



The Deconstruction of Diyarbakır's old centre: Violating international law and disregarding the interests of local populations

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Turkey has been fighting an off-and-on war with the Kurdish Worker's Party (PKK) since the 1980s over Kurdish independence or self-rule in South East Turkey.² A peace process started in March 2013, supported by Abdullah Öcalan, the imprisoned leader of PKK, who called for its disarmament.³ In 2015, the peace process collapsed, and Turkish security forces conducted extensive operations against PKK and PKK-affiliated organisations mostly in the urban centres of the region. The ensuing brutal conflict caused the killing of hundreds of civilians, displacement of more than 350,000 people, and the destruction of old urban centres.⁴

In this policy paper, we discuss the consequences of the security operations with a focus on Sur, an ancient district in the city of Diyarbakır. Sur had about 120 000 inhabitants before fighting started in early December 2015, which led to more than 40 000 leaving the area.⁵

¹ The Policy Paper was drafted by Zekeriyya Yahya Karapinar, consultant with the Norwegian Helsinki Committee (NHC). It was edited by Gunnar M. Ekelove-Slydal, NHC Head of policies. Parts of it is based on a mission to South East Turkey that included the Director of the NHC supported Freedom of Belief Initiative in Turkey, Mine Yıldırım.

² The Partiya Karkerên Kurdistanê or the Kurdistan Workers' Party (PKK) is a rebel group with roots in Marxist-Leninist ideology which was founded in 1978. It declared a full-scale insurgency against the Turkish state in 1984 with the aim of creating an independent Kurdish state. The ensuing conflicts claimed more than 40.000 lives and led to the displacement of more than 1 million people. (PKK) is listed as a terrorist organisation by many states and international organisations, including the United States of America, the European Union, the United Kingdom, Canada, Australia, New Zealand, and several other countries.

³ Hürriyet Daily News, Öcalan calls on Kurdish militants to bid farewell to arms for a 'new' Turkey, March 2013, <http://bit.ly/3cIln4>.

⁴ OHCHR, Report on the human rights situation in South-East Turkey, para. 2, 14, 19, 29, 32-40, February 2017, <http://bit.ly/37nJLnV>.

⁵ This is the official number as stated by Murat Kurum, Minister of Environment and Urbanisation, November 2019, <http://bit.ly/30Q3nyp>.

Sur's history goes back millennia, with traces of dozens of civilisations, including Jewish, Muslim, Christian, Persian, Arab, Armenian and Turkish. More than 1,500 buildings have been labelled historic and are protected by law. In June 2015, UNESCO enlisted the 12-meter-high stone fortifications that encircle Sur, built around 350AD, as a World Heritage Site. It also included the 8,000-year-old Hevsel Gardens, which lie between the walls and the Tigris river, on the list.⁶ More than four years after the end of the security operations, construction in the Sur district is still ongoing. Several neighbourhoods are closed to Sur residents, and interwoven political, legal, economic, and cultural issues remain to be solved. The paper argues that authorities should involve local actors and cultural heritage experts much more than is currently the case, in the process of planning and conducting the restoration of the district.

UNESCO has been largely silent about the destruction in Sur. It should step up its involvement and ensure that cultural heritage concerns are taken into consideration in the reconstruction and further development of the district.

The paper argues that the government should start an independent investigation regarding crimes that reportedly took place during the security operations. It should also halt the practice of removing elected Kurdish politicians in the region and assigning government appointees in their stead. More inclusive policies are needed to increase local ownership of the rebuilding and further development of the region. The government must interact with elected Kurdish politicians with popular support.

Collapse of the peace process

The reasons for the collapse of the 2013-2015 peace process between the Turkish state and PKK are contested. They may include the Syrian civil war and its spill over effects on Turkish soil. Especially after the Suruç bombing, the PKK accused the Turkish state of overlooking, and even encouraging, ISIS members attacking Kurdish people in Turkey.⁷

The resumption of hostilities may also have been related with the Justice and Development Party (AKP), the governing party, losing a significant number of votes in the June 2015 general elections while the pro-Kurdish People's Democratic Party (HDP) had successful outcome. For the first time a Kurdish-oriented party surpassed the nationwide 10 per cent threshold to enter the Turkish parliament.⁸

