

KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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KHRP Honoured at Charity Awards

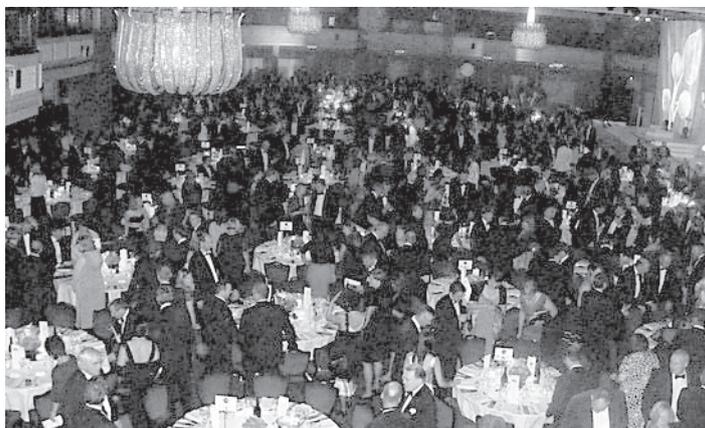
On the evening of 10 June, KHRP attended a star-studded ceremony hosted by comedienne Jo Brand at London's Grosvenor House Hotel for The Charity Awards 2010, the UK's most prestigious non-profit sector awards event. KHRP was short-listed with two other organisations in the International Aid and Development category in recognition of the tireless work it does in helping to bring perpetrators of human rights abuse in the Kurdish regions to justice.

All nominees were shortlisted for 'specific initiatives which have improved the delivery of their charitable objectives and which demonstrate outstanding examples of best practice from which other charities can learn.' The annual awards, sponsored by the Charities Aid Foundation, The Leadership Trust and The Times, were organised this year by Charity Finance. KHRP's nomination was based on our successful 'procurement of the abolition of torture by all lawful means' initiative in which we urged

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KHRP at the Awards. Chair, Michael Ivers, Development & Outreach Officer, Anna Irvin, Managing Director, Rachel Bernu and Resources & Communications Manager, Pranjali Acharya.



UK Charity Awards 2010 ceremony at London's prestigious Grosvenor House Hotel, Park Lane.

Publication of New Book on the Kurdish Conflict



On 21 June, 'The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms' was published by Routledge. The book is written by KHRP Chief Executive Kerim Yıldız and Dr Susan Breau, Professor of International Law at Flinders University in Adelaide, Australia, who specialises in the law of armed conflict and international human rights law.

It is highly topical considering the ongoing conflict in the Kurdish region of Turkey, and the contin-

ued incursions into northern Iraq by the Turkish and Iranian armies and security forces, and Turkey's EU accession negotiations. Turkey has become an increasingly important player in Middle Eastern geopolitics. More than two decades of serious conflict in Turkey are proving to be a barrier to improved relations between Turkey and the EU. This book presents the first study to fully address the legal and political dimensions of the conflict, and

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Director's Letter



Dear friends,

As we reach the mid-point of 2010, we have once again borne witness to a complexity of troubling setbacks and promising developments.

As seen in developments on-the-ground, Iraq has come under renewed fire as Turkey and Iran have intensified their cross-border bombardments and brought to the fore this too oft-neglected theatre of conflict. I myself was witness to the loss of lives and destruction of villages and property caused by cross-border shelling whilst undertaking a fact-finding visit to Kurdistan, Iraq just a few weeks back, and earlier this year in May. Lives and livelihoods are being lost and the numbers of IDPs are growing. In recent months, thousands of civilians have been forced to flee their homes, as their villages have been continuously shelled for more than 20 days from the Iranian border. Alongside, the effective expropriation of the Iranian judiciary by the government and security forces remains alarmingly apparent. Nowhere is this more obvious than in the continued glut in the use of the death penalty against opposition social, political and cultural activists. Elsewhere, similar concerns in Syria also formed the basis

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KHRP Honoured at The Charity Awards 2010

the Charities Commission to accept work aimed towards this end as a legitimate charitable activity. This has since enabled other UK charities to include this in their mandate, bringing justice to countless torture survivors in the Kurdish regions and globally. The initiative has also resulted in some noteworthy precedents as a result of KHRP strategic litigation at the European Court of Human Rights. Of particular importance here is the precedent set in the case of *Aydin v Turkey* which established rape, when used in times of conflict,



KHRP one of three organisations shortlisted under International Aid and Development.

as a recognised form of torture across all member states

of the Council of Europe.

"It is both a great privilege

and a source of great pride for KHRP to have been so recognised and highly-commended by The Charity Award judges," said KHRP Chief Executive, Kerim Yıldız. "As expressed by the Award's organiser, Daniel Phelan, by being short-listed KHRP 'demonstrated that it is amongst the best-managed charities in the UK'. Accordingly, KHRP would like to thank everyone whose efforts over the years have made its successes possible."

A variety of current and former charity heads from the Charities Aid Foundation, the Refugee Council, Mencap, The Leadership Trust, and the NSPCC, made up this year's distinguished judging panel.

