the subject of the Turkish military forces systematically attacking cemeteries in many Kurdish provinces such as Van, Bingöl, Diyarbakır, Muş, and Şırnak to the agenda of the Parliament. Pekközeğü underlined that the government is destroying the sacred cemeteries as an extension of its conflict policy, and that this constitutes a crime in national and international convention terms. Pekközeğü submitted a written motion to the Parliament on this issue, with the request that the Interior Minister Süleyman Soylu provide a written reply.<sup>145</sup>
101. On 25 May 2020, members of the Turkish armed forces hung a Turkish flag on the trees in the cemetery after destroying the Sheikh İbrahim Tomb and the graves in the cemetery in the village of Güneşli (Şemse) in Hasankeyf in Batman.<sup>146</sup>
102. On 27 May 2020, HDP Muş MP Şevin Coşkun brought the subject of the destruction of the graves of Meryem Akpolat, Serhat Akpolat, İkrâm Kabisen and Serkan Çoşken to the agenda of the Parliament by members of the Turkish Armed Forces in April 2020.<sup>147</sup> On the

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145 Serpil Kemalbay Pekközeğü (Izmir MP), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 22 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-30956s.pdf>, accessed 30 March 2020.

146 Yeni Yaşam, 'Türbe ve mezarlığı tahrip ederek bayrak astılar' ('They destroyed the tomb and the cemetery and hung a flag'), 25 May 2020 available at <http://yeniyasamgazetesi2.com/turbe-ve-mezarligi-tahrip-ederek-bayrak-astilar/>, accessed 15 March 2021; IHD, supra note 144, p.29.

147 Şevin Coşkun (Mus MP) 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 27 May 2020), available at <https://www2.tbmm.gov.tr/>



same day, HDP Şırnak MP Hüseyin Kaçmaz underlined in his speech in Parliament that members of the Turkish Armed Forces exhibited the naked body of the PKK militant Kader Kevser Ertürk (Ekin Van) in the centre of Varto town for the purposes of humiliation and took a memorial photo. He also underlined that sending the corpse of the PKK militant Agit İpek, who died in Dersim province, to his mother Halise Aksoy, who lives in Diyarbakır, by post, is inhumane and that this is unacceptable.<sup>148</sup>

In this sense, Şevin Coşkun submitted a written motion to Parliament with the request that Interior Minister Süleyman Soylu issue a written reply, and Hüseyin Kaçmaz requested a written reply from Vice President Fuat Oktay. The motions asked whether an investigation was opened against the law enforcement officers who destroyed the cemeteries, and also asked who ordered the destruction of the graves and the torture during the funerals. The motions asked what the reason was for such inhumane treatment and whether the Kurds had a right of mourning according to their traditions and religious obligations.<sup>149</sup>

103. On 28 May 2020, an investigation team consisting of members of the Human Rights Association - Van Branch (İHD), Van Bar Association Human Rights Commission (İHK) and the Lawyers Association for Freedom - Van Branch (ÖHD) examined the

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[d27/7/7-30236s.pdf](#), accessed 15 March 2021.

148 Huseyin Kacmaz (Sirnak MP), 'Turkiye Buyuk Millet Meclisi Baskanligina' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 27 May 2020), available at <https://www.tbmm.gov.tr/d27/7/7-30849s.pdf>, accessed 15 March 2021.

149 Ibid; Şevin Coşkun supra note 147.

cemeteries destroyed by the members of the Turkish Armed Forces within the borders of the province of Van and recorded the damage that had taken place in the cemeteries. The delegation met Huseyin Bozan, father of the late Ozan Bozan, and Zeynel Abidin Çağan, father of late Mehmet Necip Çağan, whose gravestone was destroyed. Zeynel Abidin Çağan said that they suffered a great deal of pain and suffering from the destruction, and that they felt the same grief for his son's death again years later.<sup>150</sup> Hüseyin Bozan, the father of the late Ozan Bozan, told the delegation what happened before and during the destruction of the graves:

*“My son Ozan Bozan died while he was a militant in the PKK on 16.05.2015. We buried him in the village cemetery of our village Şarbazar (Şehripazar) on 21.05.2015 and built the gravestone on that date. We did not encounter any warning about the gravestone during and after the burial. Until this year. The mukhtar called me on 17 April 2020. The military officers asked the mukhtar to phone me and call me to the cemetery. We went to the village cemetery together with Zeynel Abidin Çağan, who was also called by the mukhtar at the request of the military officers, just like me. When we arrived at the cemetery, the Gendarmerie and the temporary village guards were in front of my son, the late Ozan Bozan and the late Mehmet Necip Çağan's gravestone. They asked us for our identities. They did not present any identity or documents to us. The military personnel said that they were here for the gravestone and that they would break the gravestone upon the prosecutor's instructions. They said, ‘Why did you use a code name?’ and said that these*

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150 IHD and OHD, supra note 101, p.2.

