



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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KHRP co-organises the third EU-Turkey Civic Commission conference

Human rights defenders, writers, academics, lawyers, Kurdish and European politicians and experts on the Kurdish issue gathered in Brussels for the Third International Conference on the EU, Turkey and the Kurds held on 16 and 17th October 2006.

The conference was held at the European Parliament, supported by Archbishop Emeritus Desmond Tutu, Dr. Shirin Ebadi, Bianca Jagger, Harold Pinter, Mehmed Uzun and Professor Noam Chomsky as well as by members of the European Parliament.

The aim of the conference was to exchange ideas and generate dialogue on the Kurdish issue and the Turkey-EU accession process. It provided a democratic platform for discussion of the critical role the EU should play in establishing the parameters of peaceful dialogue with all the stakeholders in the Kurdish question.

The Conference heard from distinguished speakers, expert in human and minority rights issues. These included human rights



ABOVE: EUTCC conference audience

lawyers, Eren Keskin and İbrahim Bilmez; Şinasi Haznedar of Mazlum-Der; Ufuk Uras of Istanbul University; Tuncer Bakırhan of DTP; Andrew Duff, MEP; Yusuf Alataş, Lawyer and President of İHD; Margaret Owen, Barrister and member of the Bar Human Rights Committee and KHRP's Consultant on Women and Children's Rights; Giyasettin

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First ever Cross-Border Training and Partner Meeting: KHRP welcomes delegates from across the Kurdish regions

On 21 and 22 November, UK experts and KHRP Legal team members and associates welcomed delegates from across the Kurdish regions in London to participate in the first KHRP Cross-border Training for human rights lawyers and advocates.

The two-day training entitled 'Cross-regional strategies for promoting and protecting human rights within the Kurdish regions' involved panel discussions from KHRP Legal Team members; Dr Eric Metcalfe, director of JUSTICE; Nicholas Stewart QC;



ABOVE: left to right: Sartep Ali, Ozacan Kilib, Rachel Bernu, Kerim Yıldız, Şefika Gürbüz, Zozan Özgökçe, Arayik Ghazaryan, Atta Muhamed, Lucy Claridge, Mustafa Gundogdu & Sezgin Tanrikulu

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Director's Letter



Dear Friends,

This year has been an extremely busy one for KHRP and has seen many developments, both positive and negative, for the Kurdish regions.

KHRP has wound up this busy year with some very exciting developments. In October, we co-organised the Third International Conference on the EU, Turkey and the Kurds, held in Brussels. In November, we held our first ever Cross-Border Training, which saw delegates from across the Kurdish regions come together to discuss cross-regional strategies for the protection of human rights. It was the first time that all of us —dispersed as we are across the regions and the globe— had a chance to meet face to face. The training served to further strengthen the excellent working relationship we have with our partners in the regions, and provided an opportunity for them to

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Director's Letter

find a common ground for action. The year also concludes with the happy news that Irish Department of Foreign Affairs has awarded a three-year grant to the Kurdish Human Rights Project.

Throughout the year KHRP has worked tirelessly to bring to international attention the violation of human rights in the Kurdish regions of Iran, Iraq, Turkey, Syria and the Caucasus. Sadly, despite our efforts, these violations continue. Development in the Kurdish region of Iraq has been hampered by the ongoing violence in the country, while in Iran and Syria, harassment,

intimidation and torture continue. Meanwhile, a major opportunity to secure justice for the victims of Anfal is in doubt following the recent death sentence handed down to Saddam Hussein. Were this sentence to be carried out before the conclusion of the Anfal trial, the Kurdish victims of his regime would be denied their day in court. The verdict is furthermore a disappointing sign that the Iraqi authorities have missed the opportunity to dispense with the death penalty, a punishment that KHRP believes has no place in democratic society in the 21st century. KHRP has also been closely monitoring the human

rights situation in Turkey, particularly with a view to its candidacy for membership of the EU. It is telling that at the time of writing the EU has threatened to bring to a near halt the accession process due to Turkey's failure to comply with certain criteria related to trade with Cyprus. KHRP is encouraged to see the EU showing Turkey it is serious about accession criteria. It is worrying, however, that the EU chose this economic matter as a sticking point when, as our work this year has shown, accession criteria also fail to be met in the areas of language rights, freedom of the press and political parties, detainment, torture and redress for IDPs.

As 2006 draws to a close I would like to thank all our regional partners, many of whom took the time to visit us here in London at the end of the year, as well as our board members, legal team, staff, interns, volunteers and supporters for their collective contribution to our important work over the past year. Finally, I would like to express our enormous gratitude to our funding bodies, whose commitment to us and the disadvantaged of the Kurdish regions is central to our fight for the recognition of fundamental human rights. I wish you all a prosperous New Year.

Kerim Yildiz
Executive Director

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KHRP co-organises 3rd EUTCC conference

Gültepe, Chair of Göç-Der, the Association for Social Affairs, Cooperation and Culture; and Osman Baydemir, Mayor of Diyarbakır.

Speakers discussed a wide range of pertinent concerns such as Turkey's new Anti-Terror law, obstacles to peace and reconciliation, judicial independence, freedom of expression and association, as well as the protection of the rights of minorities, women and internally displaced persons. Following EUTCC Chair Kariane Westrheim's opening remarks, KHRP Executive Director and EUTCC Board member Kerim Yildiz delivered the first speech, analysing the pace and implementation of the reforms so far enacted in Turkey. He discussed the extent to which the accession process is genuinely addressing human rights abuses which continue to be faced by Turkey's 20 million Kurds.