KHRP to Launch Inaugural Essay Competition

KHRP is delighted to announce the launch of its first annual essay competition, which will be held in autumn of this year and is open to all junior lawyers.

The competition has been organised in association with Advocates for International Development (A4ID), a UK-based NGO which provides free legal assistance to civil society,

developing country governments, social enterprise and bar associations. Topics will maintain a particular focus on economic, social and cultural rights and winning entries will be selected for publication in the *Legal Review*, KHRP's bi-annual legal journal.

Legal Review is essential reading for anyone interested in legal developments in Tur-

key, Iraq, Iran, Syria and the Caucuses, as well as those interested in rights-based approaches to the empowerment of minorities and the general application of human rights mechanisms in practice. As the only existing legal journal covering significant legislative and policy developments in the Kurdish regions, it provides an excellent platform and op-

portunity for junior lawyers to get their papers published and widely disseminated among fellow lawyers and legal professionals, as well as policy-makers, academics, and students not only within the UK, but throughout the Kurdish regions and internationally.

Further information on the competition will be available in due course on KHRP's website.

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Director's Letter

of communications sent to the UN Committee against Torture (UN CAT) ahead of the Republic's review in May.

In Turkey, a potential watershed moment in the treatment of detainees and children was contrasted with news of the resumption of construction on the infamous Ilisu dam project, the continued detention of human rights defenders, and the escalation of open conflict in the country's Southeast. With respect to the former, the hefty sentences meted out in June to 19 members of the police and prison services for their complicity in the torture and beating to death of a young political activist, Engin Çeber, carries with it the potential to establish a precedent to which future allegations and proceedings against state officials are held.

It is also our hope that this outcome initiates a wider review of the conditions and treatment of those held in custody; we call on all concerned parties to continue to both scrutinise allegations of torture and ill-treatment within Turkey, and to ensure substantive change. We also commend reforms passed by the Turkish Parliament concerning the application of anti-terrorism laws against children, which sends an important signal that the current practice of treating children as terrorists is incompatible with international human rights norms and is not conducive to creating a space for a democratic resolution to the Kurdish issue. The reforms are of course a positive advancement to be congratulated, nonetheless, KHRP urges the government to allocate sufficient human and financial resources and expertise to en-

sure not only their swift and thorough implementation, but to more widely confront the widespread criminalisation and detention of children in Turkey. It is also crucial that alternatives to legislation and imprisonment are explored to protect a child's right to education, and private and family life, and with it their social and psychological well-being.

As an organisation, meanwhile, we have continued to evolve and fine-tune KHRP's institutional practices, and we are proud to have added new strings to our bow in the last quarter. Alongside nurturing new and existing relationships and solidarities with organisations with which we share common ground, I am delighted to announce that we will shortly be launching our own essay competition aimed at junior lawyers. Meanwhile

we have continued to pursue our commitment to regional capacity-building through the use of our established training programme in association with local partners. In recent months, these have focused on children's rights, an area in which KHRP has shown persistent commitment.

Finally, KHRP was highly commended by the distinguished UK Charity Awards for its work in June. Such acclaim, or indeed much of our day-to-day work, would not be possible without the heartfelt commitment and dedication that KHRP continues to enjoy from our funders, supporters, partners and volunteers, and to you all I extend by deepest gratitude.

Kerim Yıldız
Chief Executive
July 2010

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Publication of New Book on the Kurdish Conflict

their impact on mechanisms for conflict resolution in the region, offering a scholarly exploration of a debate that is often politically and emotionally highly charged.

Yildiz and Breau look at the

practical application of the law of armed conflicts to the ongoing situation in Turkey and northern Iraq. The application of the law in this region also means addressing larger questions in international law, global politics and conflict resolution. Examples include belligerency in international law, whether the 'war on terror' has resulted

in changes to the law of armed conflict and terrorism and conflict resolution.

The Kurdish Conflict explores the practical possibilities of conflict resolution in the region, examining the political dynamics of the region, and suggesting where lessons can be drawn from other peace processes, such as in Northern Ireland.

This book will be of great value to policy-makers, regional experts, and others interested in international humanitarian law and conflict resolution.

Hardback and Paperback copies of the book are available to order from the KHRP website shop for £85.00 and £29.99 per copy respectively.

KHRP and Partners Advocate for Rights of Children in Detention

In light of Turkey's continued challenges concerning child protection, KHRP and its partners hosted two trainings for local human rights defenders in south-east Turkey, aimed at tackling implementation of international norms in respect of children. On 10 April, KHRP conducted a training session on 'Children, Torture and Detention', with the Mardin Human Rights Association (İHD) before going onto collaborate on a seminar on 'Current Issues in Enforcing Children's Rights' with the Şırnak Bar Association on 19 June.

