



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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CoE's Committee of Ministers supervises Turkey's execution of ECHR judgments



ABOVE LEFT: KHRP applicant Sukran Aydin was 19-years-old when she was blindfolded, beaten and raped by a member of the security forces. KHRP fought her case at the ECtHR which ruled for the first time in 1998 that rape constituted a form of torture contrary to Article 3. ABOVE RIGHT: KHRP's legal team before the Grand Chamber of the ECtHR, 2004

KHRP's contribution to bringing about a sea change in the recognition of human rights in Turkey was acknowledged by the Council of Europe's Committee of Ministers on 7 June 2005, when it adopted a rare Interim Resolution concerning Turkey's progress towards compliance with the European Convention on

Human Rights (ECHR). The Committee referred to 74 specific cases as measures of that compliance; over 77 per cent of which were brought by KHRP.

The cases highlighted by the Committee all concerned established human rights violations committed by Turkey's security forces, including violations of the right to life, prohibition of

torture and ill-treatment, the destruction of property and lack of effective domestic remedies.

The Committee took the opportunity to reiterate that in the fight against terrorism, "each contracting state... must act in full respect of its obligations under the Convention, as set out in the Court's judgments, and developed

in the Council of Europe Guidelines on human rights".

Previous Interim Resolutions relating to Turkey were adopted in 1999 and 2002. These "urged Turkey to accelerate without delay the reform of its system of criminal prosecution for abuses by members of the

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Iran's elections discriminatory, Kurds claim

The presidential elections which took place on 17 June and ended in a run-off have been widely viewed, both within Iran and in the international community, as being neither fair nor free. KHRP is concerned at the effect a change of power in Tehran could have on the already-marginalised Kurdish community.

Approximately nine million Kurds live in Iran, the overwhelming majority of them experiencing 'double discrimination' due to their status as an ethnic minority and as Sunni Muslims, an unrecognised religious minority. Many identify with the country's ethnic Persians, and have expended major effort into working with the government,

asking to live as equal citizens and full partners within the Iranian state. Practically, this desire for full participation has included calls for increased Kurdish representation in parliament (the Majlis), and access to national government positions, and a greater amount of local positions for Kurdish officials in the three provinces

that make up wider Iranian Kurdistan.

Although in theory the constitution of the Islamic Republic of Iran guarantees equal rights to ethnic and recognised religious minorities (not including Sunni Muslims), practically, these rights are not realised. The Islamic

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Conscientious objection in Turkey

KHRP is aware of numerous cases of Kurds who have fled Turkey on the basis of conscientious objection undertaking military service. Increasing numbers of countries, especially in Europe, have abolished compulsory military service. However, in Turkey forced conscription is still the norm, with those refusing facing heavy penalties. Article 72 of the Constitution defines military service as the right and duty of every Turkish citizen regardless of ethnic background. This obligation extends to all Turkish males, commencing on 1 January of the year in which he becomes 19 and ending on 1 January in the year on which he reaches 40.

Turkey dissociates itself from the numerous relevant Commission on Human Rights resolutions, in particular 1998/77, which affirms the right of everyone conscientiously to object to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights. Although Article 24(1) of the Turkish Constitution guarantees the right to freedom of conscience, there is no legal right to conscientious objection and no civilian substitute service is available. There is not even a right to perform unarmed service.

The conscientious objection movement in Turkey

Since the first public conscientious objection in Turkey in 1990, there have been the beginnings of a

non-violent, anti-militarist movement advocating the right to conscientious objection and the demilitarisation of Turkish society. Ever since the arrest and imprisonment in October 1996 of Osman Murat Ülke, conscientious objector and chairman of the Izmir War Resisters' Association (Izmir Savas Karsitlari Dernegi or ISKD), the young movement has strengthened its efforts to put its concerns on Turkey's agenda. ISKD wants to focus on lobbying the EU to include conscientious objection in the negotiations on Turkey's EU accession process. The organisation has been banned in Turkey, and any protest is risky because of the possibility of participants being charged with violating the infamous Article 155 of the Turkish Penal Code which outlaws 'alienating people from military service'.

Despite numerous UN Resolutions urging those states which do not recognise the right to conscientious objection to do so, or at least provide forms of alternative service which are compatible, the European human rights machinery in Strasbourg has been unwilling to find that a right to conscientious objection exists under the European Convention on Human Rights (ECHR). In particular, the ECtHR has usually declined to find a violation of Article 9 of the ECHR in regard to conscientious objection. While Article 9 does not specifically mention conscientious objection, it protects the right to freedom of thought, conscience and religion. The ECtHR has instead interpreted Article 4 of the ECHR as limiting the right to conscientious objection.

There is considerable material to guide the Court to acknowledge the existence of a right to conscientious objection and, as stated by the Court, it is 'free to depart from an earlier judgment if there are "cogent reasons" for doing so, which might include the need to ensure that the interpretations of the Convention reflect societal changes and remain in line with present day conditions.

Asylum claims based on conscientious objection

In the 1990s, when there was a significant chance of a Kurdish conscript being deliberately posted to the south-east to conduct military operations against Kurdish compatriots, an asylum claim based on conscientious objection carried more weight, particularly given that the Turkish security forces were broadly charged with commissioning human rights abuses during operations in the region. Now that the conflict has re-emerged, the situation requires fresh attention. States parties to the 1951 Refugee Convention have been unwilling to recognise conscientious objectors as refugees, usually citing the fact there is no internationally recognised right to object to military service on grounds of conscience. States have also generally conceded that conditions faced by a Turkish draft evader in a military prison would not be a breach of Article 3 of the ECHR.

In the absence of an internationally recognised right, KHRP urges States to consider UN Resolution 1998/77 at paragraph 7, which encourages States,

"subject to the circumstances of the individual

case meeting the other requirements of the definition of a refugee as set out in the 1951 Convention relating to the Status of Refugees, to consider granting asylum to those conscientious objectors compelled to leave their country of origin because they fear persecution owing to their refusal to perform military service when there is no provision, or no adequate provision, for conscientious objection to military service."

Kurdish conscientious objectors

KHRP believes that Kurds who conscientiously object to military service are at a greater risk of ill-treatment than other Turkish nationals. Three KHRP cases registered with the ECtHR in 2001, *Günes v. Turkey*, *Kalan v. Turkey* and *Esat Bayram v. Turkey*, concern the deaths of Kurdish conscripts in the Turkish army, all of which were said by the Turkish authorities to be 'suicides'. Autopsy requests were subsequently denied by the Turkish authorities. KHRP also has a similar case pending submission this year (*Chian Tung v. Turkey*).