The Conference concluded with the discussion of resolutions. The prime aim of these is to help to guarantee respect for human and minority rights and to

promote a peaceful, democratic and long-term solution to the Kurdish situation as well as the accession of Turkey as a member of the EU. The Conference resolved to monitor and conduct regular audits of Turkey's compliance with its regional human rights obligations and other EU related accession criteria. It was further decided to periodically make recommendations of measures that could advance the protection of the human rights of the Kurds and to act as a point of contact and exchange of information with the Turkish and European Governments, EU institutions and other governmental and non-governmental organisations involved in the Turkish EU accession process and the peaceful resolution of the Kurdish issue in Turkey.

For more details, please visit www.eutcc.org

TOP RIGHT: EUTCC conference organisers: (left to right) Nazmi Gür, Hans Branscheidt, Kariane Westrheim, Kerim Yildiz, Şehnaz Turan, Rachel Bernu, Mark Muller; MIDDLE RIGHT: Joost Lagendijk, co-chairman of the Turkey-EU Joint Parliamentary Committee; LOWER RIGHT: Kerim Yildiz and Osman Baydemir



Saddam Hussein trial and verdict roundly criticised

The trial of Saddam Hussein and seven others in the Iraqi High Tribunal for Crimes against Humanity (IHT) concluded on 5 November with the sentencing of Saddam and two other defendants to death by hanging. Four defendants were sentenced to prison terms of 15 years to life. One further defendant was acquitted.

The trial concerned the aftermath of an attempt on then-President Saddam Hussein's life in the town of Dujail on 8 July 1982. The defendants were accused of organising a revenge attack on the town's population, resulting in the detention, displacement and torture of hundreds, and the execution of over 100 men and boys in 1985 following a summary trial in 1984.

KHRP is concerned to learn of grave shortcomings in the conduct of the trial, as reported by international organisations observing the proceedings. These shortcomings include undue interference from Iraqi government circles, lapses in judicial demeanour revealing a lack of impartiality, failure to disclose exculpatory evidence, and failure to grant the defendants' right to face witnesses against them. Furthermore, as the conduct of the trial has shown, the tribunal failed to prepare sufficiently for the protection of victims, witnesses and lawyers, thus compromising the integrity and security of the trial and leading to frequent disruption of the proceedings.

KHRP is opposed to the death penalty as a contravention of basic international human rights standards such as the right to life and humane treatment. It is particularly concerned that the IHT, in allowing its first case to result in the passing of a death sentence despite the numerous shortcomings of the trial, will set a damaging precedent and harm the perceived integrity and impartiality of the IHT in its infancy.

KHRP is furthermore concerned that the trial's verdict, if upheld at appeal, will result in the execution of Saddam Hussein before the conclusion of the Anfal campaign trial which commenced on 21 August 2006. Were this to happen, the Kurdish victims of Saddam Hussein's regime would be deprived of judicial redress for the crimes committed against them, and the full truth of what led to the planning and execution of this devastating and sustained attack on Iraq's Kurdish population may never fully be known.

Last defendant in Şemdinli case charged

Veysel Ateş, former PKK member-turned-state-informant, was handed a prison sentence of 36 years 10 months and 27 days on 10 November 2006 for "being member of criminal organisation, attempting to kill people, deliberately killing people and causing injury". The sentence was related to his involvement, along with that of the non-commissioned officers Ali Kaya and Özcan İldeniz, in the Şemdinli bombing of 9th of November last year. His case was concluded by Van Heavy Penalty Court number 3. On 19 June 2006 Veysel Ateş' case was separated from that of Ali Kaya and Ozcan İldeniz, who were sentenced to 39 years 5 months 10 days each. Both non-commissioned military officers later appealed the court's verdict and the case is still pending before the Appeal Court. Details of the first Şemdinli bombing trial, which KHRP observed, can be found in the KHRP report 'Promoting Conflict-The Şemdinli Bombing'. For more details or to order a copy please email khrrp@khrrp.org or phone 0207 405 3835.

Dispatches

MAYOR FROM SURIÇI AND FELLOW PARTY MEMBERS EXCHANGE VIEWS AT KHRP



Left-to-right: Alattin Erdoğan, Abdullah Demirbaş and Ferrah Diba Ergül

On 21 November, KHRP welcomed members of Turkey's Democratic Society Party (DTP). The delegation included Abdullah Demirbaş, Mayor of the province of Suriçi in Diyarbakır; Alattin Erdoğan, Executive Committee member, and Party member Ferrah Diba Ergül. Two members of the delegation have been prosecuted by the Turkish authorities under Article 301 of the new Turkish Penal Code. Ferrah Diba Ergül was prosecuted for greeting a predominantly Kurdish crowd in Kurdish while Mayor Demirbaş was indicted after writing an academic paper advocating that local government authorities be conducted in Kurdish, Arabic and Assyrian, alongside Turkish.

FOREIGN OFFICE HOSTS MEETING – 'WOMEN'S HUMAN RIGHTS IN IRAQ'



Margaret Owen (centre), pictured with participants at a KHRP training session in Diyarbakır in 2005.