*tombstones are 'not legal as they are'. Thereupon, we gave our IDs to the military personnel, a report was kept about us, but we did not sign the report.*

*"They did not listen to us even though we told them that 'our lawyer will now contact the prosecutor, please do not break our children graves', and we even offered to remove/change the names of the gravestones if necessary. Then, they brought the sledgehammer from the military vehicle and smashed the grave nameplates. Although the grave nameplates were broken, the sledgehammer changed hands amongst the military staff, and the nameplates were destroyed in hate until they broke them into smaller pieces. Then, they pointed to the seat made to read the Koran and asked angrily, 'What is this for?' In response, we said that it was a seat to read the Qur'an on religious holidays, holy nights and cemetery visits. Then they said mockingly, 'Are you reading the Qur'an?' I expressed to them that the dead were respected even in the most brutal times of war. In response, they said, "The Qur'an should not be read for these dead, nor should they be respected'. They also broke the reading seat of the Qur'an with sledgehammers. Military personnel told us that if the gravestone was repaired, they would break it again. Then, they left the village cemetery with their vehicles".<sup>151</sup>*

The delegation also met with Mehmet Vefa Kara, who lives in the Panî (Taşlıçay) neighbourhood of the town of Erciş in Van, to ask him about the destruction of the gravestone of his brother İkrâm Kara. Mehmet Vefa Kara told the delegation:

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151 Ibid, p.1-2.

*“My brother İkrām Kara died in October 2011 while he was a militant in the PKK. In the same month, we buried him in the village cemetery of our village Panî (Taşlıçay) and built the gravestone on that date. The cemetery was damaged by military personnel for the first time in 2013. My brother’s grave is located in the general cemetery in the village. In 2013, the wall of the general cemetery had not yet been built. Therefore, we learned about the damage the day after, from local shepherds. In the testimony of the shepherds, I learned that this damage was done by bringing a generator and cutting the grave nameplate with a spiral. No warning or notification was given to us as to why they destroyed the gravestone. Following this incident that took place in 2013, an investigation was opened against me for propaganda. I was tried with the claim that the gravestone was a propaganda element. Later, with a decision made by the Erçis High Criminal Court, a verdict was made against me for making propaganda for a terrorist organisation. While I was working as a seasonal worker in Istanbul province in April 2020, a person introducing himself as a member of the military personnel phoned me and called me to the village cemetery. I said that I could not go because I was out of the province, but I wanted to get information about why I was called. However, I was not informed about the nature of the call”.*<sup>152</sup>

104. On 29 May 2020, a delegation consisting of members of the Lawyers Association for Freedom Diyarbakır Branch made examinations in the Martyr Hevidar and Martyr Amed Cemetery, which was destroyed by members of the Turkish Armed Forces on 22 May 2020 near Yolçatı (Sîse) village of Lice town

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152 Ibid, p.6.

in Diyarbakır. The delegation recorded and reported that 241 graves in the cemetery were destroyed one by one.<sup>153</sup>

The delegation met with Nadire Bozkuş, mother of Mehmet Bozkuş, whose gravestone was destroyed during the attack. *She stated that: "her son's body was buried in Yolçatı Cemetery in 2013. They have been visiting the graves every week since that date. They went to her son's grave one week ago. There has been damage to the cemetery since 2015 and all gravestones in the cemetery have been broken since just before Ramadan. They saw this issue while visiting the cemetery before Ramadan. They reconstituted the gravestones using their own means after each attack, but the gravestones were destroyed again".*<sup>154</sup>

105. On 4 June 2020, HDP Van Deputy Murat Sarısaç asked about the systematic attacks of the security forces on the cemeteries in the province of Van and the reason why the Directorate of Religious Affairs remained silent during his speech in Parliament. Since his previous motion was not answered by the Minister of Interior Süleyman Soylu, this time he submitted a written motion with the request that Vice President Fuat Oktay respond in writing.<sup>155</sup>

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153 OHD, On the Violations of the Cemetery in the Yolcati village of Lice Town. xxx

154 Ibid, p.8.

155 Murat Sarisac (Van MP), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey) (TBMM, 27 May 2020), available at <https://www2.tbmm.gov.tr/d27/7/7-30550s.pdf>, accessed 20 March 2021.

106. On 8 June 2020, members of the Turkish Armed Forces disturbed the grave of Özgür Gündem newspaper reporter Hafız Akdemir, who was murdered by “unidentified” people in Diyarbakır in 1992, in the Yolçatı (Sîsê) cemetery in Lice district by removing his photo on the gravestone.<sup>156</sup>

107. On 10 June 2020, members of the Turkish Armed Forces who were engaged in an operation in Lice town of Diyarbakır, destroyed the gravestones of 7 graves in Çavundur (Licok) neighbourhood of Lice town. Some of these graves consisted of the remains of İzzet Tuğal, who was murdered by JİTEM (Gendarmerie Intelligence and Counter-Terrorism) in 1995; Bahattin Turfan, who lost his life as a result of an armed attack during the funeral of Vedat Aydın (the former chair of the Human Rights Association in Diyarbakır), who was murdered in 1991; Aydın Bedran and İnyet Tanrıverdi, the PKK militants who lost their lives during the conflicts in the 90s; and Hiyali Zengin and his son Mustafa Zengin, who were murdered by village guards in 1993.<sup>157</sup>

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156 Gazete Karınca, ‘Gazeteci Hafız Akdemir’in mezarı tahrip edilmiş’ (‘The grave of journalist Hafız Akdemir was destroyed’), 8 June 2020, available at <https://gazetekarinca.com/2020/06/gazeteci-hafiz-akdemirin-mezari-tahrip-edilmis/>, accessed 20 March 2021; ANF News, ‘Ozgur Gundem Muhabiri Akdemir’in Mezarına saldırı’ (‘Attack on the grave of Özgür Gündem Correspondent Akdemir’), available at <https://anfturkce.com/kurdIstan/Oezguer-guendem-muhabiri-akdemir-in-mezarina-saldiri-141848>; accessed 20 March 2021; IHD Diyarbakır, supra note 144, p. 29.

