



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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The Kurds in Iraq: a democratic future?

The January election in Iraq, in which the Kurdish platform gained the second largest share of the vote, was met with jubilant scenes across Iraqi Kurdistan. After suffering the effects of Ba'athist Arabisation policies for many years, the Kurds now perceive a historic opportunity to contribute to national governance and to participate in the country's future. The electoral success of pro-Kurdish parliamentarians was crowned in early April when, after two months of negotiations between Kurdish and Shi'a blocs in the 275-seat Iraqi assembly, prominent Kurdish politician Jalal Talabani was appointed President of Iraq. Talabani, leader of the Patriotic Union of Kurdistan, was a member of the US appointed Iraqi Governing Council which ran the country prior to the handover of power to the interim government in June 2004.

There can be no doubt that Mr Talabani's appointment is of great significance for the Kurds in Iraq, facilitating Kurdish involvement in drafting the country's



ABOVE: KHRP Executive Director Kerim Yildiz (right) with newly elected Iraqi Interim President Jalal Talabani

new constitution and allowing Iraq and the Iraqi Kurds to finally move towards an inclusive, pluralist society based on the accommodation of difference.

The installation of Talabani as President also has broader implications for Kurds everywhere. In particular, it gives credence to the feasibility of resolving the Kurdish issue by peaceful, democratic means, and shows Turkey, Iran and Syria that their determination to crush peaceful expressions of Kurdish identity as indicative of separatist tendencies is no longer tenable.

At the same time, there

remain important issues in Iraqi Kurdistan which must be addressed if the region is to move forwards and achieve democratic renewal. A major challenge currently facing the Iraqi administration is landmine clearance; information gathered by the UN Office of Project Services, the Mines Advisory Group and Norwegian Peoples' Aid suggest that over 3,000 people have died because of landmines since 1991 in the three areas administered by the Kurdistan Regional Government (KRG) prior to the US-led occupation.

The new regime will

Director's Letter



Dear friends,

The historic decision made by the EU on 17 December 2004 to open accession negotiations with Turkey in October of this year signals a new era for the Kurds. For the first time in decades there are genuine opportunities for Kurds in Turkey to see their rights protected in the context of democratic governance, and to have a say in their own futures.

KHRP supports the EU accession process, deeming it the most potentially effective means of bringing about democratisation in Turkey. KHRP has consequently played a key role in establishing the EU Turkey Civic Commission, a body set up in order to monitor the progress of Turkey's accession bid. Part of the Civic Commission's remit will be to ensure that

the evolution of Turkey's EU bid is in accordance with genuine reform in human rights and the rule of law implemented throughout the country; KHRP has ongoing concerns - reinforced by the October 2004 Commission report and December 2004 Council decision - that accession may be accelerated at the expense of a genuine commitment to reform by Turkey.

Developments in Iraqi Kurdistan have been dominated by the election of Jalal Talabani, leader of the Patriotic Union of Kurdistan, as President of Iraq. After enduring many years of attempts to dilute Kurdish identity and to

forcibly dissipate Kurdish regional dominance in northern Iraq by the Ba'athist regime, the Kurds are finally being afforded a meaningful input into governing Iraq. The election of a Kurd as the new Iraqi President and the establishment of federal government in Iraqi Kurdistan have implications for regimes throughout the Kurdish regions, endorsing the feasibility of peaceful, state-based solutions to the Kurdish issue and challenging the legitimacy of the repressive policies practised against the Kurds by Iran, Syria and Turkey.

Elsewhere KHRP continues to bring to light the impact of large scale

infrastructure projects in the Kurdish regions, and recent months have seen significant activity regarding the controversial Baku-Ceyhan pipeline. A recent KHRP mission to Turkey uncovered evidence of major concerns over compliance with international norms and agreed project standards by the BP-led consortium implementing the project, as well as over the ongoing trials of a human rights defender who has assisted villagers affected by the pipeline. Nevertheless, BP anticipates that oil will start flowing through the pipeline in the latter half of 2005.

