

KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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ECtHR Judgments Underline Restrictions on Free Association in Armenia

In a series of rulings in KHRP-assisted cases between December 2008 and January 2009, the European Court of Human Rights (ECtHR) found Armenia in violation of Articles 3, 6 and 11 of the European Convention on Human Rights (ECHR), which guarantee protection from torture and ill-treatment, the right to a fair trial and freedom of assembly and association respectively.

The six cases all involved political activists who were detained by security forces in the wake of a series of demonstrations challenging the legitimacy of the electoral process in the Armenian presidential elections between February and March 2003.

In February, Sargis Amiryan, Zhora Sapayan and Maksim Gasparyan were arrested for supposedly participating in 'unauthorised' protests. Amiryan and Gasparyan were each given ten days' administrative detention



Crowds gather in Yerevan to protest presidential elections in 2008.

and Sapayan was made to pay a fine. The Court found that in its handling of their cases Armenia had violated Article 11 of the ECHR.

In March of the same year, three members of opposition political parties – Lavrent Kirakosyan, Arman Mkhitarian and

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Fifth Annual EUTCC Conference on the EU, Turkey and the Kurds Puts Human Rights on the Agenda at European Parliament

The fifth International Conference on the European Union, Turkey and the Kurds was convened by the EU-Turkey Civic Commission (EUTCC) at the European Parliament in Brussels on 28-29 January 2009, on the theme 'Time for Change'.

The annual event brings together human rights lawyers, activists, journalists and politicians from all over the world to debate questions concerning

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EUTCC Board and Advisory Board members on the last day of the conference

Director's Letter



Dear Friends,

The first few months of 2009 have been busy ones here at KHRP as we have continued the year as we mean to go on, forging ahead with all aspects of our work, from litigation, advocacy and training to research and public awareness.

We have been spurred on by events in the region which continue to offer sobering reminders of why such efforts are important. With just months to go before presidential elections in Iran, there has been no letup in the targeting of bloggers, journalists, human rights defenders and other critical voices, and in Syria there has been a wave of arrests of Kurdish political activists as the authorities there also strive to stamp out public debate. At the same time, civilians in Kurdistan, Iraq have continued to suffer the consequences of cross-border shelling and airstrikes by the Turkish and Iranian militaries.

Meanwhile, in Turkey the headline-grabbing Ergenekon trial has put the spotlight on deep-rooted links between state organs and the perpetrators of human rights violations, which KHRP has been documenting for many years. It remains to be seen, however, whether full advantage will be taken of the valuable opportunity presented by this case to embark on a thorough process of acknowledging, investigating and addressing the darker aspects of Turkey's recent history.

In this context, it is especially heartening to hear good

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The EUTCC Board of Directors chairs the concluding debate (Photo by Julie Lillejord)



Kerim Yıldız speaks at the conference (Photo by Julie Lillejord)

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Fifth Annual EUTCC Conference on the EU, Turkey and the Kurds Puts Human Rights on the Agenda at European Parliament

human rights, democratisation, conflict resolution and legislative reform in the context of Turkey's accession to the EU. The Patrons of the conference are Archbishop Emeritus Desmond Tutu, Dr Shirin Ebadi, Bianca Jagger, Noam Chomsky, Yaşar Kemal and Leyla Zana.

This year's conference opened with remarks from EUTCC Chair Kariane Westrheim, followed by opening speeches from the Rafto and Sakharov Prize-winning Kurdish politician Leyla Zana, the Vice-President of the European Parliament Louisa Morgantini MEP, and Francis Wurtz MEP, the Chair of the GUE/NGL Group in the European Parliament.

The first session of the conference, titled 'EU-Turkish Accession: International Perspectives', was opened by KHRP Executive Director Kerim Yıldız, with a speech reviewing the limited progress made by Turkey in implementing human rights reforms in the context of its EU accession bid. Yıldız urged the EU to 'play a more constructive role in assisting Turkey's

reform, leading it to become a country which lives up to European standards of human rights protection, democracy and the rule of law.'

During a second session, focusing on 'EU Accession, Human Rights and the Rule of Law', the prominent Turkish journalist Cengiz Çandar expressed his belief that Turkey is on a slow but deliberate track towards reform. At the same time, he emphasised the need for its constitution to be amended and for a framework for positive discrimination to be put into place.

The final session, titled 'Ongoing Conflict: Different Perspectives', was co-moderated by KHRP Advisor on Women and Children's Rights Margaret Owen and Ayhan Bilgen of Peace Parliament, Turkey, and included speeches by KHRP and Bar Human Rights Committee (BHRC) Chairman Mark Muller QC and Legal Team member Dr Susan Breau. Muller voiced his hope that once the upcoming elections in Turkey have passed, the political atmosphere will be more conducive to genuine engagement with the conflict in the Kurdish regions and reforms geared towards the EU accession process. He called on the international community to



Mark Muller QC addresses participants (Photo by Julie Lillejord)

lend support and expertise to help reach a resolution. Dr Breau set out the international legal framework surrounding cross-border attacks in northern Iraq by the Turkish and Iranian militaries.

Others who spoke over the course of the two days included Osman Baydemir, the mayor of Diyarbakır who has faced legal action in Turkey over his promotion of minority rights; Sarah Ludford MEP, of the ALDE Group in the European Parliament; Öztürk Türkdoğan, President of the Human Rights Association Turkey; Jonathan Fryer, Chairman of the Liberal International British Group, UK; Ömer F. Gergerlioğlu, President of Mazlum-Der (Association of Human Rights and Solidarity for the Oppressed in Turkey); and Sara Aktaş of the Women's Movement DÖKH.

The conference ended with a full set of resolutions to be distributed to the European political establishment, Turkish and Kurdish journalists, and other influential figures. These included calls for constitutional reforms, dialogue, an end to military operations in the Kurdish regions and increased cultural rights.

Speaking during a discussion session at the end of the conference, Stefano Squarcina of the GUE/NGL Group, emphasised that these resolutions represent the only documented articulation of the Kurdish point of view that is available to those in the European Parliament, and that they play a crucial role in the process of developing alternative proposals to those advanced by the powerful pro-Turkey lobby.

The EU-Turkey Civic Commission (EUTCC), formed in 2004, aims to both promote and provide suggestions for Turkey's bid for EU accession, and to help guarantee respect for human and minority rights and a peaceful, democratic and lasting solution to the Kurdish situation. Founding members of the EUTCC include KHRP, the Bar Human Rights Committee, Medico International and the Rafto Foundation for Human Rights.

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ECtHR Judgments Underline Restrictions on Free Association in Armenia

Myasnik Tadevosyan – were each given ten days' administrative detention for allegedly disobeying the orders of police and using ob-

scene language. The ECtHR held that in all three cases the conditions of the applicants' detention amounted to inhuman or degrading treatment. Furthermore, the Court found that the judicial proceedings against the applicants were unfair and that they had not been granted a clear and accessi-

ble right to appeal in their criminal cases.

The pattern of political repression which accompanied the 2003 election was mirrored more recently in March 2008 when the election of Serzh Sarkisian as president sparked days of protests from opposition supporters who

claimed the result was rigged. The government responded by implementing a 20-day state of emergency during which a number of opposition demonstrators were killed in clashes with police and numerous protestors were detained without charge.

KHRP and Partners Carry Out Training on Human Rights and Investment in Kurdistan, Iraq

KHRP held day-long trainings in Arbil on 16 and 17 December, for civil servants and civil society participants respectively, on human rights issues relating to investment agreements.

The two trainings were conducted by Nick Hildyard, The Corner House, Greg Muttitt, Platform, and Rachel Bernu, KHRP, and together attracted some 70 participants. On the first day they included representatives of the Kurdistan Regional Government (KRG) ministries of trade, water, tourism, agriculture, finance, reconstruction and human rights. During the identical training session that took place on the second day, and which was conducted in conjunction with KHRP's local partner the Civil Development Organisation, participants included representatives of human rights organisations, trade unions and other civil society groups.

