



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

NEWSLINE 1 2006, ISSUE 33

Iran: Executions of political prisoners escalate



ABOVE: Many Kurds fear that the conservative, populist Mahmoud Ahmadinejad (pictured), elected president in 2005, will roll back the little progress that occurred under his predecessor, Mohammad Khatami

Ten months since protests and civil unrest arose in several cities in Iran, Kurdish Human Rights Project is concerned at spiraling human rights violations.

Protests for increased recognition of the rights of the Kurdish population continue in towns and cities not only in the Kurdish regions, but across the country. Numerous human rights defenders and civil activists who participated in the original demonstrations have been jailed and now face trials in revolutionary courts. All face charges

for the vaguely defined crime of threatening the integrity of the republic.

Clashes between Kurds and the military, police and other security forces continue, and with it, loss of civilian life. There has been a noticeable increase in the execution and handing down of death sentences for political prisoners in the Kurdistan province. Further, there has been a rise in the arrest and sentencing of those only suspected of allegiance with political parties, as well as an upsurge in arrests and death sentences for non-political crimes such as drinking alcohol. Security forces are believed to be responsible for several extra-judicial killings and disappearances reported in the past three months.

Peaceful human rights defenders and journalists, indeed anyone active in civil society, are at the greatest risk. Those who have not been arrested are under close surveillance, with non-political non-governmental organisations and charitable organisations frequently being infiltrated.

continued on page 2

Strasbourg condemns Turkey in armed conflict

The European Court of Human Rights has condemned Turkey for violation of the right to life and the prohibition of torture, two of the most fundamental human rights.

The case concerns an armed confrontation with security forces in 1996 during which a Turkish national

of Kurdish origin and local PKK militant, Ali Ekber Kanlıbaş, died. Four other PKK members and three soldiers were also killed. The medical report attributed Kanlıbaş's death to acute haemorrhaging caused by bullet wounds.

The deceased's brother, Hüseyin Kanlıbaş, only dis-

covered the news of his death through the Turkish national press. Upon examination of the corpse in preparation for washing the body in accordance with religious tradition, Hüseyin noticed significant mutilation of the eyes, ears and sides of the body including

continued on page 7

Director's Letter



Dear Friends,

The first quarter of the year has come in the blink of an eye. In addition to its ongoing litigation and public awareness work, KHRP has moved offices; carried out a women's rights training; observed the trials of two academics in Turkey; furthered our work to raise awareness of the social impacts of the BTC oil pipeline and Ilisu dam; welcomed new staff members and has received a multi-year grant from the Big Lottery Fund.

In the regions, in some ways little has changed and everything has changed. Although there have seemingly been advancements in Turkey because of the EU-Accession process; in Iraq because of autonomy and constitutional recognition of Kurdish human rights in the national framework, many reports from the regions harken back to those of the last decade.

As Newsline was going to press, a series of clashes broke out between security forces, police and

continued on page 2

UK Big Lottery to support KHRP - page 3
Please note our new contact details! - page 7

continued from page 1:
Director's Letter

civilians in provinces across the Kurdish regions, leaving 12 civilians dead so far and hundreds injured or detained. There is grave concern possible violations of the right to life, prohibition of torture or ill-treatment, right to liberty and a host of other human rights.

In Iraq, the main Kurdish political parties have formed an agreement that lays the ground for unprecedented unity and cooperation, which will hopefully improve the quality of life and human rights for all those in Iraqi Kurdistan. However, persistent insecurity and increasing sectarian divisions across the country ensure that this process will be long and arduous. In addition, there seems to be no end in sight to the escalation of human rights violations in Iran and the apparent impunity of security forces.

Evidently, there is an immediate need for the violence to stop in all the regions. However, without naming the underlying problem – ethnic and cultural discrimination against Kurds – and creating a human rights consciousness at governmental and grassroots levels, stopping the current clashes can only be a stop-gap measure.

We remain steadfast in our commitment to support our many friends and allies during these troubling times. We never forget those working in often hostile circumstances, out of loyalty to human rights and to their mission.

Kerim Yildiz
Executive Director
April 2006

continued from page 1:
Iran: executions of political prisoners

The human rights situation has deteriorated across the board in Iran, especially for ethnic and religious minorities, dissidents and women. Conditions for the Kurds have become bleak. The current government appears to place the spectre of minority dissent and uprisings towards the top of its agenda. The regime is con-

cerned by the strength of the wider Kurdish national movement, and at recent geopolitical shifts that have increased Kurdish autonomy in Iraq.

KHRP urges the international community to closely monitor the situation, for as the Iranian state feels its national unity increasingly threatened by outside forces, there is a very real danger of the situation deteriorating further for the Kurds.



ABOVE: Masoud Barzani and Jalal Talabani finalised negotiations over a strategy for power-sharing and cooperation in Iraqi Kurdistan in January, with the historic signing of a Unification Agreement

Iraqi Kurds sign historic unification agreement

Prospects for long-term stability in Iraqi Kurdistan took a significant step forward in January 2006, when the dominant parties of the Kurdistan Regional Government (KRG) signed a Unification Agreement that provides a strategy for cooperation and power-sharing.

The agreement, presented on 12 January to the Kurdistan National Assembly (KNA), the region's parliament, was signed by Masoud Barzani, President of the Kurdistan Democratic Party (KDP), and Jalal Talabani, leader of the Patriotic Union of Kurdistan (PUK). They have been negotiating over such a document for several years. Since the end of 1998 the two parties maintained separate administrations in the zones they controlled after the war, employing separate sets of ministers (the KDP has governed the northern

part of Iraqi Kurdistan and the PUK the south). The creation of a single government is a crucial step toward uniting Iraqi Kurdistan.