KHRP is continuing its close involvement in upholding the rights of women in the Kurdish

regions. The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora, launched at the House of Lords in late 2004, has been issued with a new section describing how the Charter can be enforced on the ground. KHRP has also supported a conference on Kurdish women's rights in Sweden, and welcomes Margaret Owen as our newly appointed Consultant for Women and Children.

Thank you all for your ongoing support of the work of the Kurdish Human Rights Project.

Kerim Yildiz

Executive Director

May 2005

KHRP Executive Director Kerim Yildiz detained in Baku, Azerbaijan

On 9 February KHRP Executive Director Kerim Yildiz, a British citizen, was detained upon arrival at Baku airport in Azerbaijan. He had been travelling to the country on behalf of KHRP in order to take statements from applicants in cases to the European Court of Human Rights and deliver human rights training to indigenous human rights lawyers, defenders and NGOs.

The release of Yildiz from his 13 hour detention and his return to the UK was achieved by diplomatic intervention by the British FCO and Embassy in Baku, and many others including Jean Lambert MEP, Mark Thomas, KHRP Honorary President Lord Avebury and Sarah Ludford MEP to whom KHRP is sincerely grateful.

KHRP condemns the behaviour of Azerbaijan and has been joined by other human rights and environmental organisations in urging the Azerbaijani government to justify its decision to ban prominent human rights defender Yildiz from travelling to the country. During his detention, immigration and police officials described his work in relation to the BTC pipeline as being 'damaging' to Azerbaijan, and gave no other explanation for his detention. Yildiz has effectively been prevented from carrying out activities to protect human rights and promote the rule of law in Azerbaijan, a country which joined the Council of Europe in 2002 and remains beset by harassment of government critics, impunity for officials accused of torture, limitations on press freedom and the curtailment of freedom of assembly.



ABOVE: KHRP Executive Director Kerim Yildiz delivering training in Baku, Azerbaijan on a previous visit, July 2003

KHRP has addressed a letter to the British Foreign Secretary and Azerbaijan embassy condemning the decision to ban Yildiz from the country, believing this to send a dangerous signal to other human rights defenders and organisations operating there. The letter requested the British Government to conduct further enquiries into the decision. A response from the FCO's Desk Officer for the South Caucasus agreed that Yildiz's deportation raises 'serious questions for freedom of expression in Azerbaijan'.



ABOVE: Şiyar Perinçek on the ground following the shooting INSERT: Şiyar Perinçek, son of IHD board member Mehdi Perinçek, who was shot by a security official outside the office of the Adana branch of the IHD on 28 May 2004

Relatives of human rights defenders at risk – trial observation report

As Turkish leaders relax in the knowledge that the political reforms instituted over the past two years have proved sufficient in the eyes of the EU to commence accession negotiations, a new trial observation report brings to light the continued presence of serious failings in the Turkish legal system.

Şiyar Perinçek, son of prominent human rights defender Mehdi Perinçek, was shot by a security official outside the office of the Adana branch of the Human Rights Association (IHD) on 28 May 2004. Eyewitness testimony reports that a plain-clothes police officer shot Şiyar Perinçek in the back as he lay on the ground, having fallen off his motorcycle as a result of a police car opening its door into the motorcycle's path. The other passenger on the motorcycle, Mehmet Nurettin Basci, was arrested by the police and is currently being held on remand in Adana Kurkculer F type prison. Nurettin Basci has since accused the police of subjecting him to torture during his detention.

Representatives from the Kurdish Human Rights Project and the Bar Human Rights Committee (UK) conducted a mission to Turkey in December 2004 to monitor part of the trial of the three officers involved in the incident. The mission also sought more broadly to consider the implications of this case for Turkey's pro-EU reform process.

The report produced by the mission, 'Relatives of Human Rights Defenders at Risk: The Extra-Judicial Killing of Şiyar Perinçek', concludes that neither domestic nor international standards were met during the trial, and that there remain significant failings in the legal system which hinder the administration of justice and indicate a strong bias towards state perpetrators.