157 Yeni Yaşam, ‘Lice’de 6 mezar tahrip edildi’ (‘6 graves were destroyed in Lice’), 10 June 2020, available at <http://yeniyasamgazetesi2.com/licede-6-mezar-tahrip-edildi/>, accessed 20 March 2021; Duruş Haber, ‘Lice’de operasyonlara cikan askerler mezarları tahrip etti’ (‘Soldiers on operation in Lice destroyed the graves’), 10 June 2020, available at <https://www.durushaber.com.tr/gundem/>

108. On 12 June 2020, members of the Turkish Armed Forces destroyed the graves of PKK militants Rıdvan Mutlu and Mehmet Mutlu in the cemetery within the borders of Esenler (Balicne) neighbourhood of Lice town in Diyarbakır.<sup>158</sup> According to an executive member of the Mebya-Der's Diyabarkir Branch, the security forces, at a minimum, damaged 340 graves of the fallen PKK militants and destroyed their gravestones which are located in Diyarbakir province: 150 in Sise, 50 in Ceme Alike, 50 in Prijma, 30 in Yenikoy, 20 in Mardin Kapi, 15 in Cemeli, 5 in Alipar, 5 Ergani, 10 in Silvan, 5 in Bismil.
109. On 16 June 2020, the Malazgirt Chief Public Prosecutor's Office decided not to investigate the criminal complaint made on 17 April 2020 regarding the destruction of the Serkan Çokşen grave. The Chief Prosecutor's Office stated that: *"The investigation was initiated after it was found that there were writings praising the PKK on the tombstone of Serkan Coşkun. With the decision of the Malazgirt Magistrate Judge's Office, dated 21.04.2020, it was decided that the gravestones will be confiscated. They were confiscated as a result of the investigation and seizure decision, and the crime of insulting the memory of the person and damaging the cemeteries was not committed because the gravestones were not damaged"*. For this reason, the Prosecutor's Office decided that there was no need to investigate but granted the applicant

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[lice-de-operasyona-cikan-askerler-mezarlik-tahrip-etti-h49104.html](http://lice-de-operasyona-cikan-askerler-mezarlik-tahrip-etti-h49104.html), accessed 20 March 2021.

158 Yeni Yaşam, 'Yine mezarlar tahrip edildi' ('The graves were destroyed again'), 12 June 2020, available at <http://yeniyasamgazete-si2.com/yine-mezarlar-tahrip-edildi/>, accessed 20 March 2021.

the right to appeal.<sup>159</sup>

110. On 17 June 2020, the HDP's Group Deputy Chairperson and Siirt MP Meral Daniş Beştaş underlined in her speech in Parliament that the attacks by the state security forces against the cemeteries in the province of Van are continuing systematically in the Kurdish region. She emphasized that the destruction of the cemeteries "in terms of the values they represent is also included as a crime in the criminal laws and emphasised the vital importance of initiating an immediate investigation into the security forces attacking the cemeteries. MP Beştaş submitted an early day motion to Parliament on this issue with the request that President Fuat Oktay presents a written reply.<sup>160</sup>

111. On 17 June 2020, in response to the motion of HDP Şırnak Deputy Nuran İmir regarding the brutality in the Kilyos Cemetery, Vice President Fuat Oktay said that this issue does not fall under the jurisdiction of the institutions and organisations affiliated to the Presidency, but rather it falls under the duty and jurisdiction of the Ministry of Justice and therefore the Ministry of Justice should answer the motion.<sup>161</sup>

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159 T.C. Malazgirt Bassavciligi, supra note 75.

160 Meral Daniş Bestas (Siirt Millertvekli), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 17 June 2020), available at <https://www.tbmm.gov.tr/d27/7/7-31268s.pdf>, accessed 10 March 2021.

161 Fuat Oktay (Cumhurbaşkanı Yardımcısı), 'Türkiye Büyük Millet Meclisi Başkanlığına' (To the Presidency of The Grand National Assembly of Turkey), (TBMM, 17 June 2020), available at <https://www.tbmm.gov.tr/d27/7/7-30078c.pdf>, accessed 10 March 2021.



