



# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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## Turkey: Concerns Over March Towards EU Accession

**Turkey is moving towards the commencement of formal EU accession negotiations, despite serious doubts over her fulfilment of the political elements of the Copenhagen Criteria. A European Commission report on Turkey's progress towards accession highlights concerns over her failure to implement adequate reforms securing respect for the rule**

**of law and human rights.**

KHRP is broadly supportive of Turkey's eventual accession to the EU, believing this to be a constructive force for change which should ultimately improve the protection of human rights. However, KHRP is deeply concerned that premature accession, before Turkey's pre-accession obligations are adequately fulfilled, threatens to endow the Turk-

ish government with undue legitimacy while human rights violations continue in defiance of international standards.

The European Commission Report, presented on 6 October, rightly endorses reforms passed by Turkey in recent months in order to meet the political elements of the Copenhagen Criteria necessary to commence accession negotiations.

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## New Charter Promotes Rights of Kurdish Women



The 'Charter for the Rights of Women in the Kurdish Regions and Diaspora' was launched first at the House of Lords in London (above left) and at the Kurdistan National Assembly in Erbil (above right) in June/ July 2004

**The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora, launched in the House of Lords in June, is being promoted through the Kurdish regions and the diaspora in order to press for the enforcement of Kurdish women's human rights.**

Women in the Kurdish regions and the diaspora face discrimination both as women

and as Kurds, compounding the problems that they face in seeking to secure equality and rights. Kurdish women witness the devastating effects of armed conflict, military attacks and economic embargoes, as well as experiencing gender-based violence, inhumane traditional practices and exclusion from public life.

Kurdish women have responded by striving to achieve

a fundamental transformation in their lives and the way that they are treated.

Produced by KHRP and the Kurdish Women's Project, the Kurdish Women's Charter is available in English, Kurmanji, Sorani and Arabic, and gives voice to the specific concerns of Kurdish women in recognition of the particular problems that they face in Kurdish society.

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### Director's Letter



Dear Friends,

The coming months are likely to herald momentous change for Turkey's Kurdish population, as she moves ever-closer towards commencing formal accession negotiations with the EU. With the approach of the December summit in which Turkey's fate will be decided, it is difficult to deny indications that Turkey's geopolitical importance as an ally of the West will weigh heavily over other considerations when deciding whether or not pre-accession criteria are fulfilled.

For the Kurds of Turkey, who have suffered decades of repression and attempts to destroy their identity, EU accession offers hope that Turkey will be compelled to conform to EU standards on human rights and the rule of law. We hope that the plight of the Kurds will not be forgotten in Brussels; the latest European Commission report on Turkey's progress fails substantially to address the Kurdish issue.

Meanwhile, gradual progress continues to be made in Iraqi Kurdistan, and we remain hopeful that a democratic and federal Iraq

*continued on page 2*

will emerge, heralding a new era for the protection of human rights throughout the Middle East.

However, the failings of the Iraqi Property Commission to bring relief to the tens of thousands of displaced Kurds now living in dire conditions across the north of the country is of concern, as is the instability in the disputed territory of Kirkuk.

At KHRP we are continuing our litigation and training in the Kurdish regions to bring justice to victims of human rights and to empower lawyers and human rights defenders there. The European Court of Human Rights has continued to document serious violations of human rights in recent KHRP cases, including violations of the right to life. Since the publication of the last edition of newslines, we have conducted a number of fact-finding missions and trial observations, providing us with up-to-date information on the situation on the ground in the Kurdish regions.

Currently, we have a particular focus on promoting the rights of women in the Kurdish regions and the diaspora, and have concentrated efforts on disseminating the message of the new Kurdish Women's Charter. Kurdish women suffer multiple discrimination, being targeted both as women and as Kurds, and horrific crimes perpetrated against Kurdish women such as honour killings, domestic violence and sexual abuse have gone unpunished for too long.

Finally, we wish to thank you all for your ongoing support of our work

**Kerim Yildiz**

**Executive Director**

**September 2004**

However, the report also identifies flaws in Turkey's progress to date, as well as remarking that implementation of the reforms has been uneven. KHRP has long been active in drawing attention to the gaps in Turkey's reform programme, and her pronounced failure to implement change on the ground.

The Commission report expresses concern over remaining restrictions on Kurdish cultural rights, and refers to the situation of Turkey's large numbers of Internally Displaced Persons as 'critical'. Dissatisfaction is expressed at continued discrimination and violence against women. With specific reference to Turkey's southeast, the need for a socio-economic development strategy and the establishment of conditions for the full enjoyment of the rights and freedoms of the Kurds is identified.

However, the Report does not go far

enough in its analysis of the Kurdish issue, and fails to adequately address many of the problems faced by the Kurds in Turkey. It is imperative that developments in Turkey's southeast continue to be closely monitored, and that attention is focused on objective reports of the human rights situation there.

In a December summit the existing 25 EU Member States will decide whether to begin formal accession negotiations with Turkey. Turkey's march towards accession appears unstoppable, but it should be remembered that the credibility of the EU will depend upon dispassionately assessing the progress of candidate countries without reference to the geopolitical strategic interests of certain EU members. Failure to comply with the Copenhagen Criteria must bar Turkey from the EU Negotiating Table.

## Turkey's Language Reforms Do Not Go Far Enough

**A Kurdish Television Station, Gun TV, has been banned from broadcasting, while the opening of the first school teaching in Kurdish is marred by continued restrictions on Kurdish teaching in state schools.**

Turkey's Kurds have endured government measures aimed at undermining and repressing their linguistic and cultural identities for decades. Use of the Kurdish language was strictly prohibited in government institutions, in courts and schools, in broadcasting, in published materials, and even in spoken conversation in public places.

As part of Turkey's reform packages, the ban on Kurdish broadcasting was relaxed by legislation passed in August 2002, and since then the state TRT station has given

short, daily broadcasts in Kurdish. However, as yet no private television station has received permission to broadcast in Kurdish. Gun TV, which is based in Diyarbakir, had been one of the first private stations to apply for permission from the Turkish government to broadcast a weekly programme in Kurdish.

Rather than receiving an endorsement of this application, however, the station was closed down. The decision, taken by the Turkish Radio and Television Supreme Council, followed the broadcast of a convention on local governance during which two politicians, speaking in Kurdish, asserted the need for recognition of the Kurdish language.

In a separate development, a school in Diyarbakir

began teaching in Kurdish on 13 September; the first time that Kurdish has been legally taught in Turkey. 180 students reportedly applied for places at the school, which is a private language institution. Two other schools are expected to start teaching Kurdish shortly, and more schools are waiting for permission.

However, while this historic step is much to be welcomed, it does not go far enough. Despite the fact that over 20% of Turkey's population is Kurdish, the Kurdish language is still not taught in state schools in Turkey. Legislation brought in by the Turkish government as part of a package of reforms aimed at securing the commencement of EU accession negotiations limited the teaching of Kurdish to private schools.

## Turkey Adopts New Penal Code

Turkey's new penal code, adopted to bring the country into line with the European acquis, has raised concern in several quarters. Focus on the much-debated provision criminalising adultery which,

to considerable relief in Brussels, was eventually dropped, has clouded analysis of undemocratic provisions which remained in the code. The controversial article 312 in Turkey's former penal code,

used widely to prosecute the legitimate exercise of free expression, has essentially been reworded in article 216 of the new code.

# Headscarf Ban in Turkish Universities Upheld by European Court of Human Rights

**The European Court of Human Rights has unanimously ruled in favour of the Turkish government in a case brought by university students affected by the ban on wearing headscarves in Turkish universities.**

In its ruling on *Leyla Sahin v Turkey*, the Court found that the ban, which results in the exclusion of thousands of women from teaching and learning in Turkey's universities, constituted a valid means of countering Islamic fundamentalism. The ban was imposed after the 1980 military coup in a bid to maintain secularism. The applicant, former medical student Leyla Sahin, was barred from taking an examination and refused admission to a class because of her headscarf.

In reaching its decision, the Strasbourg Court noted "measures taken in universities to prevent certain fundamentalist religious movements from pressuring students who do not practise the religion in question or those belonging to another religion can be justified", and found that a ban with the aim of separating church and state could be justified as "necessary in a democratic society". As such, it was not a violation of the right to freedom of religion under the ECHR.

KHRP is disappointed by the Court's decision in this case. The headscarf ban impinges heavily on the right of all women to access higher education without discrimination, and impedes academic freedom.

## KHRP Training in Turkey

As part of KHRP's Human Rights Advocacy and Training Project, a two-day KHRP training seminar in Diyarbakir in July focused on advocating women's rights using the European Court of Human Rights and utilising methods available under the Convention for the Elimination of Discrimination Against Women.