This Unification Agreement fulfils a promise that the KDP and PUK made to their voters in the 2005 Iraqi election campaigns, during which they ran together under the banner of the Kurdish Alliance list. The single Kurdish administration facilitates law-making procedures and aims to improve the representation of people's interests. In the document, Barzani and Talabani state that, "We must secure and guarantee the historic achievements of our people and the realisation of our full and just rights by putting in place and implementing the permanent constitution to ensure the further strengthening of stability and liberty."

Barzani will retain the presidency of the KRG and his relative Neshirvan Barzani, also of the KDP, will serve as prime minister, while the speaker of the Kurdistan National Assembly (KNA) will come from the PUK. The terms of the Unification Agreement state that these roles will rotate between the parties every two years. They will also share government ministries; for example, Finance and External Affairs will go to the KDP while the PUK will look after the Interior and Justice departments. However, there has been no final decision on which party will control the Peshmarga Affairs Ministry, to be responsible for about 160,000 militia fighters. Meanwhile, the parties again agreed to nominate Mr Talabani for President of the Iraqi Federal Government.

UK Big Lottery Fund to support Kurdish Human Rights Project

Kurdish Human Rights Project has been awarded a 3-year grant by the UK Big Lottery Fund. The project funded will support survivors of human rights abuse including torture, internal displacement and censorship in Turkey, Armenia and Azerbaijan.

Through litigation, public awareness activities, local trainings for advocates, fact-finding and trial observation missions, the project



aims to ensure that victims of past or current human rights violations get legal redress, and to ultimately reduce the number of people falling victim to human rights abuse in future.

Turkey: Restrictions ease on Kurdish broadcasting, but more progress needed

The Turkish state broadcasting board has made concessions to license three private companies to air Kurdish-language programmes. Private broadcasting in the Kurdish language has been impossible in Turkey for decades, and was formally outlawed in 1994 when a law forbidding 'foreign language broadcasts' was enacted. This, however, was only held to apply to Kurdish, and not to French, English or other non-Turkish languages.

The Turkish state made the first steps towards liberalising restrictions on Kurdish language broadcasting in 2004, when limited broadcasts were permitted on state television. A hugely symbolic step towards recognition of the Kurdish language, many observers however were critical that the reforms did not go far enough. The latest decision in February was significant as it represents the first time that private non-state actors have been permitted to broadcast in Kurdish. Nonetheless content is still subject to state-censorship.

Three stations - *Diyarbakir Gün TV*, *Söz TV* and *Urfa Medya FM* - signed a commitment with the Radio Television High Committee (RTÜK) that they would only make broadcasts for adults on issues related to news, music, general public health, ecological issues, economy, sport, agriculture, stock-breeding and the introduction of traditional culture. They undertook not to broadcast with the intention of teaching non-Turkish languages and dialects. Each station can use Kurdish for up to five hours a week for radio and four for television.

Turkey is believed to have changed its policy in order to meet EU accession criteria on human and minority rights; as well as being motivated by a desire to detract viewers away from Kurdish-language satellite channels being broadcast from outside Turkey.

Dispatches



Mukaddes Kubilay (front centre), Mayor of Doğubeyazıt, together with staff, interns and volunteers at the office of the Kurdish Human Rights Project in London.

KURDISH MAYOR VISITS LONDON

The Kurdish mayor of Doğubeyazıt, a town lying close to the Iranian and Armenian borders in the east of Turkey, was welcomed to Kurdish Human Rights Project to share information during her visit to London in March.

The mayor, Mukaddes Kubilay, who has held the office for seven years, has encountered many difficulties in the past due to her status as both a woman and a Kurd. She reported that her activities were constantly monitored by military personnel. She recently came to notoriety for criticising the limited public funds available for local government to tackle issues such as public health, infrastructure and development, including an outbreak of bird flu.

IRAQI KURDISH MP RECEIVES DANISH FREEDOM PRIZE

The Liberal Party of Denmark has awarded a Freedom Prize to an Iraqi MP of Kurdish origin, Samia Aziz Mohammad, at a ceremony in Copenhagen on 28 November 2005. Now aged 58 and holder of a Danish passport, she had fled to Denmark as a refugee but returned to Iraq after the invasion of 2003 in order to help with the rebuilding of the country. She was elected to the Iraqi parliament in January 2005.

'TAKING CEDAW SERIOUSLY' – CONFERENCE ON ENFORCING WOMEN'S RIGHTS

As one of the few non-governmental organisations to use the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), as both a tool in its work and in its strategic litigation, Kurdish Human Rights Project attended a conference in Galway, Ireland on 23 March to discuss ways to promote, apply and enforce the UN's primary women's rights convention. Bringing CEDAW committee member Shanti Dahri to speak about both the strategic ways to use CEDAW principles and how to involve the committee, the conference explored mechanisms for ongoing monitoring and to stimulate community and voluntary organisations to use it in their policy and campaigning work.



ABOVE LEFT: Professor Baskin Oran, currently indicted for allegedly 'insulting Turkishness' within his academic writings, with the trial observation mission member Edward Grieves met with defendant Professor Bulent Atamer to discuss the challenges faced by academics, writers and others in Turkey

Turkey: Trial observation finds academic freedom at risk

The ongoing trials of two professors, indicted for statements made in an academic article in Turkey, highlights restrictions on academic freedom of speech, according to the preliminary findings of a joint trial observation mission sent by Kurdish Human Rights Project and the Bar Human Rights Committee of England and Wales in February.

Professor Baskin Oran and Pro-

fessor İbrahim Özden Kaboğlu are former senior members of the Human Rights Advisory Council to the Prime Minister's Office in Turkey. The men are currently facing trial for allegedly "insulting Turkishness" under Article 301 and "inciting people to hatred" under Article 216 of the Turkish Penal Code for their contributions to a report concerning minority and cultural rights. In the report, the academics

propose that state policy and legislation replaces the term "Turks" with "citizens of Turkey" to better reflect the country's heterogeneous population. The prosecutor requested clarification of this proposal, noting that members of all nationalities in France are termed "French".

