

IDPs AND REFUGEES

Preliminary findings

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Summary

A fact-finding mission to Van and Ankara, Turkey, in July 2006 organised by the Kurdish Human Rights Project investigated state policy and practise regarding measures to provide redress to persons displaced during the 1980's and 1990's armed conflict in East and Southeast Turkey, and the treatment of refugees and internally displaced persons in Turkey. In conducting its research, the mission established serious shortcomings in the legal framework in place to address the problems faced by these two marginalised groups. If Turkey is to institute the necessary mechanisms to remedy the situation of IDPs and refugees, the mission recommends a series of reforms which conform with international standards.

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I. Internally Displaced Persons and Compensation

In conducting its research to evaluate state policy and practise regarding internally displaced persons (IDPs), the mission met with representatives of local civil society organisations, members of parliament as well as victims of village evacuations. Those who the mission spoke to discussed Law No. 5233 enacted on 17 July 2004 to deal with the pecuniary suffering of those displaced during the conflict. The mission's findings identified chronic deficiencies with Law No. 5233 as an effective mechanism for restitution.

There is concern that Law No. 5233 fails to incorporate non-pecuniary damages within its remit, including remedy for mental suffering and/or physical injury or death. Villagers widely refer to the psychological trauma following the expropriation of their homes and/or land, citing depression and other forms of mental illness.

There is a general lack of independence within the compensation commissions, whereby the commissions are made up of government-appointed officials. This politicises decisions and threatens the impartiality and objectivity of the commissions. Linked to this issue, compensation commissions also routinely substantially underestimate

the amounts liable for damages inflicted upon property and livestock and inaccurately calculate compensation claims.

In performing interviews with evacuees, the mission encountered IDPs living in conditions of abject poverty in the regions' major cities, where they are short of access to welfare including adequate housing, employment, and healthcare. Moreover, those individuals that have chosen to return to their villages lack state assistance under the Return to Village and Rehabilitation Project and subsequently encounter obstacles to rebuilding their lives.

II. Refugees & Asylum Seekers

In relation to the situation of refugees and asylum seekers, the mission expresses deep concern at the deplorable conditions faced by almost twelve hundred Iranian citizens of Kurdish origin. In seeking sanctuary from persecution by the Iranian authorities, the Turkish government has rejected their claims for registration within the state refugee system. Turkey has also refused to issue exit visas for the group's settlement in a third country, a strategy intended to discourage asylum applications from

refugees in similar situations. The legal status of these persons is effectively 'in limbo' and denies them access to employment, food, and shelter, nor any other basic welfare provision.

The mission opines that Turkey's policy on refugees and asylum seekers falls foul of recognised international norms. Although significant steps have been taken to enact the necessary infrastructure to assign refugee status in accordance with obligations for EU accession, non-European persons applying for refugee status remain subject to unfair and discriminatory measures. Kurdish Human Rights Project is gravely concerned that by adhering to a policy of geographical limitation, Turkey is denying refugee status for a large number of needy applicants many of whom are of Kurdish origin.

III. Recommendations

IDPs

- Reconsider non-pecuniary loss including emotional and psychological trauma;
- Establish a suitable mechanism for assessing compensation claims which takes into account the correct valuation of damages to property and livestock;
- Encourage investigation of perpetrators of violence during the evacuation period;
- Enhance the independence of Compensation Law assessment commissions;

- Urge the Turkish government to seriously reassess its approach to IDPs

Refugees and asylum seekers

- Remove the geographical limitation applied to 1951 Refugee Convention;
- Encourage Turkey to take steps toward establishing an effective immigration body;
- Offer welfare provision including social assistance, schooling, health, and employment opportunities;
- Investigate allegations of corruption;
- Turkish government to strengthen cooperation with the United Nations High Commissioner for Refugees (UNHCR)