KHRP women and children's rights advisor, barrister Margaret Owen, attended a thematic roundtable meeting hosted by the UK Foreign and Commonwealth Office (FCO). The meeting was focused on women's human rights in Iraq and was attended by members of the Iraqi Women's Group, Women's National Congress, Article 19, Christian Aid, Minority Rights Group International, Women Under Islamic Law, as well as MPs and representatives of the FCO and the UK Department for International Development. Attendees discussed women's human rights under the new Iraqi Constitution in light of the very small proportion of the Drafting Committee being female and the difficulties faced by women who do manage to reach high-level positions in Iraq's political system.

Mixed reactions in Turkey to PKK Ceasefire

On 2 October Gen. Yaşar Büyükanıt, the new chief of military staff, said Turkish armed forces would never recognise the recent declaration of a ceasefire by the PKK (Kurdistan Workers Party). The declaration followed an appeal by jailed PKK leader Abdullah Öcalan for a ceasefire to lay the ground for 'a diplomatic dialogue' in the 22-year Kurdish conflict.

Büyükanıt called on the group instead to lay down arms and surrender. 'There is mention of ... a cease-fire as though there were two countries at war,' Büyükanıt said in a speech at the Turkish War Academy in Istanbul. 'The Turkish Armed Forces have said that they will fight on until not a single armed terrorist is left.' Büyükanıt reiterated; 'There has been no change in that position, nor will there ever be.' 'The only way out for the terrorist organization is to lay down arms unconditionally and to give themselves up to the Turkish justice system,' Büyükanıt said.

Prime Minister Recep Tayyip Erdoğan, though equally disapproving of the use of the term 'cease-fire' in relation to the PKK, was slower to reject the announcement out of hand, commenting 'This is about laying down arms. We will see how sincere the terrorist group is.'

It seems that Gen. Büyükanıt's statements were very

much designed for a military audience. Turkish Daily News reported that following a meeting with Erdoğan, the general 'was of the opinion that if the PKK sticks to its promise, unnecessary operations would not be carried out' and that 'there should be an environment of peace and confidence'.

These mixed messages and reactions seem to highlight the struggle currently taking place within the Turkish state between the government and military over reform, EU accession and their implications for the Kurdish question.

The European Union's foreign policy chief Javier Solana welcomed the ceasefire and said he hoped the PKK would stick to a pledge to abandon violence. 'I really was very happy when I saw the declaration of the PKK that said they were going to abandon violence,' he told the European Parliament.

Zübeyir Aydar, head of a political wing of the PKK, said at a meeting in Metz, France, that the cease-fire was declared to give a chance for a political solution, Firat News Agency reported. 'This opportunity must be evaluated carefully by everyone so that there is no more suffering,' Aydar was quoted as saying.

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First ever Cross-Border Training and Partner Meeting

and Turkey expert, Jonathan Sugden addressing topics such as human rights defenders, human rights and counter-terrorism and Internally Displaced Persons.

Delegates included representatives of civil society organisations, NGOs and Bar Associations in Iraq,

Turkey and Armenia, some of whom are KHRP Partner organisations. From the Civil Development Organisation in Iraqı Kurdistan, Sartep Ali and Atta Muhammed; Arayik Ghazaryan from the Forum Law Center in Armenia; Şefika Gürbüz, Chair of Göç-Der (Association for Internally Displaced People); Sezgin Tanrıku from Diyarbakır Bar Association; Zozan Özgökçe, founding mem-

ber of VAKAD (Van Women's Association) and Özcan Kılıç, founding member of TOHAV (Foundation for Social and Legal Studies). A reception was held to celebrate the training on 23 November. It was attended by the training delegates as well as councilors, lawyers, human rights advocates and representatives of civil society organisations.

KHRP used the opportu-

nity presented by the visit of delegates in London to carry out a meeting with Partner organisations. This was an important chance to discuss strategy and hear, from the perspective of Partners who are based in the regions, what aspect of KHRP's work they perceive to be most needed. The meeting also looked at what KHRP can provide to support the work of its Partners in the regions.

BELOW LEFT: Şefika Gürbüz, Chair of Göç-Der (Association for Internally Displaced People); BELOW RIGHT: Zeina Al-Talhouni, Atta Muhammed & Sartep Ali at the Cross Border Training Reception, 23 November



French Assembly passes an Armenian Genocide denial bill

On 12 October the French lower house passed a bill making it a crime to deny that the Armenians suffered genocide under the Ottoman Turks during the First World War. Though the bill is unlikely to be considered by the Senate to become law, it has sparked anger in Turkey, where many believe it is being used to encourage opposition to Turkish entry into the EU.

The bill, proposed by the minority Socialists in the French Assembly does not have the official backing of the ruling UMP party, but many within the UMP have shown their support for the bill. Opposition to the bill also crosses the party divide. Jack Lang, a veteran Socialist MP has come out against the bill seeing it as a cynical attempt 'to get the electoral support of the Armenian community' in the run-up to the French presidential election. Prime Minister Dominique de Villepin has also criticised the bill as damaging to France's economic ties with Turkey.

Turkey has consistently denied that genocide took place against the Armenians in 1915, arguing that large numbers of Turks, Armenians and Russians died as a result of the conflict between the Russian and Ottoman empires in the First World War.

Iranian bloggers honoured by Reporters Without Borders

Reporters Without Borders has awarded two Iranians a joint prize for the best blog in defence of freedom of expression, as part of an international blog competition. Awarding the prize to 'Kosoof' and Hamed Motaghi, the worldwide press freedom organisation said the two fought for free expression in a country which flagrantly censors the internet and imprisons internet users who criticise the government too openly.