112. On 23 June 2020, an appeal was made against the Erciş Chief Public Prosecutor to the Erciş Magistrate Judge's Office regarding the failure of the Erciş Chief Public Prosecutor to conduct an effective, impartial, and fair investigation and his failure to collect evidence regarding the destruction of Mehmet Necip Çağan's gravestone.<sup>162</sup>
113. On 25 June 2020, after the bodily remains of 267 PKK members removed from Garzan Cemetery were revealed to be in storage containers in the Kilyos Cemetery, the families of Mesut Taşdoğan, Yusuf Ertürk and Leyla Kaya applied to the Bitlis Chief Public Prosecutor's Office for DNA matching to receive the bodies of their children.<sup>163</sup>
114. On 29 June 2020, the Erciş Magistrate Judge's Office dismissed the appeal regarding the destruction of Mehmet Necip Çağan's gravestone and upheld the decision of Erciş Chief Public Prosecutor's Office dated 20/05/2020 on the grounds that the decision of the Erciş Chief Public Prosecutor's Office did not contain any procedural and law errors. The Court stated that: *"When the whole scope of the file is evaluated together, the complainant's son had participated in the terrorist organisation in the previous dates: therefore, illegal words were written on the gravestone, and according to the legal rules, this situation is against the law. According to positive criminal law, it was decided that the removal of the gravestone by the gendarmerie personnel charged*

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162 AYM (Turkey Constitutional Court), *Zeynelabidin Cagan Basvuru* Numarasi (Application Number): 2020/27464, 15/12/2020,

163 T.C. Bitlis Bassavciligi (Bitlis Public Prosecutor's Office), Soruşturma Numarasi (Investigation No): 2017/5596, 15 December 2020.

*with the enforcement of the law would not constitute the legal element of any crime.*<sup>164</sup>

115. On 30 June 2020, ÖHD's lawyers filed a criminal complaint to the Diyarbakır Chief Public Prosecutor's Office, both on behalf of the ÖHD and on behalf of 12 families whose graves of their children had been destroyed, regarding the systematic attack by law enforcement officers against the graves in Yolçatı (Sîse) village in Lice town of Diyarbakır.

In the application, it was emphasized that the attacks on cemeteries violate the above mentioned, the Turkish Penal Code and the international conventions to which Turkey is a party. Therefore, it was emphasized that the Prosecutor's Office is under an obligation to immediately initiate a fair, impartial and effective investigation against the law enforcement officers who attacked and destroyed the cemeteries due to the following Turkish Criminal Code and international legal obligations, and to initiate a public case against the criminals and perpetrators:

- a) **The nature of fundamental rights and freedoms of the Constitution, Article 12:** *"Everyone has inalienable fundamental rights and freedoms, which are inviolable and inalienable. Fundamental rights and freedoms include the individual's duties and responsibilities towards the society, family and other persons".*
  
- b) **Restriction of fundamental rights and freedoms of the Constitution, Article 13:** *"Fundamental*

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164 Ercis Sulh Ceza Hakimligi, supra note 138.

*rights and freedoms can only be restricted by law and depending on the reasons specified in the relevant articles of the Constitution, without affecting their essence. These limitations cannot be contrary to the word and spirit of the Constitution, the requirements of the democratic social order and the secular Republic, and the principle of proportionality”.*

- c) **Immunity of the person, material and spiritual existence of the Constitution, Article 17:** *“Everyone has the right to life, to protect and develop their material and spiritual existence. ... Nobody can be tortured or ill-treated; no one can be subjected to any punishment or treatment incompatible with human dignity”.*
  
- d) **Privacy of private life, Article 20 of the Constitution:** *“Everyone has the right to demand respect for their private and family life. The privacy of private life and family life cannot be touched”.*
  
- e) **Freedom of religion and conscience, Article 24 of the Constitution:** *“Everyone has the freedom of conscience, religious belief and conviction”.*
  
- f) **Constitutional freedom of thought and opinion, Article 26:** *“Everyone has the right to express and disseminate his thoughts and opinions by word, text, picture or other means, individually or collectively. This freedom includes the freedom to receive or impart information or ideas without the intervention of official authorities”.*

- g) In the 8th article of the European Convention on Human Rights, titled Protection of private and family life:** *"1. Everyone has the right to respect for his private and family life, home and correspondence".*
  
- h) In Article 9 of the European Convention on Human Rights, titled freedom of thought, conscience and religion:** *"Everyone has freedom of thought, conscience and religion; this right includes the freedom to change religion or belief, and the freedom to manifest one's religion or beliefs alone or collectively, in public or in private, through worship, teaching, practice and rituals".*
  
- i) In Article 10 of the European Convention on Human Rights titled Freedom of Expression:** *"Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and opinions without interference by public authority and regardless of frontiers".*

The applications underlined that regardless of religious, cultural, political and philosophical beliefs, the grave or funeral of a deceased person is under the responsibility and security of the state. The destruction of the grave of a deceased is a crime and it is the responsibility of the state to identify the perpetrators of this crime. In support of this claim, the application refers to:

- 1- The circulars of 1593 numbered Public Health Law, Regulation on Construction of Cemeteries and Funeral Transport and Burial Operations and the Ministry of Health General Directorate

of Health Services, the protection of cemeteries and how the burials that will be carried out are regulated.