In his opening comments, Muhammad Rauf Muhammad, the KRG Minister of Trade, noted the upcoming adoption of a new investment law in Kurdistan and the urgent need for foreign investment in the region, but underlined the importance of achieving a balance between the rights of investors and the rights



Rachel Bernu and interpreter Rezgar Ebrahim

of citizens.

Each of the trainings consisted of two seminars, a question-and-answer session and a practical workshop. The morning seminar on each day covered fundamental human rights principles and legislation, as well as key themes and practices relevant to sustainable investment, including transparency, meaningful consultation, environmental impact assessments and adequate compensation.

The afternoon session, on how investment agreements should respect human rights, included a

discussion of the potential benefits of international investment, the implications for human rights, negotiations, potential conflicts between investor interests and state duties, stabilisation clauses and human rights, and arbitration mechanisms.

The training stressed the practical aspects involved in the negotiation of investment agreements as well as the need for transparency. It also used the example of the Ilisu dam project in Turkey to broach the subject of environmental and social protection, ad-

ressing the ways in which the dam violated the rights of local people and discussing concrete steps that can be taken to oppose such projects.

In the final group workshops that concluded each day's training, participants analysed examples of investment agreements to identify threats to human rights and discussed their findings.

The overall response to the training was positive, with participants expressing their appreciation for the workshops and requesting further training.

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Director's Letter

news stories. In just a few weeks on either side of New Year we were buoyed by favourable judgments from the European Court of Human Rights in a number of KHRP-assisted cases. All of them involved torture, ill-treatment and violations of the fair trial rights of political activists detained in Armenia. Such rulings not only provide legal redress for individual applicants but also serve to publicise wider patterns of human rights abuses and help to stymie governments' efforts to brush such embarrassments under the carpet.

At the same time, we have continued to channel the expertise that KHRP has accumulated

through years of this kind of work back into the Kurdish region, with a series of trainings in Turkey and Iraq aimed at strengthening the capacity of local human rights defenders to act on allegations of torture and ill-treatment. We also convened new training workshops for civil servants and civil society in Kurdistan, Iraq, on monitoring the human rights implications of investment agreements, which emerged in part from our own experience of campaigning against projects like the Ilisu Dam in Turkey and the Baku-Tbilisi-Ceyhan pipeline.

As part of our ongoing efforts to document and analyse patterns of human rights violations, we dispatched missions to Turkey to investigate the situation of prisoners' rights and to monitor the trial of dozens of officials

charged in connection with the death of activist Engin Çeber in custody last year.

On the advocacy front, we pressed ahead with work to keep human rights on the agenda in the context of Turkey's EU accession bid, through our role as members of the EU-Turkey Civic Commission in organising the Fifth Annual Conference on the EU, Turkey and the Kurds at the European Parliament in January. KHRP advocacy also extended beyond the European sphere in early 2009, with a submission to the UN Committee on the Elimination of Racial Discrimination (CERD) in February in the run-up to its formal consideration of the situation in Turkey.

This year is set to be an important one throughout the Kurdish regions, particularly in

light of elections scheduled to take place in Turkey and Iran, and we at KHRP will of course be keeping pace with a busy schedule already in place for the spring. As we look ahead to the coming months, it only remains for me to sign off by once again extending my warmest thanks to the funders, supporters, partners and volunteers whose dedication and hard work plays such an enormous part in driving this organisation forward. Your efforts have made a difference in the lives of countless people living throughout the Kurdish region. I would like to wish you all a very happy Newroz on behalf of everyone at KHRP.

Kerim Yildiz
Executive Director
March 2009

KHRP Mission Investigates Prisoners' Rights in Turkey

KHRP dispatched a fact-finding mission to Turkey from 15 to 19 December 2008 to help build a picture of the prevailing conditions in the country's detention system following reports by media outlets and regional partners of increased violations of prisoners' rights. Allegations centred on overcrowding, violations of language rights, ill treatment, torture, deaths in custody and harassment of detainees.

Mission members Nicholas Stewart QC, a member of KHRP's Legal Team, and Walter Jayawardene, a former KHRP employee and Communications Manager with the Irish Council for Civil Liberties, travelled to Istanbul, Ankara, Mardin and Diyarbakır, interviewing former prisoners, prisoners' families, NGOs, human rights advocates and lawyers.

Amongst these were the lawyers representing Engin Çeber, a political activist who died in custody in October 2008, allegedly at the hands of prison guards. They also met with lawyers for KHRP Applicant Abdullah Öcalan, whose long-term solitary confinement has been strongly criticised by the Council of Europe's Committee for the Prevention of Torture.

The mission also explored the situation of political, female and child prisoners; access to medical care; language rights in prison; prison punishment regimes; the issue of 'isolation' in F-type and similar prisons and the degree



Mission members with Mahmut Bingöl and Özlem Mungan of the Mardin Bar Association



Mission members with Serdar Çelebi of İHD Diyarbakır

to which the Justice Ministry's circular 45/1 ordering the implementation of an improved communal activity regime in high security prisons has been put into effect.

Meetings were requested with the General Directorate of Prisons and Detention Houses in the Ministry of Justice, Ankara, and with the head of the Parliamentary Human Rights Commission. While it had been hoped that these meetings would help to build a more balanced view of the situation,

regrettably all were either refused or cancelled at the last minute, leaving the mission bereft of the opportunity to put questions to such individuals and to hear the official viewpoint at first hand, and denying those working within the Turkish prison system the opportunity to describe their experiences.

The mission uncovered several areas of concern relating to the prison system in Turkey including routine ill treatment, arbitrary punishments with-

out adequate recourse to appeal, arbitrary restrictions on visiting and language rights, overcrowding and the high proportion of inmates awaiting trial in the system.

The mission observed that the overarching difficulty facing the development of adequate human rights standards in Turkish prisons is the lack of proper accountability and independent oversight within the prison system. The mission characterised this as a 'blue wall' separating the system from the groups and mechanisms necessary to put an end to complaints of arbitrary treatment, torture and ill-treatment – both genuine and otherwise. In the view of the mission, such a culture of impunity and closed ranks increases the likelihood of violations, renders meaningless any pretence to prisoner rehabilitation, and precludes any real public trust in the fairness of the penal system.

The mission concluded that breaking down this wall, and increasing accountability and transparency in full engagement with civil society through measures such as the ratification of OPCAT and the establishment of genuinely independent national preventative mechanisms are the essential first steps to improving the situation of Turkey's penal system.

The mission's full report will be published by KHRP in the coming weeks.



Harold Pinter speaking at an event to mark KHRP's 10th anniversary at St Paul's Cathedral in 2002

KHRP Patron Harold Pinter Passes Away

The esteemed playwright, poet, actor, screenwriter, director, author and political activist Harold Pinter, who was a member of the KHRP Board of Patrons, died at the age of 78 on 24 December.

In Britain, Pinter will be best remembered for his revolutionary influence on modern theatre and his 2005 Nobel Prize in Literature. However, he was also deeply committed to international peace and human rights and utilised his public profile and dramatic, provocative talent for both the written and spoken word to

advocate the cause of the oppressed and downtrodden on a global scale, with a particular devotion to Kurdish issues.

In recent times, this was best evidenced by his vocal contributions - despite fighting the crippling cancer and septicaemia that marred his final years - to campaigns against the Iraq War and interrogation methods used in Guantanamo Bay.

Pinter's first exposure to the plight of the Kurdish people came during a 1985 visit to Turkey with fellow playwright Arthur Miller. Intended to document the persecution of po-

litical writers in the aftermath of the military coup of 1980, the visit also inspired his 1988 play *Mountain Language*.

Touched by what he saw as the wanton destruction of an ancient and proud culture, Pinter remained a vociferous campaigner on behalf of the Kurds throughout the remainder of his life. Shortly before his death, he contributed excerpts of his work for use in the photo book *Kurds: Through the Photographer's Lens*, commissioned by the Delfina Foundation in 2008 to mark KHRP's 15th anniversary.