The trial took place in Ankara on 15 February. A report detailing the mission's findings is forthcoming.

Iran: Kurdish civilian tortured to death

According to information received by Kurdish Human Rights Project, a 17-year-old man has been tortured to death by Iranian security forces in Sanandaj, in the Kurdish region of Iran.

The soldiers arrested the man, Pouya Ibrahim Abadi, on 4 Decem-

ber 2005. They then took him to Sanandaj police station and subjected him to severe torture in the courtyard of the building.

The police denied the allegations and claimed that Mr. Abadi had died after committing suicide by hanging himself. They then forced his family

to bury him in private, rather than through a customary public ceremony.

Four other civilians were killed by Iranian security forces that day, when the forces opened fire in separate incidents in Mariwan and Piranshahr.

Turkey: Forty receive training on Women, Conflict and Poverty



ABOVE: The training provided a combination of practical and theoretical advice to representatives of human rights organisations, women's groups and other non-governmental organisations

Forty people attended a training session focusing on women, conflict and poverty in Van, south-east Turkey on 11 February, organised by Kurdish Human Rights Project in conjunction with the Van Women's Association (VAKAD).

The trainings focus was the UN's primary women's human rights convention CEDAW (Convention on the Elimination of All Forms

of Discrimination Against Women). Those attending the training included both men and women, representing women's groups, human rights groups and other non-governmental organisations. The training explored practical ways in which this international mechanism can lead to women obtaining full use of, and legitimacy in, demanding their human rights.

Turkey: Anti-pipeline campaigner appeals sentence



ABOVE: Ferhat Kaya standing on pipeline

Ferhat Kaya, a human rights defender and key Baku-Ceyhan Campaign ally in Turkey, is appealing a six month prison sentence. Kaya has already seen his offices smashed and been intimidated, attacked and beaten while in detention. Now he has been sentenced to six months imprisonment after referring to Kurdish leader Abdullah Öcalan as “Mr Öcalan” during a public speech; the Turkish state deemed this to be an offence as it accorded respect to the Kurdish leader. The sentence includes an indefinite ban on any future role in public service, including voting, standing in elections and managing any trade union, association or company.

To take action in support of Ferhat's appeal, see www.baku.org.uk/action/ferhat.htm or contact +44 (0) 207 4053835.

Safety failures delay launch of Baku-Ceyhan Pipeline

BP has admitted that safety checks and repairs are the reason for postponing completion of the Baku-Tbilisi-Ceyhan until May 2006, almost a year overdue. After repeatedly insisting that safety standards were being met, BP now blames the delay on faulty construction work by BOTAS, the Turkish national pipelines company.

Communities living along the pipeline route will be hardest hit by the overrun, losing yet another harvest. In its eagerness for the profits to begin flowing, BP ignored repeated warnings of specific failings by BOTAS and the risks created by the contract structure, at a time when these could still have been rectified.

Non-governmental organisations (NGOs) have warned the fifteen private banks that financed the project that they could incur criminal liabilities in the event of the pipeline leaking, if they knew of the risks but failed to use their powers as lenders to take action to prevent a leak – an offence known as “knowingly permitting”.

Kurdish Human Rights Project continues to liaise with its partner organisations over strategies to monitor the impact of the pipeline. Human rights defender Mayis Gulaliyev from the Center for Civic Initiatives in Azerbaijan joined two recent strategy meetings held in London.

Dispatches

UK KURDISH COMMUNITY DEBATE HUMAN AND MINORITY RIGHTS

London's Kurdish and Turkish community gathered in Dalston, north London on 25 March to discuss human and minority rights in Turkey. Dozens attended the event to hear Professor Baskin Oran and Professor İbrahim Özden Kaboğlu share their experiences and views on the human rights situation in Turkey with KHRP Executive Director Kerim Yıldız in a panel debate. Oran and Kaboğlu are former senior members of the Human Rights Advisory Council to the Prime Minister's Office in Turkey. The men are currently facing trial for allegedly “insulting Turkishness” under Article 301 and “inciting people to hatred” under Article 216 of the Turkish Penal Code for their contributions to a report concerning minority and cultural rights (see ‘Trial Observation Finds Academic Freedom At Risk’, page 4).

KHRP, the Federation of Kurdish Associations (Fed-Bir) and the Bar Human Rights Committee of England and Wales (BHRC) also hosted a dinner for the men on 24 March to pay tribute to their courageous human rights work. Held at a Kurdish restaurant, the meal was attended by lawyers, academics, journalists, donors, representatives of human rights organisations, NGOs and other supporters.

HUMAN RIGHTS NGO FROM TURKEY WELCOMED TO LONDON



Sehnaz Turan and Ruhşen Doğan (far left) from TOHAV came to KHRP to discuss their campaign

KHRP welcomed two lawyers from the Foundation for Society and Legal Studies (TOHAV) to its office on 25 January 2006. TOHAV is a non-governmental, non-political and independent human rights organisation in Turkey, with its headquarters in Istanbul and a branch in Diyarbakir, in the south-east of the country.

Sehnaz Turan, the Chairwoman of TOHAV, and Ruhşen Doğan, a lawyer and member of the organisation, were on a trip to the UK to raise awareness about their campaign to address human rights concerns in Turkey. During their time with KHRP they discussed the work they have been doing and expressed the many difficulties facing human rights defenders and civic society operating from inside the country. They explained that, while there have been some limited improvements as a result of institutional reforms prompted by EU accession talks, these changes have not significantly altered the widespread attitude of impunity towards human rights violations.

TOHAV's work is divided mainly between two missions. The first provides torture rehabilitation, giving aid to torture victims and helping them to integrate back into their society. The second offers a legal aid service, assisting those who wish to pursue justice in domestic and international bodies, in cases concerning human rights violations.