The training event was attended by 35 lawyers and human rights activists, including many women, who came from across the region. For many participants the event provided them with the first training they had received in

women's advocacy utilising international mechanisms, and it afforded a valuable opportunity to develop new networks.

A further two-day training was held in Istanbul and Diyarbakir in September on the new Protocol 14 to the European Convention on Human Rights, which has reformed procedures before the European Court of Human Rights. This training event, which was attended by 40 human rights advocates, also focused on minority rights in international conventions.

## Turkey: Kurdish Villagers Forced to Leave Homes

The Diyarbakir branch of KHRP partner organisation the Human Rights Association (IHD) has reported that Kurdish villagers have been forcibly evacuated from their homes.

In August, residents of Ilicak village in the southeastern district of Beytussebab were ordered to leave their houses by the local gendarme commander. Security reasons were cited as justification for the measure. Reports indicated that there was insufficient shelter in the settlement to which the dis-

placed persons were evacuated, and some people had to stay in nylon barracks and in open areas.

This is the first village evacuation to be reported since the Asat and Ortakali villages were evacuated in 2001.

Reports from the region suggest that shortly prior to the evacuation, 5 village inhabitants were taken into custody after a mine explosion on the road to Beytussebab. It is understood that the villagers have now returned.



TOP: Caption 'Robert Dunbar delivering KHRP training session in Turkey, September 2004; MIDDLE: KHRP Legal Officer Anke Stock delivering a training session on women's advocacy, July 2004; BOTTOM: KHRP Legal Officer with participants in training session, Turkey, July 2004'

# KHRP Fact-Finding Mission Investigates Dam Building in Turkey



ABOVE LEFT: An ancient church which would be submerged by the Hakkari dam; ABOVE RIGHT: Fact-finding mission member Maggie Ronayne with members of the Women's Platform in Batman, August 2004



KHRP, in conjunction with the University of Galway Department of Archaeology, sent a delegation in late August to Turkey to investigate the impact of Turkey's dam building schemes on affected populations.

Having been involved in a successful campaign which exposed the environmental and human rights threats posed by the Ilisu Dam, KHRP has ongoing concerns about dam building in Turkey.

The mission sought information on the human rights situ-

ation in dam building areas, as well as assessing the security situation. The aim was to investigate individual dam building projects, including Dercim/Tunceli, Batman Hasankeyf and Hakkari, as well as to obtain information on new plans linked to the abortive Ilisu Dam in Hasankeyf and on the GAP Dams generally. The members of the mission met with state and government officials, lawyers, human rights organisations, members of the public and campaigners. A report on the mission will be published by KHRP and the University of Galway.

## Council of Europe's Anti-Torture Committee Publishes Positive Report on Turkey

**The Committee for the Prevention of Torture (CPT), a body of the Council of Europe, published its report on a visit made to Turkey in September 2003.**

The eradication of torture is one of the key milestones upon which Turkey's progress towards EU accession negotiations is measured, and KHRP along with several other human rights organisations has expressed concerns that reforms brought in to combat torture and ill-treatment largely amount to formal measures which are not complemented by substantial improvements in reality.

The CPT report, however,

while not wholly positive and drawing reference to credible evidence of instances of torture and ill-treatment in detention, found that conditions in Turkey were "globally encouraging" and that efforts to comply with the government's message of 'zero tolerance' against torture were evident.

As a result, the Council of Europe has removed Turkey from its human rights 'watchlist' where it was placed in 1996, which will substantially improve Turkey's negotiating position for EU membership. A report on the decision stated "Turkey has achieved more reforms in a little over two

years than in the previous decade".

The progress made by Turkey towards ending torture and ill-treatment through the implementation of reform packages is to be welcomed, but it is important that attention is also focused on credible reports of the continuation of these appalling practices on the ground.

The CPT's report followed the publication of the KHRP book 'Torture in Turkey', which identified that widespread and systematic deployment of torture and ill-treatment continued in Turkey despite legislative reforms. The book

reports that the perpetrators of torture are usually law enforcement officials, gendarmerie and security forces, and that methods used include rape, beatings, food deprivation, continual blindfolding, spraying with pressurised cold water and various methods of psychological torture and abuse. There has also been a marked increase in more sophisticated methods that do not leave visible marks on the body, including electric shocks, Palestinian hangings and falaka (beating on the soles of the feet).

# Leyla Zana and Colleagues to Face New Trial



ABOVE: Representatives of the Kurdish Women's Project, with whom KHRP has published the Charter for the Rights of Women in the Kurdish Regions and Diaspora with Leyla Zana, July 2004

**Leyla Zana and her three parliamentary colleagues are to face a retrial after a unanimous ruling by the Court of Cassation to quash the much-criticised decision reached by the Ankara State Security Court in April of this year.**

Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan were sentenced in 1994 to 15 years imprisonment after speaking in Kurdish and wearing Kurdish colours during their inauguration as members of parliament.

A retrial, ordered by the ECtHR in a KHRP-assisted case in July 2001, was much-criticised for repeating the

procedural irregularities of the initial trial, and the initial verdict was upheld. In June of this year the Turkish appeals court ruled that the retrial had been unfair and ordered the release of the parliamentarians.

The Court then, on July 14th, reached a unanimous verdict to overturn the convictions handed down in April and order a new trial in the newly-established Serious Felony Court, an assize court where procedures are reportedly more open. A date for the re-trial has not yet been announced.

KHRP welcomes the decision to quash the convictions of the parliamentarians and to move proceedings from the Ankara State Security Court to a criminal court as important steps towards ending the years of intimidation and abuse in the criminal process suffered by the Kurds and their supporters. However, KHRP is concerned at recent reports that Leyla Zana may be prohibited from leaving Turkey, and continues to monitor Turkey's treatment of the parliamentarians, as well as of other instances of unfair trial procedures.

## Bomb Blasts in Istanbul

Two Istanbul hotels in and near the main tourist district were targeted in bomb attacks in the early hours of 10th August.

Two people were killed and a number of foreign tourists were injured. Fears were expressed that the blasts may impact on Turkey's much-needed revenue from tourism.

A previously unknown

group called the Kurdistan Freedom Falcons claimed responsibility for the act, and 8 people with alleged links to Kurdish groups were detained by Turkish police. An Al-Qaeda linked group also claimed responsibility for the attacks, but Turkish police are convinced that Kurds are to blame.

# DISPATCHES

## KHRP-NGO LIAISON MEETINGS IN EUROPE



KHRP Chairman Mark Muller in Paris with Claire Brigham, June 2004'



KHRP met with representatives of international NGOs: (from left) Kariane Westrheim (the Rafto Foundation), Claire Brigham, Hans Branscheid (Medico International), Kerim Yildiz

In June, KHRP Executive Director, Kerim Yildiz, and Chairman, Mark Muller, travelled to Paris accompanied by Claire Brigham, a Consultant working on KHRP's feasibility study. Constructive meetings were held with a number of organisations including the Kurdish Institute, in which information was exchanged and the current situation of the Kurdish diaspora in Europe was discussed.

Further meetings to identify current opportunities to address the Kurdish situation were held in Brussels with representatives of international NGOs including the Rafto Foundation and Medico International.

The launch of the Charter in the House of Lords was attended by prominent human rights advocate Baroness Helena Kennedy QC, who delivered a keynote speech to mark its publication. The event was chaired by Lord Avebury and speakers also included KHRP Legal Officer Anke Stock, as well as representatives from a women's organisation in Iraqi Kurdistan and from the Kurdish Women's Project.

A launch event for the Charter was also held in Iraqi Kurdistan. During the launch, which was also broadcast on Kurdish television, broad support for the Charter was expressed by government representatives, academics, lawyers, human rights advocates and Kurdish women's representatives. A further visit to Iraqi Kurdistan was made in September in order to promote the Charter in meetings with members of the government and Kurdish women's representatives.

A particular aim of the Charter is to alleviate the suffering of Kurdish Women by building international recognition of its contents and urging international and domestic bodies to incorporate the rights and needs it identifies. To this end, KHRP aims to garner the support of prominent individuals for the submission of the Charter to governments in the Kurdish regions, the EU and the UN.

Equally, the Charter will be disseminated among Kurdish women, who often lack the resources or necessary language skills to use human rights mechanisms. KHRP anticipates that the Charter will empower Kurdish women to challenge the discrimination and other human rights abuses to which they are subject. A two-day KHRP training event in Diyarbakir specifically addressed how women can utilise international human rights mechanisms.