The sessions kicked-off with presentations on the procedural and substantive issues facing children on trial in Turkey, before focusing on children within the detention system. Throughout the day, group discussions and more focused workshops were used to outline relevant international standards, procedures, practices, and case law related to juvenile justice, as set forth in such instruments as the European Convention on Human Rights and Fundamental Freedoms (ECHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the UN Convention on the Rights of the Child. Both workshops succeeded in improving local lawyers and civil society members' knowledge and awareness of children's rights. In particular, they helped participants to better recognise violations of the rights of children on trial and in detention, and gave them the know-how to identify relevant international human rights mechanisms that can be used to report such abuses and protect against them in future.



KHRP 'Current Issues in Enforcing Children's Rights' training underway in Şırnak, Turkey.



KHRP Legal Team Member, Shiraz Azziz (right), and Hüseyin Cangir, Chair of Mardin İHD, prepare for 'Children, Torture and Detention' training.

As recently highlighted by KHRP in its research and regular fact-finding missions, children in the country fail to be treated as a vulnerable group that require special protection. Not only does the widespread and increased detention of children raise serious concerns about



KHRP Legal Team Member, Matthew Happold (left), leads seminar with Nusirevan Elci, Chair of Şırnak Bar Association (right).

the infringement of their rights to liberty — with reports of children having been detained for up to one year before trial under Turkish anti-terror legislation

— but the increasing reports of children being ill-treated in detention and in the judicial system have also been particularly alarming.

Northern Iraq Remains Under Fire from Cross-Border Assaults

KHRP condemns the recent escalation of Turkish and Iranian cross-border bombardments in northern Iraq. On the evening of 10 May, Howitzer munitions struck the village of Benistan in the Şeladize district of Kurdistan, Iraq, killing twenty-seven-year-old Hussein Rekani. It was also reported that his wife and two children were among those being treated for their injuries at Amediye State Hospital. Meanwhile on 30 May, a 14-year-old girl, Basouz Jabbar Agha, was killed by Iranian artillery fire in the village of Wizi, in Erbil province.

The Turkish military began increasing troop deployments to the border regions in early March and in May carried out its largest aerial bombing operation for 18 months, prompting speculation that Turkey might once again be preparing for wide-scale ground-incursions into northern Iraq. Iran has also intensified the routine cross-border shelling of the region in the wake of fight-



Kerim Yıldız meets with Hoshang Mohammed, from KRG Department of Foreign Relations in Erbil, during KHRP fact-finding visit to investigate effects of bombardments in May.

ing on its border. According to media reports, by the end of May at least 180 Kurdish families from the provinces of Pishdar, Qaladizah and Choman had been forced to flee due to the constant shelling of the region from the Iranian army, which reportedly continued over several days. Remarking on the latest of a recent series of aerial and artillery bombardments, KHRP Managing Director, Rachel Bernu, said, 'The losses of lives, property and livelihoods resulting from

these military operations in northern Iraq cannot continue. It is imperative that the international community, in particular the US and the EU urge their counterparts in the Turkish and Iranian governments to recognise their international obligations and the devastating effects that these bombardments have on innocent civilians, in contravention of the Geneva Conventions.'

Since 2007 Turkey as well as Iran, have indiscriminately bombarded parts of northern

Iraq, as well as made ground incursions into Iraqi territory. Although the operations are purportedly aimed at defeating armed opposition groups based in the area, it has been widely acknowledged that such a myopic military approach will never achieve their stated aims. On the contrary, KHRP's fact-finding missions and published reports have documented the devastating toll wrought on innocent Iraqi civilians as well as the destruction of their property and the degradation of the environment. KHRP has also continued to mount potentially groundbreaking legal challenges against Turkey on behalf of 79 affected villagers from Kurdistan Iraq. These cases lodged before the European Court of Human Rights will test the principle of extra-territorial jurisdiction, by arguing that Turkey's actions have breached the villagers rights to life and are tantamount to inhuman and degrading treatment.

Village Destruction in Ilisu Region

KHRP has also been alarmed to hear reports from its local partners that two villages in the Hasankeyf district, the site of the controversial Ilisu Dam project, were set alight by the Turkish army on 24 June.

Both the villages of Keçeli (Bizinka) and Palamutlu (Xerbekar) -- villages previously destroyed by the Turkish military in the 1990's and which stand to be flooded by the Ilisu Dam reservoir if construction of the hydro-electric dam goes ahead -- were burned. Pictures taken from the north side of the Tigris River show the devastation caused to the villages which although no longer continuously inhabited, are sources of livelihood for local farmers and herders.

The following day the villages

were visited by representatives of KHRP's partner organisations, İnsan Hakları Derneği (the Human Rights Association of Turkey, İHD), Göç-Der, and Mazlum-Der. According to reports from local villagers, Turkish soldiers halted their attempts to extinguish the fire leaving it to rage on without intervention from the local fire station. Commenting on the situation, KHRP Chief Executive Kerim Yıldız said, 'This latest development rings alarm bells for a number of reasons, not least of which is the fear that Turkey, in its bid to see the Ilisu Dam project through, is ready to flout basic human rights and resort to its past extreme and deplorable tactics of village burning, so heavily employed at the height of the armed conflict in the 1990s.'