A key challenge to achieving justice in this case was identified as the strong climate of impunity which per-

sists in Turkey; even the victims' advocates have no faith that the officers will be punished. Elements of Turkish criminal law and procedure which contribute to this climate of impunity are highlighted, including the fact that officers accused of torture are not compelled to appear personally before the court (and did not in this case), and that those accused of torture are provided with up to three defence lawyers paid for by the State.

The report identified particularly that the court procedures and the role of prosecutor has not changed substantially, even though the system was supposedly overhauled by the abolition of the notorious State Security Courts (DGM) which had historically dealt with 'anti-terror' offences. Attention was also drawn to serious deficiencies in evidential procedures, including the 'disappearance' of vital evidence. Even the crime scene report prepared by the police had gone missing with no explanation. These failures were deemed by the authors of the report to impinge upon the right to equality of arms and the obligation to prosecute and investigate offences.

The report is a damning indictment of the Turkish criminal justice system. More than this, it raises serious doubts over the reform process in Turkey generally and the wisdom of the EU Council decision of December 2004 to open EU accession negotiations with a country which is still unable to administer justice in accordance with key international standards. Legislative changes supposed to improve the Turkish judicial system are not implemented by security officers on the ground, or mandate only limited real change. Serious consideration should be given as to whether Turkey, in her current situation, is fit to be welcomed as a future EU Member State.

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Controversial Baku-Tbilisi-Ceyhan oil pipeline – new reports



ABOVE: Construction of the controversial BTC pipeline, Turkey section INSERT: Ferhat Kaya, a human rights defender who believes his arrest and ill-treatment in detention were directly connected to his work regarding the BTC pipeline

Two new reports stemming from BP's Baku-Tbilisi-Ceyhan (BTC) pipeline highlight human rights abuses in Turkey, including violations of international fair trial standards.

The first of the two reports sets out the findings of the latest in a series of fact finding missions to assess the human rights, social and environmental impacts of the pipeline. The pipeline, which will bring oil from Caspian Sea oilfields to Western markets, is built by a consortium led by BP and relies on funds from British tax payers. The mission was conducted along the pipeline route in the Ardahan and Imranli regions of Turkey and in Ankara from 19 – 27 September 2004. Its members expressed shock at the extent to which the project is being implemented in breach of agreed standards.

The mission report, published by Kurdish Human Rights Project, The Corner House, Friends of the Earth and Environmental Defense, placed particular emphasis on the use of emergency powers to expropriate land for construction prior to compensation being paid to landowners. In addition, important areas of land were

being used without any formal expropriation procedures being undertaken or compensation paid. These practices breach World Bank guidelines with which the project is legally bound to comply and, in the latter case, domestic law, the legal framework for the project, and the ECHR.

The experiences of the mission led it to conclude that pro-EU human rights reforms have had little impact in the Northeast. It recommends that the lenders now take steps to address the lack of capacity of BOTAS (the nationalised Turkish pipeline company) and the Turkish government to ensure fair expropriation and compensation practices, and better oversee the project to ensure compliance with agreed, legally binding standards.

The subject of the second of the reports by this mission concerned the recent court appearances concerning Ferhat Kaya, a prominent human rights defender who has assisted 30 applicants bring cases to the European Court of Human Rights relating to the pipeline.

Kaya was arrested in May 2004 and alleges that he was tortured in custody.

He believes his arrest and ill-treatment were directly connected to his work regarding the BTC pipeline. The trial of the 11 police officers indicted for ill-treating Kaya, the third hearing of which was observed by the mission, raised substantial questions over Turkey's compliance with fair trial standards. The trial was concluded in three short hearings with no detailed questioning of the police officers; the case was adjourned for nearly three months in breach of time limits under domestic law; and the policemen's statements were drafted by colleagues who were also defendants. Attention was also drawn to the fact that the Prosecutor deemed there to be enough evidence to lodge an indictment, but then without explanation requested the court to reach a not guilty verdict. The officers were accordingly acquitted.