The Charter can be downloaded from [www.khrp.org](http://www.khrp.org)



ABOVE: Women attending the launch of the Charter in Erbil, Iraqi Kurdistan, July 2004

## Death Penalty Reinstated in Iraq

The death penalty has been reinstated in Iraq by the Iraqi Interim Government, in spite of increasing consensus that capital punishment should be abolished on human rights grounds.

Crimes now punishable by the death penalty in Iraq include murder, endangering national security and distributing drugs. Under the former regime, executions were carried out for a range of 'offences' which included opposing the regime. Capital punishment had been suspended following the ousting of former President Saddam Hussein in April 2003, and has been reinstated in the midst of a deteriorating security situation.

The move came in spite of a global advance towards abolition, as reflected in the judgment of the European Court of

## First Civilian Head of National Security Council

Turkey announced the appointment of the first civilian head of the National Security Council on 17 August 2004. Previously, the post had been filled by leading military figures, and the dominance of the Council in the country's administration meant that the military held strong sway over the civilian government. Over the past forty years the military has staged three coups, and in the late-1990s it forced the collapse of a government. The appointment of Mehmet Yigit Alpogon, the new Secretary-General of the National Security Council, may be seen as a symbolic move away from military domination of civilian affairs.

## US Grants US Troops Immunity in Iraq

The US Government has endowed its own troops with immunity from prosecution in Iraq after the handover of sovereignty to the Iraqis.

This was achieved by extending Order 17, which renders all foreign personnel in the US-led Coalition Provincial Authority immune from "local criminal, civil and administrative jurisdiction and from any form of arrest or detention other than by persons acting on behalf of their parent states". Thus American troops are subject only to US domestic law and cannot be prosecuted by the Interim Government.

This concession was granted shortly before the handover of power, despite sensitivity over the abuse of prisoners committed by American forces in Iraq. The Order is set to last until national elections are held.

The step raised concerns that it would in fact lead to impunity for US soldiers in Iraq, leaving victims of alleged illegal acts committed in Iraq by American troops without effective access to legal redress.

Human Rights in the KHRP assisted case *Ocalan v. Turkey* where the Court held that capital punishment has now come to be regarded as "an unacceptable form of punishment" which can "no longer be seen as having any legitimate place in a democratic society".

Following the announcement of the reinstatement of capital punishment by the Iraqi Interim Government the Danes, whose soldiers are serving in Basra and Qurnah, announced that they would stop handing over prisoners to the Iraqis. The British government appears to have taken no such measures to prevent Iraqi detainees in their custody from being exposed to the possibility of facing the death sentence.

# Iraqi Property Commission Fails to Process Claims

KHRP is concerned that the Iraqi Property Claims Commission, established to settle property disputes resulting from forced displacement under the Ba'athist regime, has not yet processed any claims.

Since March 2004, 167,400 people have reportedly sought to move back to Kurdistan and have had to settle in refugee camps spread through the region, often living in very poor conditions. According to US statistics, 77,000 Kurds have re-settled in Tamim province, 65,747 in Salaheddin and 10,675 in Suleymanie.

The national Property Commission was set up in January of this year, when a new law was enacted to allow claims by people whose property was confiscated or seized by the former government without provision of compensation, but the judicial processes designed to adjudicate disputes have not yet been implemented.

Thousands of Kurds were forcibly displaced from Kirkuk and Mosul under Saddam Hussein's government as part of a policy of 'Arabisation', whereby the regime sought to destroy Kurdish identity and networks by changing the ethnic make-up of the region. Forcible confiscations or seizures of Kurdish property occurred frequently, often accompanied by violent or abusive behaviour by security forces, and the property was sold on to Arab settlers.

Kurds cannot reclaim their homes or obtain compensation until their claims are heard by the Property Commission. So far, only 5,399 claims have been filed, and none has been decided.

It is thought that a lack of funds available to compensate those who have been deprived of property may be a reason behind the delays, though the complicated nature of the legal processes involved is also likely to have stalled the process.

KHRP urges the Iraqi Interim Government as a matter of urgency to devote adequate resources to resolving claims through the Commission efficiently and fairly, ensuring that those who were forcibly removed from Kirkuk by the Ba'athist Party are able to achieve justice.

## Kurdish Language Ban in Iraqi Ministry of Defence

A communiqué distributed in the Iraqi Ministry of Defence has apparently banned the use of the Kurdish language in all departments and among all personnel of the Ministry, according to Kurdish sources. The instruction, which was not challenged by Kurdish members of the government, stated that Kurdish was not a national language and therefore should not be used in the Ministry.

Before the handover of sovereignty to Iraq, the Administration Law under which the country was governed recognised the Kurdish language as one of the two national languages of Iraq.

# DISPATCHES

## KHRP WELCOMES KURDISH PROFESSOR



*KHRP Legal Officer Anke Stock with Amir Hassanpour*

On 23 June Amir Hassanpour, Associate Professor in the Department of Near and Middle Eastern Civilizations at the University of Toronto, visited KHRP as part of a research project relating to the documentation of Kurdish resources.

## KHRP INVOLVED IN NGO FORUM AT FCO

KHRP attended an NGO Roundtable Forum at the Foreign and Commonwealth Office on 6 September, convened in order to discuss the human rights situation in Turkey. Pertinent current issues were discussed, and NGO representatives were invited to put forward their concerns regarding human rights issues. Other participants included members of the Foreign and Commonwealth Office and representatives of Amnesty International, Minority Rights Group and Prisoners Abroad.

## FAIR CELEBRATING KURDISH CULTURE

KHRP attended the 25th Anniversary of the Traquair Fair in Scotland on 31st July and 1st August 2004. The Fair centred on Hidden World Cultures, and featured performers, artists and craftspeople from countries where free cultural expression is restricted. A Hidden World Cultures Marquee hosted writers and poets from the Kurdish regions, as well as other peoples with threatened identities including Tibetans and Zimbabweans.'

# DISPATCHES

## SEMINAR ON EU-TURKEY RELATIONS

On 5 October 2004 KHRP attended a seminar on EU – Turkey relations, organised by the Centre for European Reform. The seminar considered the issue of Turkey's pending commencement of accession negotiations, and likely developments in this regard at EU level. Speakers at the seminar included Kim Darroch, Advisor to Prime Minister Tony Blair, and Wepke Kingma, Advisor to Prime Minister Jan Peter Balkenende, Cabinet of the Dutch Prime Minister.

## OSCE MEETING IN WARSAW

KHRP is to make a presentation at the OSCE Human Dimension Implementation meeting in Warsaw from 4 to 15 October 2004. At the meeting, some of KHRP's principal concerns over Turkey's treatment of her Kurdish minority will be presented in a report entitled 'Human Rights Violations Against Kurds in Turkey'. The report will raise issues of torture, minority protection, internal displacement, and Kurdish cultural and linguistic rights. It is anticipated that the Turkish government will be offered the right to reply to points raised during the NGO presentations.

## CAMBRIDGE SPEAKERS FORUM HOSTS KHRP

On 21 September 2004 KHRP Public Relations Officer Rochelle Harris and *Kurdishmedia* Editor Welat Lezgin delivered a talk and participated in a debate about the Kurdish situation in Turkey for the Cambridge Speaker's Forum. The Forum is aimed at enabling discussion on issues of social or environmental concern. For further information about the Cambridge or Bath Speaker's Forum please contact Linda Gamlin (LGamlin@compuserve.com).

## KHRP GIVES TALK IN HOUSE OF COMMONS

KHRP spoke at a public meeting at the House of Commons concerning the situation of the Kurds in Iran on 14 July.

The speech, delivered by KHRP's Legal Officer, focused on the suffering endured by women in the Kurdish regions of Iran, describing the human rights violations to which they are subject including forced marriages, discriminatory divorce laws, the practice of 'Mut'a' or temporary marriage, honour killings, and domestic violence. Discussion then turned to the recently launched Kurdish Women's Charter, which urges the elimination of discrimination against women and their full participation in political, economic, educational, cultural and all other fields. The Charter is a collective effort that has been published by the Kurdish Women's Project (KWP) and KHRP, and was launched in the House of Lords on 22 June 2004.

Other speakers included Hugo Charlton, Chair of the Green Party, and Judith Vidal-Hall from Index on Censorship.

## Kurdish Women Given as 'Gifts' to Egyptian Men During Anfal

Last September, a document was uncovered in Iraqi Kurdistan indicating that a number of Kurdish women were forcibly taken from their families and given to Egyptian men in the height of the Iraqi Anfal campaigns.