Dispatches

FUTURE STRATEGIES IN KURDISH HUMAN RIGHTS LITIGATION: MEETING



Distinguished members of the Kurdish Human Rights Project legal team met in London to discuss future strategies on litigation and advocacy to the European Court of Human Rights and UN Mechanisms

Over twenty distinguished members of the Kurdish Human Rights Project Legal Team gathered in London in March to discuss future strategies on litigation and advocacy to the European Court of Human Rights and UN Mechanisms.

KHRP Chairman Mark Muller began the evening by giving an overview of the organisation's history and some of its future plans, including proposals to expand its regional desks and to increase support for the Kurdish diaspora in Europe. Legal Officer Lucy Claridge discussed the organisation's work and achievements in 2005, including its impact at the European Court and the expansion of the organisation's caseload into the Caucasus. Tim Otty, KHRP Legal Consultant, gave an insight into a number of important cases including *Öcalan v Turkey*. Finally Deputy Director Rachel Bernu expressed her gratitude to pro bono lawyers for their invaluable contribution to KHRP and encouraged them to increase this commitment in the future.

WESTMINSTER HOSTS DEBATE ON VIOLENCE AGAINST KURDISH WOMEN IN TURKEY

Lynne Featherstone MP hosted a public meeting at the House of Commons on 30 January 2006, to discuss the ongoing violence against Kurdish women in Turkey. The aim of the meeting was not only to promote awareness of this situation, but also to consider ways in which the UK can enhance its practical support for women in the Kurdish regions.

The timing of the meeting deliberately coincided with the visit to the UK of Şehnaz Turan, chairwoman of the Foundation for Society and Legal Studies (TOHAV), a human rights organisation based in Turkey. Turan is also an active member of the EU-Turkey Civic Commission.

Other speakers included Baroness Helena Kennedy QC, KHRP board member; Margaret Owen, KHRP Women and Children's Programme Consultant; Sarah Ludford MEP; Jean Lambert MEP; and Monireh Moftizadeh of the Kurdish Women's Project.

Ms. Turan explained that Kurdish women continue to suffer from insecurity, poverty and discrimination in the southeast of Turkey. For example, village displacement has forced many women into urban areas where living conditions are very poor; many such women have committed suicide, as a result of a lack of access to education, health care and social support. Violence against women is therefore considerably easier because of the absence of basic rights and protection.

Switzerland, Germany and Austria consider involvement in Ilisu controversy

Since the end of 2005, formal applications have been made to the Austrian, Swiss and German governments seeking their support in underwriting the controversial Ilisu dam in south-east Turkey. The applications ask the European governments to bear the risk of any default owing to economic difficulties or political unrest, and hence allow the consortium seeking to build the dam – including VA Tech and Züblin – to borrow money on more favourable terms.

Before the project was halted in 2001 following widespread opposition, the ECAs had required project operators to fulfil a number of conditions. Nearly all the banks and companies withdrew from the project when environmental and social concerns were not resolved. Any potential Austrian, Swiss or German support for the dam is widely believed to be untenable due to the international controversy that would be caused.

Companies and private banks involved

Meanwhile, following conditions set by the EU Commission in June 2005 for competition reasons, the leader of the consortium VA Tech Hydro is still for sale. It is also unclear which, if any, banks could be willing to finance the dam. Several have stated that they would not.

Local opposition to the dam

Local resistance against the dam project is growing, with the opening of a secretariat including around 15 organisations, the Diyarbakir Platform. A meeting in January was attended by the mayors of the dam region's major cities (Diyarbakir, Batman, Hasankeyf, Dargeçit and Bismil), while a public forum took place in February.

European opposition to the dam

A European Ilisu Campaign has been established to highlight calls for higher environmental and social standards, transparency in promoting exports and to help create an opportunity for people affected to present their cases and demands in the countries involved in financing the projects. Organisations involved include WEED (Germany); FERN (Belgium), ECA-Watch (Austria), Berne Declaration (Switzerland), Corner House (UK) and Kurdish Human Rights Project (UK).

To support the European Ilisu Campaign or receive updates, contact KHRP at khrg@khrg.org or +44 (0) 207 405 3835 and Heike Drillisch (WEED) at heike.drillisch@weed-online.org or +49 (0) 30 2758 2249

KHRP & UN Special Rapporteur liaise over counter-terrorism measures and human rights



The UN Special Rapporteur on Human Rights and Counterterrorism, Martin Scheinin, visited Turkey from 16 to 23 February 2006 at the invitation of the Government. Kurdish Human Rights Project liaised with his office prior to his visit to exchange informa-

LEFT: Martin Scheinin, the UN Special Rapporteur on Human Rights and Counterterrorism, gave the preliminary findings of his visit to Turkey in February

tion and highlight areas of concern.

Scheinin met with government officials, parliamentarians, the National Security Council, the military, non-governmental and international organisations during his visit. He also visited four detention centres housing terrorism suspects. At the end of the fact-finding mission, he praised Turkey's progress

on human rights but was critical of anti-terror legislation, which he described as lacking transparency and clarity.

The Special Rapporteur has published the preliminary report on his findings, including "best practices" in the area of counterterrorism measures that are compatible with human rights, and a list of recommendations.

European Court communicates new KHRP detention cases

The European Court of Human Rights has communicated two new cases brought by Kurdish Human Rights Project to the Armenian government.

Myasnik Tadevosyan is Chairman of the Armavir office of the major opposition 'National Unity' party. He was arrested April 2004 to prevent his participation in a political demonstration in Yerevan. Himself a former Chief of Police, he was in any event sentenced to ten days detention under charges of 'maliciously disobeying the lawful order of the police'. The applicants claim that the Armenian government violated Article 3 of the ECHR, which prohibits torture or degrading treatment. They also allege that there were violations of Articles 5, 6, 8, 10, 11, 13 and 14.