Building-work resumes at Ilisu dam construction site. Photo by Initiative to Keep Hasankeyf Alive.

Executions of Kurds Persists In Iran

Since the state's violent response to protests against the re-election of President Mahmoud Ahmadinejad last June, Iran's already lamentable human rights record and liberal use of the death penalty has worsened. Despite persistent pressure from multilateral and non-governmental organisations, including repeated UN moratoriums, Iran has showed no signs of curtailing its use of the death penalty in recent months.

As highlighted by KHRP, executions in Iran are accompanied by systematic violations of the right to a fair trial, with torture frequently used to extract confessions and prisoners often held incommunicado, denied access to any legal representation, and often unaware of the charges levied against them. Kurds in particular continue to be systematically tar-

geted by state authorities, with the expression of their identity being perceived as a threat to the stability and unity of the state.

On the morning of Sunday 9 May, five Kurdish activists were executed at Evin prison in Tehran, which took the total number of executions undertaken in Iran over just that weekend to 11. The five individuals were later identified as four men, Ferzad Kemanger, Eli Heyderiyan, Ferhad Wekili and Mehdi Eslamian, and a woman, Şîrîn Elemhulî. The execution of Mr Kermanger came despite urgent action appeals sent by KHRP to various UN Special Rapporteurs in December 2008, and again in July 2009.

Although all five were officially convicted of 'Moharebeh', waging war against God, a variety of conflicting reports suggest their ar-

rests were primarily motivated by their support for pro-Kurdish or other opposition groups. According to unofficial reports received by KHRP, the arrest of Mr Eslamian for example, was made on the basis of his alleged support for the pro-monarchist Kingdom Assembly of Iran. The proximity of the executions to the anniversary of last year's disputed presidential elections has also prompted conjecture from some quarters that the executions were, in part, intended to discourage pro-opposition rallies to mark the occasion.

'The ongoing persecution and execution of Kurdish and other opposition activists in Iran is indicative of the authoritarian nature of the incumbent regime, as well as their refusal to adhere to international human rights standards,' said KHRP Chief Ex-

ecutive Kerim Yıldız. 'There exist a number of other activists awaiting execution, and KHRP urges the wider international community to join us in demanding that the Iranian authorities commute such sentences. Furthermore, we appeal to Iran to abide by international human rights standards, in particular those embodied in the International Covenant on Civil and Political Rights (ICCPR).'

At the time of printing, a further 18 Kurdish activists are known to be currently awaiting execution in Iran, including Habibollah Latifi, on whose behalf KHRP has also sent a number of urgent action appeals.

Human Rights Students Taught About European Court

On Thursday 27 May, Master's students at the Centre for Applied Human Rights (CAHR), York University, learnt about KHRP's work with the European Court of Human Rights (ECtHR). During a lecture on 'Bringing a case at a regional level', Legal Director, Catriona Vine presented KHRP's experience of using the ECtHR, the structure and functions of the Court, and the various pros and cons of submitting complaints before it.

Case studies drew on KHRP's

work on Turkish cross-border bombardments in northern Iraq, internally displaced persons, and environmental campaigns. These were used to illustrate how as a small London-based NGO that works closely with an expert and voluntary legal team, KHRP has pioneered groundbreaking litigation strategies before the ECtHR, and effected far-reaching change in the Kurdish regions and internationally.



Students from the Applied Centre of Human Rights, York University.

KHRP Observes Dual Trials of Journalist and HRD

From 16 to 18 June 2010, KHRP in conjunction with the Norwegian Bar Association, dispatched a mission to Istanbul to observe part of the trial proceedings against Şebnem Korur Fincancı, the Chairwoman of Türkiye İnsan Hakları Vakfı, the Human Rights Foundation of Turkey (TİHV) and journalist Barış Yarkadaş. The trial at the Kadıköy 7th Criminal Court of First Instance was observed by KHRP Legal Team Member, Professor Matthew Happold, from the University of Luxembourg, and Deputy Attorney Erik Osvik of the Pro Legal Law Office in Norway. This was after charges were brought against the defendants under three articles of the Turkish Penal Code following

the online publication of an interview with Fincancı openly criticising the appointment of a Dr Nur Birgen, to a specialist unit of the Forensic Medicine Institute.

In the interview, the defendants suggested that Birgen's appointment was not based on merit, but rather as reward for collusion in conspiring to conceal evidence of torture. Dr Birgen has claimed in response that the statements made are defamatory and unfounded, and violate the norms of what may be construed to be fair criticism, despite her well-publicised history of mal-practice concerning the medical examination of detainees. Accordingly, KHRP believes that the trial represents

an important opportunity to monitor ongoing developments with regards to freedom of expression, torture and ill-treatment within the detention system, and the harassment of human rights defenders in Turkey.