- 2- Article 130 of the Turkish Penal Code numbered 5237, titled "Insulting the memory of a person", which states that "the person who insults the memory of a person after death in the presence of at least three persons will be punished; in case the insult is committed publicly, the penalty will be increased by one sixth". Since these images were shared in the press after the cemeteries were destroyed, an element of publicity was realised.
- 3- In Article 153 of the 5,237 numbered Turkish Penal Code, titled "Damaging Places of Worship and Cemeteries", it states that "any person who damages places of worship, their attachments, the objects, tombs, the buildings on them, the facilities in the cemeteries, and the buildings built for the protection of the cemeteries by demolishing, destroying or breaking them is punished with imprisonment from one to four years".
- 4- In Article 115/2 of the 5,237 numbered Turkish Penal Code, titled "Prevention of the Use of Freedom of Belief, Thought and Belief", it states that: "In case the fulfilment of the requirements of religious belief or the performance of religious worship or rituals individually or collectively is prevented by use of force or threat or any other unlawful act, the perpetrator is sentenced according to the first paragraph". Families were prevented from praying in the cemetery, burying their children, mourning, and visiting cemeteries

due to their religious beliefs as a result of illegal destruction of cemeteries and gravestones. Since the arrangement of the gravestone and the grave is made as a whole with religious principles, the method of burial of the dead prevents the exercise of freedom of belief and is an intervention to fundamental rights.

- 5- Article 2 of the 3,998 numbered Law on the Protection of Cemeteries states that: "Graves cannot be broken, destroyed and dirtied".

The applicants concluded that the destruction of cemeteries and graves by law security forces are incompatible with human dignity that deeply offends the moral and religious consciences of the general public, and are also clearly contrary to the above-mentioned relevant articles of the Constitution and provisions of the ECHR. They underline that the allegations that this situation, which is incompatible with human dignity, was carried out by law enforcement officers only increases the gravity of the incident.

They claimed that the officials who are supposed to protect the sanctity of graves and human remains in this cemetery against any kind of desecration and criminal acts from groups and individuals have themselves perpetrated this crime which profoundly offends the religious and moral conscience of the public. They therefore demand that the Prosecutor's Office initiate an effective, quick and fair investigation into this matter. In support of this demand, the applicants referred to the United Nations Declaration of the Fundamental Principles of Providing Justice for Victims of Crime and Abuse of Power of 29 November 1985 which states that:

*“In order for victims of crime to reach justice at international and national level and to be treated fairly, to remedy their damages, to take measures for compensation and assistance, to ensure that the judicial and administrative mechanisms respond to the needs of the victims, especially in the case of serious crimes and the victims’ request, their role and scope in the trial, informing about the timing and progress of the proceedings and the status of their cases; to allow the accused to present his views and opinions at the necessary stages of the proceedings where it concerns the personal rights of the victim without prejudice to the rights of the accused and in accordance with the national criminal justice system; providing appropriate legal assistance to victims throughout the legal process; taking measures to minimize the inconvenience to victims, to protect their privacy, to ensure the safety of themselves, their families and witnesses in their favour when necessary, and to protect them against oppression and retaliation”.*<sup>165</sup>

116. On 4 August 2020, the lawyers of the Çağan family made an appeal against the Ercis Criminal Court of Peace’s decision that there was no criminal element for the destruction of Mehmet Necip Çağan’s gravestone to the Constitutional Court. In the appeal, the lawyers argued that the Erciş Magistrate’s Office did not make any attempt to identify the witnesses who were at the scene and had information about the incident; that the photographs and images of the crime scene were not determined to enlighten the investigation; and that the

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165 The OHD’s lawyers have given this complaint letter to the author. The prosecutor has neither initiated the investigation nor declared the application inadmissible as yet.

statements of the suspects were not taken without delay according to the provisions of the procedure and law. They argued that the Judge's refusal of the appeal without considering all these factors amounted to a violation of Article 36 of the Constitution and Article 13 of the ECHR.<sup>166</sup>

117. In the application, it was emphasized that destruction of the applicant's son's gravestone by law enforcement officers due to the Kurdish code name 'Armanç Zilan' that was written on the gravestone violates the following domestic and international law:
- a. "The breaking of the gravestone of the applicant's son in front of the applicant and the destruction of the grave by the gendarmerie personnel are in the nature of torture and ill treatment. This damage was an attack on the spiritual values of the applicant and caused the applicant to feel mental pain. This situation is clearly a violation of Article 17/3 of the Constitution and Article 3 of the ECHR.
  - b. The smashing of the gravestone with sledgehammers and the allegation that the names written on the gravestone were against the law were an attack on the memory of the applicant's son. At the same time, the breaking of the gravestone of the applicant's son in front of him caused incredible tremors in the applicant's mental state, which still continue. This issue is a clear violation of Article 24 of the Constitution and Article 8 of the ECHR.