Document 1601 of December 10 1989, which is addressed to the general directorate for intelligence in Baghdad, refers to the orders of god and states "we have sent a number of these women to night-clubs in the Egyptian Arab Republic". It then lists 18 Kurdish women, the youngest of whom was a girl of 14.

It is unclear what then became of the women. According to their families all the women are still missing, and there are reports that some Arab leaders admitted to receiving Kurdish women as 'gifts'. During Anfal, it was common for women to be forcibly separated from their families.

Formal requests for an investigation were made to the Egyptian president, Hosni Mubarak, and to the former US administrator in Iraq, Paul Bremner, neither of whom responded.

## Joint NGO Submission to Anti-Torture Committee

KHRP has liaised with other NGOs over a submission to the UN Committee Against Torture concerning the UK's obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The submission will raise issues with regard to the UK's responsibility for its treatment of Iraqis held in UK custody in Iraq, the prospects of the UK allowing the ECPT Committee to inspect British-run detention facilities in Iraq, and the challenges torture survivors face in seeking civil remedies before UK courts as a result of the UK's position on state immunity, consular and diplomatic protection.

It is also expected that the Committee will consider the recent judgment in *A, B, C, D, E, F, G, H, Mahmoud Abu Rideh Jamal Ajouaou -v- Secretary of State for the Home Department*, which endorsed the use of torture to procure evidence against suspected terrorists.

The UN Committee is visiting the UK in November 2004 in order to examine the country's fourth periodic report as part of the UK's standard reporting obligations under the UN Torture Convention. The reporting process allows for the consideration of NGO submissions, in addition to the official report prepared by the UK government.

Other NGOs consulted include Physicians for Human Rights, Medical Foundation for the Care of Victims of Torture, Amnesty International and REDRESS.

# Iraqi Kurds Demand Referendum on Kurdish Autonomy

In demonstrations across Iraqi Kurdistan, tens of thousands of Kurds demanded a referendum on Kurdish autonomy.

The Kurds in Iraq, which make up over one fifth of the population, suffered often horrific human rights violations under Saddam Hussein's regime. The new era for the Kurds heralded by the establishment of a federal Iraq was threatened recently by the failure to include any reference to the interim Iraqi constitution in the UN Security Council Resolution endorsing the handover of sovereignty. The interim constitution had guaranteed federal status to Kurdish districts in the north. In addition, thousands of Kurds have returned to reclaim their homes in Kirkuk. Kurds are now concerned to ensure the continuance of the relative stability and autonomy they experienced in the Iraqi safe haven from 1991.

In addition to calling for a referendum on the political

status of the Kurdish districts of Iraq, the demonstrators, which were reportedly concentrated in Sulaimaniya and Kirkuk, additionally claimed that Kirkuk should be made the capital of their proposed entity. Many Kurds were forcibly evacuated from Kirkuk through Saddam Hussein's Arabisation policy, and their homes were acquired by Turkmen and Sunni Arab settlers. The status of Kirkuk has become a particularly sensitive subject for the Iraqi central government. Turkey, which has concerns that an autonomous Kurdish region in northern Iraq with control over oil revenues from Kirkuk would generate instability among her own repressed Kurdish population, has strongly opposed any such step. KHRP urges the interim Iraqi government and the international community to ensure that Kurdish political rights are protected in the new Iraq.

# Iran Maintains Death in Custody was an Accident

KHRP is concerned over the failure to bring those responsible for the death of a Canadian photo-journalist to justice. Mohammed Reza Aghdam Ahmadi, an Iranian security agent, was acquitted of her murder, which Iran now claims was an accident.

Canadian photo-journalist Zahra Kazemi died in detention on 11 July 2003, after her arrest on June 23 for taking photographs outside Evin prison during a student protest. She allegedly received blows to her head during her spell in state custody.

Iran at first claimed that Kazemi had died of a stroke, but later admitted that she had been beaten. However, the trial against Ahmadi for Kazemi's murder ended shortly after it had begun with Ahmadi's acquittal on grounds of a lack of evidence. Iran now claims that Kazemi's death was an accident. Foreign diplomatic observers were prevented from



*Zahra Kazemi, the Canadian photo-journalist who died in detention in Iran*

attending the second day of the trial. Kazemi's mother's legal team, led by Nobel Prize winner Shirin Ebadi, reportedly refused to sign the record of proceedings and walked out of the court in protest.

Canada has accused the Iranian judiciary of covering up the circumstances surrounding Kazemi's death, and the Canadian Foreign Minister, Pierre Pettigrew, has continued to put pressure on the Iran, referring to dialogue with the Republic as a 'farce'. The Iranian Foreign Ministry reportedly responded by accusing Ottawa of crying 'crocodile tears' over Kazemi's death, which it referred to as a tragic accident.

Concern has also been raised that Ahmadi was being used as a scapegoat, and that those who gave the orders for Kazemi to be beaten had escaped punishment.

Several reformist journalists have been arrested in recent months in Iran, including Rozbeh Mir Ebrahimi, a former chief political columnist for the reformist daily "Etemad", who was reportedly arrested at his Tehran home on 27 September 2004.

# Internet Crackdown Restricts Freedom of Expression

Efforts to restrict internet usage among its population have been stepped up in Iran in recent months.

KHRP and other NGOs have concerns over the preparation of a draft law aimed at eradicating "nauseating content" from the internet, which would provide further impetus and legitimisation to censorship. Under the new law, disseminating "false information" about regime officials can result in a six months prison term, with sentences of one to three years for the dissemination of "information that poses a threat for the country's internal or external security" and of five to fifteen years where information is handed to "foreign states or foreign organisations." Onus is also placed

on Internet cafes and ISPs to monitor content and prevent access to illegal sites.

Recent months have seen an increase in legal action over the dissemination of information on the internet, including of Mojtaba Lotfi, a theology student sentenced to three years and ten months in prison for "spying" and for "publishing false information" after posting an article on human rights on the internet. Reports indicate that at least three news journalists working for websites have been arrested for internet activities in recent weeks, and concerns have been expressed over a campaign of intimidation aimed at the Reformist press.

# Two Syrian Kurds Die Following Alleged Torture in Detention

KHRP is deeply concerned over reports of that two Syrian Kurds died within a few days of each other, both having reportedly been subject to torture while being held in incommunicado detention.

Reports received by KHRP indicate that Ahmad Ma'mu Kenjo, who died on 3 August, was beaten by Syrian security forces while in detention in Ras al-'Ayn in northeast Syria in late March. After receiving further beatings in incommunicado detention in April

and May, Ahmad Ma'mu Kenjo was released on the basis of the serious head wounds he incurred as a result of these beatings. He died later at home.

Following his arrest on 13 July, a second Kurd Ahmad Husayn Hasan was held in incommunicado detention in al-Hasaka, northeastern Syria, where he reportedly died after being tortured by Syrian security forces. The family of Ahmad Husayn Hasan were told that his body was buried

at Tel Ma'teb cemetery but were not permitted to see it.

There are no indications that investigations are being carried out into either incidence by the Syrian authorities.

There are reports from within Syria that although the Syrian authorities released hundreds of Kurdish detainees arrested following clashes with Syrian security forces in the north of Syria in March, many are still being detained and have allegedly been

subject to torture. In early October reports emerged that another Syrian Kurd, Hanan Bakr Deeko, died after being tortured by the Syrian authorities.

KHRP is concerned at reports alleging systematic torture and ill-treatment in Syria's detention facilities, including recent reports of the torture of children, and calls upon the Syrian government to conduct thorough and impartial investigations into these incidences.

## Trial of Prominent Syrian Human Rights Defender

A prominent Syrian human rights defender has been unexpectedly released on bail, but anticipates a three-year sentence after organising a demonstration against Syria's emergency laws.

Aktham Nai'ssa, head of Syria's Committee for Defense of Democratic Freedoms and Human Rights, has been released on bail by Supreme State Security Court judge Fayez

al-Nouri on 15 August. He will stand trial on 24 October for charges including 'spreading false information', which were brought shortly after Nai'ssa organised a demonstration outside the Damascus parliament calling for the lifting of Syria's emergency laws.

Syria has been governed by emergency decree since 1963, preventing the implementation of the Syrian constitu-

tion and enabling the use of exceptional courts.

Prior to his release, Nai'ssa was detained for four months, and was reportedly held in solitary confinement for the majority of this period. Nai'ssa suffered a stroke while in detention, and was said to be in poor health on release.

Nai'ssa is reported to have vowed to continue campaigning for greater freedom in

Syria before his trial in October, when he anticipates that he will receive a three year sentence.

KHRP welcomes Nai'ssa's release, but remains concerned that he will be tried under Syrian exceptional laws which effectively criminalise the right to peaceful assembly.