KHRP's 2009 report, 'The Death of Engin Çeber', documents some of Dr Birgen's history of malpractice, including her six months suspension from practice by the Turkish Medical Association (TTB) after examining seven detainees in 1995 and reporting them to be in good health, ignoring the fact that they had been tortured. Despite this, she was subsequently appointed head of the governmental Forensic Medicine Insti-

tute's Third Specialised Committee and has thereafter repeatedly been found to have issued medical reports concealing torture. As long-argued by KHRP and as seen in last month's three-year sentencing of a prison doctor in the KHRP observed trial of 60 prison guards, police officers and gendarmes accused of responsibility in the torture and death of Engin Çeber, falsified medical reports and indeed, improper medical examinations, make detecting and proving allegations of torture and ill-treatment particularly difficult.

See KHRP's website for latest news on observations from the trial proceedings.

Dispatches

Freedom of Expression at Heart of Annual Legal Team Meeting



Panel discuss issues of freedom of expression at KHRP Legal Team Meeting, May.

This year's annual KHRP Legal Team meeting focused on the egregious and continuing violations of the right to freedom of expression in Turkey. The meeting, hosted by Simons Muirhead & Burton Solicitors in Soho on 11 May, was opened by KHRP Board Chair, Michael Ivers. Fellow Board and Legal Team member, Louis Charalambous, followed with a presentation outlining recent restrictions placed by Turkish legislation upon this freedom as set out in the European Convention on Human Rights, and problems in its interpretation by domestic courts.

As was highlighted by Charalambous, the current Turkish Penal Code puts journalists, writers, publishers, politicians and academics at risk of conviction on propaganda charges, encouraging a mixed climate of criminalisation and to some degree, self-censorship. In April 2010, Nazlı Ilıcak, a journalist writing for Sabah, a Turkish daily newspaper, was sentenced to an 11-month suspended prison sentence after criticising a judge in one of her columns by referring to him as 'meddlesome.' She initially received a prison sentence of eleven months two days for defamation under Article 125 of the Turkish Penal Code, but her sentence was converted to a five year probation period. Judges meanwhile, have the power to seize publications or temporarily suspend them if they are found to contravene the integrity of the state.

The meeting concluded with Legal Director, Catriona Vine, presenting KHRP's work over the past year, setting out its future plans, and applauding Legal Team members for their invaluable role in the organisation's ongoing efforts to address pressing human rights issues in the Kurdish regions and encouraging contributions to Legal Review and our field missions.

KHRP Team-Building and Strategy Formulation



KHRP at staff strategy meeting in May.



KHRP board strategy meeting, Malvern, June.

On the weekend of 11-12 June, KHRP's Board of Directors held a Board Strategy Meeting in Malvern at the home of board member Raj Rai. The board members discussed the direction of KHRP's work over the next three years and decided to introduce a new Policy Desk which will assist NGOs, policy makers and influencers in tackling policy sticking points in the Kurdish regions.

This was preceded in May by a staff strategy and team-building weekend for KHRP staff. The session got started with an afternoon spent discussing KHRP's future work objectives and the development of new areas of work, interspersed with teambuilding exercises and brainteasers in a work space donated by one of our Legal Team. The weekend was rounded off with staff spending the following morning taking in the historic sights of London during a leisurely walking tour of some of central London's public squares and political hotspots and ending with team-exercises on the banks of the river Thames.

KHRP at SOAS

KHRP attended a Summer Graduate Jobs Fair and a Volunteers' Party at the University of London's School of Oriental and African Studies (SOAS) in June. The events served as opportunities to publicise and generate interest in KHRP's internship programme to current students and graduates, as well as to cement and forge new contacts with university staff and other attending charities and NGOs in order to raise general awareness of KHRP's work.

Dispatches

KHRP Briefed on Human Rights in Turkey



Serkan Akbaş at KHRP to give briefing on human rights situation in Turkey.

In July, Serkan Akbaş, of the Diyarbakır Bar Association, briefed KHRP staff and interns about the human rights situation in Turkey. The discussion largely centred on the ongoing criminalisation and widespread detention of children in Turkey, and proposed amendments to the use of Turkish anti-terror legislation against children, which were later adopted by the Turkish Parliament.

KHRP at UK House of Lords



KHRP Legal Director, Catriona Vine addresses public meeting on 'Justice and Freedom for Kurdish Children' at UK House of Lords.

On 20 July, KHRP spoke at a public meeting on 'Justice and Freedom for Kurdish Children' organised by Peace in Kurdistan and hosted at the House of Lords in London. The event coincided with an eagerly awaited debate inside the Turkish Parliament, on proposed reforms to the application of anti-terror laws against children in Turkey, which were subsequently passed on 22 July.

KHRP's Legal Director, Catriona Vine, stressed how in us-

ing much-criticised anti-terror legislation to specifically target Kurdish children, Turkey has been failing its commitments to recognise the special place of the child in the legal system, but also not to discriminate under article 14 of the European Convention. She put the resolution of the Kurdish question at the heart of the problem and stressed the need for a democratic solution to the armed conflict in Turkey in order to put an end to the abuse and maltreatment of Kurdish children.

KHRP at European Court Workshop in Strasbourg



KHRP at Strasbourg workshop on ECtHR.