On the other hand, the practice of digging trenches and building barricades in Kurdish-populated urban areas by PKK youth militias started well before the collapse of the peace process, as early as 2014.⁹ It seems that the youth militias were preparing for the resumption of conflict early on. There were efforts by elder influential Kurds, to convince the youth to abandon the militarising of city centres.¹⁰

⁶ David Lepaska, The destruction of Sur: is this historic district a target for gentrification?, The Guardian, February 2016, <http://bit.ly/2NSCepA>. See also: UNESCO and World Heritage Convention, Diyarbakir Fortress and Hevsel Gardens Cultural Landscape, <https://whc.unesco.org/en/list/1488/> and UNESCO and World Heritage Convention, Sites in Denmark, France and Turkey inscribed on UNESCO's World Heritage List, July 2015, <https://whc.unesco.org/en/news/1315/>.

⁷ See France 24, PKK claims Turkish police killing in revenge for Syria border attack, July 2015, <http://bit.ly/2un4iKU>. The 20 July 2015 Suruç bombing targeted a meeting at the Amara Culture Centre in Suruç, a town in the Şanlıurfa Province. Youth groups were gathered at the centre to prepare support for Kurdish militias in Kobani; a region in Syria where fighting was ongoing against the Islamic State of Iraq and the Levant (ISIL/ISIS). The suicide bombing claimed 33 lives, and wounded more than 100. The day after, ISIL claimed responsibility for the attack but HDP and PKK-affiliated groups also blamed the Turkish government. See Constanze Letsch, Turkey releases bombing suspect details as Twitter temporarily shut down, The Guardian, July 2015, <http://bit.ly/2RSiWSj>.

⁸ Tim Arango and Ceylan Yeginsu, Turkey's push into war is seen as Erdogan's political strategy, The New York Times, August 2015, <https://nyti.ms/2NJD9s4>.

⁹ International Crisis Group (ICG), The Human cost of the PKK conflict in Turkey: The Case of Sur, p. 6, March 2016, <http://bit.ly/36mKnJ2>.

¹⁰ Prominent Diyarbakir businessman Shahismail Bedirhanoglu met with young PKK members and urged them not to militarise Sur. I told them it's as if you're mad at someone, yet you burn down your own house, ... It's like giving the state an invitation for these operations. We told the people there will be death and destruction. Lepaska, *Op. Cit.*, see footnote 6.

After the Ceylanpınar incident, where two Turkish police officers were assassinated by unknown people, a large-scale police operation was launched, and Turkey conducted air-strikes against both ISIS and PKK targets in Iraq on 24 July 2015. As a result, the PKK announced the resumption of hostilities.

On 12 August 2015, self-rule was declared in many Kurdish-populated towns in South-East Turkey by the Democratic Regions Party (DBP), a local affiliate of the HDP. These developments triggered operations by Turkish security forces to remove barricades, booby traps and explosives. The Turkish army imposed round-the-clock curfews, which obstructed all normal activities in the affected areas. It engaged in fights with PKK or pro-PKK insurgents, using tanks, heavy weapons, and artillery in the barricaded urban areas.

The Turkish operations were widely criticised for the use of extended curfews and their adverse effects on the civilian population, as well as for excessive use of force in urban areas which caused civilian casualties and destroyed whole neighbourhoods.

According to the UN High Commissioner for Human Rights (OHCHR), around 2000 people lost their lives during security operations between July 2015 and December 2016. Close to 800 of them were security personnel and approximately 1200 of them were people residing in the region. It is unknown how many of them were involved in violent actions.¹¹

Other actors also contributed documentation of human losses as a result of the conflict. The Human Rights Foundation of Turkey (HRFT), a Turkish non-governmental (NGO) group, reported that at least 321 civilians had lost their lives in the context of the curfews that took place between 16 August 2015 and 16 August 2016.¹² According to the International Crisis Group, at least 254 civilians were killed between July 2015 and March 2016.¹³ The death toll of conflict and terrorism between 20 July 2015 and 9 January 2019 was 4783, according to its database of fatalities.¹⁴

After July 2016, the conflict shifted away from the cities to rural areas of South East Turkey. The PKK suffered extensive losses during the fighting, although was far from being defeated. The current hard-line policies of the Turkish Government are also fuelling Kurdish grievances and anger and may lead to increase of combat motivated recruits for the PKK – either from Turkey or from neighbouring countries with large Kurdish populations. The tendency is also that the AKP loses support among Kurds living in the cities in Western Turkey due to higher intensity of the conflict.¹⁵