Kaya also himself faces charges over his arrest for allegedly resisting, insulting police officers and failing to comply with their request to provide identification. The mission observed the third hearing in the trial against Kaya, noting with concern that Kaya requested a lawyer

at the police station but was not granted one, that the lawyer eventually appointed to him did not appear to act with due diligence, and that he was not notified promptly of the reasons for his detention. With regard to the impartiality of the tribunal; trials in relation to essentially the same incident were heard by the same judge and prosecuted by the same prosecutor at the same sitting.

More broadly, this trial observation reinforces several of the conclusions reached by the BTC fact finding mission. Due diligence undertaken by financial institutions backing the BTC pipeline is questioned, and recommendations are issued to public lenders financing the pipeline to investigate the link between the treatment of Ferhat Kaya and his work on the BTC project and to the UK government to better oversee the project. Turkey has much to do before she can be deemed compliant with international standards, and the continuing incidence of torture in spite of the much-vaunted 'zero tolerance' approach is described.

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ABOVE: A village in Iraqi Kurdistan destroyed during the Anfal campaigns, photographed during a fact-finding mission, July 2004

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The Kurds in Iraq

also have to confront rural deprivation. The UN's now much-criticised Oil for Food Programme damaged the traditionally self-sufficient agrarian economy in the Kurdish-dominated north, and agrarian poverty was further exacerbated by the Ba'athist 1991 – 1997 economic embargo on Iraqi Kurdistan. Now, the industrial sector in northern Iraq is beginning to thrive, but the resources needed to rebuild communities in rural areas are largely absent and international aid has not been forthcoming. The capacity of the Kurds to share in revenue generated from oil reserves located in predominantly Kurdish regions of the country will prove critical to overcoming economic marginalisation in Iraqi Kurdistan.

Achieving peaceful, durable solutions for IDPs will prove a formidable task. The 'Arabisation' campaign conducted by the Ba'athist regime saw the expulsion of up to one million Kurds from their homes. The US-led invasion of Iraq awakened the possibility of instituting sustainable and

internationally supported return, and national and international mechanisms have been established to this end. However, large numbers of IDPs remain uncompensated and unable to resume possession of their former homes; some are currently compelled to shelter in tent villages and sub-standard, over-crowded buildings while waiting for potentially protracted property claims to be decided. The Iraq Property Claims Commission (IPCC) by March 2005 had issued only 355 decisions despite some 35,000 claims having been received.

Overall, through, the future looks bright for the Iraqi Kurds for the first time in many decades. A people who have been brutally oppressed have now been given the chance to embark on the road towards a democratic society. The Kurds are no longer stripped of their rights and subjected to attempts to destroy their identity; instead they are set to play a leading role in governing the country.

Dispatches

LIBERTY / JUSTICE HUMAN RIGHTS AWARDS

human rights awards 2004

KHRP Executive Director Kerim Yildiz, Chair Mark Muller and Public Relations Officer Rochelle Harris attended the presentation ceremony of the Human Rights Awards 2004 held at the Law Society on 9 December 2004, after KHRP was shortlisted for the Human Rights Award 2004. The Awards are a joint venture between Liberty, JUSTICE and the Law Society, and aim to honour commitment and dedication shown to human rights over the past year. Nominations are invited from the public and the shortlist and winners are decided by an independent panel of judges which included the Lord Chief Justice, Heads of the Bar Council and Law Society, Directors of Liberty and JUSTICE and Sir Nicolas Bratza QC, Judge at the European Court of Human Rights.

During the ceremony, KHRP was praised by the judges for its 'indefatigable' work over the past ten years in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere.

WOMEN'S TRAINING ON MILLENNIUM DEVELOPMENT GOALS - TURKEY

A KHRP training session was carried out on 30 April in Diyarbakir on women and the Millennium Development Goals (MDGs). The training aimed to provide an introduction to the Millennium Development Goals for Kurdish women's rights organisations working throughout South-eastern Turkey, and included sessions on identifying priority objectives from among the MDGs and devising strategies of how these objectives could be addressed.