KHRP Conducts Training on Protection Against Torture and Ill-Treatment in Iraq

KHRP conducted a training on torture and human rights for a cross-section of civil society and civil servants in Sulaymanya, Iraq on 14 December 2008, in conjunction with its local partner NGO the Civil Development Organisation (CDO).

CDO Director Atta Muhamad opened the day with a speech addressing the aims and objectives of the session and its importance in the context of the contemporary human rights situation in Kurdistan, Iraq.

The training was then delivered by Michael Ivers, a Secretary of the KHRP Board of Directors and member of the Legal Team, who introduced participants to international standards including the International Covenant on Civil and Political Rights (ICCPR), the United Nations Istanbul Protocol (the first



The training on human rights and torture under way in Sulaymanya

set of international guidelines for the documentation of torture and its consequences) and the European Convention on Human Rights.

The day also included a session on UN mechanisms for reporting torture and two workshops. The first workshop encouraged participants to

identify specific human rights violations in two hypothetical scenarios. In the second workshop, participants were asked to compile their own reports to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment addressing the abuses that they had identified in the two sce-

narios.

KHRP has closely monitored the human rights situation and the development of human rights infrastructure in Kurdistan, Iraq in recent years, emphasising the need for sustainable mechanisms of accountability and the growth of human rights culture.

A KHRP report published in July 2008, *A Fact-Finding Mission to Kurdistan, Iraq: Gaps in the Human Rights Infrastructure*, observed that a lack of coherency and transparency within the detention process in the region had paved the way for widespread abuses, often with impunity. The authors expressed particular concern about the existence of illegal and/or private detention centres run by the major parties and the intelligence services.

KHRP Observes Proceedings against Officials Accused of Role in High-Profile Death in Custody

A KHRP mission was in Istanbul from 2 to 4 March to observe the trial of 60 state officials charged in connection with the death of political activist Engin Çeber in custody last year.

Çeber and three others were arrested on 28 September 2008 after participating in a press conference in support of Ferhat Gerçek, an 18-year-old activist who had been shot by police and paralysed in 2007. The four were allegedly tortured and ill-treated in detention, and 29-year-old Çeber died on 10 October 2008 following an apparent brain haemorrhage.

Domestic and international interest in the case soared after Turkish Justice Minister Mehmet Ali Şahin took the rare step of issuing a public apology to Çeber's family. The trial of prison guards, police officers and gendarmes accused of responsibility has come to be widely seen as a test of Turkey's willingness to adhere to the human rights standards laid down as part of its EU accession bid and to hold members of the security forces

to account in cases of alleged abuse. The defendants are charged with crimes ranging from failing to report an offence through to aggravated torture.

While in Istanbul the KHRP mission interviewed a member of Çeber's family and others who were detained with him. The mission also met with representatives of prominent human rights organisations including the Contemporary Lawyers Association and the Foundation for Legal and Social Studies.

On 4 March, KHRP attended the Bakırköy Heavy Crime Court Number 14 in Istanbul to observe the proceedings in person. At the conclusion of the day's hearing, the judges overseeing the case announced that they would be withdrawing from the trial following accusations from lawyers representing the complainants that they had displayed a bias in favour of the defence.

The findings of the trial observation mission will be published by KHRP in the coming months.



Mark Himsworth with Ali Tekin, father of Engin Çeber



Complainants' supporters outside the court on the day of the hearing

KHRP Holds Training Seminars on Torture and the Law in Turkey

KHRP, along with the Diyarbakir Bar Association and the Foundation for Society and Legal Studies (TOHAV), hosted training sessions for lawyers and human rights defenders in Diyarbakir and Istanbul in recent months on torture and the law.

The Diyarbakir training, which took place on 20 December 2008, was conducted by KHRP Legal Team member Nicholas Stewart QC and attended by a total of 35 human rights advocates, all of them lawyers or trainee lawyers. Nicholas Stewart and Mehmet Emin Aktar, the head of the Diyarbakir Bar Association, opened the session by speaking about the need for such training in the context of the current human rights situation in the Kurdish regions.

The Istanbul training on 28 February 2009 was delivered by KHRP Legal Team member Mark Himsworth, a barrister specialising in criminal law, and was attended by around 15 people, most of them members of TOHAV.

The agenda for both training sessions echoed that of the training on torture delivered by KHRP in Sulemanya, Iraq in December 2008 and reported on elsewhere in



Mark Himsworth leads the training session in Istanbul

this edition of Newsline. This included exploring the concept of torture as defined by international standards. As with the Iraq training, participants were also asked to put this theory into practice by analysing hypothetical scenarios involving human rights violations and identifying how they would report on these to international bodies.

Torture, ill-treatment and deaths in custody persist in Turkey. Past research by KHRP has shown that supposed improvements on this front as a result of reforms initiated in the context of the EU ac-

cession process have often in fact merely reflected a shift to subtler forms of abuse, which leave less physical evidence, and to an increase in ill-treatment outside detention centres. What is more, amendments to Turkish anti-terror laws in 2006 have substantially reduced judicial safeguards for suspects and placed them at greater risk of torture and ill-treatment.

Abuses in custody are of particular concern in the south-eastern regions of Turkey, including in special high security zones in the provinces of Siirt, Şırnak and Hakkari.



Nicholas Stewart with President of the Diyarbakir Bar Association Mehmet Emin Aktar

KHRP previously held training sessions in Şırnak and Hakkari in June 2008 focussing on the right to life and prohibition of torture under the European Convention on Human Rights.

Photo Exhibition Raises Funds for Halabja Playground

KHRP and Michael Mansfield QC co-hosted a reception at Toaks Chambers in London on 11 December to mark the opening of 'Halabja: Portrait of a Town', an exhibition by photographer Tom Carrigan to raise funds and publicity for his project to build a playground for the town's children.

Tom Carrigan and KHRP Patron Michael Mansfield both spoke at the event, as did KHRP Board Chairman Mark Muller QC and Chris Williams, a member of KHRP's Legal Team.

In his address, Tom spoke of his several years of involvement in the Kurdish regions and shared his story of inspiration for the project. He noted his ongoing commitment to raising awareness of the current situation in the Kurdish



Tom Carrigan and Michael Mansfield QC at the exhibition launch

regions and his hopes of collaborating with local Kurds on future arts projects. He dedicated the exhibit to his friend Şaho, who lost both his legs during the attacks on Halabja in 1988 and who was present at the reception.

Michael Mansfield QC spoke about his relationship and involvement with the Kurdish people and KHRP. Both he and

Mark Muller QC discussed the current situation in the Kurdish regions, emphasizing that although many developments and changes have taken place, there is still a real need for progress and ongoing work to improve the human rights situation there.

Chris Williams spoke about the importance of pro bono legal work and a number of KHRP cases currently before the European Court of Human Rights concerning the impact of cross-border attacks by the Turkish military on civilians in northern Iraq. He quoted Martin Luther King, Jr. by saying, 'Injustice anywhere is a threat to Justice everywhere.'

After first visiting Halabja in 2005 and producing a documentary film on the Kurds titled *The Widows of Anfal*,

Tom Carrigan returned in early 2008 to photograph the town and its residents 20 years on from the notorious gas attack that killed over 5,000 civilians in March 1988. He began to notice the lack of facilities for children and, together with community representative Nariman Ali, developed the idea for a sustainable playground to be designed and built by the children who would use it.

The night of the reception raised over £2,000 in print sales, with all proceeds going towards the Halabja Children's Playground Project.

Tom subsequently returned to Halabja at the end of February to hold consultations with local children and to develop a plan for the playground.

Ilisu on Hold after Another Collapse of European Support

KHRP welcomes news that the controversial Ilisu Dam project in south-eastern Turkey has ground to a halt following the suspension of Austrian, German and Swiss financial backing.