Violations of Turkish and international law

Documentation of widespread killings, enforced disappearances, torture, excessive use of force, rape and violence against women during the 2015-16 security operations was presented *inter alia* by the UN High Commissioner for Human Rights (OHCHR).¹⁶ The High Commissioner also concluded that the Turkish state had failed to initiate criminal investigations regarding civilian deaths that occurred during the operations.¹⁷ As of December 2019, only one indictment against security personnel had been reported by Turkish media; concerning the killing of 12-year old Helin Şen.¹⁸

¹¹ OHCHR, Report on the human rights situation in South-East Turkey, para. 2, see footnote 4.

¹² Türkiye İnsan Hakları Vakfı, TIHV dokümantasyon merkezi verilerine göre 16 Ağustos 2015-16 Ağustos 2016 tarihleri arasında sokağa çıkma yasakları ve yaşamını yitiren siviller, August 2016, <http://bit.ly/36dCjKL>.

¹³ ICG, The Human cost of the PKK conflict in Turkey: the case of Sur, p. 3, see footnote 9.

¹⁴ See ICG, Turkey's PKK conflict: A Visual Explainer, March 2020, <http://bit.ly/2TQ9ly7>.

¹⁵ For an analysis, see: Berkay Mandiraci, Assessing the Fatalities in Turkey's PKK Conflict, October 2019, <http://bit.ly/2Rll6LI>.

¹⁶ OHCHR, Report on the human rights situation in South-East Turkey, para. 2 and 50, see footnote 4.

¹⁷ OHCHR, Report on the impact of state of emergency on human rights in Turkey, including an update on the South-East, para. 113, March 2018, <http://bit.ly/2Ro7sHj>.

¹⁸ The police officer was charged with negligent homicide and the prosecutor is seeking jail term between two to six years. See Ahvalnews, 12 yaşında çocuğu tek kurşunla öldürdüler, 'kör noktalara atış' dediler, December 2019, <http://bit.ly/3aobkPQ>.

While the High Commissioner's report documented violations only by Turkish forces, it also noted reports received from the Government of Turkey indicating that the PKK had conducted violent attacks that caused deaths and injuries among Turkish security forces and other individuals. According to these reports, the PKK had also been involved in kidnappings, including of children; digging trenches and placing roadblocks in cities and towns; and preventing medical services from delivering emergency health services.¹⁹

Turkish authorities did not grant permission to the OHCHR to have full and unhindered access to the region to investigate allegations that more than 100 civilian people were killed in the basements of an apartment in Cizre, which was burned down as a result of shelling by the Turkish army.²⁰ The European Commission for Democracy through Law (the Venice Commission) made an evaluation of whether the imposed curfews were legal under Turkish law and Turkey's international obligations. It concluded that they were not.²¹

The Council of Europe Human Rights Commissioner at the time also stated that the curfews were neither legal nor proportional.²² He underlined that:

“Whereas curfews are generally associated with states of emergency and are ordinarily limited in length (i.e. a certain number of hours per day), the curfews imposed by the Turkish authorities, as described above, were imposed in ‘normal’ times, were open-ended, round-the-clock, uninterrupted for weeks or even months, and affected urban centres with considerable populations. They are unprecedented in the experience of the Commissioner. Neither is there any evidence of such a practice in the case-law of the European Court of Human Rights. Indeed, it is difficult to imagine a harsher application of a curfew. The curfews in question are therefore likely to have affected all the rights enumerated by the Venice Commission.”²³

The security operation in Sur took place between early December 2015 and March 2016. As a result of heavy fighting, many houses and buildings that were parts of the districts cultural heritage were demolished or damaged.

Criticism of government reconstruction of Sur

As the security operations were under way, the then Turkish prime minister, Ahmet Davutoğlu revealed that the government already had plans to reconstruct Sur without damaging its historic fabric. He wanted to build new houses where the people of Sur could reside in good conditions, different from the hastily sub-standard houses that were built during the 1990s. The area suffered from unplanned and uncontrolled urbanisation. There was therefore a need for urban transformation regardless of the destructions that resulted from the ongoing conflicts, according to Davutoğlu.²⁴

Two weeks after the end of the security operations, an urgent expropriation decision was announced in the Turkish Official Gazette, which covered the eastern neighbourhoods of Sur where most of the fighting took place, and also included places of worship. Subsequently, the remaining houses and

¹⁹ OHCHR, Report on the human rights situation in South-East Turkey, para. 13, see footnote 4.