## Repression in Syria Criticised by Opposition Movements and Human Rights Groups

Fourteen opposition movements and human rights groups in Syria criticised the repressive behaviour of the Syrian authorities, after a planned protest in Damascus was broken up.

The planned sit-in, which was reported to have been forcibly dispersed by the Syr-

ian authorities, was intended as a protest against Syria's protracted use of emergency legislation. Under this legislation, in place since 1963, the governing regime has enacted exceptional measures placing broad restrictions on freedom of expression. The groups also called for the

release of political detainees, some of whom have been held for nearly 30 years.

Those attending, including the Human Rights Association of Syria, the Committee for the Defence of Human Rights and Democratic Freedoms in Syria, the Kurdish People's Union and the Kurdish party

Yakiti, accused the Syrian authorities of responding to peaceful demonstrations and gatherings with violence and repression. Reports suggest that thousands of police and security forces attended the planned event.

## Syrian regime attacks a Kurdish village

According to Kurdish sources, about 100 Syrian forces attacked the village of Dawedita near the Hiska district

in northern Syria in August 2004. Four Kurds were arrested, including Kadir Barakat, Lukman Barakat, Muhammed

Barakat and Khalaf Shahto. Given the prevalence of ill-treatment and torture of Kurdish detainees in Syria,

KHRP is very concerned for the welfare of these detainees.

# Censorship of Publishing House Violates Freedom of Expression

The European Court of Human Rights held on 13 July 2004 that the Turkish authorities had violated the right to freedom of expression of the owner and director of a publishing house and denied her a fair trial, in one of a series of cases brought to the Court by KHRP (*Zarakolu v. Turkey*, 26971/95, 37933/97).

Aysenir Zarakolu, the owner and director of the Belge Uluskararasi Yayincilik (BUY) Publishing House, published a book in 1994 entitled 'Our Ferhat, Anatomy of a Murder'.

The book concerned the torture and killing of Ferhat Tepe, a 19-year-old reporter for a pro-Kurdish newspaper who was abducted in 1993 by undercover agents of the State or by persons acting under their instructions. A separate KHRP case brought to the European Court in May 2003 on behalf of Tepe's father had established that the Turkish authorities' investigation into Tepe's killing was inadequate, constituting a violation of the right to life (*Isak Tepe v. Turkey*, 27244/95).

An order was made under the urgent-applications procedure for copies of the book to be seized, and Zarakolu was prosecuted by the Istanbul

State Security Court for 'spreading separatist propaganda'. The Court ordered the confiscation of the book, and Zarakolu was sentenced to five-months' imprisonment which was commuted to a fine.

The applicant died in January 2002, and the case was pursued by her husband and two sons in their own capacity of victims of the violations.

The Court found that the interference with the applicant's right to freedom of expression under Article 10 effected through the confiscation order could not be justified under Article 10(2) of the Convention. The Court also ruled that bringing a civilian on criminal charges before a state security court which included a military judge was legitimate grounds of concern that the tribunal was not independent and impartial in accordance with Article 6(1). There had thus been a violation of this article.

This judgment follows a series of similar decisions against Turkey, in which the Turkish courts have been found to have imposed undue limitations on freedom of expression where such



ABOVE: KHRP applicant Ragip Zarakolu. The European Court of Human Rights found that Turkey had violated that applicant's wife's right to freedom of expression and denied her a fair trial

expression does not encourage people to use violence, resort to armed resistance or uprising, or constitute hate speech. Examples include

*Ertugrul Kurkcü v. Turkey* (43996/98), *Feridun Yazar v. Turkey* (42713/98) and *Haydar Yildirim v. Turkey* (42920/98).

## KHRP Welcomes First Investigations Conducted by International Criminal Court

The International Criminal Court (ICC) in the Hague, the world's first permanent international criminal court able to hold perpetrators of the most serious crimes of international concern to account for their actions, has opened investigations in the Democratic Republic of Congo (DRC) and Uganda.

On June 23 the start of the ICC's first-ever investigation was announced, following a request by the DRC's Transitional Government to the ICC prosecutor. Since 1999, the DRC has reportedly seen 3.3 million civilian deaths and the commission of massive human rights violations and war crimes by govern-

ment and dissident forces. The Prosecutor's announcement was followed on 29 July 2004 by a further announcement of an investigation in Uganda. The situation in Northern Uganda, where the Lord's Resistance Army has engaged in horrific human rights violations, was referred to the ICC by Ugandan President Yoweri Museveni.

The commencement of investigations by the ICC represents a vital step forward by the international community in acting together to ensure that those responsible for committing the world's most terrible crimes are brought to justice.

# European Court: Turkish Authorities Repeatedly Violated Right to Life

In two separate cases brought by KHRP to the European Court of Human Rights, Turkey was found to have committed several violations of the ECHR including of the right to life.

The first case was brought on behalf of Mehmet Sah Ikinisoy, who was shot dead while under the control of Turkish authorities in 1994 (*Ikinisoy v. Turkey* (26144/95)). In its ruling of 27 July 2004, the Court accepted the version of events put forward on behalf of the applicant; that on 22 November 1993, police officers from the Anti-Terrorism Branch of the Diyarbakir Security Directorate had searched for Ikinisoy and a shoot-out subsequently occurred. Ikinisoy was arrested the same day and shot dead the following day while under the control of the authorities.

In setting out its views on what it believed to be the facts of the case, the Court placed considerable emphasis on the lack of any evidence to show that Ikinisoy had been taken into custody. It reiterated that, having regard to the general context of the situation in Southeast Turkey at the time, an unacknowledged detention could be life-threatening. The Court also found significant the defective nature of the autopsy, which was critical in determining the circumstances surrounding the death of Ikinisoy.

The Court concluded that the Turkish authorities had failed to establish the real

circumstances surrounding Ikinisoy's death, and that therefore the circumstances of his death engaged Turkey's responsibility. Since there was no legitimate reason for depriving Ikinisoy of his life, there had been a violation of Article 2.

The Court additionally found a violation of the obligation under Article 2 to conduct an effective investigation into the death of Mehmet Şah Ikinisoy, referring here to failings in the autopsy report as 'striking'.

The Court further found that Turkey had violated the Convention in her treatment of the applicant Halil, brother of Mehmet Şah Ikinisoy, who had been held in police custody for 11 days. The Court, reiterating that in a previous case 4 days and six hours had been deemed to long a delay, found a violation of article 5(3) on the basis of the failure to bring Halil promptly before a judge. Violations of Article 5 ss 4 and 5 were found due to the failure to have the lawfulness of the detention decided speedily by a court and to provide compensation for a breach of Article 5. The Court further held there to have been violations of Article 13 and Article 25 (individual petition, now Article 34).

The second case, decided on 29 July 2004, was brought by the widower of the deceased Sariye Yilmaz on behalf of the couple and their family, and concerned the circumstances surrounding her

death in 1996 (*Mehmet Sirin Yilmaz v. Turkey* (35875/97)). Here the applicant alleged that his wife was killed during an artillery attack by the Turkish security forces on their village of Bayirli (Karincak) in Lice district.

The Court held unanimously that there had been a violation of Article 2. It was noted that an investigation into the incident was only carried out eight years after the incident, following the communication of the application to the European Court, and that neither a post-mortem nor a ballistics examination was carried out by the public prosecutor investigation. As such, there was no effective investigation into the circumstances surrounding the death of Sariye. The Court further held that the applicant had been denied an effective remedy in violation of Article 13. However, the Court found

that there was an insufficient factual and evidentiary basis on which to conclude that Sariye was, beyond reasonable doubt, intentionally or recklessly killed by the security forces in violation of Article 2. Alleged violations of Articles 3, 8, 14, 18 and Article 1 of Protocol No. 1 to the Convention were not established. It was deemed not necessary to consider the applicant's complaint under Article 2 regarding the alleged lack of protection in domestic law of the right to life.

That two cases finding Turkey in violation of the right to life have been decided so closely together demonstrates the scale of the problem which has been faced in respecting fundamental human rights in the Kurdish regions. KHRP will continue to monitor the Turkish authorities' implementation of the judgments.