As part of the international Ilisu Dam Campaign, KHRP has long sought to draw attention to the consequences of the project for a wide area of south-eastern Turkey and beyond. The resultant flooding would displace up to 78,000 people and efforts by the authorities to consult those affected and to establish a framework for compensation have been shamefully lacking. The dam would also reduce downstream water flows, impact on the region's environment and destroy heritage sites like the ancient city of Hasankeyf.

Earlier in 2008, the Committee of Experts overseeing the Ilisu project had warned that more needed to be done to



The ancient city of Hasankeyf, which would be submerged by the Ilisu Dam

ensure adherence to international standards in relation to resettling those who would be displaced. Subsequently, on 7 October, Germany, Austria and Switzerland issued an environ-

mental failure notice formally giving the Turkish authorities 60 days to address concerns surrounding the project.

After this latter period expired, export credit insurers

in all three countries ordered suppliers to halt work on the dam. Most of the workforce engaged on the project was subsequently reported to have been laid off for at least two months beginning in January 2009.

Although the suspension of European funding is a major victory for campaigners, the Turkish authorities appear determined to continue with the dam despite the setback and alternative plans are reportedly under discussion in Ankara.

However, the project suffered another blow recently with a Turkish court ruling putting decision-making in cases where dam construction threatens heritage sites into the hands of a 'regional conservation council for cultural and natural assets'. The ruling overturned an earlier move to hand these powers to the Department of Energy and Natural Resources.

Justice Ministry Denies Permission to Continue Prosecution of Professors Over Minority Rights Report

The Turkish Ministry of Justice has denied a request for permission to pursue the prosecution of Professors Baskin Oran and İbrahim Kaboğlu under the notorious Article 301 of the Turkish penal code over a report they produced in 2004 on minority rights.

KHRP observed trial proceedings against Oran and Kaboğlu back in 2006 after they were charged in connection with the paper, which they had prepared in their

roles as members of the Human Rights Advisory Board of the Prime Ministry. It controversially introduced the concept of 'Türkiyelilik', which roughly translates as 'being from Turkey', as an alternative to the concept of 'Turkishness', in an effort to break from the historical ethnocentric conception of citizenship.

They were prosecuted under Article 216 for 'inciting hatred and hostility among people', as well as Article 301.

At the time, the latter provision covered 'denigration of Turkishness, the Republic, the institutions and organs of the State'. However, it was amended on 30 April 2008, including substituting 'Turkish Nation' for 'Turkishness', reducing the maximum sentence from three to two years' imprisonment and requiring the permission of the justice minister for prosecutions to go ahead.

The Justice Ministry's announcement on 4 March 2009

that it was refusing permission for prosecutions to continue under Article 301 came after the Supreme Court of Appeal ruled that the ministry had to be consulted in this case. The Supreme Court of Appeal had also earlier approved the acquittal of Oran and Kaboğlu under Article 216.

Besides these protracted legal proceedings, Oran has also received death threats.



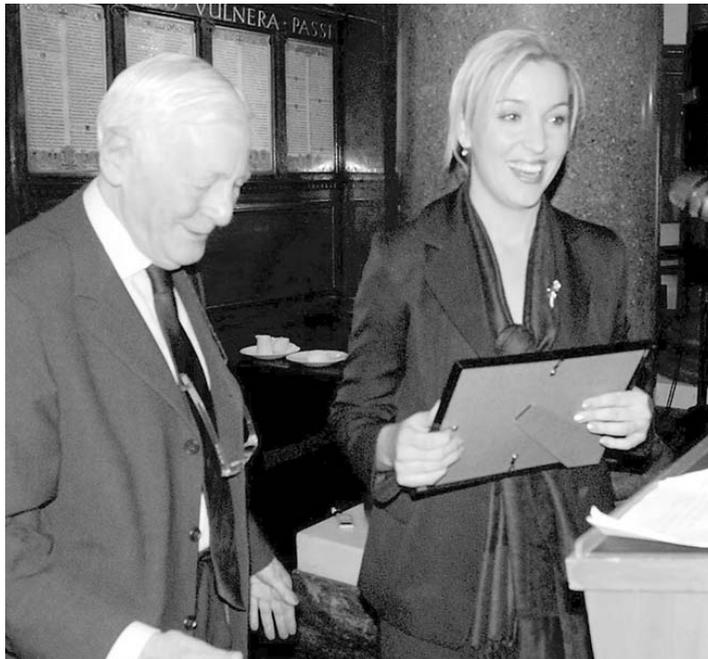
CALL FOR NEW BOARD MEMBERS

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

KHRP Bids Farewell to International Fellow

Turkish lawyer Zeynep İnan Çam returned home in late December having spent four months working in KHRP's London office as part of the Sigrid Rausing International Fellowship Programme. The programme offers selected female advocates from the Kurdish regions the chance to work alongside KHRP's Legal Team, allowing for an exchange of expertise, experience and skills. Zeynep's placement also included a visit to Strasbourg to participate in a seminar on freedom of expression organised by the Open Society Justice Initiative. On completing the fellowship, Zeynep had the following to say:

The first time I heard that I had been selected for the fellowship program at KHRP, I was inundated with questions posed by people around me: You have been a lawyer for ten years, what is a fellow, what can you learn in a country which you don't know and in which another language is spoken? What benefit can you get from that? Yet I was aware of the opportunity that was given and the contributions



KHRP Honorary President Lord Avebury presents Zeynep with a certificate in recognition of her completion of the fellowship during a fundraising dinner at the Law Society in November 2008.

that this program would make to me.

I have been a lawyer for ten years. In the beginning of my career I worked on commercial cases. Then I focused on enforcement law and business law and in recent years I have been working on criminal law. Criminal law is actually closely related to human rights – unless you believe in human rights, you cannot really be the one to protect someone's rights.

I view my days at KHRP as the experience of a mature student. I learnt many things concerning law and the professional side of work life. I tried to contribute to KHRP's work through my knowledge regarding the practices of the Turkish state in the Kurdish regions and aspects of the application process to the European Court of Human Rights. I had the chance to see the meticulous work of KHRP and its prudent approach to human

rights issues. I also had the chance to speak with a range of lawyers and to see the European Court of Human Rights. This was a moment that I have dreamt of for a long time. Understanding the universality of law and finding out about the human rights situation in other countries enabled me to think in different ways about my country and my profession.

After I got back to Turkey, I started working as a case lawyer in a law office dealing with commercial cases. Unfortunately there is no law office which deals with human rights issues in Turkey. In human rights institutions, one can only work voluntarily and without payment. However, I intend to take part in these institutions as much as I can. Though I would love to do only pro-bono work, helping people at least a little bit as a lawyer would make me really happy.

I would like to thank KHRP for giving me the opportunity to be a fellow and to acquire knowledge about human rights issues. I would also like to thank KHRP's staff for their support, interest and sincerity.

Turkey Considers Ending Solitary Confinement

The Turkish government stated on 15 December that a decision will be made in 2009 on whether to end the controversial decade-long solitary confinement of KHRP Applicant Abdullah Öcalan.

Work by KHRP on behalf of Öcalan before the European Court of Human Rights (ECtHR) led to the death sentence against him being commuted to life imprisonment and resulted in the Court's strongest statement to date condemning the death penalty. However, he has remained in confinement in a detention facility

on İmralı Island in the Sea of Marmara, where he has been the sole inmate since 1999. The state has gone so far as to cut a tree near where he is held so that he cannot have contact with birds.

In December, however, Justice Minister Mehmet Ali Şahin told the NTV news channel, 'We have started constructing new accommodation on İmralı and I think it will be ready in May, after which we will decide whether to send prisoners there or not.'

He added, 'We expect to increase the number of de-

tainees to this prison but a final decision has not been made.'

The Council of Europe's Committee for the Prevention of Torture (CPT) has visited İmralı four times and has been highly critical of the conditions under which Öcalan is detained there. It has called for Turkey to allow him to maintain basic social and emotional ties, and has recommended that he 'be integrated into a setting where contact with other inmates is possible.'