²⁰ Imogen Foulkes, BM'den Cizre için bağımsız soruşturma çağrısı, BBC Türkçe, May 2016, <https://bbc.in/37gvUjb>. Cf., OHCHR, Report on the impact of state of emergency in Turkey, including an update on the South-East, para. 17-18, see footnote 17, and OHCHR, Need for transparency, investigations, in light of ‘alarming’ reports of major violations in south-east Turkey – Zeid, May 2016, <http://bit.ly/2uleEuq>.

²¹ Venice Commission, Turkey - Opinion on the Legal Framework Governing Curfews, para. 99, June 2016, <http://bit.ly/2NQynZY>.

²² Council of Europe Commissioner for Human Rights, Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-Eastern Turkey, para. 23 and 41, December 2016, <http://bit.ly/36gKlmd>.

²³ *Ibid.* para. 43.

²⁴ Milliyet, Davutoğlu: Sur, Toledo gibi olacak, February 2016, <http://bit.ly/2tGgdTM>.

buildings were razed to the ground while the residents were reportedly not allowed to return to the area and collect their belongings.²⁵

In January 2017, the Housing Development Administration of Turkey (TOKİ) started to construct new buildings in the eastern part of Sur. In April 2017, another expropriation decision was announced for additional two neighbourhoods located in the southwest of the district. Demolition works and new TOKİ constructions started there in the same way.

According to critics, the government took decisions for urgent expropriations, demolitions, and new construction without consulting Sur residents or their representatives, local associations, religious communities or experts on preservation of historical cultural sites.

In June 2017, photographs of 44 newly built houses in the Hasırlı neighbourhood of Sur were published in Turkish media. The houses were heavily criticised by local associations for conflicting with traditional Sur and Diyarbakır architecture. The criticism reiterated that the locals had not been consulted before or during the construction of the new houses.²⁶ Reports appeared then that some of the newly created houses were also demolished.²⁷

The Turkish government explained the demolitions as part of its urban transformation policies, which was among its development targets. In addition, it claimed that disordered and packed housing structures in the district increased crime rates and provided space for PKK.²⁸ The security operations in 2015-16, which were targeting trenches and barricades in packed parts of South East Turkey city centres, had demonstrated the need for reconstruction. The HDP opposed the plans on the grounds that a UNESCO world heritage site, which had been demolished by heavy weapons, artillery, and tanks, should not be reconstructed by TOKİ and government-affiliated investors, which were seeking profit from the reconstruction.²⁹

In addition to humanitarian aid to local people who were harmed during the security operations, the Turkish government introduced compensation measures to local people who were evacuated from their homes. The measures were mainly rent-support. In some cases, the government placed people in hotels or dormitories.³⁰ However, the implementation of the support was criticised because many residents remained unaware of it or did not know how to apply for the scheme.³¹

At the time of publishing this paper, it remains uncertain who will reside in the newly-built houses in Sur. Mehmet Özhasseki, Minister of Environment and Urbanisation at the time, who was commissioned to lead the reconstruction of the district, stated that authorities provided favourable options for Sur residents. They could get new houses in Sur or in other Diyarbakır districts on good terms, or they would be compensated with money based on expert evaluation of the worth of their property.³²

²⁵ OHCHR, Report on the human rights situation in South-East Turkey, para. 32-37, see footnote 4. A visual guideline that shows the demolition and new constructions in Sur through satellite images can be seen on Reuters Graphics' publication on Sur. See Reuters Graphics, In Turkey's razing and redevelopment of battle-scarred Kurdish district, progress but also pain, May 2018, <https://tmsnr.rs/2RbSQdU>.

²⁶ Hatice Kamer, Sur'da inşa edilen Diyarbakır evleri tartışma yarattı, BBC Türkçe, June 2017, <https://bbc.in/2TMXT6b>, and Hatice Kamer, İki yıl sonra Suriçi: 'Burası artık hiçbirimizin tanıdığı Sur değil', BBC Türkçe, June 2017 <https://bbc.in/36af7gx>.

²⁷ Diken, Hayaller 'Toledo', gerçekler 'ucube': Sur'da yapılan bazı evler tekrar yıkılıyor, September 2017, <http://bit.ly/2Gb2lhl>.