The Iranian government has in the past tightly controlled the traditional media and has blocked access to websites which displease it. This was the case in relation to Arash Sigarchi, an Iranian blogger, currently imprisoned for the online articles he wrote and interviews which he gave to local radio stations. The work of these two bloggers, who get independent information into circulation in the country, is therefore 'particularly important', Reporters without borders said. 'We want to pay tribute to all Iranian internet-users who fight against censorship. Because they know that in their country, as in other countries which are "enemies of the internet", expressing oneself too freely on a blog can lead to prison'.

Dispatches

KHRP AWARDED FUNDING BY IRISH DEPARTMENT OF FOREIGN AFFAIRS

KHRP was delighted to hear that it has been awarded a 3-year grant from the Irish Department of Foreign Affairs. The support will go towards helping the survivors of human rights abuse including torture, internal displacement and censorship in the Kurdish regions. Through litigation, public awareness activities, regional trainings for advocates, as well as fact-finding and trial observation missions, the Kurdish Human Rights Project aims to ensure that victims of past or current human rights violations get legal redress, and to ultimately reduce the number of people falling victim to human rights abuse in the future.

COUNCIL OF EUROPE TO FUND KHRP RESEARCH ON THE RISING SUICIDE RATES AMONGST KURDISH WOMEN

After receiving a call for proposals from the Council of Europe, KHRP was awarded a grant to research the reasons behind the escalating rate of suicide amongst Kurdish women in Turkey and Iraq. KHRP women and children's rights advisor Margaret Owen will lead the team and carry it out in conjunction with KHRP legal team members and several women's NGOs in the Kurdish regions. KHRP believes that by studying such a serious problem, targeted solutions and strategies aimed at reducing the high number can be devised.

KHRP WELCOMES NEW STAFF AND BOARD MEMBER



Rebecca Sammut and Walter Jayawardene. Tertia Bailey not pictured.

KHRP finishes 2006 with the addition of two new staff members and one new Board member to the organisation. We would like to warmly welcome Rebecca Sammut, our new Development and Outreach Assistant, and Walter Jayawardene, our new Resources and Communications Co-ordinator. We would also like to welcome Tertia Bailey as the newest member of the KHRP Board.

Dispatches

AZERBAIJAN IGNORES UN IN CASE OF KURDISH REFUGEE

Azerbaijan has extradited a Kurdish refugee despite repeated interventions on her behalf to the Government of Azerbaijan by the UN High Commissioner for Refugees (UNHCR) and the Government of Germany. Elif Pelit, who had been granted refugee status in Germany in 1999, was held in detention in Azerbaijan for illegal entry. KHRP legal department had written several times to the UNHCR expressing deep concern at the possibility of her forced extradition to Turkey. She was forcibly returned to Turkey on 13 October 2006 by the Azerbaijani authorities. The UNHCR considers her forced return to Turkey to be contrary to Azerbaijan's obligations under the 1951 UN refugee convention and a clear violation of the principle of *non-refoulement*. This principle of customary international law prohibits states from returning a refugee or asylum seeker to territories where there is a risk that his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion.

KHRP CHAIR SHORT LISTED FOR LIBERTY'S HUMAN RIGHTS AWARD.

KHRP's Chairman, Mark Muller QC, has recently been nominated for Human Rights Lawyer of the Year at the upcoming Liberty Human Rights Awards 'for his tireless work in promoting and protecting human rights and his commitment to fighting against the excesses of "the war on terror"'. KHRP would like to congratulate Mark on this achievement; we are delighted about this recognition of his hard work and dedication in the human rights field.

The results will be released at the award ceremony on 12 December 2006.



KHRP Chairman Mark Muller

SPREADING THE WORD

Over the past three months, KHRP has been busy raising awareness of various human rights issues facing the Kurdish regions and the Kurdish Diaspora.

12 October:

Countries Co-ordinator, Mustafa Gündoğdu, travelled to Scotland to speak about the situation of Kurds in Europe at the Document 4 International Human Rights Festival.

8 November

Deputy Director, Rachel Bernu spoke about the European Commission's 2006 report on Turkey's progress towards accession

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Human Rights Association lawyer sentenced

KHRP received news on 29 November that Mr. Selahattin Demirtaş, a human rights lawyer and Chairman of the Diyarbakır Human Rights Association, has been sentenced to a total of 30 months in prison by the 4th and 5th Heavy Penal Courts on the basis of a complaint filed by the Diyarbakır Security Directorate. This followed public statements made by Mr. Demirtaş in the summer of 2005 in support of a peaceful negotiated solution to the Kurdish issue, including discussions with Abdullah Öcalan.

He was convicted for violation of Article 220/8 of the Turkish Penal Code, which states 'those who do propaganda for an illegal organisation or for its aims in published writings or through media channels are sentenced to 18 months to 4.5 years imprisonment with hard labour'.

An appeal has already been lodged against the conviction, the result of which should emerge from the Supreme Court within six months.

It is unclear as to how advocating a peaceful resolution of conflict can be interpreted as 'propaganda for an illegal organisation', and it seems that the conviction is in violation of Turkey's commitments regarding freedom of expression, in particular the International Covenant on Civil and Political Rights (article 19.1 and 19.2), as well article 10 of the European Convention on Human Rights and article 9.1 of the Document of the Copenhagen Meeting of the Conference of the Human Dimension of the Conference for Security and Cooperation in Europe (CSCE), which all provide the right for everyone to "freedom of expression" including the freedom to receive and impart information and ideas, without interference by public authority and regardless of frontiers.