A second case again re-

lates to events that took place during March and April 2004. The applicants – Hakob Hakobyan, Gor Martirosyan and Hamlet Petrosyan – have all been members of different opposition parties. They were arrested separately and were unable to take part in a number of political demonstrations taking place in Yerevan. After very brief trials, judges ordered them to be detained in prison, accusing them of using offensive language against police officers. The applicants shared a prison cell, the conditions of which they describe as appalling. They were denied access to their lawyers and were in prison for between 11 and 14 days. KHRP has submitted complaints to the Court that these events violated Articles 5, 6, 8, 10, 11, 13 and 14 of the ECHR.

continued from page 1:

Strasbourg condemns Turkey

bruises mingled with prints left by the soles of boots, suggesting that the deceased had been kicked. He photographed the mutilated corpse and wrote to a human rights organisation complaining, among other matters, of the mutilations inflicted on his brother's dead body. His attempts to find justice in Turkey were unsuccessful and in May 1998 the Kangal public prosecutor's office discontinued proceedings against the armed forces.

Hüseyin submitted that the Turkish authorities had not conducted an effective investigation into the circumstances surrounding the death of his brother and felt that the right to life (Article 2 ECHR) and prohibition of torture, inhuman and degrading treatment (Article 3 ECHR) had been violated.

In December 2005, the European Court held unanimously that there had been a violation of Article 3, in respect of the applicant, on account of the inadequacy of the investigation conducted into the mutilations and a further violation of Article 2 on account of the inadequacy of the investigation conducted into the case. It is one of a series of cases brought to the Court by KHRP highlighting violations of the right to life and prohibition of torture by Turkish authorities.

Change of contact details

Please note our new contact details:

Kurdish Human Rights Project (KHRP)
11 Guilford Street
London WC1N 1DH
Tel: +44 (0)207 405-3835
Fax: +44 (0)207 404-9088
www.khrp.org

If you haven't already done so, please help us reduce our administration costs by updating your contact information for our new centralised database. Contact us at the details above or visit www.khrp.org/database/

Dispatches

TURKISH COURT DROPS CHARGES AGAINST ORHAN PAMUK

Orhan Pamuk, Turkey's most famous contemporary author, saw his case dropped on 23 January, after a court ruled that there was no basis for continuing the charges that he had denigrated the Turkish state.

The government had brought Pamuk to trial regarding statements he made in 2004 highlighting the plight of Armenians and Kurds, although he denied having used the term 'genocide'. He had been indicted under Article 301 of the penal code which prohibits explicitly insulting being a Turk, the Republic or Turkish Grand National Assembly.

Pamuk's trial on 16 December 2005 was observed by KHRP. Although he no longer faces charges, human rights groups remain concerned at the numerous other trials taking place against journalists and publishers in Turkey. KHRP's trial observation findings are forthcoming.

KHRP WELCOMES IRAN HUMAN RIGHTS DEFENDER TO LONDON



Saeed Saedi of the Xorhelat Institute discussed the human rights situation in Iran with Mustafa Gundogdu, Lucy Claridge, Rachel Bernu and Tanyel Taysi of Kurdish Human Rights Project

In February, KHRP welcomed prominent human rights defender Saeed Saedi to its London office. Saedi, who works with the Xorhelat Institute in Sanandaj in west Iran, liaised with the organisation over the human rights situation and over possible joint collaborative work.

INDEX ON CENSORSHIP AWARDS KURDISH FILM

Bahman Ghobadi, a Kurdish film director from Iran, has been awarded by the non-governmental organisation Index on Censorship at its annual Freedom of Expression Awards for his film 'Turtles Can Fly'.

The film portrays life in Iraqi Kurdistan in the build-up to the US invasion of Iraq. Mustafa Gundogdu, KHRP Countries Coordinator and member of the London Kurdish Film Festival Organising Committee, collected the award on Ghobadi's behalf.

Keir Starmer QC, KHRP's legal team member, was also shortlisted for Index's Law and Campaigning Award.

Strasbourg condemns Turkey over 'disappearance' of youth

On 21 February 2006 the European Court of Human Rights condemned Turkey for failing to conduct an adequate investigation into the disappearance of 23-year-old Mehmet Şah Şeker, in violation of his right to life.

Mr. Şeker disappeared on 9 October 1999 on his way home from work. The authorities suspected Mehmet of involvement in *Hizbullah* activities and a search warrant had been issued for him prior to his disappearance.

KHRP brought the case on behalf of the young

man's father, Mehmet Mehdi Şeker. Witnesses had seen four persons, believed to be plain-clothed policemen, forcing someone into a car around the time of Mehmet's disappearance.

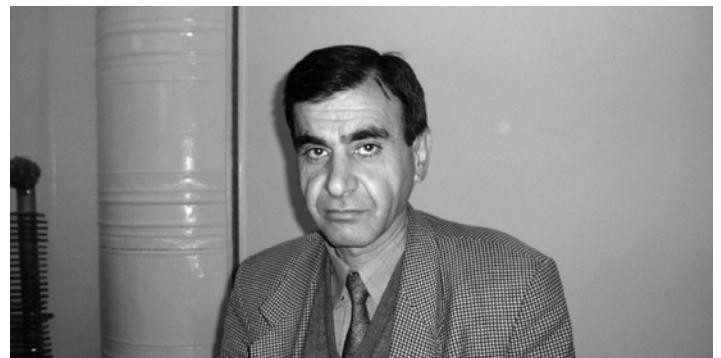
In its judgment, the Court was highly critical of the investigation, noting that the public prosecutors took no steps on their own initiative to obtain evidence or to identify possible witnesses. The public prosecutor in Diyarbakir only began to take action when the case had been submitted to the Court by KHRP.

New complaints of torture or ill-treatment

Kurdish Human Rights Project has submitted a new case to the European Court of Human Rights concerning the arrest and ill-treatment of a man in Armenia in April 2004.