## Articles of the European Convention on Human Rights

- Article 2 – Right to Life
- Article 3 – Prohibition on Torture
- Article 4 – Prohibition on Slavery and Forced Labour
- Article 5 – Rights to Liberty and Security
- Article 6 – Right to a Fair Trial
- Article 7 – No Punishment Without Law
- Article 8 – Right to Respect for Private Life and Family Life
- Article 9 – Freedom of Thought, Conscience and Religion
- Article 10 – Right to Freedom of Expression
- Article 11 – Right to Freedom of Association
- Article 12 – Right to Marry
- Article 13 – Right to an Effective Remedy
- Article 14 – Prohibition of Discrimination

Article 1 of Protocol 1 – Right to Free Enjoyment of Possessions

## KHRP Submission to UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions

On 25 August 2004 KHRP made a submission for Urgent Action to the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions concerning Esmail Mohammadi, a Kurd who was facing imminent execution in Iran. Esmail Mohammadi was sentenced to death in July 2003 following a possibly unfair trial. He was allegedly charged with "armed struggle

against the Islamic regime" and "membership of a proscribed organisation", and his conviction was reportedly upheld by the Supreme Court. During Esmail Mohammadi's eight months of incommunicado detention he was allegedly tortured or ill-treated, and at the time of the urgent action he faced imminent risk of execution.

# Kurdish Asylum Seekers Stage Sit-in in Tokyo



ABOVE: Kurdish children during the protest over the treatment of Kurdish asylum seekers in Japan

Two Kurdish asylum-seeker families staged a sit-in in Tokyo from July to September in protest against Japan's refusal to grant them refugee status. KHRP wrote to UNHCR, requesting that the two families' cases be taken up with the Japanese government.

Both families involved in the sit-in in front of the United Nations University in Tokyo were denied refugee status by the Japanese authorities. The application of the Kazankiran family was supported by UNHCR, while members of the Dogan family

report being tortured in detention in Turkey after taking part in pro-Kurdish demonstrations.

KHRP has written to UNHCR to urge that representations are made to the Japanese government on behalf of both families, and expressing concern over the possibility of the families being deported to Turkey.

KHRP is particularly concerned that in the course of deciding the families' asylum applications, the Japanese Justice Ministry sent officials to Turkey to investigate their

claims in collaboration with the Turkish authorities. This practice exposes asylum seekers and their families to increased danger, and was condemned by UNHCR as contrary to guidelines issued in 2001 stating that information on asylum applications should not be provided to authorities in the applicant's home state. A raid was conducted on the home of the Dogan family by the Japanese Ministry in conjunction with Turkish police; Mr Dogan's brothers in Turkey have not been seen since.

The visit by the Japanese Ministry is thought to have been triggered by district court rulings that two Turkish nationals seeking refugee status should be regarded as refugees.

KHRP reminds the Japanese government of its obligations under the Geneva Convention relating to the status of refugees, and urges Japan to stop endangering refugees from the Kurdish regions by sending investigative missions to Turkey.

## 24 Applicants in New Expropriation Case

On 17 September 2004, KHRP lodged a new application against Turkey (*Sinan Yildiz & Others v. Turkey*) on behalf of 24 applicants. The applicants discovered a historical site on their land and, following several archaeological excavations the Governor's Office of Hakkari declared the land a 1st degree city-state zone and expropriated the Applicant's land.

The Applicants claim that their right to free enjoy-

ment of their possessions under Article 1 of Protocol 1 to the Convention has been violated, and also contend a violation of Article 14 of the Convention in conjunction with Article 1 of Protocol 1. The Applicants submit that the violation of their right to the protection of their property has been inflicted on them as Kurds on account of their social origin, language, religion and ethnic status.

## Admissibility Decision in Turkish Fair Trial Case

A KHRP application concerning a police officer who was convicted of bribery despite a Police Investigation Report which concluded that there were no legal or disciplinary reasons to punish the applicant has been declared inadmissible by the European Court of Human Rights.

The applicant, Mehmet Seyithan Selcuk, was convicted of bribery by a Court in Ankara, which passed a sentence of 1 year and 8

months imprisonment and a fine. None of the witnesses to the incident had accused Selcuk of bribery.

The applicant complained that his right to a fair trial under Article 6 had been violated, as well as his right to freedom from degrading treatment under Article 3 and his right to free enjoyment of his possessions under Article 1 of Protocol 1.

# New Freedom of Expression Case Lodged Against Turkey

On 7 July 2004, KHRP lodged a new application to the European Court, Ünsal Öztürk v Turkey. The applicant, who owns a small publishing firm, complains that the Ankara State Security Court has refused to lift confiscation orders regarding his books,

despite Turkey's abrogation of Article 8 of the Anti-Terror Law under which the orders were made.

This application alleges violations of Article 10, as well as Article 1 of Protocol 1 and Article 14 (when read in conjunction with Article 10).

The Applicant also complains under Article 18 of the Convention that the restrictions on his right of freedom of expression were inconsistent with the legitimate aims prescribed in Article 10 (2) of the Convention.



ABOVE: KHRP applicant Ünsal Öztürk with Ismail Besiki

## New KHRP Applicant: Armenian Broadcasting Company

On 27 August 2004, KHRP lodged a new application against Armenia concerning the Chairman of an independent Armenian broadcasting company (*Meltex Ltd.*), which

alleges to have been treated less favourably in tendering for broadcasting licences than pro-State Channels. The case is brought by Mesrop Movsesyan on behalf of Meltex.

The Applicant alleges that Armenia violated its right to a fair trial under Article 6 (1), its right to freedom of expression under Article 10, its right to an effective remedy under Article

13, and its right to prohibition of discrimination under Article 14 in conjunction with Articles 6 (1), 10 and 13 of the Convention.

## Two New Torture Cases Lodged Against Turkey

A new case lodged by KHRP on 9 August 2004 concerns an applicant, D.K.A., who was subject to unlawful and prolonged detention and torture. He also complains of an unfair trial and the denial of appropriate compensation.

The case raises issues under Articles 3, 5, 6, 13 and 14.

On 11 August 2004, KHRP submitted a further new application against Turkey concerning the unlawful detention and torture of Mustafa İlhan. The applicant was

questioned and subject to torture for a period of twelve hours. When the applicant complained to the police, he was denied a copy of his statement and the prosecutor refused to speak to him.

The applicant alleges viola-

tions of his right not to be subjected to torture, his right to liberty and security, his right of access to a court and right to an effective remedy.

## KHRP Investigates New IDP Cases



KHRP was approached by a large number of individuals during a recent training event in Azerbaijan regarding the possibility of lodging a number of new cases to the ECtHR concerning the confiscation of property during the Nagorno – Karabakh

conflict between Armenia and Azerbaijan. They claim to have been subject to confiscation of their property in violation of Article 1 of Protocol 1.

LEFT: KHRP Executive Director meeting in Azerbaijan with some potential KHRP applicants to the European Court of Human Rights

## KHRP Delivers Training Seminars in Azerbaijan and Armenia



ABOVE: KHRP Executive Director Kerim Yildiz (left) at a meeting with potential applicants to the European Court of Human Rights, Azerbaijan, 31 July 2004

KHRP's legal team travelled to Baku, Azerbaijan in August 2004 to deliver human rights training. During the visit, which was organised by KHRP in conjunction with the Bar Human Rights Committee of England and Wales, meetings were held with potential and existing KHRP applicants to the European Court of Human Rights in order to provide them with advice.

A further particular aim of the visit was to gain information about human rights abuses in Azerbaijan, and to this end Kerim Yildiz and Gillian Higgins met with representatives of the British

and American diplomatic missions to Azerbaijan and with local human rights organisations, who provided KHRP with vital information concerning the human rights situation on the ground.

In July, a KHRP training seminar was implemented by KHRP's legal team in Yerevan, Armenia. The seminar provided participants with detailed guidance on the newly implemented Protocol 14 to the European Convention on Human Rights, which establishes substantial changes to the operation of the Court.

## KHRP Keynote Speech at Conference on Kurdish Human Rights



ABOVE: Participants at the conference on Kurdish human rights in San Francisco, September 2004. From left: Michael Guntner, KHRP Executive Director Kerim Yildiz, Robert Olson

KHRP Executive Director, Kerim Yildiz, presented his views on the role of NGOs in the protection and promotion of the human rights of the Kurds at an international conference on Kurdish human rights held in San Francisco in September 2004.

The conference, which was hosted by the California Institute of Integral Studies in San Francisco, was titled "Kurdish Human Rights: Statelessness, Resistance, and Survival" and brought together Kurds and non-Kurds, including acclaimed scholars.

The conference dealt with the maintenance of Kurdish identity and the protection of human rights, including with regard to internally displaced persons and the Kurdish diaspora.

Kerim Yildiz spoke about KHRP's utilisation of international human rights mechanisms to bring about positive changes for the Kurds in the regions, as well as analysing recent developments which have transformed the paradigms of the Kurdish question, including human rights post-September 11th, the US-led invasion of Iraq, Turkey's EU accession negotiations, and the impact of the Kurdish diaspora.