Following a visit to Turkey in May 2007, the CPT report-

ed that Öcalan's access to family and lawyers remained very irregular, that a court official had been present during his meetings with lawyers, and that there had been a distinct deterioration in his mental state. The CPT stated that there can be no justification for keeping a prisoner in such conditions for so many years.

KHRP continues to represent Mr Öcalan before the ECtHR concerning the conditions of his detention.

Former Turkish Minister of State Speaks Out Over Civilian Deaths

A former Turkish minister of state who was responsible for human rights in the government of Tansu Çiller in the mid-1990s has spoken out over the role of Turkish security forces in a massacre in 1996 that stood at the heart of the KHRP-assisted case of *Kaya and Others v. Turkey* before the European Court of Human Rights (ECtHR).

The so-called Güçlükonak massacre took place at the height of the conflict in south-eastern Turkey. On 12 January 1996 security forces detained six former rangers and five Kurdish peasants in Şırnak province, accusing them of aiding the Kurdistan Workers' Party (PKK). Whilst en route to a local gendarmerie station, the minibus in which they were travelling came under attack. In the ensuing exchange of fire, all 11 civilians died and the minibus was destroyed. The bodies were subsequently burned.

The state at the time blamed the PKK for the deaths but Adnan Ekmen has now said it was clear to him that so-called 'deep state' elements had carried out the massacre.

In the wake of the incident, investigations by KHRP and other organisations, including Amnesty International, the Human Rights Association of Turkey and the Turkish 'Together for Peace' movement all cast doubt over the official account of the killings. In November 2005 the ECtHR ruled in *Kaya and Others v. Turkey* that Turkey was in violation of the European Convention on Human Rights for its failure to properly investigate the deaths. For example, local gendarmes had not taken statements until six years after the massacre and were alleged by villagers to have tortured and intimidated witnesses.

The circumstances surrounding Ekmen's decision to speak out now are unclear but it has been reported that he was encouraged to do so by the recent investigations into the ultra-nationalist 'deep state' Ergenekon network, in the hope of bringing to light further evidence of human rights violations during the conflict in the south-east.

In the wake of Ekmen's pronouncements, the chief prosecutor in the Ergenekon investigation has accepted a complaint submitted by human rights activists concerning the Güçlükonak massacre.

Dispatches

KHRP Partner and Legal Team Members Receive Human Rights Awards

Two members of the KHRP Legal Team, Tim Otty QC and Ajanta Kaza, and KHRP partner organisation The Corner House were honoured at the annual Human Rights Awards organised by Liberty and JUSTICE on 10 December 2008.

Tim Otty, who also serves as KHRP's Legal Consultant, was presented with the Human Rights Lawyer of the Year award for his work on behalf of those subject to measures including control orders and detention in Guantanamo Bay in the course of the 'war on terror'. Ajanta Kaza, who has previously defended individuals prosecuted under British anti-terror law, received the Peter Duffy Award for campaigners, activists, lawyers and academics under the age of 35. She was recognised in particular for her pro bono work in promotion of human rights, especially freedom of expression.

The Corner House was presented with the Human Rights Award for organisations and non-legal professionals, for the 'knowledge, skill and energy shown in their dedicated work to help the disempowered of the world'.

The Human Rights Awards are held each year in December to commemorate Human Rights Day, and are hosted jointly by Liberty, the Law Society and JUSTICE, with the aim of recognising dedication in the promotion of human rights.

Patron Addresses Hrant Dink Conference

KHRP Patron Sir Geoffrey Bindman delivered the Hrant Dink Memorial Lecture in Istanbul on 16 January on the theme 'Freedom of Expression: A Universal Right' at the second annual conference to mark the murder of the Turkish-Armenian journalist in January 2007.

An outspoken advocate of multicult-

turalism and human rights in Turkey, Dink had been prosecuted on several occasions for 'denigrating the Turkish character'. It is widely believed that such prosecutions made him a target for his ultra-nationalist assassins.

KHRP dispatched a mission to Turkey in July 2007 to observe the trial of 18 persons accused of planning and carrying out the killing, and has been critical of the woeful inadequacy of the investigation.

Bindman, who founded Bindman and Partners in 1974, has represented the International Commission of Jurists, the International Bar Association, Amnesty International and other organisations in human rights missions overseas. He is Chairman of the British Institute of Human Rights and is a Visiting Professor of Law at University College London and at London South Bank University.

Turkey NGO Reports Increase in Right to Life Violations

A report published by the Human Rights Foundation of Turkey on 1 January on right to life violations across the country in 2008 noted an increase in such violations in comparison with previous years.

The authors argued that relative improvements with regards to the protection of basic human rights in Turkey between 2000 and 2005 have been reversed by problems in implementing new security regulations.

In 2008, 37 people were killed as a result of extra-judicial killings, 'stop warning' and random firing incidents. In 2007, the number of people killed in such incidents was 24. There has also been a sharp increase in the number of people killed by unknown assailants in the same period, with the death toll reaching 34, the highest this has been in the last eight years and a figure reminiscent of the high number of deaths during the State of Emergency in the 1990s. In addition, 45 people died under detention or in prison.

Dispatches

Haldane Society Holds Event on Prisoners' Rights

KHRP Board member Michael Ivers, Advisory Group member Professor Bill Bowring, and Consultant on Women and Children's Rights Margaret Owen spoke at an event organised by the Haldane Society of Socialist Lawyers at the House of Lords on 24 February to mark the launch of the Society's latest report, *Conditions of Detention in Turkey: Blocking Admission to the EU*.

The report was based on the findings of a delegation dispatched to Turkey by the Haldane Society and colleagues from Finland and Norway in February 2008 to investigate the extent to which it is implementing its commitments with regard to prison reform and detention conditions. It highlights Turkey's continuing failure to comply with international human rights law, particularly with regard to minority rights for Kurds. It underlines reports of torture and inhuman and degrading treatment in Turkish prisons, with women being subject to especially harsh behaviour.

The launch was hosted and chaired by KHRP Patron Lord Rea and also included an address by barrister John Hobson. Margaret Owen was speaking in her role as the Director of Widows for Peace through Democracy. The event was supported by the Peace in Kurdistan Campaign and the Campaign Against Criminalising Communities.

Meeting Tackles Police Role in 'Honour' Killing Case

The Iranian and Kurdish Woman's Rights Organisation (IKWRO), with the support of KHRP, held a public meeting with Nick Hardwick, the Chair of the Independent Police Complaints Commission (IPCC), on 13 March as part of an ongoing campaign seeking justice in relation to the 'honour killing' of Banaz Mahmod.

The 20-year-old Kurdish woman from South London was killed in 2006 after leaving an arranged marriage and entering into a new relationship. Her father, Mahmud Mahmud, and her uncle, Ari Mahmud, were convicted of her murder.

Prior to her death, Banaz Mahmod had told police that her father had tried to kill her but her allegations were dismissed. The IPCC subsequently investigated the handling of her case by police but charges against officers involved were eventually withdrawn.

Concerned about the potential for this episode to drastically undermine faith in the police, particularly from vulnerable young women, the IKWRO presented the IPCC with a number of queries and arranged the meeting with Hardwick to discuss decisions that were made in relation to the case.

The Metropolitan Police has said that an estimated 17,000 women a year are subject to violence in the name of 'honour', while the United Nations Population Fund estimates that as many as 5,000 women a year may fall victim to so-called 'honour killings' worldwide.

KHRP Addresses Alternative Water Forum

KHRP spoke at the Alternative Water Forum 2009 which took place in Istanbul from 20 to 22 March on the margins of the 5th World Water Forum. With the latter event dominated by states and private companies, the alternative forum is intended as a space where civil society actors can voice their own positions on water policy. KHRP shared the platform with partner organisation The Corner House, speaking during a session titled *Hegemony, War and Water Politics* on the relationship between dam construction and the security situation in south-eastern Turkey. The next issue of *Newsline* will include a more detailed report on this event.