Further, suspicious deaths in circumstances similar to these cases brought to the ECtHR have taken place among conscripts in recent years, with a disproportionately large number of Kurdish victims. The gendarmerie has a track record of serious human rights abuses and approximately half of all conscripts are required to serve in this institution. Military service exposes conscripts to a risk of being required to co-operate in acts contrary to basic rules of human conduct.



ABOVE LEFT: The killing of Ahmet and Uğur Kaymaz provoked demonstrations throughout Turkey ABOVE RIGHT TOP: The lorry by which Ahmet Kaymaz and his 12-year-old son Uğur were shot dead in an alleged extra-judicial killing ABOVE RIGHT: Members of the KHRP fact finding mission at the Van Branch of the Human Rights Association of Turkey (IHD)

Thirteen bullets: extra-judicial killings in southeast Turkey

KHRP in conjunction with Bar Human Rights Committee (BHRC) sent a fact finding mission to the Kurdish regions of Turkey between 16 and 21 December 2004. While visiting cities such as Van, Diyarbakir and Mardin the mission found that significant progress has been made in treatment of the Kurdish population, but added that there is still a long way to go before basic rights and freedoms are fully secured. The aim was to investigate extra-judicial killings in Hakkari and Kızıltepe and to assess the impact of the human rights reform in the region.

KHRP met with family members and independent witnesses in Kızıltepe to investigate the alleged extra-judicial killing of Ahmet Kaymaz and his 12-year-old son Uğur. Interviewees described how gunshots had been heard outside the family home when Ahmet Kaymaz and his son carried supplies to Ahmet's truck before having dinner. Shortly afterwards both were found dead in the road with no weapons beside them. A witness reported being subjected to torture or ill-treatment by people he suspected to be police officers.

Four policemen were indicted on charges of involvement in the killings. It has been alleged that Ahmet and Uğur have been involved in an exchange of gunfire with police; weapons and bullets were subsequently 'found' near Uğur. Lawyers acting on behalf of the deceased have been denied access to information, thereby hindering the investigation.

The mission also investigated the extra-judicial killing of 19-year-old shepherd Fevzi Can. Fevzi was killed by military forces at 1am on 30 October 2004, allegedly after failing to stop at a check-point. It has been reported that the police tried to force Fevzi's family to sign a document confirming he was a livestock smuggler and had failed to

adhere to a 'stop' warning. However the family refused to sign. The mission reports that one of the soldiers present at the time of the killing filed a complaint against another soldier with respect to the killing.

The mission raised serious concerns over the fairness of the investigation of these cases by Turkish authorities. The Public Prosecutor did not attend the scene for approximately thirty hours. The soldier thought to be responsible for Fevzi's death has been arrested and charged.

During meetings with local human rights defenders and lawyers, the mission probed the impact of the pro-EU reform process in Turkey. It concluded that significant progress had been made regarding the prevention of human rights violations but that there was a long way to go before the rights and freedoms of Kurdish people were secured.

In particular concern was expressed over the need to protect the large number of displaced people from south east Turkey, who wish to return to their homes and receive compensation payments. KHRP recommends tighter controls on proceedings such as questioning of suspects and the length of detention periods in order to protect suspects. It recommends that an impartial system should be established which internally and independently monitors police stations and other places of detention.

In its final report KHRP urged the EU to continue exerting pressure on Turkey to implement reform, in particular when considering EU's recent decision to open accession negotiations with Turkey.

To order the report see page 15 or www.khrp.org

Report finds Syria's development policies had gender discriminating effects

Kurdish Human Rights Project (KHRP) sent a fact finding mission to the Kurdish regions of north east Syria in February 2005 to supplement and conclude a two year research project about the impact of Syria's development policies on rural women, minorities and internally displaced persons (IDPs).

The Euphrates Basin Development Project introduced agricultural reforms, irrigation, damming and pilot farms and was aimed at increasing agricultural production and food security. The government introduced policies in the fertile Jazeera region in the 1960s, also had the objective of bringing greater equality by giving all citizens the economic means to contribute to the construction. However, findings show that Kurds and women were excluded from this process.

The land and agrarian reforms increased migration of male farmers to cities, in search of more profitable jobs. During the early 1990s, major water shortages as a result of a scheme of dams in south-east Turkey, the Southeast Anatolia Project, impeded the cross-border flow of water. The region no longer became sustainable for agricultural cultivation. For instance today, eight in ten men in a village close to Al-Bab migrate to cities to find work. Migration affect-

ed women most. Women had to taken on the jobs of their male relatives. Even today, women encounter daily obstacles due to the lack of recognition of women's agricultural work on local, government and international levels, despite more than half of female labourers working in the agricultural sector, according to UN Food and Agriculture Organisation reports. Because working in the agricultural sector is considered part of female gender roles, and domestic work is considered unproductive, local agricultural or construction organisations fail to meet women's basic needs such as tap water and electricity supply. For example, the fact finding mission revealed that women and Kurdish groups are discriminated during water distribution. Distribution of water and other entitlements were often cancelled once the husbands migrate and women are faced with uncertainty of a prosperous harvest.

In order to sustain their families, many women additionally work as wage-labourers. Without protection of labour laws, many women and young children are exploited as cheap agricultural wage labourers. Male farmers are the only ones entitled to land and water access rights and so women depend on their husbands

to obtain seeds, and other agricultural products as well as sell agricultural products since the State only buys crops from the land owners.

The construction of the Attawra dam, a symbol of patriotism for the Ba'ath government, was supposed to produce electricity for industries and villages as well as maintain a reliable flow of water for fields. Its success was limited and led to environmental and health problems. Moreover, the dam led to the displacement of approximately 60,000 to 70,000 Kurds in the Jazeera region. The Syrian State denied Kurds their rights to property, citizenship, loans, and other basic rights. Those who were most fortunate were assigned plots of land in the east of Syria, often in dry and infertile areas. Others were relocated to north-east Syria as part of the Arabization campaign. Displaced groups were given no or very little compensation for their economic losses, paving the way for many displaced Syrian and Kurdish women into deeper poverty and further gender exploitation. Displacement also carried with it a loss of culture. For many Syrian and Kurdish women, the loss of kinship and community ties meant less freedom overall.

On an international level the Attawra dam proved a

major leverage for power. Turkey used its' control over the Euphrates waters to exercise political pressure on Syria and Iraq. Meanwhile, Syria used its support for Kurds to conduct water negotiations with Turkey. Nationally, the Ba'ath government used a discourse of natural scarcity to justify unequal water distribution, thereby affecting the lives of many women and other minorities, particularly Kurdish girls.

