

# Turkey's village guard system

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KHRP Briefing Paper

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## Summary

The Turkish village guard system, which was resurrected in its current form in 1985, has been responsible for numerous human rights violations and other crimes.

Currently the village guard system represents a major obstacle to the return of Kurds who were displaced from their villages during the 1990s but also the larger development of a peaceful political solution to the Kurdish issue in Turkey.

The village guard system consists of village guards recruited, often forcibly, from local Kurdish tribes. Paid and armed by the Turkish government, and working alongside Turkish security forces, they have been enlisted to assist the Turkish government in fighting the armed opposition group, the Kurdistan Workers' Party (PKK).

Reports of criminal acts and rights violations carried out by the village guards in Turkey have led international human rights groups, the EU and bodies within the Turkish government to call for the abolition of the system. Although the government has repeatedly stated its intention to disband the system, to date they continue recruitment for it.

The village guards continue to violate the rights of returnees and each other, largely with impunity. Often those who have been displaced and wish to return find that they face forcible recruitment into the village guard system or that the guards have illegally occupied their homes. Against this background, this briefing paper will strongly make the case for the abolishment of the village guard system.

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## I. Introduction

The Turkish village guard system, which has existed in one form or another since the beginning of the Turkish state, has existed in its present form since 1985. By putting members of villages in the Kurdish region of Turkey, on the state's payroll, the Turkish government created an armed militia, which it used to help the state fight the armed opposition. Believing that the local population's cooperation, even if achieved through fear and intimidation, was of vital importance to the military's counter-insurgency efforts and using the local knowledge of the terrain, the state enlisted local villagers to join the village guards. Many were forced to choose between joining the village guard system and work for the state and be treated as a traitor in their community or refuse and risk being seen as a 'PKK sympathizer' by the state. Refusal to join often resulted in forced expulsion from their homes and was frequently followed by the burning of the entire village. Consequently, those who otherwise may not have been supportive of the Turkish state's military efforts against the armed opposition were enlisted into the Village Guards and forced to fight alongside Turkey's security forces and the gendarmerie. Joining meant being targeted by the armed opposition, and being ostracized by the wider community.

The village guard system has been debated and its ongoing existence criticised by many who see it as harming, rather than assisting, the State's aim of ending the conflict in Turkey. While NGOs and other international bodies have called for the abolition of the village guard system since its early years, criticism has come from a wider range of groups and more vocal since the Mardin massacre on 4 May 2009, in which village guards killed 54 guests at a wedding ceremony in Bilge.<sup>1</sup> Throughout the 1980s and 1990s the village guards gained a reputation for theft, beatings, rape, and other crimes.<sup>2</sup> According to the Ministry of Interior, between the inception of the village guard system

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<sup>1</sup> 'Life Terms for Six in Turkey's Mardin Massacre,' *Haber Turk*, 27 April 2010. <<http://www.haberturk.com/general/haber/510940-life-terms-for-six-in-turkeys-mardin-massacre>> (last accessed August 2010).

<sup>2</sup> Mark Muller and Sharon Linzey, *Internally Displaced Kurds of Turkey: Ongoing Issues of Responsibility, Redress and Resettlement* (KHRP, London, September 2007), 92.

in 1985 and November 2006, 5000 village guards were convicted of crimes ranging from theft to murder. Today, after more than eight years since the lifting of the State of Emergency Rule in the Kurdish region, village guards continue to be responsible for crimes against villagers who attempt to return to their villages and homes from which they were forcibly evacuated. The government itself has stated since 1995 that it should dismantle the programme and since 2002 has said it would dismantle the programme, yet in 2010 the government continued its recruitment campaigns<sup>3</sup>.