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166 AYM, *supra* note 162



- c. The state has a duty to protect the individual's representative belief system and the right to manifest these beliefs alone or with others and in the public sphere, as well as in the private sphere. The state also has the responsibility to take positive measures to nurture and protect these rights. While the grave of the applicant's son, whom he buried according to his own religious rituals, should be taken under protection by the state authorities, the destruction of the gravestone by the gendarmerie personnel is an attack on the religious and spiritual values of the person; and this issue is a clear violation of Article 24 of the Constitution and Article 9 of the ECHR.
  - d. Destroying the gravestone of the applicant's son because of the Kurdish name written on his gravestone clearly indicates that the state authorities have implemented criminalisation and discrimination based policies against the Kurdish dead due to their Kurdish ethnic identity. Causing the psychological pain of the applicant on the basis of Kurdish ethnic identity amounts to a violation of Article 10 of the Constitution and Article 14 of the ECHR".<sup>167</sup>
118. On 21 September 2020, Hamide Çokşen's lawyer made an appeal to the Patnos Magistrate Judge's Office against the Malazgirt Chief Public Prosecutor's decision dated 16 June 2020 that there was no need to investigate the security forces who destroyed Serkan Çokşen's grave. In the appeal submission, it was argued that the fact that the Prosecutor's Office made a written decision on the file without conducting any research and

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167 The appeal petition was given to the author by the OHD's lawyer.

investigation, without examining whether the crimes subject to the investigation occurred or not, shows that the rule of law as well national and international laws is clearly violated.

In addition, it was emphasized that this decision was an indication that the Prosecutor's Office was acting in a biased fashion. The Prosecutor's Office should carry out research on the crimes subject to complaint, independent of the fact that the suspects were law enforcement personnel. Therefore, with the examination of the appeal against the decision of the Prosecutor's Office that there is no need for prosecution and the rescission of decision, it has been requested from the court to immediately initiate a fair, impartial and effective investigation and to initiate a public case against the criminals and perpetrators of the security forces who attacked Sertaç Çokşen's grave.<sup>168</sup>

119. On 23 October 2020, the Malazgirt Chief Public Prosecutor decided that "[t]here is no place for prosecution" against the criminal complaint made by the People's Democratic Party regarding the destruction of the cemeteries in Muş province on 11 May 2020, reserving the right to appeal. The Chief Prosecutor's Office provided the following justification for this reason:

*"As a result of the research, the relevant parts of the grave were seized due to the decision of the Malazgirt Criminal Judgeship of Peace, due to the presence of inscriptions and emblems of terrorist organisation propaganda on the grave of Serkan Çokşen, who was*

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168 An Appeal against the decision of the Malazgirt Chief Prosecutor's Office to the Patnos Magistrate Judge, File No: 2020/404, 21 September 2020.

*killed when he was a member of the PKK/KCK terrorist organisation, in Tatargazi village. In the investigation file of our Office of the Chief Public Prosecutor numbered 2020/614, the relevant part of the grave located in Okçuhan village was kept under consent due to the presence of terrorist propaganda on the grave of Hasan Eren, who was killed while he was a member of the PKK/KCK terrorist organisation. In the investigation file numbered 2020/635 of our Office of the Chief Public Prosecutor, due to the presence of terrorist propaganda on the grave of Aşiti Özer, who was killed while he was a member of the PKK/KCK terrorist organisation, the relevant part of the grave located in the village of Hasretpınar, was seized in accordance with the decision of the Malazgirt Criminal Court of Peace, numbered 2020/130. In the investigation file of our Office of the Chief Public Prosecutor numbered 2020/632, due to the presence of terrorist propaganda on the grave of Hüseyin Ceylan, who was killed while he was a member of the PKK/KCK terrorist organisation, the relevant part of the grave located in the village of Hasretpınar, has been seized in accordance with the decision of the Malazgirt Criminal Court of Peace, numbered 2020/131. In the examination of the investigation documents, it was understood that there was no damage to the gravestones in the incident subject to the report, the gravestones containing criminal elements were seized within the scope of the forensic investigations, and there was no crime or criminal element in the incident”.*<sup>169</sup>

120. On 4 December 2020, in response to the criminal complaint lodged by the People’s Democratic Party regarding the destruction of the cemetery in Yarbaşı village of İdil district of Şırnak province, İdil Chief Public Prosecutor’s Office ruled that “there is no place to investigate

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169 T.C. Malazgirt Bassavciligi, supra note 75.

this on behalf of the public”, reserving the right to appeal. The Chief Prosecutor’s Office provided the following justification for this reason:

*“Pursuant to the provision in Article 158 of the Code of Criminal Procedure, it is decided that there is no need for an investigation if it is clearly understood that the act subject to the report and complaint does not constitute a crime without any investigation or if the report and complaint are abstract and general in nature. In this case, the person complained of cannot be given the title of suspect. The decision not to conduct an investigation is notified to the reporter or the complainant, if any, and an appeal can be made against this decision in accordance with the procedure in Article 173. In case the appeal is accepted, the Office of the Chief Public Prosecutor initiates the investigation process. Processing and decisions made pursuant to this paragraph are recorded in a specific system. These records can only be seen by the public prosecutor, judge or court. According to this provision, it is understood that the incident does not require any investigation and the claims are evaluated as general and abstract claims”.*<sup>170</sup>

121. On 15 December 2020, the Constitutional Court delivered its judgement with regard to destruction of Mehmet Necip Çağan’s gravestone. The Constitutional Court ruled that the allegation that the right to a fair trial ‘was violated’ lacked jurisdiction in terms of subject matter. The Court has firmly ruled that allegations of violation of the right to the protection and development of material and spiritual property, the right to respect for private and family life, and freedom of religion and conscience are inadmissible due to the failure to exhaust the rem-