Ba'athist nationalist discourse promoted gender equality for many decades and the government even inscribed in its' constitution that women and men have equal rights. The report shows that the reality for women, especially those living in the Kurdish regions is different. Gender discriminating agrarian reforms and gender blind development plans mean that Syrian Kurdish women continue to suffer doubly, from ethnic discrimination and gender discrimination. Recent developments such as the withdrawal of Syrian troops from Lebanon and the democratic policies in Iraq are likely to prompt Syria to introduce new economic and social policies. The Syrian government now has an opportunity to solve gender and ethnic discrimination and fully enforce women's citizenship rights.



ABOVE LEFT: Ragıp Zarakolu, who has been indicted after 'expressing that Kurdish people have a right to determine their own fate' ABOVE RIGHT TOP: International observers of the trial of Ragıp Zarakolu at a press conference, 2 March 2005 ABOVE RIGHT: Dr Fikret Başkaya giving an interview after his trial

Freedom of expression at risk: writers on trial in Turkey

A new KHRP report, published as Turkey approaches the commencement of formal EU accession negotiations in October, raises serious questions over Turkey's compliance with international standards on freedom of expression. The report presents the findings of a trial observation mission sent to observe the trial of two prominent writers, Ragıp Zarakolu and Dr. Fikret Başkaya; on 2 March 2005.

Ragıp Zarakolu, was indicted under Article 312 of the Turkish Penal Code for his article, published on 8 March 2003 in 'Yeniden Özgür' newspaper, expressing his belief in the right of Kurdish people to self determination. The indictment reads:

"...in this article, by expressing that Kurd-

ish people have a right to determine their own fate, the crime of instigating hatred among people against others on the grounds of social class, race, religion, sect or region in a way dangerous for the public security is committed".

On conviction this charge carries a prison sentence of between six months and two years. The trial was adjourned until 12 May 2005. In interviews with the defendant and lawyers, concern was expressed that the case would likely "not be concluded" for months or even years.

Zarakolu has long been a dissident in Turkey, and in the last 30 years has, along with his late wife, been before the Turkish courts on numerous occasions as a result of his work as a writer and publisher.

They have both served several periods of imprisonment. Zarakolu currently faces separate additional charges. In one of a series of cases brought to the ECtHR by KHRP, the Strasbourg court held on 13 July 2004 that Turkish authorities had violated Ayserir Zarakolu's right to freedom of expression and to a fair trial.

The mission also observed the trial of Dr Fikret Başkaya, a leading intellectual. Başkaya was indicted under Article 159 of the Turkish Penal Code for articles he wrote in 1993 entitled 'On Secularism, Kemalism and Religious Reaction' and 'Nothing New in the Inflation Front'. These were republished in a second edition of the book 'Writings against the flow', in January 2003, leading to his

current indictment.

Başkaya has been the subject of several trials for his writings; several of which have been observed by KHRP. In July 1999 the ECtHR held that Turkey had violated Başkaya rights to freedom of expression and to a fair trial. The Council of Europe Committee of Ministers later highlighted the case as an example of Turkey's failure to respect its ECHR obligation.

Başkaya was acquitted of the current charge on 2 March 2005 when the prosecutor withdrew the indictment with little explanation. The initial hearing on the case was held on 10 September 2003 and proceedings had been continuing for two years. Turkey's Justice Minister

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Dispatches

CONFERENCE ON HUMAN RIGHTS AND ANTI-TERROR LEGISLATION IN EUROPE

On 21 May 2005, KHRP Chair Mark Muller participated in a workshop with other leading experts and human rights defenders on the impact of anti-terrorism legislation on the protection of human rights and criminalisation of certain communities across Europe. The conference, convened at London Metropolitan University, aimed to give lawyers, human rights defenders and targeted communities an opportunity to share their experiences on this issue. The conference also gave those involved a chance to find ways to work together more effectively. The conference and the workshops were well attended.

GOVERNMENT BRIEFINGS ON HUMAN RIGHTS IN TURKEY

KHRP presented the findings of a recent fact-finding mission that investigated human rights abuses in Turkey at a meeting with the UK Foreign and Commonwealth Office on 23 May 2005. The delegation expressed concern over incidents of harassment of human rights defenders and journalists and over the efficacy of the Compensation Law for providing redress to Internally Displaced Persons (IDPs).

Continuing its advocacy, KHRP met with representatives of the Dutch Government in Amsterdam on 8 June 2005 to discuss Turkey's compliance with the Copenhagen Criteria and its accession to the EU.

REDRESS CONFERENCE ON ENFORCEMENT OF TORTURE JUDGEMENTS

KHRP Legal Officer Lucy Claridge participated in a conference from 2 to 3 June 2005 regarding the enforcement of torture judgments. The conference, organised by REDRESS and Freshfields Bruckhaus Deringer, included a panel discussion on the domestic enforcement of international awards, judgments and decisions. The purpose of the conference was to address the limited analysis by the legal community relating to how judgments and other decisions in domestic courts or in international courts are enforced.

KHRP AT MINORITY RIGHTS GROUP MEETING ON THE MIDDLE EAST

At the invitation of Minority Rights Group International (MRG), KHRP participated in a strategy meeting on 20 April 2005 uniting select Middle East experts to discuss the organisation's proposed expansion in the region. KHRP offered its expertise on the Kurdish regions and gave its view on the type of projects needed to which MRG could positively contribute.



ABOVE: Aydın Erdogan, Dr Fikret Başkaya's lawyer

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Freedom of expression at risk

appeared on national television on the eve of the trial saying that in his opinion the prosecution was 'stupid'. The mission concluded it was likely that this political interference in the case had influenced the decision to withdraw the indictment.

The mission expressed concern at the 'chilling' effect such arbitrary prosecutions have on freedom of expression in Turkey.

The European Commission similarly noted in its October 2004 report that:

'Whether or not conviction is likely, the regularity with which cases are filed against members of the press represents a significant deterrent to freedom of expression through the media.'

Reform in the areas of freedom of expression, including the new penal code and new Anti-Terror and Press laws, have had positive effects in recent months.

However, the mission concluded that substantial limitations remain. There is evidence that

those who merely criticise the state or government remain at risk of reprisals through arbitrary detentions or prosecutions. Particular concern is expressed over provisions of the new penal code, which fail to improve the existing code and do not comply with international legal norms. Many of the old provisions have been transferred verbatim from the old code to the new, and Article 302 of the new code virtually mirrors the old Article 159. The new code was due to come into force on 1 April 2005 but has been postponed for two months as a result of opposition from the media and human rights observers.

The failure of reform to 'filter down' means that writers, journalists, broadcasters, publishers and artists continue to face prosecutions; and almost certainly contribute to a 'chilling effect'. It is further noted that the European Court of Human Rights issued judgements against Turkey in more than forty cases in 2003.