From 30 June to 2 July, KHRP Legal Director, Catriona Vine, participated alongside eminent legal academics and practitioners from across Europe in a workshop on 'Preventing and Sanctioning the Hindrances to the Right to apply before the European Court of Human Rights' (ECtHR) in Strasbourg.

Since enabling individuals to bring human rights complaints against their own governments' just over 50 years ago, increasing number of obstacles have been put in the way of applicants, their lawyers, and their families in order to prevent them from bringing cases to the European Court. As has been noted, especially in countries such as Turkey, these 'hindrances', used to target human rights defenders, have ranged from physical violence and state intimidation, to the enforcement of prohibitive financial measures.

The workshop, organised by the European Science Foundation (ESF), took a practical and interdisciplinary approach, aiming to discuss and to stimulate further efforts to prevent practices undertaken by State and non-State actors alike to hinder applications to the ECtHR and to develop adequate protection mechanisms at a national and international level.

Dispatches

KHRP Spreading the Word



Kerim Yıldız and other local NGO representatives meet with Hoshang Mohammed, at the KRG Department of Foreign Relations in Erbil, in May.



Kerim Yıldız with former KHRP intern and KRG's current Academic International Liaison, Dr Sharon Linzey during fact-finding trip.

During recent months, KHRP has been busy briefing policy-makers and civil society representatives at home and abroad, about that the latest developments in the Kurdish regions, as well as sharing information on our respective human rights work.

The UK, Swiss, Irish and Iraqi governments, as well as the Brussels-based European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX), are just some of the state actors that the organisation has met with. KHRP has also travelled to Switzerland and Germany, where it had fruitful discussions in Geneva with the UN Voluntary Fund for Victims of Torture, and Jane Connors, a Senior Human Rights Officer at the UN Office of the High Commissioner for Human Rights (OHCHR), and the Bishops Subcommission of Misereor in Aachen. Meanwhile, during a fact-finding mission to Kurdistan, Iraq, KHRP discussed recent Turkish and Iranian cross-border bombardments in northern Iraq with a cross-section of affected villagers, civil society groups, journalists and government officials, including Hoshang Mohammed, from the Kurdistan Regional Government (KRG) Department of Foreign Relations in Erbil, and the KRG's current Academic International Liaison and former KHRP intern, Dr Sharon Linzey.

KHRP has also continued to be approached by local and international media on a number of issues, including the motives and effects of cross-border military action in northern Iraq.

KHRP Calls for Turkey to Step-up Women's Rights during CEDAW Review

On 21 July, the 46th session of the Committee on the Elimination of Discrimination against Women (CEDAW) turned its attention to the situation of women in Turkey.

With Turkey's record on women's rights under the spotlight, KHRP wishes to highlight the need for a step-change in Turkey's approach to tackling discrimination. Progressive legislative changes, though welcome, are woefully inadequate to address the vast inequalities between men and women. KHRP believes that a demonstrated commitment of financial resources, expert personnel, training, and interpretation of the law that are consistent with the spirit, not only the letter, of international law, are urgently required to ensure that in the eyes of the state apparatus and their communities, Turkey's women and girls are on par with Turkey's men and boys.

As outlined in KHRP's recent shadow report on Turkey's compliance with the UN Convention on the Elimination for Discrimination against Women (CEDAW), Turkey did not provide any data to the Committee on how and whether recent administrative and legislative reforms have reduced discrimination against women or truly improved their status in society. Rather, KHRP has consistently heard from varied local women's rights groups that they still struggle against age-old community attitudes that are frequently accepted or even shared by government officials, judges and opinion leaders. Indifference towards violence against women, as demonstrated in KHRP's observation of Kerem Çakan's trial, also seems to be pervasive throughout all levels of the criminal justice system and points not only to inadequacies in the government's provision of training for law-enforcement officials, but also its failure to create penalties for non-compliance with the law.

Sadly Kurdish women and girls tend to face an uphill battle. Strategies for reducing discrimination, especially in the field of education, albeit crucial for the integration process, have continued to fall short of the mark. Kurdish girls are typically afforded fewer educational opportunities and are more likely to be withdrawn from school at a young age. What is more, they often enter school not speaking Turkish, and are not given an option of being educated in their mother tongue or being taught in a manner that supports learning in a new language. Because of the language barrier, those who lack formal education often cannot access basic public services. This not only undermines awareness of the legal remedies available to Kurdish women, but also their autonomy and confidence in making decisions regarding ordinary, yet decisive matters, such as employment or health care.

KHRP believes that Turkey must make a genuine commitment to advancing women's rights and allocate adequate financial resources and highly skilled personnel to tackle the commonplace gender-based discrimination in its society. If the Turkish government is to comply with its CEDAW obligations, not only is proper recognition of the significant social, economic and political barriers faced by all women critical, but the double-bind of gender and ethnic discrimination too must be understood and combated. Proactive measures which reach out to its marginalised female, especially non-Turkish speaking, populace are paramount.

Treatment of Turkish IDPs Contested

In April 2010, KHRP submitted complaints to the European Court of Human Rights (ECtHR) regarding four Kurdish individuals who were forcibly driven from their homes in eastern Turkey in 1995 and continue to be denied a legal remedy for their losses.