²⁸ A former deputy of HDP and a known Kurdish political figure, Altan Tan, defended the demolitions of *gecekondus* (shantytown or slum, a Turkish term for informal structures that means 'built over night') and expressed that they were unfit for occupation. See: Diego Cupolo, For Kurds in Southeast Turkey, the urban conflict continues, The New Humanitarian, July 2018, <http://bit.ly/3arCUf3>.

²⁹ ICG, The Human cost of the PKK conflict in Turkey: the case of Sur, p. 13-14, see footnote 9.

³⁰ Gazete Duvar, Çevre Bakanı Kurum: Sur nüfusu 3'te 1 azaldı, November 2019, <http://bit.ly/2G7dhm1>. For more detailed information, see ICG, *Op. cit.*, p. 10-12, see footnote 9.

³¹ ICG, *Op. Cit.*, p. 10, see footnote 9.

³² He stated the offered options as: "1) Prices of the residents' former houses are determined after expert examinations. If they have a complaint on the determined price, they can go to court. If not, they can choose to buy newly-built houses in Sur by paying the difference

However, many Sur locals said that the determined prices for their former houses were so low compared to the cost of acquiring the new apartments they were offered that it was impossible for them to continue living in Sur. Many of them believed the new houses were not built for Sur residents.³³

The trustee system

From September 2016, the Turkish government started arresting and dismissing elected mayors of Kurdish towns and municipalities and assigning trustees to their posts. This practice was based on a government decree (KHK/674) that was adopted after the coup attempt, during the state of emergency.³⁴ Government officials argued that HDP-affiliated mayors had connections with the PKK. They claimed there was evidence that they supported the organisation.³⁵

Until the 31 March 2019 local elections, the government had dismissed 95 of 102 elected mayors, all being representatives of a local party affiliated with HDP. Many politicians were also arrested. Some were still under arrest as of December 2019.³⁶

The government was heavily criticised for this practice on the grounds that it infringed on the political rights of the people. In the 31 March 2019 elections, HDP-affiliated politicians won in most of the districts where trustees had been appointed.³⁷ Some of the newly-elected politicians revealed extravagant expenses of former trustees on social media, adding to the negative public perceptions of them.³⁸

Five months after these elections, on 19 August 2019, the government again dismissed the elected mayors in the three biggest Kurdish cities, namely Diyarbakır, Mardin, and Van. They again assigned pro-AKP officials as trustees.

As of 18 December 2019, 31 elected mayors had been removed from their posts, including the co-mayors of the Sur district.³⁹ Criticism is again mounting that the political rights of the region's people are violated, and that the government let HDP politicians run for positions only to dismiss them if they win over their AKP counterparts.⁴⁰ After this last round of trustee appointments, many in the region expressed their disappointment of lack of respect for the outcomes of the elections and the Turkish democracy in general.⁴¹

World cultural heritage dimension

The 2015-2016 security operations had devastating effects on the historical heritage of Sur. They started only five months after the Diyarbakır Fortress and the Hevsel gardens had been inscribed on

between the determined price for their former houses and the new houses. The state will help them to finance this difference by providing credit that can be paid back in a long term. 2) They can opt to buy TOKİ houses built in Çölgüzel and Üçkuyular (other Diyarbakır districts located close to Sur) with thirty percent discount. 3) They can choose only to be paid of the determined prices of their former houses." See İki yıl sonra Suriçi: 'Burası artık hiçbirimizin tanıdığı Sur değil'.

³³ See the articles and the interviews with Sur residents made by BBC Turkish reporters, BBC Türkçe, Sur'da kentsel dönüşüm: 'Ancak buraya geri gelince nefes alabiliyorum', November 2017, <https://bbc.in/30HGyDA>. Sur'da inşa edilen Diyarbakır evleri tartışma yarattı, see footnote 26, and İki yıl sonra Suriçi: 'Burası artık hiçbirimizin tanıdığı Sur değil', see footnote 26.

³⁴ 'Trustee' is the English translation of the Turkish word 'kayyum'.

³⁵ OHCHR, Report on the human rights situation in South-East Turkey, para. 72-73, see footnote 4.

³⁶ Abdulhakim Gunaydin, Yeni dönemde 15, öncesinde 95 belediyeye kayyum atandı, Independent Türkçe, November 2019, <http://bit.ly/30Fucpb>.