Mr. Demirtaş has long been outspoken in favour of human rights, peace and democracy. He has, in fact, fallen foul of Turkey's curtailments on freedom of speech many times in the past, 14 cases having been brought against him in the past several years alone.

KHRP laying groundwork for Regional Office

After serious deliberation and consultation with our regional partners, KHRP has decided to move ahead with plans to open a regional office in Diyarbakır. 'This office will be a test of Turkey's commitment to freedom of expression and freedom of association for all of its citizens. Furthermore, it will better serve the needs of all advocates working in the Kurdish regions', stated KHRP Executive Director Kerim Yıldız. KHRP plans to work with its local partners, hold trainings for advocates across the Kurdish regions, as well as develop and disseminate public awareness materials about what human rights are and how to ensure them using international human rights mechanisms. Several governments in the international community, including EU member states, have expressed their support for this bold move. The office will have a consistent international presence, with lawyers and other advocates from KHRP's London office, but will be run on a day-to-day basis with and by Turkish citizens.

KHRP discusses misuse of headscarf ban in Turkey

KHRP and prominent members of its legal team met with leading Turkish lawyers to discuss potential legal and other challenges to the headscarf ban currently in place in Turkey. KHRP is concerned that headscarf wearers are facing discrimination not only within their public roles but now within their private lives: the ban has been extended to civilians who enter municipal buildings, lawyers and civilians who enter law courts, and civil servants, whilst teachers wearing headscarves outside of their school duties are being denied promotion and/or removed from office. Further, in a more recent development, students who have made efforts to comply with the laws banning headscarves within universities and instead wear wigs to respect their own religious beliefs are being denied entrance to class. KHRP considers that these instances of discrimination are a dangerous extension of the European Court of Human Rights' controversial judgment in *Leyla Sahin v Turkey* (Application No 44774/98), which held that Turkey did not contravene Article 9 of the European Convention of Human Rights in preventing a university student from attending university because she refused to remove her headscarf.

Council of Europe calls upon KHRP expertise in discussion of human rights defenders

Lucy Claridge, KHRP Legal Officer, travelled to Strasbourg to participate in a discussion of the situation faced by human rights defenders (HRDs). The meeting, which was held on 16 and 17 November, was attended by around 90 representatives of NGOs, the Organisation for Security and Co-operation (OSCE), the EU and various Council of Europe (COE) bodies concerned with human rights. Human Rights Commissioner Thomas Hammarberg also attended the meeting; in Febru-

ary 2007 he will travel to south-east Turkey to investigate the situation of Kurds and spoke to KHRP about providing feedback on this visit. In addition to discussions, workshops were held on how to define HRDs and how to protect them. The meeting culminated in a COE mandate to protect HRDs.

To view the Commissioner's statement on human rights defenders, please see: http://www.coe.int/t/commissioner/Viewpoints/061113_en.asp

Dispatches

SPREADING THE WORD

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and compliance with criteria in an interview ahead of the launch of the new international media channel, Al-Jazeera English.

8 November

KHRP contributed to a programme for BBC World Service concerning the Anfal campaign perpetrated by Saddam Hussein's regime against Kurds in 1988. The broadcast aimed to give listeners who have heard of the campaign, but know little about it, a basic handle on the facts.

14 November

KHRP interns Zeina Al-Talhouni, Esra Turk and James Brenchley represented the organisation at a volunteering fair held at the School of Oriental and African Studies in Russell Square in London. They distributed literature about internships with KHRP and answered questions regarding the nature of work carried out by interns.

15 November

KHRP's development and fundraising department met with a representative of the Finnish Ministry of Foreign Affairs in our London offices. It was an opportunity to update them on KHRP work, news from the regions and to discuss plans for next year.

16 November

KHRP Deputy Director, Rachel Bernu, travelled to The Hague to meet with the Dutch government's Department for Foreign Affairs, including the Turkey Desk Officer. It was an information exchange on the progress made and obstacles still present in Turkey's accession to the EU.

17 November

Executive Director, Kerim Yildiz, addressed representatives of NGOs and experts concerned with migrant issues at a conference held in London. The meeting, entitled 'Migrant Voices Learning Tour,' aimed to discuss the specific problems faced by migrants and establish best practice strategies in empowering the migrant voice. Yildiz spoke about KHRP's role in migrant issues which is aimed at strengthening indigenous, regional capability in order to ameliorate conditions in the Kurdish regions, and to some extent in the long-term, mitigating the need for migration on human rights grounds. The speech is now available online at www.khrp.org

Year closes with two more KHRP wins for justice at ECtHR

On 9 November 2006, the European Court of Human Rights (ECtHR) issued a judgment in the KHRP case of journalist Koray Düzgören. The Court upheld the applicant's complaints of violations of Articles 6(1) and 10. The case concerns the publication and distribution of a leaflet entitled "Freedom to think- an initiative against the crime of thought", in regards to the conscientious objector, Mr O.M.U. Düzgören was accused of inciting others to evade military service and on 9 March 1999 the General Staff Court in Ankara convicted him as charged and sentenced him to two months imprisonment and a fine. The Turkish court based its decision on Articles 25 and 26 of the Constitution, Article 10(2) of the European Convention of Human Rights and Article 29(2) of the Universal Declaration of Human Rights, stating that freedom of expression and the free dissemination of ideas was not an absolute right. Thus the arrest of the applicant was aimed at eliminating threats to the unity of the country, national security and sovereignty. The Turkish court claimed that this case fell in scope with Article 155 of the Criminal Code, which outlaws the criticism of military service and falls in accordance with international law.