Grisha Virabyan was arrested for allegedly carrying a gun while attending a political rally. In the police station he was beaten, kicked and seriously injured, requiring major surgery. Acting out of self-defence, he injured one of the police officers that was beating him and was charged with assaulting a police officer. The Chief Prosecutor of

Erebuni and Nubarashen Communes later closed this case on the grounds that the applicant's sufferings absolved his guilt. The applicant appealed this decision, on the grounds that a proper investigation should take place, including the fact that he had been acting in self-defence. The decision of the Court of Cassation rejecting this appeal is dated 13 May 2005. The Applicant invokes Articles 3, 5, 6, 8, 10, 11, 13 and 14 of the European Convention on Human Rights.



ABOVE: Grisha Virabyan complaints of multiple violations of his human rights while he was detained at a police station in Armenia in 2004

European Court invites NGO feedback

The President of the European Court of Human Rights invited KHRP and other NGOs to a one-day meeting between the Court and organisations that represent applicants and/ or have made third party interventions in accordance with Article 36.

The focus of the meeting, at which the Court was represented by several of its judges and by senior officials of the Registry, was on the practical aspects of taking cases under the Convention. A similar meeting was held with Government Agents in November 2005.

Items on the agenda included the Rules of Court (as recently amended), preparations for the entry into force of Protocol No. 14, requests for interim measures and third party intervention in proceedings before the Court. KHRP proposed several other items for discussion, regarding amicus curiae interventions; the possibility of receiving more reasoned argument in inadmissibility decisions; and issues of the new admissibility requirement (Article 12, Protocol No. 14).

The meeting took place on 10 April 2006 in Strasbourg.



ABOVE: Kurdish Human Rights Project before the judges of the European Court of Human Rights, Strasbourg

Council of Europe holds hearing on Kurdish culture

In January the Council of Europe's Committee on Culture, Science and Education held a hearing on the cultural situation of the Kurds in Iran, Iraq and Syria and the diaspora. The hearing was intended to complement the information that Rapporteur Lord Russell-Johnston gathered during his visit to Turkey in 2004. KHRP presented its views on the status and protection of Kurdish culture in the UK.

KHRP's briefing paper, 'Kurdish Culture in the UK' is available at www.khrp.org or at +44 (0) 207 405 3835 (See 'Publications and Briefings page 11').

New legal team members welcomed

KHRP has welcomed several new members to its legal team – its panel of expert lawyers and legal advisors who assist with litigation, advocacy, training, fact-finding and trial observation missions for beneficiaries in the Kurdish regions. New legal team members include:

Paul Richmond - Paul is a barrister at 8 Kings Bench Walk Chambers. His principle areas of practice are immigration, asylum and international human rights law. His practice covers all aspects of immigration, asylum and human rights law before the Asylum and Immigration Tribunal, Administrative Court and the Court of Appeal.

Paul Troop - Paul is a barrister at Tooks Chambers and specialises in human rights and civil liberties, humanitarian, European, civil, employment and discrimination law. He has appeared before the Grand Chamber of the European Court of Human Rights and made the first successful application for an arrest warrant under the Geneva Conventions Act 1957 against Doron Almog. He is currently assisting KHRP with its caseload before the European Court.

Catriona Vine - Catriona is a barrister practising in both domestic and international crime, public law and human rights. She has prepared international human rights applications both to the European Court of Human Rights and the European Court of First Instance. Before coming to practice at the bar, she completed a number of internships in the fields of international law and human rights. Catriona has carried out fact-finding missions and ECHR trainings for KHRP in Turkey throughout 2005.

OBITUARIES

Tribute to Bernie Hamilton

Early in 2006 Kurdish Human Rights Project learned the sad news that friend Bernie Hamilton had lost his battle with cancer.

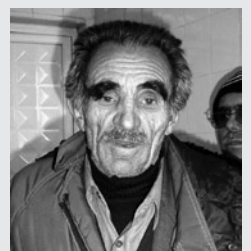


Bernie was internationally acclaimed as a genocide expert, human rights scholar and a tireless activist on many human rights causes. He ran Minority Rights Group International's Washington DC office from 1990 to 1995, when he left to serve as president of the Leo Kuper Foundation – dedicated to the eradication of genocide through research and education. He was also a co-chair of the Human Rights Interest Group of the American Society for International Law and was an adviser to Doctors for Human Rights (DHR). He taught regularly at London University's Birkbeck College as well as at Oxford University in the UK and at the American University in Washington DC and the University of Maryland in the US.

Bernie is survived by his wife Mirilee Pearl, his mother Edith Dorothy and his children Alex and Chloe.

Tribute to Mustafa Tunç

All at Kurdish Human Rights Project send their condolences to the family and friends of Mustafa Tunç, who died recently during a heart operation at the age of 59.



KHRP is representing Mustafa, a Kurd from Tunceli living in Istanbul, in a case to the ECtR concerning the death of his son Cihan Tunç, a Kurdish conscript in the Turkish army. He rejected the military's claim that it was a suicide and believed instead he was killed on account of his Kurdish origin. The case will continue at the ECtHR in spite of Mustafa's death.

NEW AND UPCOMING KHRP REPORTS



Kurdish Human Rights Project - Impact Report 2005

Kurdish Human Rights Project is the only non-governmental human rights organisation working consistently in the Kurdish regions that is completely independent of political affiliation. Founded in London in 1992, it works to enhance the rights of both Kurds and non-Kurds

The *Impact Report 2005* presents a unique insight into the organisation's work in Turkey, Iraq, Iran, Syria and the Caucasus. Its impact has been achieved through a combination of litigation, advocacy, training, trial observations, fact-finding, research and public awareness initiatives. The report should be viewed as a primary resource for those interested in the human rights situation in the Kurdish regions over the year.