## II. Background on the Village Guard System

The village guard system, as it was introduced in 1985, was not an entirely new institution in Turkey, having its basis in the Village Law (No. 442) of 1924. This law identified the establishment of a defensive village guard as a useful means for local populations to prevent attacks by bandits and pillagers. In the years following the establishment of this system however, it was generally agreed upon that it was both ineffective, and unnecessary, as criminal laws were already in place to deal with such crimes.<sup>4</sup> This view changed in the 1980s when an increase in attacks by armed opposition groups led the government to consider its re-implementation on a larger scale. The resulting new, large, paramilitary village guard system was implemented in 1985, originally as a temporary measure in order to defend towns and villages in the OHAL region (the region of southeast Anatolia that was put under emergency law during this period) against incursions by armed opposition groups, such as the PKK<sup>5</sup>. Twenty five years later, the ostensibly “temporary” village guard system, has continued to exist. At the time of writing, official numbers were not available on either the Turkish Ministry of Interior or Gendarmerie Command’s website, however in 2009 a

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<sup>3</sup>[http://gunlukgazetesi.net/index.php?haberID=6229&haberBaslik=Dersim%20oyunu%20bozdu&categoryName=Haber&categoryID=2&authorName=Ferhat%20ARSLAN&authorID=52&action=haber\\_detay&module=nuce](http://gunlukgazetesi.net/index.php?haberID=6229&haberBaslik=Dersim%20oyunu%20bozdu&categoryName=Haber&categoryID=2&authorName=Ferhat%20ARSLAN&authorID=52&action=haber_detay&module=nuce)

<sup>4</sup> Veysel Essiz, *The Mardin Massacre and the Village Guard System in Turkey*, 28 May 2009.

<<http://www.opendemocracy.net/article/the-mardin-massacre-and-the-village-guard-system-in-turkey>> (last accessed August 2010).

<sup>5</sup> Yildiz, Kerim, *The Kurds in Turkey: EU Accession and Human Rights* (KHRP, London, 2005), p. 16

reliable estimate 80,000 was reported, of which 59,000 are temporary and 23,274 are volunteers.<sup>6</sup> During this entire period, the paramilitary Village Guards have become notorious due to widespread accusations of theft, rape, assault. They have tended to be inadequately supervised without a clear role or code of conduct set out by the state<sup>7</sup>.

The Village Guards are often regarded by other Kurds as collaborators with the state<sup>8</sup>. However, the reality of the situation is extremely complex, as members frequently are given no choice in whether to join or not. According to a fact-finding mission report published by the Council of Europe's Netherlands delegation in 2002, all sources the mission consulted asserted that 'forced recruitment had been practiced before the end of the state of emergency, and in particular in the 1990's.'<sup>9</sup> According to Human Rights Watch, whilst joining the village guards system was voluntary in theory, in practice it was a loyalty test in which villagers were forced to join or face the consequences:

If a community said yes, the men received arms and money. If they said no, then it was assumed that they were PKK supporters and told to evacuate their homes. This was not meant to be an orderly documented process of evacuation. In fact, soldiers were careful to avoid leaving a paper trail that might subsequently lead to claim for compensation. If villagers did not move out by the appointed date, soldiers burned their houses and goods, slaughtered their livestock and burned their crops.

It was a punitive exercise. But many villagers who refused to serve as village guards had no sympathy for the PKK. They explain that if they had taken up arms as village guards, then

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<sup>6</sup> 'Village Guards Important in Counter-Terrorism, Basbu□ Says,' *Hürriyet Daily News*, 15 March 2009. <<http://www.hurriyetdailynews.com/n.php?n=village-guards-important-in-fight-against-terror-says-chief-of-general-staff-2010-03-15>> (last accessed August 2010).

<sup>7</sup> Yildiz, Kerim, *The Kurds in Turkey: EU Accession and Human Rights* (KHRP, London, 2005), p. 17

<sup>8</sup> Merial Beattie, 'Local guards divide Turkish Kurds,' *BBC News*, 4 August 2006. <<http://www.news.bbc.co.uk/1/hi/world/europe/5246068.stm>> (last accessed August 2010).