The four applicants lived in a village in Diyarbakır Province, where they worked as subsistence farmers. This province was subject to state of emergency rule from 1987 to 2002. In 1995, a group of village guards attempted to pressure some of the villagers into collaborating with their network. After re-

fusing the four villagers were forced to flee.

During their enforced absence the four applicants learned that their houses had been burned down and their possessions destroyed, resulting in their farmland becoming unusable and their animals needing to be sold at half price to make ends meet. When two of the applicants and their family members tried to return to the village in 2002 their group was attacked by village guards, resulting in injuries and deaths. Between 2007 and 2009 the Governorship of Diyarbakır, the Diyarbakır Administrative

Court and the State Council all ruled that the circumstances in which the villagers were evicted did not entitle them to any compensation. The Courts asserted that the villagers' flight was the result of a 'blood feud' between local families rather than pressure from the village guards.

KHRP maintains that throughout this process Turkey violated multiple articles of the ECHR, including the applicant's right to a fair hearing, to freedom from inhuman or degrading treatment, to respect for their private and family life, and to the peaceful enjoyment

of their possessions.

The village guard system originally dates back to 1924 and was established in its present form in 1985, ostensibly to protect villagers from criminal gangs, but effectively becoming a key means of repressing Kurdish uprisings. Currently more than 65,000 village guards are spread across 22 provinces. Despite repeatedly stating that it intends to shut down the village guard system now that major hostilities have ended, the Turkish government has still taken no action to do so and indeed continues to hire for vacated posts.

UN Urged to Act against Abuses in Turkey

On 29 April, KHRP submitted a report to the Pre-Sessional Working Group to the 44th Session of the Committee on Economic Social and Cultural Rights, in which it documented the Turkish government's failings to meet its obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR), in respect of upholding the rights of its Kurdish citizenry, including their right to self-determination, freedom from discrimination, access to education and the free expression of cultural rights.

Among the comprehensive list of items outlined in KHRP's report, was the failure of the Turkish Constitution to recognise and provide protection for non-Muslim minorities. This effectively excludes Kurds (the country's most significant

minority population), from receiving adequate legal protection. For the Kurds, who make up approximately 23 per cent of Turkey's population, this refusal is felt through Turkey's embargo of their cultural and political freedoms. By aligning political sympathies for the Kurdish people for example, with a separatist threat, the Turkish government has been able to use anti-terror laws to outlaw pro-Kurdish parties, expunge their members from parliament and authorise their subsequent arrest. Among the many other issues underlined in KHRP's report, is the organisation's belief that the Ilisu dam construction forms part of a wider goal of cultural assimilation aimed at diminishing Kurdish culture whilst simultaneously strengthening Turkish security over the Kurdish region

where it is being built. Despite the project's stated economic goals, Kurdish villagers and farmers will be unable to benefit from any economic growth because they will be displaced from their homes to the shanty towns of nearby cities such as Diyarbakır and Hakkari, which already suffer from poor infrastructure, over-population, unemployment and poverty.

The Committee's agreement to ask the Turkish government to indicate what policies and measures it has undertaken to ensure that the rights of people affected by large infrastructure construction projects, including the Ilisu dam, are protected — a point that KHRP feels is unlikely to have been agreed had it not been for the work of the organisation and its partners in the Ilisu Dam campaign — is perhaps the most power-

ful indicator of KHRP's successful input into the Pre-Sessional Working Group.

Following the review, Turkey has also been asked to inform the Committee about a number of other items, including whether it intends to expand and bring its legislation on discrimination into conformity with the ICESCR; its progress in combating gender-based violence, including domestic violence and honour killing; the measures taken to reduce drop-out rates at the primary and secondary levels, particularly for girls, children from ethnic minorities, poorer households, and migrant and refugee children; and rates of participation in cultural life, especially among disadvantaged and marginalised groups, including those from rural and/or minority communities.

KHRP Contests Acquittal of Soldier Concerning Death of Civilian

In March, KHRP filed a case with the ECtHR on behalf of a parent and the widow of a Kurdish individual, who was shot dead by a Turkish soldier five years ago.

The victim died in hospital in his home town of Siirt, in east-

ern Turkey, after he was reportedly shot from a stationary military jeep, which subsequently drove off. A soldier was arrested shortly after and charged with the killing, but was acquitted in 2006. Siirt High Criminal Court ruled that although the kill-

ing exceeded the boundaries of legitimate self-defence, the defendant could be excused because his decision to open fire resulted from his fear and agitation.

In its complaint to the ECtHR, KHRP detailed the failure

of the Turkish state to comply with several articles of the ECHR, pertaining to the victim's right to life, to a fair trial, to an effective domestic remedy and to not be subjected to inhuman or degrading treatment.