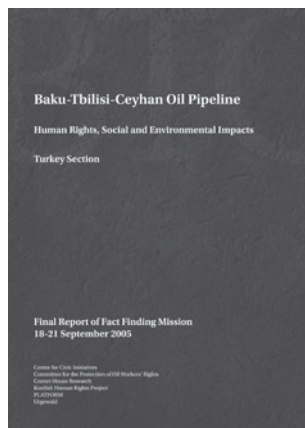
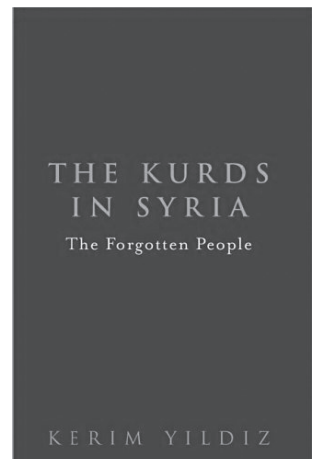
Available by contacting khrp@khrp.org or by phoning +44 (0) 207 405 3835

The Kurds in Syria – The Forgotten People

This is one of the first books to focus on the plight of Kurds in Syria. The Kurds are Syria's second largest ethnic group, and continue to be subjected to extreme human rights abuses. Along with Kerim Yildiz's other books – *The Kurds in Iraq* and *The Kurds in Turkey* – this builds on his comprehensive analysis of the current human rights situation for the largest ethnic group worldwide without its own state.

Yildiz examines the contemporary situation of the Syrian Kurds in the context of Syria's own history, and the present situation where it is outlawed as a terrorist state by the USA. Covering all aspects of Kurdish life including language, education, religion and history, Yildiz offers a unique insight into the human rights situation of the Kurds in Syria.

Special Offer: KHRP subscribers and friends can now take advantage of Pluto's discount scheme to purchase the book for £20.00 instead of the cover price of £25.00. Orders within the UK can be made by phoning 01264 342832, faxing 01264 342788, or emailing pluto@thomsonpublishingservices.co.uk. For orders outside the UK please phone +44 (0) 1264 342761 or email pluto@thomsonpublishingservices.co.uk. You can also visit the Pluto Press website with secure online ordering at www.plutobooks.com.



Baku-Tbilisi-Ceyhan Oil Pipeline – Fact-Finding Mission to Turkey: Human Rights, Social and Environmental Impacts

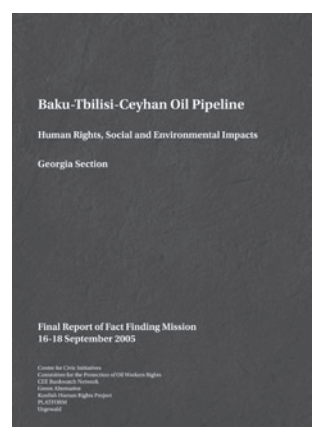
This report constitutes the findings of an international fact-finding mission that conducted interviews in towns and villages in the Ardahan region, north-east Turkey, in September 2005 to investigate the impacts of the Baku-Tbilisi-Ceyhan (BTC) oil pipeline project. The mission, comprising representatives of several human rights and environmental organisations, documents concerns raised by people affected by the pipeline, experts, pipeline workers, NGOs and the project's own monitoring reports. These matters relate to human rights abuses, expropriation of land, damage to land and property, lack of compensation, discrimination in community investment programmes, labour violations and repression of freedom of speech against people who have criticised the project.

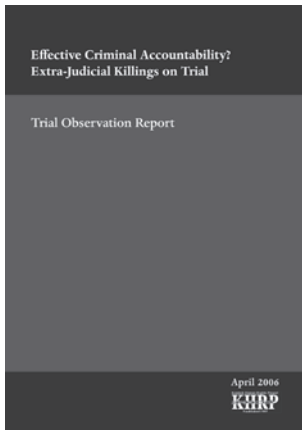
Available to download from www.khrp.org or www.baku.org.uk or by contacting +44 (0) 207 405 3835

Baku-Tbilisi-Ceyhan Oil Pipeline – Fact-Finding Mission to Georgia: Human Rights, Social and Environmental Impacts

This report presents the findings of an international fact-finding mission to Georgia to investigate the impacts of the Baku-Tbilisi-Ceyhan oil pipeline project. The mission, comprising representatives of several human rights and environmental organisations, visited towns and villages in the Tetrtskaro, Borjomi and Akhaltsikhe districts, holding interviews with villagers and others affected by the project. It returned to several villages visited during earlier missions to examine developments and progress on problems encountered previously. The report highlights multiple concerns with the pipeline scheme, including expropriation of land, failure to implement acceptable environmental standards, lack of consultation, uncompensated ancillary damage, labour violations and unacceptable use of untested materials during construction.

Available to download from www.khrp.org or www.baku.org.uk or by contacting +44 (0) 207 405 3835





Effective Criminal Accountability? Extra-Judicial Killings on Trial - Trial Observation Report

On 21 November 2004 Ahmet Kaymaz, 31, and his son Uğur, 12, were killed by undercover police officers some 40 to 50 metres from their home in Kızıltepe, south-east Turkey. Proceedings were opened against four police officers on 27 December 2004, accusing them of using excessive force. This report comprises the findings of a joint trial observation mission by KHRP and the Bar Human Rights Committee of England and Wales (BHRC) of the third hearing in the trial which took place in Eskişehir on 24 October 2005. The mission concluded there are grave concerns over the lack of effective criminal accountability for extra-judicial killings in south-east Turkey.

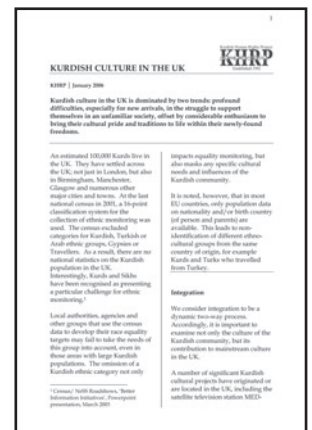
ISBN 1900 175 959

Available for £10.00 by contacting khrg@khrp.org or by phoning +44 (0) 207 405 3835

Kurdish Culture in the UK – Briefing Paper

The Kurdish community in the United Kingdom provides a rich fabric of cultural expression and talent from which the rest of society can benefit. A number of significant Kurdish cultural projects have been located in the UK, and Kurds have received a degree of acceptance in mainstream culture. This briefing paper highlights measures that could support such intergration, including the need for accurate ethnic monitoring, the encourage of Kurdish language education by education institutions and by parents, by according political rights to refugees, and by developing relationships between the Kurdish community and bodies such as the new Commission for Equality and Human Rights. The paper was presented at a Council of Europe Hearing on Kurdish Culture in January 2006.