<sup>9</sup> The Council of Europe, Official General Report on Turkey (January 2002) by the Netherlands Delegation, 15 April 2002, Brussels. <<http://www.unhcr.org/refworld/docid/467008522.html>> (last accessed August 2010).

they would have been attacked by the PKK, who at the time were killing village guards they captured, and in some cases their entire families along with them.<sup>10</sup>

Thus, villagers were faced with an untenable position: refuse to join the village guard system and risk being viewed as supporters of the armed opposition, increasing the likelihood of becoming a target for displacement and other human rights violations being carried out by the state<sup>11</sup> or join the village guard system and face the repercussions of being labelled as a state collaborator. Either choice would put one's life at risk. The State of Emergency (OHAL) in effect in provinces in the east and south east of Turkey from 1985 to 2002 further facilitated the entrenchment of the village guard system in those regions.<sup>12</sup> In some villages, forced evacuations were carried out solely by the village guards, who acted as proxies for the Turkish security forces.<sup>13</sup>

Today, more than eight years after OHAL was theoretically lifted in all regions in November 2002, (KHRP and others' reports demonstrate that it was still in effect until 2005 in some areas), obstacles still confront villagers who attempt to return to their former homes in the Kurdish region of Turkey. While there is no legal requirement to join the village guard system, serving as a village guard has become a *de facto* requirement for return.<sup>14</sup> Families who were forcibly evacuated because they had previously refused village guard service during the 1990s are now facing the same situation upon their return. For example, in 1994, security forces forcibly uprooted 160 families from the Dönertaş village, near Tatvan in the Bitlis province, because they had refused to participate in village guard service. By 2005, fifty of these families had returned and were permanently residing in the village. According to reports from the Van branch of Göç-Der received by Human Rights Watch in 2006, gendarmes were yet

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<sup>10</sup> Kerim Yildiz and Caitlin Hughes, *Internally Displaced Persons: The Kurds in Turkey* (KHRP, London, September 2003), p. 22.

<sup>11</sup> *Ibid*, p. 17.

<sup>12</sup> Thomas Hammarberg, *Report by Commissioner of the Human Rights of the Council of Europe Following his visit to Turkey on 28 June – 3 July 2009*, p. 23. < <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1511197>>

<sup>13</sup> Kerim Yildiz and Caitlin Hughes, *Internally Displaced Persons: The Kurds in Turkey* (KHRP, London, September 2003), p. 17.

<sup>14</sup> Human Rights Watch, 'Letter to Minister Aksu calling for the abolition of the village guards,' 7 June 2006. < <http://www.hrw.org/en/news/2006/06/07/turkey-letter-minister-aksu-calling-abolition-village-guards>>

again insisting that Dönertaş villagers join the village guards if they wished to continue living in the village.<sup>15</sup>

Similar incidents occurred in the Altynsu village in the Hakkari province and in the Mardin province. Families travelled hundreds of miles following assurances from the government that villagers were now free to return, only to be presented with the same ultimatum they faced when expelled from their villages during the 1990s. Once again displaced villagers who subsequently became village guards became targets of attack by the PKK. To date, the pressure to join the village guard system is no less than it was during the 1990s. As reported in the EU progress report of 2010, the ability of IDP's to return to their homes and to live in their former villages and towns, continues to be difficult with the continuing presence of the village guard system<sup>16</sup>.

### **III. Village Guard System as a Major Obstacle to the Return of Displaced Villagers**

The existence of the village guard system pose major obstacles to both the return of villagers and to the larger issue of working towards a resolution to internal displacement in Turkey caused by the forced evacuation and destruction of villages throughout the 1980s and 1990s.<sup>17</sup> The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, acknowledged this issue and voiced support for an abolition of the village guards when he noted in a report to Turkey's Minister of the

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<sup>15</sup> Human Rights Watch, 'Letter to Minister Aksu calling for the abolition of the village guards,' 7 June 2006. < <http://www.hrw.org/en/news/2006/06/07/turkey-letter-minister-aksu-calling-abolition-village-guards>>

<sup>16</sup> European Commission, Commission staff working document SEC(2010)132, *Turkey 2010 Progress Report*, (Brussels, 9 November 2010), 35, available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2010/package/tr\\_rapport\\_2010\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf).

<sup>17</sup> Thomas Hammarberg, *Report by Commissioner Human Rights of the Council of Europe Following his visit to Turkey on 28 June - 3 July 2009*, p. 124. < <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1511197>>

Interior that the village guard system 'is seen by internally displaced persons as an obstacle to returning to their homes'<sup>18</sup>.