³⁷ Hatice Kamer, Seçim sonuçları: Doğu ve Güneydoğu'da sandıktan çıkan tablo ne anlatıyor?, BBC Türkçe, April 2019, <https://bbc.in/38qgicZ>.

³⁸ The newly-elected metropolitan mayor of Diyarbakır posted a video about the luxury spending of the former 'trustee', which became popular in social media. See: Sol Haber Portalı, Video – Kayyumun yaptırıldığı lüks başkanlık odasının görüntüleri ortaya çıktı!, April 2019, <http://bit.ly/2turVBb>.

³⁹ Mahmut Bozarlan, HDP'li üç belediyeye daha kayyum atandı, Amerika'nın Sesi, December 2019, <http://bit.ly/2NOzBVD>.

⁴⁰ Mahmut Bozarlan, İstanbul'u AKP'ye kazandırsaydık kayyum atamazlardı, Ahvalnews, December 2019, <http://bit.ly/36ga6Tz>.

⁴¹ Mahmut Hamsici, Diyarbakır ve kayyum: Hem olağanüstü hem de olağan, BBC Türkçe, August 2019, <https://bbc.in/2unLuew>.

the UNESCO World Heritage list. However, it was only in July 2019 that UNESCO requested Turkey to halt urban transformation constructions that could affect the outstanding cultural value of these sites. Turkey was also asked to let UNESCO representatives make observations in the district.⁴²

UNESCO's call came only three and a half years after the security operations. In 2016, UN Goodwill ambassador and known Turkish artist and human rights activist, Zülfü Livaneli, resigned from his duty as a protest against the UNESCO World Heritage Committee not including discussions on the Diyarbakır Fortress and Hevsel gardens in its 40th Session, held in İstanbul.⁴³ It was only in January 2020 that Turkey permitted UNESCO representatives to come to the region and make observations.⁴⁴

Places of worship

Visible scars of the brutal fighting between PKK and government forces were apparent when the Norwegian Helsinki Committee (NHC) visited Diyarbakır in late 2018.⁴⁵ There were closed streets with rubble and heavy security. These scars will, however, be erased. The invisible scars in the minds of our interlocutors will take much longer to go away.

Of special interest for the Freedom of Belief Initiative supported by the NHC, was damage caused to the religious minorities in the city.⁴⁶ During the fighting, many places of worship were damaged and congregations of religious minorities, who were already in a vulnerable position, were negatively affected.

According to one of the interlocutors, "the positive changes that had happened in Diyarbakır throughout the previous reform process, had shown that, once again, a religiously plural Diyarbakır was possible. We could live here as non-Muslims".⁴⁷

It was not hard to understand, however, how the 2015-2016 fighting and the ensuing brutal destruction of old neighbourhoods, places of worship, as well as the curfews and the loss of life were once again testing the resilience of already dwindling communities. A period filled with hope and expectations came brutally to an end.

During the visit, the NHC met with the priest of the Syriac St. Mary Church, Yusuf Akbulut, in Sur. The story of him and his wife not leaving the church during the fighting, despite being ordered to evacuate the area, had been widely reported by Turkish media. When the grenades started falling into the church courtyard, the couple finally left the area, carrying a white flag. Fortunately, the damage to their building was minor and they now use it again.⁴⁸

Just across from St. Mary is the Diyarbakır Protestant Church. The members of this congregation could not access the building during the times of fighting. They had learned that there had been several thefts in the area. Therefore, they had changed their wood door into one made of heavy steel.

⁴² Esra Gungor, UNESCO: Sur'daki kentsel dönüşüm durdurulmalı, Independent Türkçe, July 2019, <http://bit.ly/2uodPB2>.

⁴³ Ayla Jean Yackley, Turkish writer quits UNESCO to protest damage to heritage, rights abuse, Reuters, May 2016, <https://reut.rs/2NKLyf9>.

⁴⁴ Ferit Aslan, Türkiye izin verdi, UNESCO dört yıl sonra Sur için Diyarbakır'a geliyor, Medyascope, January 2020, <http://bit.ly/2uill00>.

⁴⁵ The Deputy Secretary General of the Norwegian Helsinki Committee, Gunnar Ekelove-Slydal, and the Director of the Freedom of Belief Initiative, Mine Yıldırım, visited Ankara and South-East Turkey, Diyarbakır and Mardin, between 1-5 October 2018, interacting with human rights defenders, academics, religious or belief communities and experts on cultural heritage.