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170 T. C. Idil Cumhuriyet Bassavciligi, supra note 126.

edies and the manifestly ill-founded alleged violation of the principle of equality”.<sup>171</sup>

122. On 15 December 2020, Halide Kaya’s DNA sample was found to match with her daughter, Leyla KAYA’s DNA sample, who was buried in a plastic container in Kilyos Cemetery.<sup>172</sup>
123. On 25 December 2020, the Muş Chief Public Prosecutor’s Office rejected the HDP’s criminal complaint of 11 May 2020 against the destruction of the gravestones of Meryem Akpolat and Serhat Akpolat, stating that there is no basis to make an investigation. According to the prosecution’s justification, the letter “Ş” (used as an abbreviation of the word Martyr) and the code names of the militants written on the gravestones constitutes legality for the destruction of the graves and is also considered as evidence that their families have committed a crime. The Prosecutor’s Office provided the following justification for its decision:

*“In the statement taken from Celal Akpolat, in relation to the file with the allegation relating to the words that were written on the gravestone of the person who was alleged to be a member of the separatist terrorist organisation. He stated that his daughter, Meryem Akpolat, joined the [PKK] in 2008/2010, and she was shot dead in Diyarbakır in 2017. He said that his daughter’s friends had a grave built with brown stones, but that he did not know who built it. Celal Akpolat’s defence was aimed at getting rid of the crime. “Ş. Meryem Akpolat”,*

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171 AYM, supra note 162, p.2.

172 T.C. Bitlis Bassavciligi, supra note 163.

*“Ş. Sara Tekosan” was written on the gravestone of Meryem Akpolat. The letter Ş signifies the word Şehid or “Martyr”. At the same time, the code name she used within the [PKK] was also written on her gravestone. With the allegation that, in this way, he attributed holiness to the members of the organisation and committed the crime of making propaganda for the terrorist organisation PKK/KCK, publicly visible to everyone in the public cemetery area, by legitimising and justifying the acts of violence and violence by the terrorist organisation PKK/KCK. The bill of indictment was prepared in the investigation carried out by our Office of the Chief Public Prosecutor on charges of making propaganda for a terrorist organisation.*

*“Again, in the statement taken from the suspect Kemal Akpolat in relation to the file with the allegation relating to the words that were written on the gravestone of the person who was alleged to be a member of the separatist terrorist organisation. He stated that his son Serhat joined the [PKK] in 2009, and he was shot dead in Hakkari province in 2016. When he came to the village, his son’s high school friends had built a marble grave, and he had investigated who had built it, but he could not find out. Kemal Akpolat’s defence was aimed at getting rid of the crime. “Ş. Serhat Akpolat”, “Ş. Devran Zilan” was written on the gravestone of Serhat Akpolat. The letter Ş signifies the word Şehid or “Martyr”. At the same time, the code name he used within the [PKK] was also written on his gravestone. With the allegation that, in this way, he attributed holiness to the members of the organisation and committed the crime of making propaganda for the terrorist organisation PKK/KCK, publicly visible to everyone in the public cemetery area, by legitimising and justifying the acts of violence and violence by the terrorist organisation PKK/KCK. The bill of indictment was prepared in*

*the investigation carried out by our Office of the Chief Public Prosecutor on charges of making propaganda for a terrorist organisation. For this reason, the grave-stones of Meryem Akpolat and Serhat Akpolat were destroyed due to the crime of making propaganda for the PKK/KCK armed terrorist organisations”.*<sup>173</sup>

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173 T.C. Mus Bassavciligi (T.R. Muş Chief Public Prosecutor’s Office), Sorusturma Numarasi (Investigation No): 2020/6587, Arastirma Karar Numarasi (Investigation Decision No): 2020/4316, 25 December 2020.





# The Names of Destroyed Cemeteries by the Turkish Security Forces

Between 17 September 2015 and 4 April 2020, the Turkish security forces completely destroyed 18 cemeteries where entirely the graves of fallen Kurdish Workers Party (PKK) militants are located in 11 provinces of North Kurdistan by air bombardments and using explosives. The names of these cemeteries and the dates of the attacks against them are as follows:

1. On 11 September 2015, the Turkish Armed Forces bombed the “Martyr Suat Tekin Kizilay Cemetery” with helicopters in Ağrı province.
2. On 17 September 2015, the Turkish Armed Forces bombed the “Martyr Ismail and Martyr Ronahi Cemetery” with helicopters in the Kulan area of Varto district of Muş.
3. On 30 September 2015, the Turkish Armed Forces first bombed the “Xerzan Martyrdom” cemetery in Olek village of Tatvan district of Bitlis with warplanes and helicopters. On 19 December 2017, Turkish army forces demolished the rest of the Garzan Cemetery with construction equipment. The bodies of 282 PKK members in the cemetery were exhumed and taken to Istanbul by state officials without informing their families.
4. On 1 October 2015, the Turkish Armed forces destroyed the graves of fallen PKK members in “Pakrewangeha Eğit Suruç and Ayten Tekin Cemetery” where the graves of PKK

militants were located, during the ongoing military operation in the Bagok mountain near the village of Marine in Nusaybin district of Mardin.