There are a number of reasons why the village guard system inhibits displaced persons from returning to their villages. First, as noted above, the village guards have been implicated in many serious crimes. According to recent IHD publications, in 2009 village guards killed at least 61 civilians, and an estimated 46 others were wounded, moreover many others were injured in a single incident when village guards killed civilians in Mardin province, Mazıdağlı district and Bilge (Zangirt) village<sup>19</sup>. In addition to this, many returning villagers have suffered attacks in various provinces, including Bitlis, Diyarbakir, Mardin, Şirnak, Muş, Aory, Bingöl, and Siirt.<sup>20</sup> In 2005, KHRP noted an incident that took place when a member of a family that had been evacuated from Çatlica in the Çatak district in 1991 attempted to return to his former village but was 'detained by security forces and threatened with death should he attempt to return again.'<sup>21</sup> In addition to this, there are reports that the villages, while officially re-opened for re-settlement, are not, in fact, habitable, due to lack of basic infrastructure and a large presence of land mines. KHRP has learned of one particular circumstance to illustrate this point. When a family who intended to return asked for the construction of a road to their village and the clearing of landmines, authorities responded by claiming the village has no population to warrant such work<sup>22</sup>. Landmines in particular pose a real threat to many returnees<sup>23</sup> and such responses by the government

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<sup>18</sup> Thomas Hammarberg, *Letter from the Council of Europe Commissioner for Human Rights to Mr. Beşir Atalay, Minister of Interior of the Republic of Turkey*.

<<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1603348&SecMode=1&DocId=1602644&Usage=2>> (last accessed October 2010)

<sup>19</sup> Turkish Human Rights Association (IHD), *Human Rights Violations in Turkey: Summary Table of 2009* (2009), 1, available at

[http://www.ihd.org.tr/images/pdf/human\\_rights\\_violation\\_in\\_turkey\\_summary\\_table\\_of\\_2009.pdf](http://www.ihd.org.tr/images/pdf/human_rights_violation_in_turkey_summary_table_of_2009.pdf)

<sup>20</sup> Human Rights Watch, 'Letter to Minister Aksu calling for the abolition of the village guards,' 7 June 2006. <<http://www.hrw.org/en/news/2006/06/07/turkey-letter-minister-aksu-calling-abolition-village-guards>>

<sup>21</sup> KHRP Fact Finding Mission Report, *The status of internally displaced Kurds in Turkey: Return and compensation rights – an update* (KHRP, London, December 2006), p. 24

<sup>22</sup> KHRP phone interview with Ali Kadir Karakoc from Kozluca village, Tunceli (1 March, 2011)

<sup>23</sup> Yildiz, Kerim, *Turkey's Implementation of Pro-EU Reforms* (KHRP, London, 2004), p. 19



demonstrate that it is not seriously committed to villagers to returning, despite its official claims to the contrary<sup>24</sup>.

Another significant obstacle hindering the return of villagers is that many of their former houses and properties have been appropriated by the village guard in their absence. In order to defend these illegally confiscated properties, the village guards often resort to the use of violence resulting in numerous incidents of death and serious injury<sup>25</sup>. The Turkish government has also not shown much willingness to help villagers who attempt to regain their properties<sup>26</sup>.

Overall, villagers are faced with serious threats and abuse from the Village Guards when returning to their land if refusing to become a guard, similarly they fear if they decide to enlist, that they will be exposed to threats by the PKK.<sup>27</sup> In 2005, the European Commission reported that 'authorization to return to villages is sometimes only granted if returnees are willing to serve as Village Guards.'<sup>28</sup> However, according to Human Rights Watch 2006, despite official claims, returning villagers are informed that becoming a village guard is the only way they are allowed to return home.<sup>29</sup> KHRP's partners report that little has changed.

#### **IV. Calls for Abolition of the System and the Turkish Response**

Various human rights groups, EU institutional bodies and Turkish Parliamentary commissions have condemned the village guard system and called for its disbandment.