⁴⁶ The initiative has its own webpage: <https://inancozgurlugugirisimi.org/en/>

⁴⁷ From interview with an anonymous member of a religious community.

⁴⁸ The St. Mary Church is one of the oldest churches in the world, dating back more than 1700 years. Rocket-propelled grenades destroyed a portion of the wall surrounding the church on 28 January 2016. James B., Fierce Battles in Southeast Turkey Hedge in Christians, Crossmaps, <http://bit.ly/36iCiFw>.

The Protestants were fortunate that their church's association office was outside of the fighting area and they could continue to assemble there for worship. They were now also back in their church building, which again were used for worship.

However, like many others owning property in the Sur district they have had to deal with court cases related to expropriation decisions. In March 2016, the government adopted a decision to expropriate about 60 per cent of the property in the Sur district, including the Armenian Surp Giragos Church, the Chaldean Surp Sarkis Church, the Armenian Catholic Church, the Syriac Virgin Mary Church, and the Protestant Church.

The churches challenged this decision and fortunately, the Court of Cassation, annulled it. The legal processes, however, require extensive financial resources as well as being frustrating and time consuming. The legal struggle to retain ownership adds to a feeling of uncertainty towards the future.

At the time of the NHC visit, parts of the Sur district were still inaccessible, including the largest Armenian church in Turkey, the Surp Giragos Church. Its story speaks of past and current losses. Diyarbakır is one of the most important cities in Armenian history. Even though some of the survivors of the mass deportations and other serious abuses during the First World War returned and tried to rebuild their life in Diyarbakır, over time many emigrated to İstanbul and other cities in Western Turkey. Many also left to go to other countries because of security and economic issues.

The Surg Giragos Armenian Church was left to its own fate, after its congregants left. With legal changes relaxing the work of non-Muslim community foundations and a reform process during the 2000s, people from Diyarbakır living in İstanbul formed a new administrative body and initiated restoration work on the church. The church was finally restored and re-opened for worship on 23 October 2011.

Many Islamised Armenians were attracted to the church and the emerging community life and returned to their Christian roots. The church also became a meeting place for non-Christians, as it arranged concerts and included a café. This fledgling new life, however, took another brutal hit because of the fighting in 2015-2016, which also resulted in damage to the restored church. The conditions of Armenians and other small minorities in Diyarbakır remain vulnerable. The NHC, however, experienced a lot of resilience among the few that have decided to stay. "The last chapter of the Surg Giragos Church has not yet been written", we were told.

The Current situation

The political situation in the region remains polarised and conflict ridden. After the last round of dismissals of elected mayors, HDP, which is the third largest party in the Turkish Parliament, even debated on whether to withdraw completely from the Parliament. While credible documentation indicates that crimes were widespread during the operations, there is next to no efforts on providing justice.

As of December 2019, some areas in Sur were still closed-off and construction was ongoing. The Diyarbakır Chamber of Architects stated that many of the new buildings in Sur were constructed illegally.⁴⁹ To get a full overview is difficult, since the reconstruction sites are not open to the public, and construction is proceeding without any consultation with local actors or proper presentation of the plans. Only recently a team of experts that included the Diyarbakır Chamber of Architects was

⁴⁹ Duvar English, Illegal buildings being constructed in historic Diyarbakır Sur district, December 2019, <http://bit.ly/2NR5HA5>.

allowed to inspect Sur's closed areas. They stated that some illegal treasure-diggings were made, and some structures were damaged in the closed areas even though no one was allowed to enter there.⁵⁰

Restrictions to access parts of Sur remained in place.⁵¹

Although most damaged places of worship are now restored and opened to worship, there are still some places that remain demolished. According to media reports, four churches, including the Surg Giragos Church, will be repaired and restored by the authorities based on consultations with the congregations.⁵² Investigations were opened after reports on social media that the stones of the historical fortress and damaged historical buildings were being stolen and sold.⁵³

The original residents of Sur remain to return. After an HDP deputy asserted that the government purposely left them out of Sur while high-income people are moving in, Murat Kurum, the current Minister of Environment and Urbanisation, responded that the practices in Sur are done in accordance with development plans made by Diyarbakır Metropolitan Municipality in 2012. He stated that Sur's population had been reduced by one third in accordance with this plan.⁵⁴

Conclusions

It is true that pre-conflict Sur was in need of restoration and upgrading. However, the inscription on the UNESCO World Heritage List just months before the security operation started was a clear sign that there was both national and international interest in investing in the area. Instead, a devastating conflict took place that destroyed important parts of the historically valuable district. After the conflict ended, the government has organised reconstruction and repair, but without proper consultation with residents or with its religious communities. There are well-founded fears that important parts of Sur's cultural heritage will be lost for ever.

