

Open letter to DSI: Forced eviction of Hasankeyf merchants would violate the universal right to work

*** The Initiative to Keep Hasankeyf Alive *** Hasankeyf Matters *** Fivas – The Association for International Water Studies *** The Corner House *** Riverwatch ***

OPEN LETTER

RE: Forced eviction of Hasankeyf merchants would violate the universal right to work

5 March 2018

To:

Mr. Murat Acu, General Director, State Hydraulic Works (DSI)

Mr. Ali Naci Kösalı, Region 16 Director, State Hydraulic Works (DSI)

Mr. Şehmus Erkan Dursun, Hasankeyf Branch Director, State Hydraulic Works (DSI)

CC:

Prof. Dr. Veysel Eroğlu
Minister of Forestry and Water Affairs

Mr. Ahmet Deniz
Governor of Batman

Mr. Faruk Bülent Baygüven
District Governor of Hasankeyf

Dear Mr. Acu:

Dear Mr. Kösalı:

Dear Mr. Dursun:

We write to you to express our concern about the official notice (tebligat) of 22 February ordering merchants to vacate their shops in the historic touristic bazaar of Hasankeyf within two weeks. The notice warns that failure to comply will result in forced eviction. Such action would constitute a flagrant violation of the right to work, which is enshrined in the [Universal Declaration of Human Rights](#) (Article 23). [Also published in [Turkish](#)]. Case law of the European Court of Human Rights protects aspects of the right to work.

We note that the new settlement area is still under construction and cannot support a level of commercial activity equivalent to that currently enjoyed in the historic touristic bazaar. We also note that Turkey has [ratified](#) the [International Convention on Social, Economic and Cultural Rights](#) (ICESCR) and is obligated to [respect, protect and fulfill](#) the right to work.

Of particular relevance to the present situation in Hasankeyf is the fact that under [Article 6](#) of the ICESCR, Turkey is committed to safeguarding the right to work by, among other measures, implementing “policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”

The right to work “also implies the right not to be unfairly deprived of employment,” (ICESCR [General Comment No. 18](#), paragraph 6). Should the government force the merchants out of their current location now or at any time prior to the installation and operation of facilities/services necessary to support and promote commercial activity in the new settlement area, it will have deprived the merchants, their families and the entire community of Hasankeyf of economic well-being and

diminished their sense of dignity. Consequently, these merchants will be “entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or a guarantee of non-repetition” (General Comment No. 18, ICESCR, paragraph 48).

We refer also to the UN “[Basic Principles and Guidelines on Development-based Evictions and Displacements](#).” As this is a situation in which the merchants (and all residents) of Hasankeyf are compelled to relinquish their property through expropriation, the state is obligated to compensate those displaced for various damages they suffer as a result of their involuntary displacement. Such damages include, for example: “lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services” (Paragraph 60, emphasis added).

These Guidelines also state, “Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better” (Paragraph 60, emphasis added).

Notwithstanding Turkey’s obligation to compensate any and all whose economic well-being is to be diminished (in many cases irreparably) by the Ilisu Dam and Hydroelectric Plant Project, the merchants of Hasankeyf have proposed an interim solution, which would lessen to some extent the damage to their economic, social and cultural interests.



According to this proposal, the merchants would continue to conduct business in the historic market until the people of Hasankeyf have taken up residence in their new homes and the monuments to be salvaged (with the exception of the minaret of the Rizk Mosque) have been relocated to the new settlement area. This would not only enable the touristic market to continue drawing visitors to the town, but it would also allow for a degree of social and economic continuity during the difficult transition to the new settlement area.

In conclusion, we call upon you to exercise the utmost care in

planning and executing the relocation of the residents of Hasankeyf to their new homes and workplaces. You, as the state authorities managing the Ilisu Dam project, are responsible for safeguarding the human rights of all those affected by the project. In cases where these rights are violated, you are responsible for ensuring that those who have suffered harm are compensated appropriately.

Signed

Hasankeyf Matters

The Initiative to Keep Hasankeyf Alive

Fivas – The Association for International Water Studies,
Norway

The Corner House, United Kingdom

Riverwatch, Austria