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Council of Ministers

security forces.” The Committee listed Turkey’s recent action in response to such resolutions and their recommendations. These include, reinforcing the regulatory framework for the action of the security forces and ensuring the existence of effective domestic remedies in all cases of alleged abuse.

The measures identified in those resolutions, ask Turkey to ensure that new, similar violations are prevented. Turkey was urged to, “focus its efforts... [on] achieving, without delay, concrete and visible progress in the implementation of the major reforms which were found

necessary.” Furthermore, the resolution in 2002, “called upon the Turkish Government to continue to improve the protection of persons deprived of their liberty in the light of the recommendations of the Committee for the Prevention of Torture (CPT).”

Other initiatives taken by Turkey in line with proposals from previous resolutions include the establishment of a Staff Education and Training Unit to deal with the initial and in-service training of staff in prisons and detention centres. The Committee stressed that such initiatives should consolidate on work previously done in this area by the Council of Europe, particularly with regard to mainstreaming human rights training.

The assessment of Turkey’s progress analysed the information provided, which was concerned with the measures it has taken since the resolution in 2002; for example, the introduction of “zero-tolerance” policy towards

torture and ill-treatment. The Committee emphasised the need for such measures to be implemented across the board and be in line with not only its recommendations but also those from the CPT. The Committee’s assessment welcomed the various legislation introduced by Turkey with respect to its security forces and legal system reform. Amongst many recommendations, Turkey was urged to introduce prompt criminal investigations into allegations of abuse, an ECHR obligation.

The resolution did express regret at the, “statistics on the number of complaints lodged and on the outcome of such complaints have yet to be provided with a view to ensuring the Committee to assess the efficiency of the reforms adopted.”

In concluding, the Committee welcomed, “the adoption of a number of important reforms as well as the ongoing efforts to ensure full compliance with the Convention in these cases”. Even though positive progress was found, Turkey was encour-

aged to “consolidate (its) efforts to improve the procedural safeguards surrounding police custody through the effective implementation of the new Regulations... in the light of the requirements of the Convention and bearing in mind the recommendations of the Committee for the Prevention of Torture (CPT).”

The Committee placed the burden of proof on Turkey to show the impact of the measures it is taking, “including the provision of statistics regarding number of investigations, acquittals and convictions into alleged abuses.” The Committee stated it would, “resume consideration of the measures taken or envisaged in the listed cases within nine months to a year.”

KHRP welcomes the Resolution ResDH(2005)43 as evidence that the international community is providing much-needed monitoring of Turkey’s progress towards compliance with the ECHR, and will continue its work to cooperate with the Committee.



Fact-finding mission monitors internally displaced in Turkey

A KHRP fact-finding mission from 11 to 12 June 2005 investigated the current situation and welfare of internally displaced persons (IDPs) in Diyarbakir, Turkey.

The mission met with stakeholders living in Diyarbakir to investigate the Commissions set up under Law 5233. The mission met a range of political parties who expressed concerns at the implementation of the law, including representatives of the govern-

ing AKP Party, as well as representatives of DEHAP and the CHP party.

The mission also visited the slums in Diyarbakir where internally displaced villagers have been living since fleeing their homes as a result of the 1990s conflict. All those interviewed agreed that the Commission was ineffective in their current form and even went so far as to suggest they are an illusory form of redress. The findings of the mission will be published.

TOP: KHRP meeting with the governing Justice and Development Party (AKP) in Diyarbakir MIDDLE: Kurdish Children from an IDP slum in Diyarbakir BENEATH: Kurdish IDP slum in Diyarbakir

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Iran's elections discriminatory*

government is often considered to have openly pursued a policy of refusing to hire Iranian Sunnis in mid and high-level positions. A major part of the government's discriminatory practice towards the Kurds includes the denial of government posts, not only in these mid and high-level positions, but also local positions in the predominantly Kurdish regions, to Sunni Kurds. Instead, these administrative posts are given to non-Kurdish officials, often coming from the state's security forces.

The Kurdish population of Iran which, depending on the source, make up anywhere from 11 to 16 per cent of the total population, alongside with the great majority of Iranians who felt deeply unhappy with the hard-line Islamic regime, supported Mohammed Khatami and his reform movement, which promised greater social and political freedom for all Iranians, including ethnic and religious minorities. At first, in the 'honeymoon period' after Khatami's election, the situation on the ground appeared to be taking a turn for the better. Khatami, after taking office in 1997, appointed Abdollah Ramazanzadeh, a Kurd, as the first Governor General of Iranian Kurdistan. In turn, Ramazanzadeh, himself a Shi'a, appointed many Sunnis to key roles in the government. In his second term of office, Khatami brought

Ramazanzadeh to Tehran to serve as cabinet secretary. Unfortunately, the situation soured, and in 2001 a mass resignation of Kurdish representatives occurred, as five deputies and a legislator from Kurdistan province resigned from the Majlis, accusing Khatami's government of discrimination against Kurds. A large part of their frustration was due to Ramazanzadeh's exit to Tehran, as he had been responsible for easing tensions in the area. A non-Kurd was chosen as his successor.

By this time, Khatami's reformist platform was in decline, as the hard-line conservatives managed to thwart the reform movement at almost every step. Reform minded parliamentarians were blocked from the 2001 election and Khatami lost credibility in the eyes of his supporters when he did not postpone the elections. The situation was becoming increasingly tenuous for Ramazanzadeh as well, who was summoned to the hard-line judiciary for comments that were viewed as incendiary. The situation continued to deteriorate, as over half of the Kurdish MPs in parliament were prevented from participating in the Feb 2004 parliamentary election. Unsurprisingly, the election was boycotted by over 70 per cent of Kurds, and civil unrest occurred in Kurdish cities as protest to the unfair elections.

Currently, Iranian Kurds express overwhelming dissatisfaction with the

government they had been trying to work with through peaceful participatory methods. It is widely felt that Khatami's reformist platform fell short of the promised improvement in integration and participation, failing to engage the Kurds in a political process with the regime. At this point there is no Kurdish cabinet minister or deputy minister in the government, and very little progress has been made in providing Kurds with the opportunity to participate in government at any level.

The recent election, which was boycotted by many Iranian Kurds, brought hard-line former Tehran mayor Mahmoud Ahmadinejad a surprise victory. This change in power ushers in the distinct possibility of the situation deteriorating, as Khatami's exit from the presidency takes with it the failed hopes of many Kurds for any possibility for social reform. Despite calls from Tehran to not pre-judge ultra-conservative Ahmadinejad, who is extremely close to Supreme Leader Khamenei, many fear his ascension will usher in a worrying rollback of what little reform has occurred.