A further objective of the training was to ascertain which of the MDGs are most relevant to NGOs working in this region so that their comments and priorities can be included in KHRP's submission to the UK Civil Society Consultation Workshop. During the training KHRP also initiated a research and reporting group from among the participants to prepare a report on the MDGs and the situation of Kurdish women in South-east Turkey.

TRAINING IN BATMAN, TURKEY

KHRP sent Eric Metcalfe of JUSTICE and barrister Emma Brown to Batman in early May to conduct training for local lawyers and human rights defenders on taking a case to the European Court of Human Rights. The training was conducted in conjunction with the Batman Bar Association, and was KHRP's first training to be held in Batman. Over 30 people attended, over a third of whom were women. KHRP will continue to organise training sessions with Batman Bar Association and other human rights organisations in Batman in the future.



ABOVE LEFT: KHRP Honorary President Lord Avebury speaking at the launch of the Kurdish Women's Charter in the House of Lords, June 2004 ABOVE RIGHT: Member of KHRP Board of Patrons Baroness Helena Kennedy QC delivers a keynote speech at the launch of the Kurdish Women's Charter

Enforcing the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

The 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' was launched in the House of Lords on 22 June 2004. It is a collective effort between the Kurdish Women's Project and the Kurdish Human Rights Project to urge the elimination of all forms of discrimination against Kurdish women and to promote their participation in the social, political, economic and educational spheres of life.

A new manual, 'Enforcing the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora', has been published by KHRP and the Kurdish Women's Project. The manual builds upon efforts to eradicate gender discrimination by recognising that Kurdish women face specific problems, and outlining locally appropriate, workable means of addressing these problems. Discrimination against women occurs globally, but in the Kurdish regions and diaspora it is all the more damaging through being

compounded with ethnic, religious or other forms of discrimination.

The manual offers a comprehensive guide for Kurdish women and Kurdish women's organisations on making use of the mechanisms available to them to enforce their rights. The Kurdish Women's Charter, upon which the manual is based, is not legally binding in itself. Its principles are, though, based upon existing international standards and the Charter can therefore be used to lodge complaints to international human rights bodies when its principles are violated. In this way the Charter will contribute to making gender justice a reality in the Kurdish regions and the diaspora.

A key aim of the manual is to ensure that the Charter has genuine local resonance among Kurdish women and, crucially, that it is genuinely useable by its intended beneficiaries. To this end, KHRP and the Kurdish Women's Project have incorporated feedback from grassroots NGOs

and locally-based Kurdish women's representatives in order to devise practical, realistic guidelines on how the Charter can be applied on the ground.

The first part of the manual analyses each article of the Charter and offers comprehensive guidance on its application. The ways in which individual articles apply in the different countries of the Kurdish regions is highlighted, with locally relevant examples used to demonstrate levels of compliance with the Charter's provisions and related international standards. Substantively, this section focuses on the elimination of all forms of discrimination against women in all areas of life; and the eradication of violence against women.

The second part of the manual provides a general overview of the mechanisms available to women's organisations and individual women seeking to enforce principles within the Charter. It concentrates upon those mechanisms within the UN and the Council of Europe most

applicable to complaints brought specifically by women and provides clear explanations of how these mechanisms work.

The centrality of recognising and enforcing women's rights to achieving a just society has recently been underlined in the international arena in the tenth anniversary of the groundbreaking 1995 Beijing Platform. In Turkey, the importance of realising women's rights was forcefully highlighted in January when a report by the Committee on the Elimination of Discrimination against Women criticised the situation of women in Turkey. In Iran, Nobel Peace Prize Laureate Shirin Ebadi recently called attention to systematic discrimination against women in the country's patriarchal legal system, while in Iraq women's groups are striving to secure their participation in the country's new administration.