Incremental Improvements but Linguistic and Cultural Rights in Turkey Remain Restricted

Turkey's national broadcaster officially launched a new Kurdish-language television channel at the start of the year, amid talk of plans to ease restrictions on the use of Kurdish in prisons and to open Kurdish departments at universities. Despite the hype surrounding these developments, however, the new channel met with widespread suspicion and linguistic and cultural rights remain severely curtailed.

Turkish Radio and Television (TRT) officially began broadcasting the new channel, TRT6, on 1 January, marking a major step forward after years of campaigning by pro-Kurdish groups over severe restrictions on use of Kurdish in the media. However, privately-operated Kurdish-language broadcasters continue to face oppressive regulations and, according to existing legislation, it seems that even the state-run TRT6 will be barred from broadcasting educational or children's programming. There is also widespread suspicion that the channel is primarily intended as a platform for publicity in favour of the ruling *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) in the run-up to local elections in March.

Officials at Turkey's Higher Education Board (YÖK) have also announced in recent months that Kurdish will be made an elective course at universities and have spoken of plans to open Kurdish language and literature departments at Istanbul University and Ankara University. In addition, there were reports in January that Turkish Justice Minister Mehmet Ali Şahin was taking steps to allow prisoners to hold telephone conversations in Kurdish, a right that is currently restricted by law.

The outcome of these plans is yet to be seen, however, and it remains the case that public schooling in Kurdish is illegal. There has also been no progress in providing access to public services in languages other than Turkish and use of Kurdish is still banned in political addresses. When the Democratic Society Party co-chair Ahmet Türk began speaking in Kurdish partway through a speech before the Turkish parliament in February, TRT cut its live broadcast of the event.

Dispatches

KHRP Welcomes Campaign for Turkish Accession to ICC

KHRP welcomed a call from the Coalition for the International Criminal Court (CICC) in February for Turkey to take the steps necessary for accession to the Rome Statute of the International Criminal Court (ICC). The CICC's Universal Ratification Campaign, intended to promote worldwide acceptance of the Rome Statute, focused on Turkey throughout the month.

To date, 40 states in Europe and Central Asia are party to the Rome Statute of the ICC. A further eight – Armenia, the Czech Republic, Krygyzstan, Monaco, Moldova, Russia, Ukraine and Uzbekistan – are signatories. Turkey is yet to sign the Statute.

'Throughout its history, KHRP has championed international justice mechanisms like the ICC as a means to promoting greater respect for human rights and the rule of law,' said KHRP Executive Director Kerim Yildiz. 'Our own work before the European Court of Human Rights has shown how much it is possible to achieve in this way. We welcome the CICC's campaign and the contribution that it makes towards securing a future of peace, dignity and security for all people in the Kurdish regions and elsewhere.'

European Parliamentarians Speak Out on Case against Kurdish Politician

The Conference of Presidents of the European Parliament has announced its decision to send an official delegation to attend legal proceedings in Ankara on 31 March against Kurdish politician and Sakharov Prize-winner Leyla Zana, accused of spreading terrorist propaganda in a series of public speeches that she has made since last being released from prison in 2004. The Conference of Presidents also resolved to invite Zana to one of its forthcoming meetings and to send a letter concerning her case from the President of the European Parliament to the Commissioner in charge of membership negotiations with Turkey.

Zana was the first Kurdish woman to win a seat in the Turkish parliament in 1991 but caused controversy when she illegally used

the Kurdish language to dedicate her parliamentary oath to brotherhood between Turks and Kurds. She later spent ten years in jail following a trial that the European Court of Human Rights ruled was unfair. As a result of the latest case against her, she was sentenced to another ten years in prison in December 2008 but remained free pending her appeal.

In a separate case, Aysel Tuğluk, a member of the Turkish parliament for the pro-Kurdish Democratic Society party (DTP), was sentenced to 18 months in jail in early February for spreading terrorist propaganda by saying at a rally in 2006 that members of the Kurdistan Workers' Party (PKK) were 'heroes to some'.

Journalists and Activists Arrested as Iranian Elections Loom

With presidential elections on the horizon in Iran later in the year, the early months of 2009 saw continued arrests and prosecutions of journalists, political activists and human rights advocates in the Kurdish regions and elsewhere.

KHRP sent urgent appeals to a number of UN Special Rapporteurs in February in connection with the arrest, detention, torture and proposed execution of more than a dozen Kurdish individuals who appeared to have been targeted by the authorities because of their Kurdish origin and/or their political views.

Among them were Habibollah Latifi, a 27-year-old student who was tried behind closed doors, convicted of membership of a Kurdish opposition party and sentenced to death. Following his arrest in October 2007, his family had spent over a week searching for him in detention centres and hospitals. When they finally located him, it became apparent that he had been severely tortured in front of other prisoners in order to frighten them into making confessions. He had suffered broken bones, two major cuts to his face and internal bleeding, and his lower lip had been ripped off. An appeals court upheld the death sentence against him in February 2009.

Also in February, Aliyeh Eghdamoust

began a three-year jail term for participating in a demonstration in 2006 against violations of women's rights and a court in Tehran sentenced four journalists to imprisonment, fines and flogging for crimes including 'participating in the establishment of illegal organisations', 'propaganda against the state', 'disseminating lies' and 'disturbing public order'. The four are reported to have suffered physical and psychological abuse in detention since their arrest in 2004.

Kurdish Activists Arrested in Syria

A spate of arrests throughout January underlined the continuing repression of Kurds in Syria and KHRP made formal submissions to UN human rights mechanisms requesting urgent action in numerous specific cases.

Those detained included Kurdish cultural activist and linguist Dr Darweesh Ghaleb, a long-standing member of Kurdish PEN and the founder of the Committee for Learning the Kurdish Language, who was seized by security agents at his home in Qamishli on 13 January. Further raids followed on 15 January in which all of Dr Ghaleb's books, writings and transcripts were confiscated. At present, the Kurdish language receives no official recognition inside Syria and there are severe restrictions on its use.

Elsewhere Mustafa Jum'ah, deputy secretary of the Kurdish Azadi (Freedom) Party of Syria, was arrested in January and reportedly charged by a prosecutor in Damascus with 'weakening national sentiments', establishing an 'organisation with the aim of changing the financial or social status of the state' and 'inciting sectarian strife'. Further members of the Azadi Party are also reported to have been arrested.

KHRP also wrote to UN human rights mechanisms about four Kurdish conscripts who died in December 2008 and January 2009 whilst carrying out mandatory military service. Although the authorities claimed they had committed suicide, reports from local civil society organisations, news agencies and human rights defenders indicate that they were killed because of their political activities.

Dispatches

Commission on the Status of Women Holds 53rd Session

Margaret Owen, KHRP's Consultant on Women and Children's Rights and the founder and director of Widows for Peace through Democracy (WPD), hosted a roundtable during the 53rd session of the UN Commission on the Status of Women in New York on 5 March. The event focused on the roles and needs of widows as caregivers in the context of HIV/AIDS, conflict, violence and poverty.

Millions of women around the world who have been widowed as a result of such crises are left acting as the sole caregivers for their children, other orphans and extended family, who may be sick, old, wounded or traumatised. Yet these women often have no rights to inheritance, land or property and are frequently vulnerable to being evicted from their homes, sexually assaulted and otherwise abused and exploited.

WPD is soon to begin work mapping the plight of widows acting as sole caregivers in the Democratic Republic of the Congo, Nepal and Iraq. In the latter country, this includes many Kurdish women who lost their husbands as a result of the Anfal campaigns, the attacks on Halabja and other recent instances of armed conflict.

Whilst in New York, Margaret and others had a private meeting with the UN Deputy Secretary General Asha-Rose Mtengeti Migiro, who wished to be kept informed of their activities.