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<sup>24</sup> Yildiz, Kerim, *Turkey's Implementation of Pro-EU Reforms* (KHRP, London, 2004), p. 20

<sup>25</sup> Thomas Hammarberg, *Report by Commissioner Human Rights of the Council of Europe Following his visit to Turkey on 28 June – 3 July 2009*, p. 124. < <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1511197>>

<sup>26</sup> Country of Origin Information Centre, *Report of Fact-finding Mission to Turkey, 7-17 October 2004*, p. 30. < [www.landinfo.no/asset/163/1/163\\_1.pdf](http://www.landinfo.no/asset/163/1/163_1.pdf) >

<sup>27</sup> Ibid

<sup>28</sup> European Union: European Commission, *Turkey - 2005 Progress Report*, 9 November 2005, p. 39. <<http://www.unhcr.org/refworld/docid/43956b6d4.html>>

<sup>29</sup> Human Rights Watch, *Turkey: Letter to Minister Aksu Calling for Abolition of The Village Guards*. 6-7 June 2006. <http://www.hrw.org/en/news/2006/06/07/turkey-letter-minister-aksu-calling-abolition-village-guards>

All these groups agree that the village guards are an undisciplined, unaccountable force that continues to commit serious human rights violations. However, the Turkish government has been reluctant to call for the abolition of the village guards. Perhaps illustrative is the Minister of Interior's claim in a letter to the Council of Europe Commissioner for Human Rights that the illegal use of weapons and hindering of the return of IDPs by village guards were allegations 'mainly aired by the terrorist organization' and that the Gendarmerie stated that the allegations were 'baseless.'<sup>30</sup> This statement is in stark contrast to the overwhelming evidence showing the contrary.

Human rights organisations calls for the abolition of the village guard system have described it as 'intrinsically dangerous, corrupt, and corrupting.'<sup>31</sup> Despite the European Commission's insistence that Turkey fully comply with the Copenhagen Criteria as a requirement for the state's accession to the EU,<sup>32</sup> Turkey has made no progress towards abolishing the village guard system which is one of several outstanding conditions necessary to fulfil the rule of law and human rights aspects of the first element of the criteria. According to the criteria, candidate states must have achieved 'stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities.'<sup>33</sup> In his October 2009 report on Turkey Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, urged Turkey to 'examine the possibility of abolishing the system of village guards,' which he regarded as integral to the facilitation of IDPs' exercise of their

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<sup>30</sup> Letter from Beşir Atalay, Minister of Interior, to the Council of Europe Commissioner for Human Rights, 6 July 2010.

<<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1604983&SecMode=1&DocId=1607752&Usage=2>>

<sup>31</sup> Human Rights Watch, 'Letter to Minister Aksu calling for the abolition of the village guards,' 7 June 2006. <<http://www.hrw.org/en/news/2006/06/07/turkey-letter-minister-aksu-calling-abolition-village-guards>>

<sup>32</sup> '2004 enlargement: the challenge of a 25-member EU,' 23 January 2007

<[http://www.europa.eu/legislation\\_summaries/enlargement/e50017\\_en.htm](http://www.europa.eu/legislation_summaries/enlargement/e50017_en.htm)>

<sup>33</sup> 'Conclusions of the Presidency,' European Council in Copenhagen, 21-22 June 1993, para. 7A (iii).

right to voluntary return or voluntary resettlement. Mr. Hammarberg made a similar recommendation to the Turkish government in 2010.<sup>34</sup>

Although there has been little movement by the government towards abolishing the village guard system there have been calls for change from within Turkey. The Grand National Assembly's 1995 Parliamentary commission asserted that the village guard system contributed to social problems and should be abolished.<sup>35</sup> More recently, in April 2006, the Human Rights Commission of the Grand National Assembly declared that the village guard system was a 'mistake.'<sup>36</sup> Given the pressure to deal with the village guards, both from within and outside of the country, the Turkish government has seemed to give serious consideration to the idea of abolishing the village guard system. As early as 2002 for instance the government pledged 'to both the European Union and to Francis Deng, then the U.N. Secretary General's special envoy on internally displaced people, to abolish the village guard system in the short term.'<sup>37</sup>

On 27 May 2007 the Parliament passed a law that was said to be 'a first step' towards abolishing the system. The U.S. State Department's 2009 Human Rights Report on Turkey describes the law as 'progress...[towards] overhaul[ing] the village guard system.' The law, as characterised in the State Department report, provides limits on the 'total number of village guards under normal circumstances to 40,000; provides continued employment for current guards; establishes mandatory retirement at age 55; provides a partial salary for early retirement; provides for a pension to guards who

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<sup>34</sup> Thomas Hammarberg, *Letter from the Council of Europe Commissioner for Human Rights to Mr. Beşir Atalay, Minister of Interior of the Republic of Turkey*, 8 June 2010.