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Fact-finding mission reveals new plans to build discredited Ilisu dam

'I wouldn't accept, even if they gave all of Batman to me as compensation. I want to return to my village. I can never accept the destruction of history. If they are saying that they consulted us, then they are lying.'

- Villager displaced by conflict from Caltape village in the Ilisu reservoir area

'We will build this dam. It's our land and our dam and we will build it. Nothing will stop us.'

- Ms Cansen Akkaya, Deputy Director of the Investigation and Planning Department, DSİ

During 2000 to 2002, human rights organisations, environmental groups and affected communities, including KHRP, exposed fundamental flaws in plans for the Ilisu Dam on the River Tigris in Turkey. The hydro-electric dam was forecast to displace up to 78,000 mostly Kurdish people and destroy hundreds of ancient sites of huge archaeological significance in the Upper Tigris, including the ancient Kurdish town of Hasankeyf.

Following effective international campaigning, the consortium of companies planning to build the dam collapsed. Almost three years on, the most recent fact finding mission report by KHRP and the National University of Ireland, Galway, 'The Cultural and Environmental Impact of Large Dams in South East Turkey', has found the Turkish state has not learned the lessons of Ilisu.

The report, published in February 2005, details evidence gathered of a new

consortium coming together to build the discredited dam. The basis for this project remains essentially the same as it was three years ago. Planned dam-building in two further areas of the Kurdish region, the Zap valley in Hakkari and the River Munzur valley in Tunceli (Dersim), is also examined in the report. Like Ilisu, these dams form part of the giant South-east Anatolia Development Project (GAP), one of the biggest international development projects in the world. Also like Ilisu, these dams look set to be implemented in spite of adverse impacts on cultural and environmental rights, and against a backdrop of longstanding and continuing repression of the Kurdish majority in the region. Indeed, in the case of the Munzur valley and Hakkari dams the situation is much worse even than the broadly condemned plans for Ilisu, as it seems no assessment whatsoever of the cultural impacts of these dams has occurred.

Importantly, in the case of all the dam-building projects examined there is no evidence that affected communities have been consulted. Of those people who gave their views to the mission, the overwhelming response was one of absolute opposition to the dams. Women in particular expressed overwhelming opposition to the projects, citing the negative impact on them and those in their care; yet women have been the least consulted section of society.

Development-induced displacement has been the subject of growing international concern, not least because it has been well documented that large dams submerge cultural heritage the world

over; in so doing they cut off population groups from their pasts and the forces which shaped their values and beliefs. The deleterious impacts of previous dam projects in Turkey have been well documented.

Commentators also point to the fact that national governments are often unable or unwilling to cushion marginalised communities such as the Kurds in Turkey from the impact of large-scale and often locally inappropriate development projects. It certainly appears the case that Turkey's desire to curry favour with the EU and US has led her to import unsuitable, outdated technologies from these countries of very little benefit to local people. Energy generated by the dams will be negligible in national terms in an already glutted energy market. More disturbing are implications that the building of the dams is yet another strategy to further Turkish efforts to forcibly assimilate Kurds into mainstream Turkish culture and society which stretch back to the 1920s.

The unsuitability of the hydroelectric dam projects, the limited material benefits they are likely to bring in real terms and Turkey's failure to engage with genuine needs in the area raise important questions over whether hydroelectric dams are only or even, in some cases, mainly for energy generation. If implemented they will destroy Kurdish communities, their natural, cultural, linguistic and sacred heritage and the heritage of those who went before them.

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ABOVE LEFT: Site of the Hakkari Dam ABOVE RIGHT: The archaeologically important town of Hasankeyf, which would be submerged under current plans for the Ilisu Dam

Dispatches

WOMEN'S TRAINING IN TURKEY



TOP: Edel Hughes (left) and Margaret Owen (third from right) with participants at a KHRP training session on women's rights in Diyarbakir BENEATH: KHRP Consultant for Women and Children Margaret Owen with participants at a KHRP training session in Diyarbakir, 12 - 13 March

KHRP implemented a training session for more than 50 delegates in Diyarbakir on 12 and 13 March as part of the organisation's ongoing capacity building programme in the Kurdish regions. The purpose of the session was increasing awareness of international human rights mechanisms for the promotion of women's rights. This included training on the Convention on the Elimination of Discrimination Against Women and the preparation of 'shadow reports' for UN human rights mechanisms. Training was also conducted on the Beijing Platform for Action and the Millennium Development Goals.