KHRP Visits Iraq

Executive Director Kerim Yıldız and Chairman Mark Muller travelled to Kurdistan, Iraq on 10 March to meet with KHRP's Regional Representative, Tanyel B Taysi and Kurdistan Regional Government officials. Discussions focused on the current human rights situation in the region and KHRP's activities there.

Spreading the Word

Recent months have seen KHRP attending meetings and conferences across Europe as well as reaching out worldwide to other organisations, members of the press and politicians in response to developments in the Kurdish regions.

On 11-12 December Executive Director Kerim Yıldız attended the Benchmarking Rights Conference outside of Rome. The conference, hosted by the NGO coalition Counter Balance, discussed ways in which the European Investment Bank (EIB) could become a more open and progressive institution and explored possible legal approaches towards stronger protection and promotion of local communities' rights in the context of the EIB's external lending. The conference organisers were particularly interested in KHRP's work in relation to both the Ilisu Dam and the Baku-Tbilisi-Ceyhan pipeline projects.

On 18 December Kerim and KHRP Development and Outreach Officer Anna Irvin met with Yousif Mohammad Aziz, Minister of Human Rights for the Kurdistan Regional Government (KRG), at the KRG's London offices. The discussion focused on what the Ministry was doing in order to ensure that all international human rights standards are upheld in Kurdistan, Iraq.

In February The University of Pittsburgh School of Law's legal news and research website JURIST requested comment from Kerim regarding the case of Aysel Tuğluk, a Kurdish MP who was prosecuted and sentenced to 18 months in prison in Turkey for spreading terrorist propaganda. KHRP's statement condemned Turkey's continued use of the anti-terror laws to prosecute writers, journalists, activists, authors and particularly Kurdish politicians and human rights defenders in Turkey for

exercising their right to freedom of expression. The full text of the comment can be read online at <http://jurist.law.pitt.edu/hotline/2009/02/turkeys-conviction-of-kurdish-mp-shows.php>.

On 18 February, KHRP joined the Cornerhouse and Platform at a meeting at BERR, the UK National Contact Point with British Petroleum (BP), to discuss a report prepared by BP on the progress of the Baku-Tbilisi-Ceyhan pipeline project. The meeting was called to mediate between the NGOs and BP after the two sides were unable to reach an agreement regarding distribution of the report to the NGOs' partner organisations in Turkey. Through the mediation, it was agreed that the contents of the report could be made available to İnsan Hakları Derneği (Human Rights Association of Turkey, İHD) for checking.

KHRP Deputy Director Rachel Bernu and Development Officer Pranjali Acharya travelled to The Hague on 15 January to meet with Adriaan Versluis of the Dutch Ministry of Foreign Affairs. The purpose of the meeting was to update the ministry's Human Rights Unit about the current situation in the Kurdish regions and to brief them on the progress of KHRP's Litigation and Human Rights Advocacy and International Human Rights Training and Monitoring Projects, both of which they currently support.

Rachel also met with the Human Rights Unit and Turkey Desk of the Norwegian Ministry of Foreign Affairs on 6 March to brief them on the human rights situation in the Kurdish regions.

KHRP Makes Submission on Racial Discrimination in Turkey to UN Committee

KHRP, with support from its local partners, made an extensive submission in February to the UN body responsible for overseeing State Parties' compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, focusing on the situation in Turkey.

The submission was made to the Committee on the Elimination of Racial Discrimination (CERD) in response to Turkey's own third periodic report on its compliance with the Convention, which was due to be considered at the Committee's 74th meeting which ran for two weeks from 16 February. KHRP's submission illustrated how the practices of the Turkish authorities frequently contradict the supposed commitment to CERD standards emphasised in the country's own report.

Although Turkey's penal and constitutional frameworks contain provisions against discrimination on racial or ethnic grounds, KHRP highlighted that such legislative measures

are implemented either haphazardly or not at all. Turkey continues to operate according to a constitutional framework grounded in ethnic nationalism, including an extremely narrow definition of minorities which excludes ethnic, cultural or linguistic groups such as the Kurds, effectively denying them legal recognition.

Against this background, Kurds and other minority groups suffer patterns of abuse including economic marginalisation, violations of their linguistic and cultural rights, arbitrary detention and brutality at the hands of security forces, and restrictions on freedom of expression and association.

KHRP's submission made recommendations to the Government of Turkey including the creation of a public body to promote respect for the observation of rights and obligations under CERD, with the effectiveness of this body to be monitored by international human rights institutions. Amongst KHRP's other recommendations was a call

for the Turkish Constitution to be amended to recognise all ethnic, religious and linguistic groups as minorities.

'Discrimination impacts on almost every aspect of the lives of Kurds and other minorities living in Turkey, and is one of the basic root causes underlying widespread patterns of human rights violations documented by KHRP and our partner organisations,' said KHRP Executive Director Kerim Yıldız. 'In order to address this situation, the Turkish authorities must move beyond the kind of cosmetic measures reflected in their latest periodic report to the Committee and display a genuine, practical commitment to implementing the terms of CERD.'

In its concluding observations following its 74th meeting, the Committee raised a series of concerns about the situation in Turkey with regard to racial discrimination and called for the authorities to take concrete steps to address the problem. Issues highlighted included the restrictive

definition of the term 'minority', inadequate possibilities for children from minority groups to learn their mother tongue, Turkey's failure to provide information about representation of various ethnic groups in parliament and other elected bodies, and the need for Turkey to enact comprehensive anti-discrimination legislation.

Turkey had been due to submit reports to the Committee in 2003, 2005 and 2007. Having failed to meet all of these deadlines, however, the third periodic report submitted in February 2008 was intended as a compilation covering this entire period. KHRP's latest submission built on an earlier in-depth response to Turkey's third periodic report, submitted to CERD by KHRP in late 2008.

Turkey's third periodic report, KHRP's response and other relevant documents can be downloaded from www2.ohchr.org/english/bodies/cerd/cerds74.htm

ECtHR Backs Students Barred from University for Demanding Kurdish Language Courses

The European Court of Human Rights (ECtHR) has ruled in favour of 17 students who were suspended from the Afyon Kocatepe University in Turkey for demanding Kurdish language courses, finding that their treatment amounted to a violation of the right to education.

In January 2002 the students had petitioned the University Rector's Office claiming a constitutional right to be taught in their mother tongue, criticising the suppression of Kurdish, and requesting optional Kurdish language courses. As a result they were suspended for between one and two months,

under a law providing for such sanctions for anyone who engages in 'activities which give rise to polarisation on the basis of language, race, religion or denomination.'

The students were eventually exonerated by the Denizli Administrative Court in May 2004 but this finding came two years after they had served out their suspensions and the students had already lodged an application to the ECtHR in the meantime.

In its judgement issued on 3 March, the ECtHR ruled that there had been a violation of the right to education as defined under Article 2 of

Protocol 1 of the European Convention on Human Rights (ECHR). The Court declared that whilst the right to education can be legitimately suspended through disciplinary regulations, these regulations must not conflict with another right. In this case, the right to freedom of expression, one of the 'essential foundations of a democratic society' and guaranteed under Article 10 of the ECHR, had been exercised by the students, and the suspensions had been incurred as a result. Therefore, the students' right to education had been violated.

Use of the Kurdish language

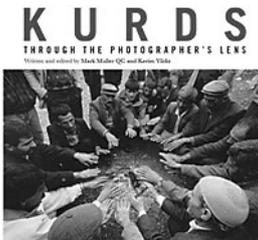
has been heavily regulated in Turkey since the coup d'état of 1980. Though there have been some signs of a gradual softening of the authorities' stance on minority languages, that this is still a highly charged political issue is illustrated by the uproar that followed a decision by the co-chair of the Democratic Society Party, Ahmet Türk, to deliver part of a speech to parliament in February in Kurdish, prompting state-run television to cut their live broadcast.

Other recent episodes in a similar vein have included the prosecution of two mayors for printing Kurdish-language brochures on waste disposal.