Available freely from www.khrp.org or at +44 (0) 207 405 3835



BOOK REVIEWS

Book Review: The Kurds in Iraq: Past, Present and Future

Extract from a review by Michael Rubin in *Middle East Quarterly* (Winter 2006) of 'The Kurds in Iraq – Past Present and Future' by KHRP executive director Kerim Yildiz, published by Pluto Press in UK and the University of Michigan Press in USA



ABOVE: Kerim Yildiz

"Yildiz, executive director of the London-based Kurdish Human Rights Project, has compiled a guide better than many other surveys of Iraq Kurdish history, society, and politics. *The Kurds in Iraq* is a valuable guide not only for the policy practitioner but also for the general reader who wants a clear, concise study to aid understanding of a people and a region increasingly in the news. Unlike many other authors on this subject, he neither indulges his emotions nor does he artificially extend backwards Kurdish nationalism. He is precise, noting that while the term "Kurd" first appeared in the seventh century C.E. it would be al-

most a millennium before the term "Kurdistan" entered common usage and even then with a lack of precision as to its boundaries.

Looking forward to the future, Yildiz highlights conflicts over the death penalty likely to occur between the European states and the Iraq Special Tribunal trying Saddam Hussein and other former top regime officials. He also questions the extent to which American and European civilians serving in the Coalition Provisional authority and its successor organisations conform to international law."

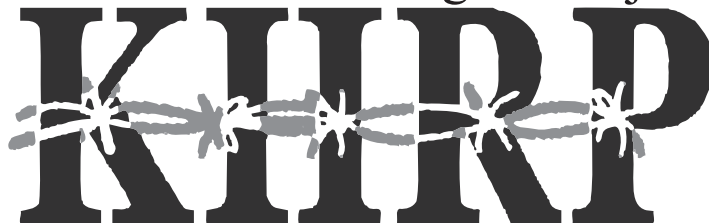
Book Review: The Kurds in Turkey – EU Accession and Human Rights

Extract from a review of 'Kurds in Turkey – EU Accession and Human Rights' by KHRP executive director Kerim Yildiz, published by Pluto Press in UK and the University of Michigan Press in USA. Review by Stephen Kinzer, 'Kurds in Turkey: The Big Change, in *The New York Review of Books* (12 January 2006)!

"The European Union has been one of the most effective peacemaking institutions of the modern era. It eased transitions from dictatorship to democracy in Spain, Portugal, and Greece. More recently, it helped manage the peaceable breakup of the Soviet empire. Now, although torn by internal problems, the EU is the main factor drawing Turkey toward democracy, and perhaps even toward resolving the seemingly intractable Kurdish problem.

Kerim Yildiz, executive director of the London-based Kurdish Human Rights Project, writes in a new book, *The Kurds in Turkey*, that the EU accession process "opens unprecedented political space to press for human rights and to draw attention to the need for political dialogue between Turkey and the Kurds." If this process actually leads Turkey into the EU, Yildiz predicts, Kurds will greatly benefit: "Full EU membership will impose checks on the behaviour of the Turkish state, and could ultimately provide the Kurds with some of the tools necessary to protect their political and legal status within Turkey."

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

Newsline is published quarterly by the KHRP. Materials in Newsline can be reproduced without prior permission.

However, please credit Newsline, and send us a copy of the publication.

KHRP
Kurdish Human Rights Project (KHRP)
11 Guilford Street
London WC1N 1DH
Tel: +44 (0)207 405-3835
Fax: +44 (0)207 404-9088
Email: khrp@khrp.org
www.khrp.org

✓ YES I/We would like to support the work of KHRP
Please find enclosed a donation for

£500 _____ £250 _____ £100 _____ £50 _____

£20 _____ £10 _____ £ _____ Other _____

NB Please note that certain gifts may be eligible for tax relief

ALL DONATIONS ARE WELCOME

Cheques should be made payable to:
Kurdish Human Rights Project

WE ACCEPT CAF Charity Card

I wish to donate by CAF Charity Card

Please debit my Charity Card for the sum of £

My card number is:

Expiry Date:

Date ___/___/___ Signature

Please send me a deed of covenant / gift aid form so I can make my donation more effective by enabling KHRP to claim the tax paid.

Name

Address

.....

..... Postcode

Tel Fax

Please return to:

KHRP
11 Guilford Street
LONDON
WC1N 1DH

Tel: +44 (0)207 405-3835

Fax: +44 (0)207 404-9088

Email: khrp@khrp.org

Calendar of Events

22 April	Centre for Islamic Studies, London School of Theology, Tenth Anniversary Symposium: 'Turkey in Europe: Cultures in Collision?'
3 May	World Press Freedom Day
4 May	Şemdinli Trial commences
15-20 May 2006	Fifth International Conference Against Disappearances, Diyarbakir, Turkey
8-9 June 2006	European Coordination Committee on Human Rights Documentation Meeting, London
9 June 2006	7.30pm: Kurdish Concert – Sound of the Tembur: Mysterious Heritage – Aynur & Mikail Aslan Ensemble, Queen Elizabeth Hall, London
21-25 June 2006	Sixth World Assembly of CIVICUS (World Alliance for Citizen Participation), Glasgow.
26 June	International day in support of victims of torture
29 June–3 July 2006	21st General Conference of the International Peace Research Association, including 'Commission on International Human Rights', Calgary, Canada