After examining the leaflet the ECtHR considered that although the words of the article signified hostility to military service, they did not encourage violence, armed resistance or insurrection and do not constitute hate speech. The leaflet also did not seek, either in its form or in its content, to precipitate immediate desertion. Therefore, the ECtHR found that there was no sufficient ground to justify the interference with the freedom of expression. The Court held that the conviction and sentence were disproportionate to the aims pursued and therefore not "necessary in a democratic society".

On 31 October 2006, the European Court of Human Rights held unanimously that there had been a violation

of Article 6(1) (right to a fair trial) of the European Convention in KHRP's case *Fikret Karaoğlan v Turkey*. Mr Karaoğlan, a Turkish national who now lives in Belgium, was arrested on 20 March 1998 and taken into custody by police officers at the Diyarbakır Security Directorate on suspicion of involvement in the activities of an illegal organisation. After being released pending trial on 22 March 1998 at the Diyarbakır State Security Court, on 15 December 1998

the applicant was convicted as charged and sentenced to twelve years and six months imprisonment at the İzmir State Security Court. After a judgement by the Court of Cassation on 1 July 1999 upholding the prior decision, the applicant fled to Belgium and made a successful asylum application. The applicant brought a case to the ECtHR claiming that he had been denied a fair hearing by an independent and impartial tribunal on account of the presence of a military judge sitting on the bench of the İzmir State Security Court which tried and convicted him.



ABOVE: Koray Düzgören at KHRP Cross-Border Training reception, November 2006

KHRP represents political dissident in Armenia at the ECtHR

KHRP is representing a political dissident, Artak Zeynalyan, before the European Court of Human Rights against the Republic of Armenia. The case concerns the unlawful deprivation of the Applicant's right to access a copy of the Republic of Armenia Voters' Register during the November 2005 Constitutional Referendum and raises concerns under Articles 6, 10 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Mr Zeynalyan has been a member of the Political Council of the opposition party "Republic" Political

Party (RPP) since its establishment in 2001. He was appointed to act as a domestic monitor to the Referendum of Amendments in the Constitution of Armenia on 27 November 2005. In December 2005, he applied to the Central Election Commission and requested an electronic copy of the Republic of Armenia Voters' Register on the basis of which the Referendum of 27 November 2005 was conducted. His request was refused and, despite making various applications to the domestic courts since, he has not yet received the information he had requested.

KHRP Chair and Executive Director address conference on the Kurds

The conference, entitled 'Political and Human Rights Dimensions of the Kurdish Question', was held at the University of Melbourne, Australia on 3 October 2006. It was organised by the Kurdish Association of Victoria and supported by Asialink (The University of Melbourne) and Federation of Community Legal Centres, Victoria.

This conference

brought together politicians, academics, human rights advocates and lawyers, discussing various aspects of the Kurdish question and Australia's position toward it, from different perspectives, and with a particular focus on the Kurdish problem in Turkey.

Kerim Yildiz, KHRP Executive Director, and KHRP Chair Mark Muller QC delivered keynote speeches.

Yildiz spoke about the Kurds in Turkey, discussing the current human rights situation in the region, Turkey's international human rights obligations, and the impact of the EU accession process. Mark Muller's speech focused on the European Human Rights Court, the trial of Kurdish Leader Abdullah Öcalan and its impact on the Kurdish Question.



ABOVE: Left to right: Kerim Yildiz, Necla Dag of the Kurdish Association of Victoria, and Mark Muller

KHRP End of Year Appeal

As 2006 draws to a close KHRP has launched its annual End of Year Appeal to ensure our crucial work can continue into 2007 and beyond. With a 90% success rate at the European Court of Human Rights, over the past 14 years KHRP has worked tirelessly to challenge the appalling human rights violations taking place in the Kurdish regions. During this year alone we have represented more than 98 survivors of abuse through our ongoing case work. Five cases were successfully concluded this year, securing justice and recompense for 19 of those represented. Please help us to continue to challenge the deliberate & systematic discrimination against Kurds & other disadvantaged minorities living in the Kurdish regions, **lending support to the advancement of human rights on a global level.**

A closer look at your contribution...

£10 – cost per page to translate a KHRP publication from English into a local language (e.g. Sorani or Kurmanji)

£25 - cost of a visa to send a KHRP representative to undertake a fact-finding mission in Iraq

£50 – cost of domestic flight to send a lawyer from Istanbul to Diyarbakır to take witness statements & gather crucial evidence in Turkey

£100 – cost of venue hire for a 1-day capacity-building training seminar in Iran

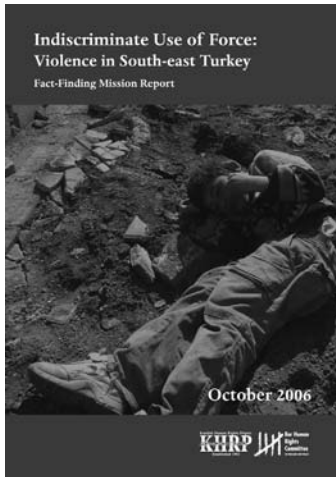
£150 - daily cost of an interpreter during a trial observation in Turkey