Free copies of publications may be accessed and downloaded on KHRP's website (www.khrp.org). Printed copies are available for £10.00 + P&P through our brand new online shop.

Kurds: Through the Photographer's Lens

ISBN 978-1-904563-86-0



A unique collection of photographs, poetry and writing commissioned by the Delfina

Foundation to mark 15 years of the Kurdish Human Rights Project, this book represents an initiative to present a vivid visual history of the life and times of the Kurds over the past decade and a half. It brings together the work of some of the most prominent photojournalists and photographers who have worked across the Kurdish regions in that period – including Susan Meiselas, Jan Grarup, Ed Kashi, and Patrick Robert – with the writings of Noam Chomsky, Harold Pinter, Jon Snow and poet Choman Hardi.

Legal Review 14

ISSN1748-0639



Legal Review 14 covers the period from July to December 2008 and features news and updates relevant to the Kurdish re-

gions, as well as summaries and analysis of relevant decisions of international, UK and US Courts. To mark KHRP's 15th anniversary, this edition includes a special feature looking back on the organisation's litigation throughout that time and

the many important precedents that have been set as a result. Other articles in this edition tackle the legal status of minorities in Turkey, the human rights impact of prescription regimes, and approaches to the issue of hate speech within the framework of the European Convention on Human Rights.

Legal Review is the only existing legal journal covering legislative and policy developments pertinent to the Kurdish regions and is essential reading for anyone interested in legal developments in Turkey, Iraq, Iran, Syria and the Caucasus.

Fourth International Conference on the EU, Turkey and the Kurds, European Parliament, Brussels, 3rd – 4th December 2007

ISBN 978-1-905592-22-7



This report covers the key proceedings of the fourth in a series of annual conferences organised by the EU-Turkey Civic Commission (EUTCC),

which took place at the European Parliament in Brussels from 3 to 4 December 2007. Themed 'Time for Change', the event was hosted by the founders of the EUTCC, namely the Bar Human Rights Committee, the Kurdish Human Rights Project, medico international and the Thorolf Rafto Foundation for Human Rights, and was supported by members of the European Par-

liament. Topics addressed in the course of the conference included the progress of democratisation and legislative reform in Turkey, and the prospects for dialogue and conflict resolution. The report includes the full texts of the speeches and final resolutions, as well as a background paper distributed at the conference.

A Children's Choir Face Terrorism Charges: Juveniles in the Turkish Justice System Trial Observation Report

ISBN: 978-1-905592-21-0



In June 2008 a KHRP mission travelled to Diyarbakir in south-eastern Turkey to observe trial proceedings against members of a local children's

choir who had been charged under anti-terror laws for singing a Kurdish song at a world music festival in the United States the previous October. Prosecutors argued that the song was associated with the outlawed Kurdistan Workers' Party (PKK) and that singing it amounted to disseminating propaganda on behalf of a terrorist organisation. Of nine children who went to trial, three faced proceedings in an adult court. Although all were eventually acquitted, the episode illustrated the threats posed to human rights by Turkey's recently-amended anti-terror legislation, as well as the failure of the country's criminal justice system to afford adequate

protection to children. Contrasting the treatment of the children with standards set out in international human rights agreements, this report also places the case in the context of broader patterns of restrictions on freedom of expression and cultural and language rights in Turkey.

Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights

Briefing Paper

September 2008

In June 2006, Turkey amended its anti-terror laws and enacted a series of draconian provisions which fail to meet the country's human rights obligations under international law and which have in practice been used to violate the human rights of its citizens. Unacceptable features of this new legislation include an overly broad definition of terrorism, an increase in the range of crimes that can count as terrorist offences, and provisions that jeopardise the freedoms of expression and association, the right to a fair trial and the prohibition of torture. The new legislation will further the deterioration that has been witnessed in the human rights situation in Turkey since 2005 and should therefore be amended. This KHRP briefing paper explores the threats posed by Turkey's anti-terror law, and places it in an international context in which governments around the world have increasingly shown themselves willing to put security considerations before the protection of human rights.

The Situation of Kurdish Children in Turkey: A Research Report

This new publication is based on extensive desk research and a fact-finding mission to three areas of Turkey – Diyarbakır, Cizre and İstanbul – in June 2008, during which mission members conducted interviews with relevant actors including human rights defenders, activists and lawyers. The report tackles a range of issues affecting the human rights of children throughout the country, with a particular focus on problems facing Kurdish children. The areas explored include housing, health and nutrition, education, child labour, discrimination, juvenile justice, conflict and domestic violence. The research highlights the lack of any strategic plan on the part of the Turkish government to improve protection of children's rights. The authors relate the current situation to Turkey's obligations under international human rights agreements and offer recommendations to the Turkish authorities and the European Union for addressing key problems.

UPCOMING PUBLICATIONS

Fact-Finding Mission Report on Prisoners' Rights in Turkey

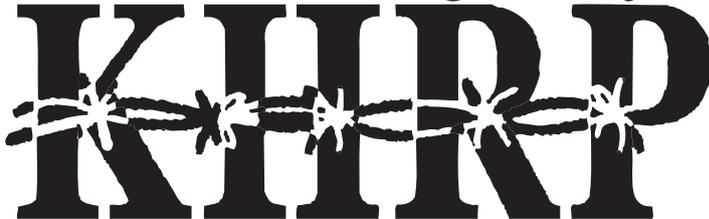
This report is based on the findings of a mission dispatched to Turkey by KHRP from 15 to 19 December 2008 following reports by media and regional partners of increased violations of prisoners' rights. The mission travelled to İstanbul, Ankara, Mardin and Diyarbakır, interviewing former prisoners, prisoners' families, NGOs,

human rights advocates and lawyers. Meetings were also requested with officials involved in the detention system but these were all either refused or cancelled at the last minute. Concerns highlighted by the mission included routine ill treatment, arbitrary punishments without adequate recourse to appeal, arbitrary restrictions on visiting and language rights, overcrowding and the high proportion of unconvicted inmates in the system. The overarching problem identified was a lack of proper accountability and independent oversight within the prison system. The report places these findings in the context of Turkey's international human rights obligations and offers concrete recommendations for improving protection of prisoners' rights.

Trial Observation Report on Death in Custody Case

This report will set out the findings of a mission dispatched to Turkey by KHRP from 2 to 4 March 2009 to monitor trial proceedings against 60 state officials charged in connection with the alleged torture and beatings of activist Engin Çeber, who died in custody in October 2008. Following Çeber's death, Turkish Justice Minister Mehmet Ali Şahin issued a rare apology to his family. Besides attending the court proceedings, the agenda for the mission also included meetings with human rights defenders, lawyers, family of Engin Çeber and others who were arrested at the same time as him in order to build a picture of the context surrounding this high-profile case.

Kurdish Human Rights Project



Celebrating 15 Years of Advocacy

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.

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

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.

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Email: khrp@khrp.org

Calendar Of Events

March

- 53rd Session of the Commission on the Status of Women, UN Headquarters, New York (2-13 March)
- Public meeting of the Justice for Banaz Campaign, Diana Princess of Wales Memorial Fund, Westminster Bridge Road, London (13 March)
- Newroz celebrations at Trafalgar Square organised by the Mayor of London and Kurdish community centres (14 March)
- 5th World Water Forum, Bridging Divides for Water, Istanbul (16 to 22 March)
- Alternative Water Forum, Another Water Management is Possible!, Istanbul (20-22 March)

April

- 'The "Language Question": Influence on the "Kurdish Question" in Turkey, 2007-2009'. Seminar organised by the Peace in Kurdistan Campaign and the Bar Human Rights Council with Professor Robert Olson, Garden Court Chambers, London (6 April)
- Durban Review Conference, United Against Racism, Geneva (20-24 April)
- Seminar on the rights of Kurds in Turkey, European Parliament (29 April)

May

- KHRP Legal Team meeting

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