KHRP is concerned that the continuation of discrimination leveled against Kurds by the Islamic government's ban on hiring Sunni Kurdish Iranians as mid and high-level managers, even in the predominantly Kurdish regions, could lead to a significant 'brain drain' of the Iranian Kurdish

community. Already, due to the lack of opportunity in Iranian Kurdistan, educated Iranian Kurds are immigrating to northern Iraq, where, due to the relative autonomy of Kurdish administration since 1991, they are hired in managerial and administrative positions by the local government and industries. As this presidential election sweeps away the last vestiges of the hopes pinned on a largely failed reform movement, prospects for the Iranian Kurds looks bleak. This, coupled with the current relatively brighter prospects for the Kurds in Iraq, leads us to be worried that the situation may in fact worsen, as qualified Iranian Kurds become even more frustrated with the lack of opportunity available for them, leaving Iranian Kurdistan in search of better opportunities in greater numbers than they already are.

The failure to provide Sunni Kurds opportunities for employment in government represents a direct violation of Article 26 of the International Covenant on Civil and Political Rights, which enshrines the equality of all persons before the law, and was ratified by Iran in 1975. This lack of equality is directly contributing to the flight of the very sector of Kurds needed to remain in Iran in order to keep its Kurdish provinces from slipping even further into what some see as active state-sponsored underdevelopment.

Ocalan's Trial Unfair, Rules European Human Rights Court

Human rights lawyers have welcomed the 12 May 2005 decision of the highest panel of the European Court of Human Rights (ECtHR), confirming that the imposition of the death penalty on Abdullah Ocalan violated the prohibition on human and degrading treatment. The judgment raises the prospect that Mr Ocalan will receive a retrial to compensate deficiencies in his original trial which led to the imposition of the death penalty, later commuted to a life sentence. Mr Ocalan has remained in solitary confinement as the sole prisoner on Imrali Island since 1999.

Abdullah Ocalan was abducted from Kenya in 1999 and sentenced to the death penalty. It was clear from the outset that if condemned by the European Court, Turkey would be forced to make a humiliating climb-down in the treatment of its longstanding opposition in order to accede to the EU. It is widely believed that this concern played a part in prompting Turkey to commute Mr Ocalan's death sentence to life imprisonment with no chance

of parole or amnesty in 2002 but in the event the original imposition of the death penalty was still held to have violated Mr Ocalan's rights under Article 3 and the Court made its strongest statements yet in condemning recourse to the death penalty.

On 9 June 2003, the applicant's representatives requested the case to be referred to the Grand Chamber pursuant to Article 43 of the Convention on the basis that it raises a number of serious questions affecting the interpretation of the Convention and a number of serious issues of general importance. Likewise, the Turkish Government submitted its request for a referral to the Grand Chamber on 12 June 2003.

In light of the case's significance, the Grand Chamber took the exceptional step of proposing specific measures available to the Turkish Government to enable it to implement fully the terms of the judgment. In the specific context of such cases in Turkey's state security courts, the Court declared, the most appropriate form of redress

in principle would be for the applicant to be given a retrial without delay if s/he so requested. The Council of Europe's Committee of Ministers will monitor any failure to implement the Court's decision, safeguarding Ocalan from further violations to his human rights or fundamental freedoms.

The decision confirms an earlier judgment of 18 March 2003 that capital punishment has now come to be regarded as "an unacceptable form of punishment" which "can no longer be seen as having any legitimate place in a democratic society". The Court also found that Mr Ocalan's rights under Article 6 (right to a fair trial) of the Convention had been violated in several respects. The Court established that his rights under Article 5 (right to liberty and security) had been violated, stating that the length of his detention before being brought to a judge and the inability to challenge his detention at the domestic level violated both Article 5(3) and 5(4). On the basis of the numerous issues of general importance and seri-

ous questions affecting the interpretation of the Convention raised by the case, both the applicant's representatives and the Turkish Government had requested that the case be referred to the Grand Chamber.

Turkey's approach to upholding this ruling will be seen by many as a test of its commitment to the universal applicability of basic human rights and fundamental freedoms for all, irrespective of ethnic or political status; a commitment that is critical to its aspirations of EU accession. Mark Muller, Advocate Representing Abdullah Ocalan, said, "This is one of the most significant cases to ever come before the European Court of Human Rights. We fully expect the international community to monitor Turkey's compliance with the verdict, in light of the potentially enormous ramifications of the case. Above all, the judgment represents a chance for a measure of justice for a forgotten people and perhaps also the platform for a future reconciliation between Kurds and Turks alike."

Admissibility Decision in Right to Life/ Prohibition of Torture Case

The ECtHR declared a new case alleging violations of the right to life and prohibition of torture or ill-treatment partially

admissible on 23 April 2005 (*Kanlibas v Turkey* - 32444/96). The case concerns the killing of the applicant's brother

during a police operation. The applicant, Huseyin Kanlibas, alleges that his brother's ear was cut off and that the deceased was

subjected to ill-treatment on 8 January 1996, during or after this operation.

European Human Rights Court Slams Turkey, as Six 'Disappearance' Cases Reach Judgment

The ECtHR has slammed Turkey for its record of 'disappearances' by finding against the Government in six separate cases brought to the Court by KHRP. Each of the cases was brought by relatives or mothers of men who had disappeared in the Kurdish southeast region of Turkey in 1994, and represented the final landmark in lengthy legal battles.

In all six cases, the Court held unanimously that Turkey had failed to carry out adequate or effective investigation into the circumstances of the disappearances and/or deaths of the applicants' relatives, in violation of the right to life (Article 2). Turkey was also found to have violated the right to an effective remedy in each case (Article 13). Turkey's failure to provide the Court with the facilities necessary to establish the facts (Article 38) was condemned in five of the cases (*Çelikbilek v. Turkey*, *Kişmir v. Turkey*, *Koku v. Turkey*, *Toğcu v. Turkey* and *Yasin Ateş v. Turkey*).

In *Akdeniz v. Turkey* the ECtHR held the Turkish government responsible for the death and ill-treatment of Mehdi Akdeniz under Articles 2 and 3. Mehdi Akdeniz's mother claimed that he was beaten and then taken into the custody of Turkish government soldiers who came to her village near Diyarbakır on 20 February 1994. Mrs. Akdeniz alleged that the soldiers burnt the houses of the villagers. The Turkish Government denied taking Mehdi Akdeniz into custody and stated that

Sesveren hamlet was attacked by members of the Kurdistan Workers' Party (PKK). However, the ECtHR found sufficient evidence, from eye witness reports and inference, to conclude that the Turkish Government was responsible for the circumstances from the disappearance and death. Additionally the Turkish Government failed to carry out an effective and timely investigation, violating Article 2. The Court also found in favour of the deceased with respect to two violations of the prohibition of torture and ill treatment (Article 3).