£250 – to help co-ordinate a 5-day fact-finding mission to Armenia

10 Easy Ways to Make a Difference

1. Give regularly – become a Friend of KHRP – your ongoing support is vitally important. It allows us to plan with confidence for the future to both provide immediate relief to survivors, but also challenge its long-term underlying causes;
2. Give now – make a difference with a one-off donation today. Your support will go a long way - from helping us bring a new case of torture to the European Court, conducting a women's rights training for in-country lawyers, to undertaking fact-finding & trial observations missions to find out more about, & lend international support to those repeatedly persecuted;
3. Advise us of the names of contacts at private or government trusts, & other grant-making bodies;
4. Nominate KHRP for funds from trusts/ companies that do not accept unsolicited nominations &/ or for inclusion in your employers' Payroll Giving scheme – by deducting donations before tax, payroll giving costs donors less to give more (E.g. an employee's £10 donation will only cost a basic tax rate payer £7.80).
5. Help coordinate speaking engagements/ KHRP participation in important human rights events;
6. Make your friends in the media & more widely, aware of our work; please download the A4 KHRP flyer from our website;
7. Volunteer at KHRP offices;
8. Set Everyclick as your home page – help raise free money for KHRP while you search the web;
9. Generate income by shopping online - from Amazon.co.uk, Expedia.co.uk, JohnLewis.com, or a plethora of popular shopping sites by using either buy.at or Everyclick. KHRP benefits from every purchase (as long as you adjust your internet security settings to 'medium' to enable cookies);
10. Sell items on Ebay - donating a % of the income to KHRP.

A donation form is available on the back page of this issue.



Indiscriminate Use of Force: Violence in South-east Turkey – Fact-Finding Mission Report

On 24 March 2006, fourteen Kurdistan Workers’ Party (PKK) armed combatants were killed in the mountains outside Diyarbakır by the Turkish army. Thousands of people attended the funerals. Although they passed peacefully, some funeral-goers threw stones and rocks when passing a police station. The police responded with tear gas, water cannons, batons and firearms, apparently indiscriminately. The security thereafter deteriorated and Special Forces were deployed. Violence rapidly spread to other Kurdish cities; many were killed, including children, and hundreds more were injured. Three people were killed when a bomb was thrown at a bus in Istanbul in protest at the violence in the south-east. Hundreds of people were detained, many of them illegally, including many children, facing a real risk of torture or inhuman treatment.

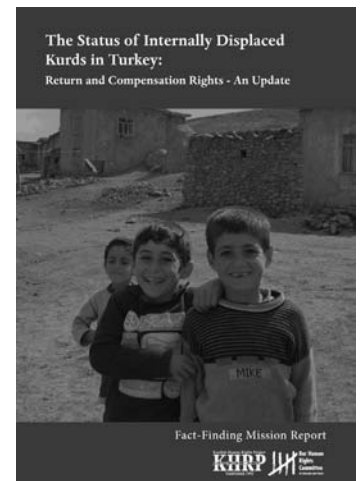
KHRP mission members, Michael Ivers and Brenda Campbell, visited the region between 19 and 24 April in order to monitor and document the situation on the ground. They spoke with witnesses of the violence and local human rights organisations. This report documents the mission’s findings.

Publication available for 10 GBP from khrp@khrp.org or +44 (0) 207 405 3835 – ISBN 1 900175983

The Status of Internally Displaced Kurds in Turkey : Return and Compensation Rights – An Update

KHRP recently returned from Turkey where it gathered evidence on the situation and status of internally displaced persons (IDPs) in Turkey. The mission was carried out by KHRP Legal Officer, Lucy Claridge and Legal Team member, barrister Catriona Vine to investigate state policy and practise regarding measures to provide redress to persons displaced during the armed conflict in east and south-east Turkey in the 1980s and 1990s. The mission discovered severe failings in the legislative mechanisms designed to deal fairly with IDPs and their claims for compensation. Without essential reforms to ameliorate the legal provisions available to displaced persons, this already marginalised group may never receive a just solution to their plight.

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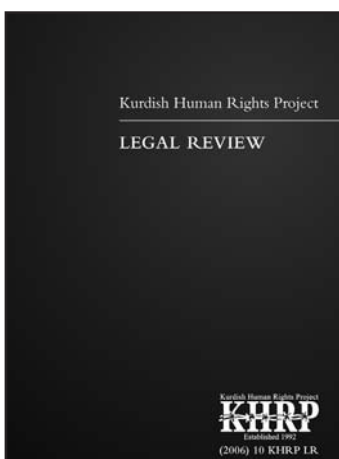
KHRP Legal Review 10

This is the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, this edition covers the period from June to November 2006, including summaries and analysis of the most significant decisions of the ECtHR.

Uniquely, this journal covers new cases that have not yet reached any judicial decision, but nonetheless provide invaluable updates of the most recent allegations of human rights violations to be submitted to international courts and mechanisms.

This edition features news and updates on all the Kurdish regions, as well as newly communicated cases and admissibility decisions and judgments of the ECtHR and the UN. The journal is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan.