Other speakers at the conference included Tara Aziz, Ali Ezzatyar, Noura Erakat, Michael Gunter, Rashid Karadaghi, Brucec Khailany, Diane King, Mustafa Mirzeler, Soraya Mofty, Robert Olson, Mitchell Plitnick, Soraya Serajeddini, Nicole Watts, Kani Xulam and Stephen Zunes.

## New Armenian Detention Cases Lodged

On 16 September 2004, KHRP lodged one of a number of new cases against Armenia (*Hakob Hakobyan and 2 Others v. Armenia*) concerning the arrest and detention of the three applicants, carried out in order to prevent them

from expressing their political opposition by attending a demonstration.

The Applicants submit that their detention did not accord with Articles 5 (1), 5(2) and 5(4), as well as alleging violations of their right to a fair

trial under Article 6, their right to respect for private and family life under Article 8, their rights to freedom of expression and association under Articles 10 and 11 (they contend that they were arrested and detained to silence their

political opposition, which they expressed by attending a demonstration), their right to an effective remedy under Article 13, and their right to freedom from discrimination under Article 14.

# UPDATE ON KHRP ENVIRONMENTAL WORK



ABOVE: On 14 September, Kaya was allegedly attacked by unknown assailants and the windows in his office, the Ardahan headquarters of DEHAP, were smashed'

## KHRP Monitored Trial Acquits Police Officers of Ill-Treatment and Torture

A trial attended by an international NGO delegation has ended in the acquittal of eleven police officers accused of beating and torturing Ferhat Kaya, a human rights defender who has contested the construction of the controversial Baku-Ceyhan (BTC) pipeline.

Kaya was detained in May 2004, and states that he was humiliated and badly beaten during detention. Witnesses and relatives observed blood on his clothes and deep cuts on his arms and elsewhere, and a medical report is consistent with allegations of torture or ill-treatment.

The trial of the police officers concerned was ob-

served by an international NGO delegation comprising representatives from KHRP, Corner House and Environmental Defense USA.

The delegation had formed the preliminary view that there were grave concerns over fair trial standards in this case. The decision to acquit the Turkish officers for lack of evidence following three short hearings, and the request by the Public Prosecutor to find the defendants not guilty with no explanation despite the existence of medical evidence attesting to injuries in detention justifies these concerns, as do the failure of most of the defendants

to attend the hearing and a number of other aspects of the trial including contradictory witness evidence.

In May 2004, KHRP and the Corner House wrote to the UK Secretary for International Development and Minister for Trade and Investment presenting evidence that Kaya's arrest was connected to his work on pressing for the rights of those affected by the BTC pipeline. A reply was received from Denis MacShane, the Minister for Europe at the Foreign Office, stating "Neither we nor Amnesty International have yet found evidence of a link with the BTC project." In fact, Amnesty said that the reason they had "found

no evidence" of a link was because they had not looked into the case.

In response to a parliamentary question raised in the House of Commons on 8 September, Mr MacShane said that UK officials had raised the case with the Turkish authorities on several occasions and continued to 'monitor' Mr. Kaya's situation.

KHRP urges the British Government to take action in response to the abortive trial of those accused of torturing Kaya, and to encourage the Turkish Government to comply with its obligations to meet international fair trial standards.

# Fact-Finding Mission Assesses Impact of Baku-Ceyhan Pipeline

A Fact-Finding mission sent by KHRP, the Corner House, Friends of the Earth and Environmental Defense USA visited the Ardahan (North East) and Imranh (central) regions of Turkey on 19-27 September 2004 and conducted interviews in Ankara to assess the human rights, social and environmental impacts of the highly controversial Baku-Ceyhan (BTC) oil pipeline.

The BTC pipeline has already been the subject of several fact-finding missions which have identified many violations of international human rights and environmental legal standards. An NGO consortium, of which KHRP is a part, has been instrumental in raising concerns over the pipeline, and KHRP along with the Corner House and other individuals is currently involved in bringing a case against the European Commission to the European Court of Justice relating to its construction.

The Fact-Finding Mission, which was subject to constant police surveillance throughout, uncovered further

evidence that the pipeline was being implemented in breach of agreed standards. This was particularly the case with regard to land acquisition processes, potentially placing the project in breach of national law, loan conditions and the European Convention on Human Rights.

The delegation was concerned that several problems identified by previous fact-finding missions remain unaddressed; emergency powers are being used to expropriate land before compensation is paid to landowners, while large areas of land are used without any formal expropriation procedures being undertaken or compensation paid. There have further been failures to compensate for ancillary damage caused by the project, and the mission has heard allegations of discrimination against minorities in BTC employment practices and community development programmes.

A report on the Fact-Finding Mission will be published shortly.

## Whistleblowers and Contractors Express Safety Fears over BTC Pipeline

A major national broadsheet revealed that it was given access to a dossier, compiled by former employees and contractors of the BP-led consortium constructing the pipeline, exposing poor workmanship and incompetence which could cause an environmental disaster.

KHRP, Corner House, Friends of the Earth and PLAT-FORM have been raising concerns for several years over the environmental, social and other adverse impacts of the BTC pipeline, which is being implemented with public funding from UK Export Credits and from the

World Bank. The newspaper article (*The Independent*, 26 June 2004), which mentions KHRP as instrumental in opposing the pipeline, sets out the possibility of a major oil leak, highlighting potentially devastating environmental damage and drawing attention to the controversial legal agreements which grant BP effective power in the pipeline corridor. Whistleblowers are said to have condemned the building of the pipeline as failing all international standards.

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## New and Upcoming KHRP Reports

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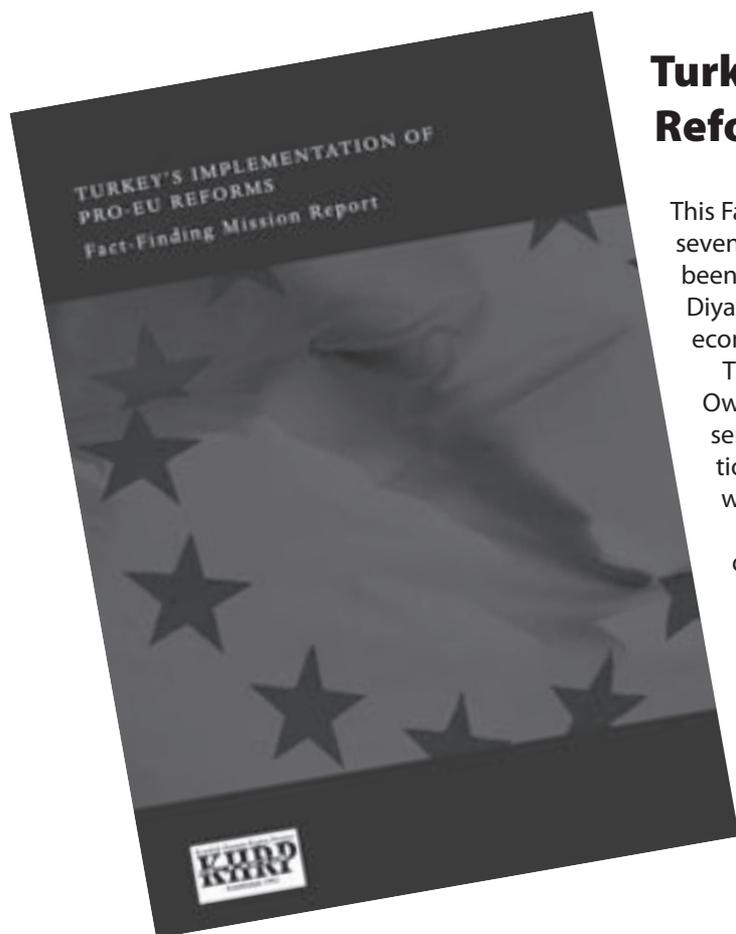
### Taking Human Rights Complaints to UN Mechanisms - A Manual (Turkish)

Intended to enhance capacity within the Kurdish regions, KHRP prepares materials including manuals to provide practical guidance to indigenous lawyers, NGOs and human rights defenders. A new manual published in Turkish provides a guide to taking human rights complaints to UN mechanisms.

The manual includes an overview of the three categories of UN human rights bodies: the UN High Commissioner for Human Rights, those established by the UN Charter (Charter-based bodies) and those established by provisions in specific legal instruments (treaty-based bodies). In addition, the Manual includes key texts, such as texts of the reservations and declarations entered into by member states in the Kurdish regions, model complaint forms and guidelines for the submission of complaints.