The Court found that Mehdi Akdeniz was held in unacknowledged detention with a complete absence of the safeguards contained in Article 5 and that Turkey violated Article 13 regarding the disappearance, thereby providing no viable remedy.

KHRP obtained justice for a further applicant regarding the disappearance and death of his brother, Abdulkadir Çelikbilek, in 1994 (*Çelikbilek v. Turkey*). The man had been abducted by plain clothed police officers on 14 December 1994. His body was found eight days later on a rubbish heap near a cemetery. The Turkish government denied any involvement in the abduction and killing of Abdulkadir Çelikbilek and argued that he was killed as a result of a mafia-type vendetta. The ECtHR ruled that the Turkish State is held accountable under Article 2 for the death and that the State had violated Article 13 for insufficient in-

vestigation into his death, which denied the applicant an effective remedy.

The Court emphasised that Turkey's complete failure to provide relevant documents allowed them to draw inferences as to what actually happened to Abdulkadir Çelikbilek, and found the State liable both for his death and adequate investigation under Article 2.

In its third victory, the ECtHR upheld KHRP's arguments in the case of *Kişmir v. Turkey* brought on behalf of the family of Aydın Kişmir. They alleged that the man was arrested and placed in detention by Diyarbakır Police Headquarters on 6 October 1994 and that he died while in the custody of the police on 12 October 1994. The Turkish State violated Articles 2 and 3 of the Convention in respect of the death and ill-treatment of the man. Furthermore the Court found that an injury on Aydın Kişmir's head, and other injuries on parts of his body, caused during police custody, led to his death six days later. The Court announced that under Article 3 this constituted a severe violation of Aydın's rights.

In the case of *Koku v. Turkey* the Court announced that the Turkish government had breached of Article 2 of the Convention by failing to safeguard Hüseyin Koku and in failing to investigate his disappearance and death. Hüseyin Koku was abducted on 20 October 2004 in Ebistan by armed police officers. He was taken into policy

custody and subjected to inhuman and degrading treatment before being found dead on 27 April 1995.

Hüseyin Koku had experienced problems with Turkish authorities since he joined the pro-Kurdish Democracy Party (DEP) (HADEP since 1994). At his abduction, his wife and other witnesses identified the perpetrators as police officers. She lodged complaints but the authorities failed to give her an explanation of what happened to her husband. The Court could not find a violation of the abduction and the killing of Hüseyin Koku under Article 2 since it remained unclear whether state agents had killed him. However, the Court decided that Turkey had breached Article 13 and stressed that the State had the responsibility to protect the life of an individual at real and immediate risk. Considering Hüseyin Koku was a prominent politician and a dozen of people working for HADEP has also been abducted and killed, the Court found that the Turkish State should have protected his life and failed to investigate correctly the abduction and killing of the victim, under Article 2.

In the case of *Toğcu v. Turkey* a Kurdish man whose son 'disappeared' in Turkey also obtained justice at the ECtHR. The Court held that Turkey had violated the Convention for its failure to investigate the killing of Ender Toğcu, the

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manager of the Sento hotel and the Arzu club in Diyarbakir. He disappeared on 29 November 1994, after being in Diyarbakir Hospital, with his pregnant wife. The Court established that he had been taken into custody by security forces of the Turkish government. The Government denied involvement on the grounds that he had joined the PKK, yet the Court established that Toğcu had no relations with the PKK or any other similar organisations.

The Court was unable to make a finding as to who might have been responsible for the disappearance of Ender Toğcu however found that the Turkish government had violated Article 2 and 13.

In the sixth of judgments delivered on 31 May 2005, whereby the Court held Turkish government responsible for the death of a man whilst under arrest by security forces, under Arti-

cle 2 (*Yasin Ateş v. Turkey*). Yasin Ateş was arrested by the police on 13 June 1995 and died shortly after. His appeal was made by his father, on 21 June 1995. Although the Court found that it lacked evidence to conclude whether Yasin Ateş died in police custody, it still charged the Turkish government of responsibility for his death. By failing to give a clear explanation of the killing, Turkey failed to explain injuries or death, which occurred during custody under Article 2. The Turkish government maintained that Yasin Ates was shot and killed in crossfire between the PKK and security forces. However the Court found a violation of the procedural aspect of Article 2, and Articles 5 and 13 since the detention of Yasin Ateş was arbitrary and Yasin Ateş' father was denied effective remedies to contest the killing, respectively. The ECtHR concluded that the Government had failed to adequately account for the killing of Mr. Ateş.

Millennium Development Goals and the Eradication of Poverty in the Kurdish Regions

On 19 May 2005, KHRP submitted its latest findings from its "UN Millennium Development Goals and Women" Review Summit, to the UK Civil Society Consultation. The summit, held in April 2004, Diyarbakir, Turkey, was aimed at advancing the implementation of the UN Millennium Development Goals (MDGs) through raising public awareness among Kurdish women's rights NGOs active in south-east Turkey. The findings revealed that the three most important objectives (eliminating extreme poverty and hunger, implementing universal primary education, and promoting gender equality and empowerment of women) are all far from achieved.

War and conflict continue to hinder the elimination of poverty in south-east Turkey and create huge disparities in income in different regions. Primary education rarely includes access to Kurdish language teaching in schools and stops primary education from being available to all. Moreover, women are discriminated in all areas of life and often face physical violence

on a nearly daily basis. In its submission KHRP recommended that poverty could be alleviated if funds were redirected from war-related activities to employment programs that support entrepreneurs and educational programmes, including adult learning opportunities. It reiterated the importance of raising public awareness about the elimination of discrimination against women. Further recommendations include putting Kurdish language into the school curriculum, addressing the problem of child labour, and eradicating sexual and ethnic based discrimination within education systems.

The assessment concluded that in order to achieve gender equality in all areas in life and circumstances, the women's rights has to be respected and protected, by providing a quota of 40 per cent of seats for women to represent themselves in all political arenas and offering women psychological counselling from the state or NGOs, particularly for those women affected by war.

Articles of the European Convention on Human Rights

Article 2 – Right to Life

Article 3 – Prohibition on Torture

Article 4 – Prohibition on Slavery and Forced Labour

Article 5 – Rights to Liberty and Security

Article 6 – Right to a Fair Trial

Article 7 – No Punishment Without Law

Article 8 – Right to Respect for Private Life and Family Life

Article 9 – Freedom of Thought, Conscience and Religion

Article 10 – Right to Freedom of Expression

Article 11 – Right to Freedom of Association

Article 12 – Right to Marry

Article 13 – Right to an Effective Remedy

Article 14 – Prohibition of Discrimination

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

Three New Cases Communicated to Turkish Government

The ECtHR has communicated three new cases brought by KHRP to the Turkish Government.