ISSN 1748-0639 £8.00+ £2.00 (P+P) or available from www.khrp.org





Kurdish Human Rights Project responds to the European Commission's 2006 Progress Report on Turkey's Accession Bid

This recent paper describes KHRP's response to the European Commission's 2006 Report on Turkey's progress towards accession. In this response, KHRP welcomes the Commission's decision to explicitly name the 'Kurdish Issue', and to point to a recent slowdown in the reform process in Turkey. It does, however, find that the Commission's criticism does not go far enough in relaying the potential impact this slowdown is having on the accession process. Furthermore, while KHRP welcomes the Commission's assessment that serious concerns remain in relation to freedom of expression in Turkey, it also seeks to bring to the Commission's attention that problems also remain in relation to language rights, freedom of the press and political parties, along with the implementation of policies on internally displaced persons, detainment and torture.

To obtain a hard copy of this paper, please contact the KHRP at khrp@khrp.org or request a copy by telephone at +44 20 7405 3835. It is also available to download at www.khrp.org

Refusing Refuge: Investigating the Treatment of Refugees in Turkey

In July 2006, Kurdish Human Rights Project carried out a fact-finding mission to Van and Ankara in Turkey. It discovered worrying trends concerning the situation of refugees and asylum seekers. KHRP is concerned about the welfare of these marginalised and vulnerable people. Of particular concern are twelve hundred Iranian citizens of Kurdish origin currently stranded in Turkey with no access to social provisions or the option of resettlement in a third country.

The mission established serious shortcomings in the legal framework in place to address the problems faced by refugees. If Turkey is to institute the necessary mechanisms to remedy the situation of refugees, the mission recommends a series of reforms which conform to international standards.

Publication available from January for 10 GBP from khrp@khrp.org or +44 (0) 207 405 3835

The Kurds in Turkey – EU Accession and Human Rights (Suomi)

The Kurds in Turkey – EU Accession and Human Rights, 2005, written by KHRP Executive Director, Kerim Yildiz, has now been published in Suomi by Helsinki-based publishing house, Like. For more details, or to obtain a copy of this publication, please contact Rauhanpuolustajat & Like www.like.fi or www.rauhanpuolustajat.fi. ISBN 952-471-811-1

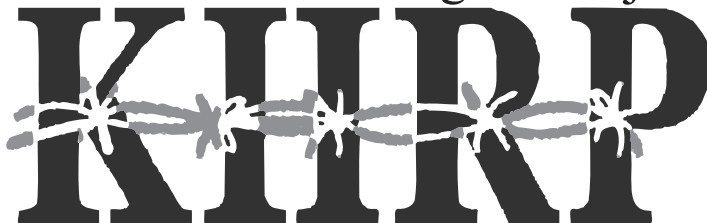
KHRP hope to make copies of 'The Kurds in Iran' and 'The Kurds in Iraq, Second Edition' by Kerim Yildiz (both Pluto Press) available early in 2007.



CALL FOR NEW BOARD MEMBERS

KHRP are currently looking to increase their Board, and are looking in particular for people with experience in finance, communications, fundraising and medicine. For more information about KHRP's activities or on how to become a Board member, please contact Anna Irvin at airvin@khrp.org

Kurdish Human Rights Project



Established 1992

Project Information

THE ORGANISATION

The KHRP is a non-political, independent human rights organisation, founded in December 1992 and based in London. Its founding members include human rights lawyers, barristers, academics and doctors.

The Project is registered as a company limited by guarantee (company number 2922108) and is also a registered charity (charity number 1037236).

The KHRP is committed to the protection of the human rights of all persons within the Kurdish regions of Turkey, Iran, Iraq, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion.

investigations and producing reports on the human rights situation of the Kurds in Turkey, Iran, Iraq, Syria and elsewhere by sending trial observers and fact-finding missions.

- Using reports to promote awareness of the plight of the Kurds on the part of the committees established under human rights treaties to monitor the compliance of states.
- Using the reports to promote awareness of the plight of the Kurds on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, the national parliamentary bodies and inter-governmental organisations including the United Nations.
- Liaising with other independent human rights organisations working in the same field, and co-operating with lawyers, journalists and others concerned with human rights.
- Offering assistance to indigenous human rights groups and lawyers in the form of advice, training and seminars in international human rights mechanisms.
- Assisting individuals in the bringing of human rights cases before the European Court of Human Rights.

Aims

- To promote awareness of the situation of Kurds in Turkey, Iran, Iraq, Syria and elsewhere.
- To bring an end to the violation of the rights of the Kurds in these countries.
- To promote the protection of the human rights of the Kurdish people everywhere.

Methods

- Monitoring legislation, including emergency legislation, and its application.
- Conducting

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www.khrp.org

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Email: khrp@khrp.org

Calendar of Events

December:

- KHRP to attend the Liberty Human Rights Awards on 12 December where KHRP Chair Mark Muller QC has been nominated for Human Rights Lawyer of the Year.
- From 8 to 14 December the Fourth London Kurdish Film Festival is taking place in East London's Rio Cinema.
- KHRP is conducting a Fact finding mission to Dohuk, Erbil and Sulemanya in Iraqi Kurdistan.
- The KHRP offices will be closed for Christmas from 23 December to 1 January inclusive.

January 2007 onwards:

- Planned opening of KHRP regional office in Diyarbakir.
- KHRP and Forum planning a training event on the protection of human rights defenders and advocates in Armenia.
- 'The Kurds of Iraq, Second Edition' and 'The Kurds of Iran', by KHRP Executive Director Kerim Yildiz due for release by Pluto Press.