The manual was written and edited by KHRP Executive Director Kerim Yildiz and Legal Officer Anke Stock in conjunction with the Bar Human Rights Committee of England and Wales.

# New and Upcoming KHRP Reports



## Turkey's Implementation of Pro-EU Reforms: Fact-Finding Mission Report

This Fact-Finding Mission report analyses the extent to which the seven packages of pro-EU reforms or Harmonisation Packages have been implemented. The report, which concentrates geographically on Diyarbakir, Mardin, Derik and Batman, has a special focus on the legal, economic and social situation of Kurdish women.

The report was written by fact-finding mission members Margaret Owen and KHRP Legal Officer Anke Stock, and details evidence that serious human rights violations including torture and sexual violation in detention continue to occur in the region, and that Kurdish women and children are particularly vulnerable.

Concerns are raised over the appalling physical and sexual degradation of women and girls, including the failure to investigate the horrific crime of honour killings and a lack of protection from the threat of domestic violence.

The report also depicts the situation of abject destitution which governs Kurdish lives in Turkey's southeast, as well as the failure of the Turkish government to implement adequate return programmes for Turkey's 3 million internally displaced and problems relating to the effectiveness of judicial and language reforms.

## Report on the Trial of Huseyin Cangir – Trial Observation Report

This report concerns the trial of Huseyin Cangir, a human rights lawyer and Chair of the Mardin Branch of the IHD. Cangir was found guilty of "hanging up posters in the Kurdish language without permission from the governor", and appealed this conviction to the higher court in Ankara. A KHRP mission observed the trial.

The report, which provides a detailed analysis of the trial in the context of domestic law and international legal standards, found that the indictment and court proceedings against Cangir constituted flagrant harassment and intimidation, and were carried out contrary to international human rights law. Particular aspects of the trial and the judicial framework within which it took place which are singled out for criticism include a lack of impartiality, the relationship between the Judge and the Prosecutor, the Recruitment process of Judges and Prosecutors and the continuation of legislation used to harass and intimidate human rights defenders.



# New and Upcoming KHRP Reports

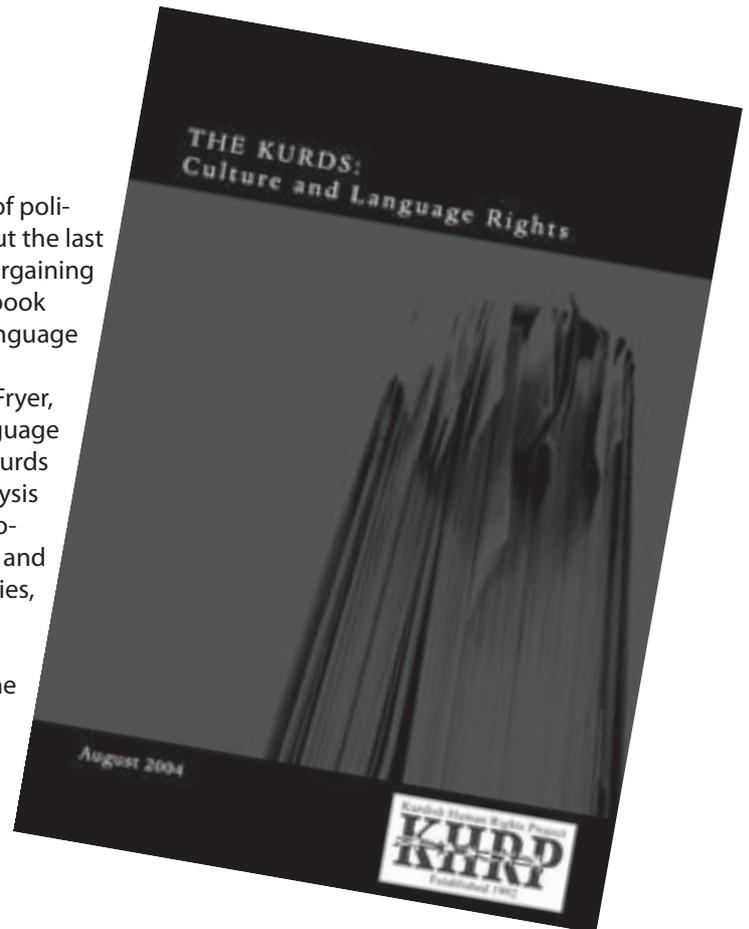
## The Kurds: Culture and Language Rights

The authorities in Turkey, Iraq, Iran and Syria have used a variety of policies targeting aspects of Kurdish culture and language throughout the last century. Culture and language have become highly politicised bargaining tools, retaining a central role in the suppression of Kurds. A new book provides an assessment of suppression of Kurdish cultural and language rights throughout the regions.

Written by KHRP Executive Director Kerim Yildiz and Georgina Fryer, the report first assesses the treatment of Kurdish culture and language throughout the twentieth century. It then assesses the rights of Kurds under existing international legal mechanisms, providing an analysis of the authorities' compliance. It compiles and documents the pronouncements on the denial and/ or protection of Kurdish culture and language rights made by international treaty and non-treaty bodies, and other mechanisms such as the OSCE and Council of Europe.

Finally, KHRP assesses the current practical status of enforcing these rights in the four States, and makes recommendations to the relevant authorities mandated to ensure that the linguistic and cultural rights of Kurds are respected.

ISBN 1 900175 74 6



## The Kurds in Iraq; The Past, Present and Future

KHRP has arranged a promotional deal with publishers Pluto Press, enabling members and friends to take advantage of a 20% discount on the book 'The Kurds in Iraq: Past, Present and Future' by Kerim Yildiz.

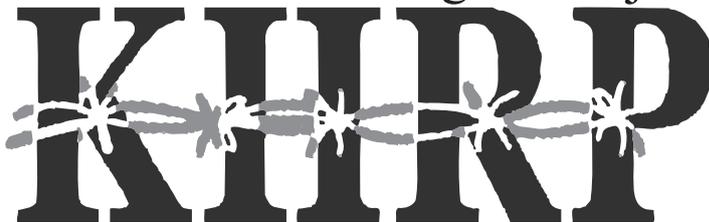
The book explores the key issues facing the Kurds in Iraq in the aftermath of the US-led invasion and chaos of the occupation. It is the most clear and up-to-date account of the problems that all political groups face in rebuilding the country, as well as exploring Kurdish links and international relations in the broader sense. It should be required reading for policy-makers and anyone interested in the current position of the Kurds in Iraq. Yildiz explores the impact of war and occupation on Iraqi Kurdistan, and in particular the crucial role of the city of Kirkuk in the post-war settlement. He also looks at how UN rifts potentially affect the Kurds; relations between Iraqi Kurds and Turkey; relations with Iran; and US policy towards the Kurds. Kerim Yildiz is the Executive Director of Kurdish Human Rights Project.

### Special Offer

KHRP subscribers and friends can now take advantage of Pluto's discount scheme to purchase the book for £12.00 instead of the cover price of £14.99. For UK and International orders, phone 01264 342832 or fax 01264 342788, remembering to add the international dialling code if calling from outside the UK. For USA orders, contact the University of Michigan Press c/o Chicago Distribution Center on int'l dialling code + (800) 621 2736 / Fax (800) 621 8476. Quote the code PLU0009 and you will receive the book at 20% below the cover price. Please be advised there will be an additional standard delivery cost. The book is also available from all good bookshops (ISBN 0 7453 2229 8 hardback; ISBN 0 7453 2228 X paperback).



# 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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## Calendar of Events

4 – 8 October	UNHCR, Executive Committee, fifty-fifth session, Geneva
4 – 15 October	OSCE Human Dimension Implementation Meeting, Warsaw
14 October	Leyla Zana to address European Parliament
15-17 October	European Social Forum 2004, London
18 October - 5 November	Human Rights Committee, eighty-second session, Geneva
19 – 22 October	Turkey in the EU: a Common Future Group meeting of the Green/Efa Group in the EP, Istanbul
22 October - 4 November	London Kurdish Film Festival
24 October	United Nations Day
2 November	United States: Presidential and Legislative Elections
8 - 19 November	Commission on Human Rights, Working Group on Enforced and Involuntary Disappearances, seventy-fourth session, Geneva
8 - 26 November	Committee on Economic, Social and Cultural Rights, thirty-third session, Geneva
15 - 26 November	Committee against Torture, thirty-third session, Geneva
17 - 26 November	Commission on Human Rights, Working Group on Arbitrary Detention, Geneva
23 – 24 November	'Conference on the EU; Turkey and the Kurds', organised by KHRP, the Rafto Foundation and Medico International, Brussels