5. On 7 October 2015, the Turkish Armed Forces bombed the “Çemçe Cemetery” in Kağızman district of Kars with warplanes and helicopters.
6. On 12 October 2015, the Turkish Armed Forces bombarded the “Martyr Resul and Martyr Azime Cemetery” in the Herekol region between Şırnak and Siirt.
7. On 17 October 2015, the Turkish Armed Forces first bombed the “Martyr Cuma and Martyr Binevş Martyrdom” cemeteries in Cudi Mountain in Şırnak with mortar shells.
8. On 18 October 2015, the Turkish Armed Forces bombed the “Martyr Harûn and Martyr Hêwîdar Cemetery”, near Yolçatı (Sîse) village in Diyarbakır’s Lice district, with mortar and cauldron bombs.
9. On 22 October 2015, the Turkish Armed Forces completely destroyed the graves of 200 fallen PKK militants that were located in the “Mawa Martyrdom” cemetery in Batman province with diggers.
10. On 26 October 2015, during military operation, the Turkish Armed Forces bombed the Suna Çiçek and Doctor Baran Martyr Cemetery with cobra helicopters is near the Alacık Village of Dersim (officially Tunceli).
11. On 14 November 2015, during a military operation, the Turkish Armed Forces first bombed the “Martyr Mehmet Goyî Cemetery” in the Feraşın Plateau in the Beytüşşe-

bap district of Şırnak. Later, Special Operations Teams who came to the cemetery destroyed the mosque, guest-house, and walls in the cemetery by placing explosives.

12. On 22 November 2015, the Turkish Armed Forces bombed the cemetery in the village of Birlik (Çemê Elike) of Lice district of Diyarbakır by air and land.
13. On 27 November 2015, during the 9 months curfew in the Kurdish region, the Turkish Armed Forces destroyed the Sheikh Sait Martyrdom cemetery in Dicle district of Diyarbakır with explosives.
14. On 29 November 2015, the Turkish Armed Forces destroyed the Ronahi Memorial Cemetery in the countryside of Andiçin (Kelahêrê) village in the Çatak district of Van, by air bombardment.
15. On 10 December 2015, the Turkish Armed Forces destroyed the PKK cemetery in the Besta-Dereler area of Şırnak by air bombing.
16. On 16 June 2017, the Turkish Armed Forces bombed the PKK cemetery in Beytüşşebap district in Şırnak and destroyed it. Army forces recorded those moments and shared them on social media.



# The Dates of Written Motions by the HDP MPs

Between 2 May 2019 and 17 June 2020, HDP MPs submitted 23 written motions to Parliament, requesting written replies from either the Minister of the Interior Süleyman Soylu or Vice President Fuat Oktay, regarding the systematic attacks of Turkish army forces on cemeteries in Kurdish provinces, and also proposed research into and the establishment of a Parliamentary Investigation Commission. The proposal to establish a Parliamentary Investigation Commission was rejected in Parliament. Vice President Fuat Oktay left the motions unanswered, claiming that the motions fell within the jurisdiction of the Ministry of Justice and therefore the Ministry of Justice needed to answer them. Interior Minister Süleyman Soylu did not respond to any motions.

## Dates of Written Motions

- 2 May 2019 - HDP MP for Hakkari Sait Dede.
- 15 October 2019 - HDP Muş MP Şevin Coşkun.
- 15 October 2019 - HDP Antalya MP Kemal Bülbül.
- 17 October 2019 - HDP Bitlis MP Mahmut Celadet Gaydalı.
- 18 October 2019 - HDP Siirt MP Meral Danış Beştaş.
- 31 October 2019 - HDP Muş MP Mensur Işık.
- 5 November 2019 - HDP Muş MP Şevin Coşkun.
- 7 November 2019 - HDP Muş MP Gülistan Kılıç Koçyiğit.
- 20 April 2020 - HDP Bingöl MP Erdal Aydemir.
- 20 April 2020 - HDP Van MP Murat Sarısaç.
- 27 April 2020 - HDP Van MP Muazzez Orhan.
- 4 May 2020 - HDP Mersin MP Fatma Kurtulan.
- 4 May 2020 - HDP Mardin MP Tuma Çelik.
- 5 May 2020 - HDP Diyarbakır MP Remziye Tosun.

- 5 May 2020 - HDP MP for Hakkari Sait Dede.
- 11 May 2020 - HDP Şırnak MP Hasan Özgüneş.
- 20 May 2020 - HDP İstanbul MP Züleyha Gülüm.
- 20 May 2020 - HDP Şırnak MP Nuran İmir.
- 22 May 2020 - HDP İzmir MP Serpil Kemalbay Pekgözegü.
- 27 May 2020 - HDP Muş MP Şevin Coşkun.
- 27 May 2020 - HDP Şırnak MP Hüseyin Kaçmaz.
- 4 June 2020 - HDP Van MP Murat Sarısaç.
- 17 June 2020 - HDP Siirt MP Meral Daniş Beştaş.