<<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1603348&SecMode=1&DocId=1602644&Usage=2>>

<sup>35</sup> Internal Displacement Monitoring Centre, 'Village Guard System as an Obstacle to Return (1995-2009)', 19 October 2009.

<<http://www.internaldisplacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/802CF7560EDC70C2802570B8005AAF4C?OpenDocument>>

<sup>36</sup> Internal Displacement Monitoring Centre, 'Village Guard System as an Obstacle to Return (1995-2009)', 19 October 2009.

<<http://www.internaldisplacement.org/idmc/website/countries.nsf/%28httpEnvelopes%29/802CF7560EDC70C2802570B8005AAF4C?OpenDocument>>

<sup>37</sup> TESEV, 'Roadmap for a Solution to the Kurdish Question: Policy Proposal From the Region for the Government', December 2008, 33.

<[www.tesev.org.tr/UD\\_OBJS/Report%20on%20Kurdish%20Question.pdf](http://www.tesev.org.tr/UD_OBJS/Report%20on%20Kurdish%20Question.pdf)>

served more than 15 years; and requires the Ministry of Interior to establish procedures for hiring, firing, training and otherwise regulating the guard system.’<sup>38</sup> The only portion of the law, however, that appears to contribute to the reduction in size of the village guard system is the provision of a partial salary for early retirement as it provides an incentive for guards to leave the system earlier than age 55. This provision in and of itself represents very little progress towards the end of the village guard system.

While the Turkish Foreign Ministry has acknowledged that the abandonment of the village guard system is within the demands of the EU accession process,<sup>39</sup> the Turkish military’s Chief of General Staff and the Interior Ministry have explained that the government currently has no plans to abolish or phase out the system. In light of continued clashes, the military considers the village guards indispensable to the counter-insurgency effort. As recently as 2009, during local election campaigns, recruitment for new guards continued to take place.<sup>40</sup> And in September of that same year, Deputy Prime Minister Cemil Çiçek denied media reports that the village-guard system was to be abandoned, stating that ‘[t]he government is not working on the abandonment of the village-guard system.’<sup>41</sup>

In a report published shortly after the Mardin massacre in May 2009, the Turkish Parliament’s Human Rights Commission declared that ‘abolishing the temporary village guard system is not possible under current conditions,’ but that it was necessary to ‘overhaul the institution...in terms of its structure, function, and hierarchy.’<sup>42</sup> The article does not provide an explanation as to why the Commission believes abolition is

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<sup>38</sup> U.S. Department of State, ‘2008 Human Rights Report: Turkey’, 25 February 2009.

<<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119109.htm>>

<sup>39</sup> ‘Village Guards to be Disarmed,’ *Hürriyet Daily News*, 24 September 2009.

<<http://www.hurriyetdailynews.com/n.php?n=village-guards-to-be-disarmed-2009-09-24>>

<sup>40</sup> European Commission, Turkey 2009 Progress Report, 14 October 2009, p 31.

<[ec.europa.eu/enlargement/...documents/2009/tr\\_rapport\\_2009\\_en.pdf](http://ec.europa.eu/enlargement/...documents/2009/tr_rapport_2009_en.pdf)>

<sup>41</sup> ‘Çiçek denies that Turkey’s village guard system is being phased out,’ *Hürriyet Daily News*, 25 September 2009. <<http://www.hurriyetdailynews.com/h.php?news=cicek-denied-the-allegations-on-village-guard-system-2009-09-25>>

<sup>42</sup> ‘Kurdish Initiative’s Minefields: Village Guards,’ *Today’s Zaman*, 6 February 2010.

<<http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=200778>>

not possible, but it could be surmised that its findings are partly based on the ongoing conflict between the PKK and the military. Although the government does seem to have made progress in recognizing the problems inherent in the village guard system, few concrete steps have been taken in order to phase out the village guard system.