Another aspect is that the newly constructed apartments will change the demographics since the original residents will not be able to afford to live in them. How and where they will be able to restart their lives with the limited support they have received from the government remains an open question.

The security operations left many visible and invisible scars. There are few, if any, official mechanisms or initiatives to cope with the negative consequences of the fighting. Justice for the victims of widespread crimes that took place is next to non-existent.

The region's recent history of conflict between the government and PKK was about to enter a new and more constructive phase with the 2013-2015 peace process. If the setbacks caused by the 2015-2016 fighting is to be overcome, the government must signal a new approach from its current hard-line tactics, focussing on military victory over PKK. Part of such a new approach will be to respect the cultural heritage of the different groups living there.

To rebuild trust and lay the foundations for peaceful co-existence of the many different groups residing in Sur and the wider South East Turkey region, the government needs to invest in consultation, dialogue, and inclusive policies. It should respect the ownership and integrity of places of worship.

⁵⁰ Agos, Sur'da güvenlik önlemi alınan bölgede define kazısı yapılmış, January 2020, <http://bit.ly/2Spb1fJ>. The diggings were made illegally with the aim of finding archaeological items to sell on the black market. The fact that diggings were made in closed areas suggests that some officials were involved in the illegal acts.

⁵¹ Veysi Polat, Dünyanın en uzun süreli sokağa çıkma yasağı 5'inci yılında: Sur artık normalleşmek istiyor, Independent Türkçe, December 2019, <https://bit.ly/2W1bzRy>.

⁵² Haberler.com, Hendek olaylarında zarar gören 4 kilise onarılıyor, December 2019, <http://bit.ly/2vfrATR>.

⁵³ Ozgur Ayaydin, Diyarbakır Suriçi'nde tarihi yapılara ait taşlara ilişkin soruşturma başlatıldı, Anadolu Ajansı, December 2019, <http://bit.ly/2ReP6sa>.

⁵⁴ Çevre Bakanı Kurum: Sur nüfusu 3'te 1 azaldı, see footnote 30.

Overcoming the prevailing culture of impunity for grave abuses must be part of such new initiatives. Respecting the outcome of elections is decisive in improving the region's political situation. Dismissing elected mayors on dubious charges of support to terrorism is not conducive to improving relations with the people and developing the region.

Finally, both national and local authorities should step up cooperation with international institutions such as UNESCO in safeguarding the region's cultural heritage. This heritage is an important resource for development and improving the life conditions for the people in the region. Diyarbakır is a culturally rich city. It should remain so.

Recommendations

The Turkish government and its local representatives should:

- End the practice of removing elected municipality politicians and assigning trustees in their place, which has negative effects on people's political rights, is undermining Turkish democracy, and fuels polarisation and conflict;
- Re-engage in peace talks with the PKK and Kurdish political parties and movements. A lasting solution to the conflict can only be found at the negotiating table, not on the battlefield;
- Initiate independent and credible investigations into reports of the excessive use of force, killings of protected persons, torture, and rape during the security operations that took place between December 2015 and March 2016;
- Involve local politicians, NGOS, and local people in the reconstruction and development process of Sur. It should listen to and take into account the views of local people, consult with local organisations and benefit from their expertise concerning construction of new houses and the renovation of cultural and historical buildings;
- It should respect the ownership and integrity of places of worship, and signal in words and deeds that it respects freedom of religion or belief for all;
- Reconsider the fairness of its compensation schemes for damaged property as a result of the 2015-2016 fighting;
- Co-operate fully with UNESCO concerning restoration, repair and further developments concerning the Diyarbakır fortress and the Hevsel garden.

UNESCO should:

- Engage fully in the restoration plans for Sur and their implementation;
- Make respect for the human rights of the pre-conflict and current residents of the World Heritage site a priority in interactions with Turkish officials;
- Engage with relevant civil society organisations and local authorities in Diyarbakır.