Turkish Government Challenged over Damage to Personal Property

In April, KHRP notified the European Court of the case of a Turkish Kurd whose truck, on which his livelihood in part depended, was seized for reportedly being used in 'activities for an illegal organisation'. These allegations relied heavily on testimony from one of the applicant's own sons, who has since claimed

that his statement was obtained under duress and implicated another son.

The vehicle was subsequently returned in a state of disrepair more than a decade later. Accordingly, the applicant sought compensation for both the vehicle and the losses he had incurred as a result of lacking an alternative means of

haulage. However, all such claims have been denied as the judiciary argued that the truck had indeed been used for illicit purposes, despite acknowledging that the applicant – the sole registered owner – had not himself been implicated. KHRP believes that the seizure and subsequent neglect of the truck, along with the

judicial process overall, has constituted a violation of the of the applicant's rights to a fair hearing, to peaceful enjoyment of possessions and to an effective remedy as afforded by the European Convention of Human Rights (ECHR).

Mistaken Identity Case following Conviction of Former Hostage

In May, KHRP lodged a new complaint to the ECHR on behalf of a Turkish Kurd convicted under the Turkish Penal Code for involvement in 'activities for an illegal organisation', despite his assertions that he was being held hostage by the group throughout the duration of the alleged offences and that his identity was mistaken for the group's squad commander. In the

late eighties, the applicant had negotiated the release of his sister, who was at the time being held hostage, in return for himself.

Upon his eventual release two years later, the applicant surrendered himself to the local authorities. He was subsequently charged with involvement in a kidnapping and fatal attacks by the organisation on Turkish security forces that had

occurred during his time in the group's custody. Despite his regular claims that he was being held against his will, and played no part in such actions, he was later convicted and sentenced to life imprisonment. Two subsequent appeals have been rejected.

Although new evidence has come to light which KHRP believes corroborates the applicant's claims and

indeed points to a strong case of mistaken identity, further appeals have also been rejected. Subsequently, KHRP submits that the arrest, detention and refusal of appeal in this case constitute violations of the applicant's rights to a fair trial and to effective remedy as set forth under the ECHR.

Concerns Submitted to UN Ahead of Review of Torture in Syria

On 4 May 2010 the UN Committee against Torture held Syria's first periodic review of Syria's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Committee allows submissions from relevant stakeholders and other concerned parties, and accordingly, KHRP submitted communications drawing attention to what we feel are the most press-

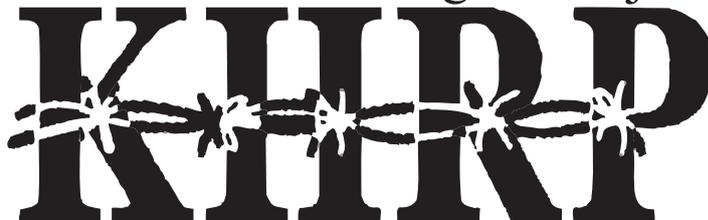
ing concerns. Despite the claims made in Syria's official submission to the Committee, many Kurds, as well as other social and political minority groups, continue to be subjected to forms of torture and ill-treatment on a routine basis. This is often in the form of arbitrary arrest, incommunicado detention, extrajudicial killings, and disappearances, as well as torture and deaths in custody.

In response to Syria's offi-

cial submission, KHRP compiled its report in which the historic and contemporary prevalence of torture and ill-treatment in Syria, as well as the government's negligence in tackling the issue, were both outlined in detail. The report went on to advance three vital recommendations which KHRP feels are needed in order to facilitate any substantive observance of the obligations set-out in the CAT. The first of these is the

pressing need for formal legislative change to define and criminalise all forms of torture. Secondly, formal institutional change must be accompanied by measures to ensure the practical enforcement of such legislation. Finally, Syria must undertake an earnest investigation of all current allegations of torture and, where torture is established to have occurred, provide appropriate redress.

Kurdish Human Rights Project



Established 1992

Project Information

The Organisation

The KHRP was founded in December 1992 in London. Its founding members include human rights lawyers, barristers, academics and doctors, all dedicated to the development and advancement of a practicable and practiced human rights framework in the Kurdish regions.

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 dedicated to the promotion and protection of the human rights of all persons in the Kurdish regions of Turkey, Iran, Iraq, Syria, the Caucasus and elsewhere, irrespective of race, religion, sex, sexual preference, political persuasion or other belief or opinion.

Aims

- Raise awareness of the human rights situation in the Kurdish regions of Iran, Iraq, Syria, Turkey and the Caucasus.
- Bring an end to the violation of the rights of everybody who lives in the Kurdish regions.
- Promote the protection of the rights of Kurdish people wherever they may live.
- Eradicate torture both in the Kurdish regions and across the globe.

Methods

- Monitoring legislation and its application.
- Conducting investigations and producing reports on the human rights situation in the Kurdish regions by sending trial observers and fact-finding missions.
- Using reports to promote awareness of the human rights situation in the Kurdish regions on the part of the committees established under human rights treaties to monitor the compliance of states.
- Using reports to promote awareness of the human rights situation in the Kurdish regions on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, 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, complaints mechanisms of the UN, OSCE HDIM and EU.

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