The Court held that the complaint of a breach of a fair trial under Article 6 was partially admissible in *Karaoglan v Turkey* (60161/00), and to join the admissibility decision with the merits of the case by 1 September 2005. The case concerns Fikret Karagolan, a Kurdish journalist, who alleges he was beaten and forcibly arrested on 20 March 1998. He

complains that he was subjected to torture and ill-treatment for over two days subsequently, and that he was denied a fair trial in proceedings at the Diyarbakir State Security Court, which sentenced him to over twelve years imprisonment.

The second new case communicated to the Government concerns the disappearance of the applicant's son, Attila Osmanoğlu, on 25 March 2005. The applicant complains that he saw

his son being taken away by two armed policemen and that the Diyarbakir State Security Chief Prosecutor repeatedly failed to acknowledge that his son had been taken into custody. KHRP has submitted that this constituted violations of Articles 2, 3, 5, 8, 13 and 14 of the ECHR (*Osmanoğlu v Turkey* (48804/99)).

In a third case, the ECtHR held on 20 April 2005 that it would communicate a new case to the Government concerning the killing of

the applicant's mother on 16 September 1994 by a shell explosion (*Kamil Uzun v Turkey* (48544/99)). The applicant and his family lodged a complaint with the police department but allege the authorities failed to carry out an investigation into the events and to identify the perpetrator responsible for the explosion. The ECtHR has decided to join the admissibility decision with the merits of the case.

New cases at European Court

Two new KHRP cases have been registered at the ECtHR.

In *Amiryan v Armenia* (31553/03) the applicant alleges that police repeatedly discouraged him and his wife from participating in demonstrations of the Yerkrpah Voluntary

Union in March 2004. He was asked to appear at the city police department several times and was detained on 13 April 2004. He refused to sign a forced confession that he had violated public order that would have led to an automatic ten

day administrative arrest. His case was transferred to the Court of First Instance. He was denied access to legal representation and was unable to appeal. He complains of violations of Articles 3, 5, 6, 10, 11 and 14 of the ECHR.

The second new case

registered by the Court concerns the arrest and 13-day torture of the applicant Cesim Ucak (*Ucak v Turkey* (6335/03)). His case proceeded through courts for eight years. He maintains there was no evidence of the charges.

ENVIRONMENTAL UPDATE

Campaign Moves to Monitor Pipeline

The Baku Ceyhan Campaign has announced plans to devote five years further work to monitoring the impact of the BTC pipeline. Supporters have been actively lobbying

parliamentarians and the government following the announcement of plans to start flowing oil through the pipeline during the second half of 2005. Although construction of the project, from Baku,

Azerbaijan through Georgia to Ceyhan, Turkey, will continue for at least another three years, the basic pipelines have already been built, affecting the lives of many living nearby.

The Campaign,

including KHRP, Friends of the Earth (England, Wales and Northern Ireland), the Corner House and PLATFORM, has worked consistently to ensure the pipeline is built in compliance with international standards.

Launch of Report into Cultural and Environmental Impact of Large-Scale Dams

In May 2005 the National University of Ireland, Galway and KHRP co-hosted a reception to launch the publication of "The Cultural and Environmental Impact of Large Dams in South-east Turkey". The report, published jointly by KHRP and the NUI, Galway discusses the devastating effects that such displacement has on a region, its people and its culture. Findings reveal that the cultural heritage of Kurds, Armenians, Assyrians and others from the last few hundred years and holy places, many still used in religious practices today and some dating from over 1000 years ago, will be destroyed under the reservoir waters. The report finds that a range of international laws, including EU standards, are being violated. The Ilisu Dam is likely to affect the local residents by increasing infant mortality, lack of food and sanitation, the trauma of losing community ties and property, severe poverty and language and culture problems. The report is available from www.khrp.org.



ABOVE: Kerim Yildiz, Executive Director of KHRP (centre left) with members of the National University of Ireland, Galway: (left to right) Professor John Waddell, Head of the Department of Archaeology, Maggie Ronayne, Lecturer in Archaeology and Professor Jim Browne, Deputy President

BTC Pipeline Inauguration: Human Rights and Environment Remain At Risk

After years of planning and controversy, the Baku-Tbilisi-Ceyhan (BTC) oil pipeline was inaugurated on 25 May 2005 in Azerbaijan.

It is now over a year since the International Finance Corporation (IFC), the European Bank for Reconstruction and Development (EBRD), national export credit agencies and fifteen commercial banks signed loan agreements to provide financing for BTC. The project was controversial prior to funding, due to expressed concerns over the pipeline's likely impacts on human rights, democratic development and the regional environment. Subsequent events have substantiated rather than assuaged those earlier concerns, including:

- The taking of BTC-related cases to both the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR);
- A UK parliamentary inquiry into widely documented problems of pipeline safety, including allegations of falsified test results and failure to report warnings over corrosion, and into ongoing human rights concerns;

- The withdrawal of one of the project's private backers, Banca Intesa, citing serious failures of due diligence by project funders;
- Evidence that many of the problems in the region predicted by NGOs have come to pass, including repression of democracy, alleged torture or ill-treatment of local human rights defenders, unlawful expropriation of land and major environmental damage.

After years of engaging with BP and financial institutions in good faith, many of the promises made to local people and NGOs that the BTC pipeline would be beneficial, accountable and built to "the highest international standards" have been broken. KHRP and its partner organisations remain concerned at the pipeline's safety, the lack of due diligence by financial institutions, human rights violations, and other ongoing issues. Without an independent audit of the pipeline, there are grave concerns that the environmental and social damage threatened by the project will come to pass.

Joint Conference on Compensation for Internally Displaced in Turkey



ABOVE: Jonathan Sugden of Human Rights Watch, Tahir Elci of Diyarbakir Bar Association and Mark Muller of KHRP and BHRC attend strategy meeting on IDPs and Compensation Law, June 2005

Over fifty lawyers and human rights defenders attended a conference on 11 June 2005 jointly organised by the Diyarbakir Bar Association, Human Rights Watch, BHRC and KHRP in Diyarbakir. The conference focused on the Law on Compensation for Damage Arising from Terror and Combating Terror (Law 5233). Turkey enacted the law in consultation

with the Council of Europe in an effort to provide some form of redress for the estimated three million Internally Displaced Persons (IDPs) who lost land or relatives in a campaign of village destruction which peaked in severity in the mid 1990s.