## **V. Dismantling the Village Guard System**

Dismantling the village guard system is necessary in order to eliminate a major obstacle blocking the return and resettlement of displaced persons. Armed clashes between continue in the Kurdish region, with the village guards still fighting alongside the army and security forces. While it is imperative that the village guard corps is disbanded and disarmed as soon as possible, with a clear deadline for complete abolition it is equally important to realize that, in some villages, serving as a village guard is the only way that many are able to have a steady income and support their families. This reality has been magnified in recent years, as local economies have continued to suffer.

Consequently, a policy of disbanding the village guard system must be followed up with an appropriate and well thought out post-abolishment policy that will aid former village guards in reintegrating, economically and socially, into society.

In addition to the obligations that Turkey has to its citizens, the state has ratified and so is thus bound by a number of major European and international human rights conventions and treaties. The village guards system poses a threat to returnee's rights to liberty and security of person, guaranteed by Article 9 of the International Covenant on Civil and Political Rights (ICCPR) and Article 5 of the European Convention on Human Rights (ECHR). Furthermore, the attacks on returning villagers, some of which have resulted in deaths and serious injuries, violate the right to life protected by ICCPR Article 6 and ECHR Article 2.

The disbandment of the village guard system must form a part of a broader national strategy towards alleviating the problems faced by displaced persons. KHRP acknowledges the goodwill of the Turkish government in its efforts to help IDPs in returns and resettlements, notably the Van Action Plan, which was prepared with the

technical support of the United Nations Development Programme (UNDP).<sup>43</sup> The plan, however, does not deal with the root causes of displacement, namely the state's historical treatment of its Kurdish population and the ongoing armed conflict.<sup>44</sup> Additionally it does not deal with the role that the village guards system or the presence of and landmines, both significant obstacles to voluntary return.

This obvious lack of progress in working towards ending the village guard system exists despite the UN Secretary-General's representative on the human rights of IDPs, warning that the presence of village guards and landmines are sources of 'insecurity that could impede the return of IDPs,' posing difficulty in the implementation of the Action Plan.<sup>45</sup> Turkey must make abolishing the village guards an integral part of the state's efforts to assist the displaced in returning to their homes and in working towards the greater goal of finding a peaceful and democratic end to the ongoing conflict.

## **VI. Recommendations**

The government must accept responsibility for the large-scale uprooting of villagers in the southeast, which they successfully achieved with the help of village guards. The continuing human rights violations of village guards prevent displaced people from returning to their former homes in south-eastern Turkey. There can be no effective solution to this problem unless the government moves towards abolishing the village guard system, working to disarm and reintegrate members back into society, as part of a wider plan towards the return of IDPs.

KHRP recommends to the Turkish government that it should:

- Develop a national and comprehensive policy on IDPs. The policy should address the abolishment of the provisional village guard system; the impact of the continued armed conflict on returnees, would-be returnees and existing rural

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<sup>43</sup> Deniz Yukseker and Dilek Kurban, *Permanent Solution to Internal Displacement?: An Assessment of the Van Action Plan for IDPs* (TESEV, May 2009), 6.

[www.tesev.org.tr/UD\\_OBJS/PDF/.../TESEV\\_VanActionPlanReport.pdf](http://www.tesev.org.tr/UD_OBJS/PDF/.../TESEV_VanActionPlanReport.pdf)

<sup>44</sup> *ibid*, p. 20

<sup>45</sup> *ibid*

populations in the eastern and southeastern regions; landmine clearance; a holistic rather than piecemeal approach on the revitalization of the rural and urban economy in the region.

- Work to disarm the village guards in all the provinces.
- Implement a job-training program for former village guards, assisting in reintegrating them into society,
- The KHRP urges the EU to:
- Exercise pressure on the Turkish government with regards to the abolishment of the village guard system and implementation of an appropriate broad plan for addressing the return of IDPs.
- Encourage the Turkish government, both through financial support and expertise, to develop and Implement a comprehensive plan to deal with IDPs.
- Recognise that the Law on Compensation in Turkey, Law 5233 has only addressed a handful the displaced because of the ongoing conflict and was only Intended to deal with compensation, not redress wider problems created by vast number of IDPs