In particular, the law offers displaced villagers the possibility of full compensation for material losses, including land, homes and possessions. In theory, the compensation law offers villagers the chance to receive compensation for the loss of their houses, livestock, farming equipment and income.

It was evident from consultations that, since the law's enactment in July 2004, the law is felt to have achieved little. The numerous local commissions established to consider complaints have been inundated with applications, only few of which have reached a decision. The meeting also addressed the issue of whether the commissions, composed of five civil servants and just one independent member of the Bar Association, can be genuinely independent and impartial. In addition, the commissions are demanding a high evidentiary burden including documentary evidence from survivors regarding the destruction of their homes which threatens to undermine the efficacy of the process.

TRAINING

Armenia: New Training and PACE Meeting on Freedom of Media



Sixteen lawyers, human rights defenders and NGO representatives participated in a KHRP training seminar on 13 May 2005, focused on

building awareness of the remedies available under the European Convention on Human Rights system.

The training, delivered in conjunction with the Forum Law Centre, was the first of its kind to take place in Vanadzor, a city in north Armenia.

KHRP also met with applicants in Yerevan to gather further information about their cases before

the ECtHR and about the current human rights situation in the region. A further briefing was held with the Rapporteur and other representatives of the Parliamentary Assembly of the Council of Europe on the issue of freedom of the media and KHRP cases to the Court.



FAR LEFT: Emil Babayan (translator of the Forum Law Center), Lucy Claridge (KHRP) and Joanna Wood (Barrister for 10-11 Gray's Inn square) at training session in Vanadzor ABOVE: KHRP delivering training, 13 May 2005

NEW KHRP REPORTS



Development in Syria – A Gender and Minority Perspective by Alessandra Galié & Kerim Yildiz

This report presents the findings of a two-year research analysis into the impact of Syria's development policies on the most disadvantaged groups including women, minorities and internally displaced persons (IDPs), complemented by a fact-finding mission to the Kurdish regions of northeastern Syria in February 2005. It investigates the daily lives of the most vulnerable groups living in the Euphrates Basin and finds many of the development policies implemented by the Syrian government have had discriminatory effects. Thousands of Kurds, for example, were displaced by development of the At-tawra dam and the removal of their citizenship rights, the effects of which continue to be felt to this day. The report demonstrates that women, especially in rural areas and those that are Kurds, face discriminatory hardships in the areas of citizenship, poverty and labour.

ISBN 1900175886

£6.00 + £2.00 (P&P) or available www.khrp.org

Annual Report 2004

KHRP is the only organisation using a sustained, multi-faceted approach to promote human rights in the Kurdish regions of Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan: an area that has borne some of the gravest human rights violations in recent history. It has maintained a reputation for independence and neutrality by promoting the human rights of both Kurds and non-Kurds alike, irrespective of race, religion, gender, belief or opinion. Working with partner organisations on the ground, KHRP has pioneered the use of individual petition by directly taking cases to the European Court of Human Rights (ECtHR) on behalf of over 500 survivors of human rights violations including torture, 'disappearances' and censorship. In this way, KHRP cases have established precedents which have changed the lives of millions leading, *inter alia*, to the ECtHR's strongest condemnation yet of recourse to the death penalty and establishing for the first time that rape is a form of torture contrary to the European Convention on Human Rights (ECHR).

Such precedents not only have ramifications in the Kurdish regions but throughout the Council of Europe member states. Such is its scope that KHRP has litigated in over 90 per cent of all fact-finding hearings in the ECtHR's history. It has also influenced issues important to the protection of human rights generally, for example initiating an NGO coalition which engaged with the ECtHR to make a proactive, positive contribution to its recent reform.



Advocacy at the ECtHR is only one way our work has made an impact. KHRP has undoubtedly made a positive and lasting contribution to the UK's human rights policies; both domestic, —regarding the large and prominent Kurdish refugee community— and foreign, on issues ranging from export credit reform to the Baku-Ceyhan pipeline. KHRP's promotion of the relationship between social and environmental justice, and its well-documented role in the Ilisu Dam Campaign, has also safeguarded the livelihoods of thousands.

Our work has given impetus to massive legislative reforms in Turkey, including the lifting of state of emergency and abolition of state security courts; however there remains much to be done. The *Annual Report 2004* should be viewed as the primary resource for those interested in reviewing KHRP's diverse project work throughout the year, including its litigation and advocacy, training and internship programmes, fact-finding and trial observation missions, research and publications and public awareness initiatives.

Free or available at www.khrp.org

KHRP Legal Review 7 (2005)

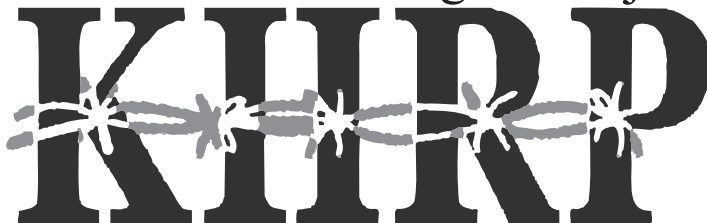
The KHRP Legal Review is the only existing legal journal considering significant developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders by providing clear guidance, updates and analysis of issues relevant to the regions. This edition provides the findings of recent trial observation missions to the regions and of a recent conference concerning Turkey's accession to the EU. It also evaluates progressive projects to develop women's rights. It provides an analysis of the Divisional Court's judgment in *Al-Skeini v Secretary of State for the Defense* and of the supervisory system of the Framework Convention for the Protection of National Minorities (FCNM). Civil society developments in Iraq are also featured, together with an analysis of the controversial issue of wearing religious symbols in state schools.

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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.

Aims

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

Methods

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

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Calendar of Events

4-22 July 2005	International Summer School in Forced Migration, Oxford, UK
7 July 2005	Human Rights and Islamic Law Seminar, BBP Law School, London
11-29 July 2005	OHCHR Human Rights Committee holds its 84th session meeting, Geneva, Switzerland
5-22 July 2005	33rd Session meeting of the UN CEDAW, New York, US
14-15 July 2005	OSCE Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism, Vienna, Austria
19-21 July 2005	UN conference 'From Reaction to Prevention: Civil Society Forging Partnerships to Prevent Violent Conflict and Build Peace', New York, US
25 July – 12 August 2005	57th session meeting of the UN Commission on Human Rights, Subcommission on the Promotion and Protection of Human Rights, Geneva, Switzerland
5-22 July	34th session meeting of the UN Committee on the Elimination of Discrimination against Women, Geneva, Switzerland
2-19 August 2005	67th Session meeting of the UN CERD in Geneva, Switzerland
21-27 August 2005	World Water Week
12-30 September 2005	40th Session meeting of the UN Committee on the Rights of the Child (CRC), in Geneva, Switzerland