KHRP WELCOMES NEW CONSULTANT FOR WOMEN AND CHILDREN



ABOVE: Margaret Owen, KHRP's new Consultant for Women and Children, with the Deputy Governor of Diyarbakir on a 2003 KHRP fact finding mission

KHRP has appointed human rights lawyer Margaret Owen as its new Consultant for Women and Children. Ms Owen, who specialises in the rights of women and children and has previously conducted several missions on behalf of KHRP, will co-ordinate and develop KHRP's growing involvement in these important areas.

IHD death threats

KHRP is extremely concerned over reports that its partner organisation, the Human Rights Association of Turkey (IHD), has been the subject of death threats. Letters received by IHD members at their work and home addresses on 19 and 21 April were signed by the extreme-right group Turkish Revenge Brigade (Turk Intikam Tugayi).

The letters, headed 'Our final warning to the traitor separatists', make reference to the fate of former IHD president Akin Birdal who was critically wounded in an armed attack in 1998 by the same group. The letters claim that the addressees may not be as lucky as Birdal, who survived the attack. They were addressed to Mrs Kiraz Biçici, Vice-President, Mrs Eren Keskin, Chairperson of the Istanbul Branch, Mr Doğan Genç, member of General Executive Board and Mr Şaban Dayanan, Board Member of the Istanbul Branch.

The letters also refer to a recent incident involving a group of children attempting to burn the Turkish flag in the city of Mersin, South-eastern Turkey. This incident has given rise to an upsurge in ultra-nationalism in Turkey. The letters say that every provision must



ABOVE: Eren Keskin of the Human Rights Association of Turkey, against whom death threats have been made

be made to protect the Turkish flag, 'a symbol of a nation's history written in blood'. A KHRP fact finding mission travelled to Ankara in April 2005 in order to investigate the circumstances surrounding the threats.

IHD was established on 17 July 1986, and is now Turkey's largest human rights organisation. It aims to create social, political and cultural conditions that are in line with democratic standards and human dignity in Turkey, and has often issued forthright condemnations of government behaviour and the activities of armed opposition groups. Consequently, IHD has endured persistent state harassment, including the repeated lodging of judicial charges as well as ransacking of its offices, torture and killings of its members. Against this background, it is crucial that Turkey investigates the death threats against IHD and that appropriate measures are taken to

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Detention breaches right to liberty in Turkey

The European Court of Human Rights found on 21 December 2004 that Turkey had violated the right to liberty when it detained Talat Tepe for 12 days in a case brought to the Court by KHRP (*Talat Tepe v. Turkey*, 31247/96).

The applicant, Talat Tepe, is a lawyer at the Istanbul Bar and, at the time of the incident, was president of TOHAV (the Foundation for Social and Jurisprudence Studies). He was taken into custody in Istanbul on 9 July 1995 on suspicion of aiding and abetting a terrorist organisation, and after nine days was transferred to Bitlis for a further two days. Tepe alleges that during his detention in the Bitlis Security Directorate he was accused of aiding the Kurdistan Workers' Party (PKK) during interrogation, and upon rejecting the accusation police officers

subjected him to ill-treatment which included beatings, electric shock treatment, blindfolding, verbal insults, hosing with cold water, being stripped naked and deprived of food.

No charges were brought against the officers involved following an investigation by the Bitlis Public Prosecutor. Tepe himself was acquitted of the charges against him on 6 June 1996 by the Diyarbakır State Security Court, due to lack of evidence.

The Court held there to have been no violation of the prohibition on ill-treatment under Article 3 of the Convention, since it judged the evidence not to show beyond reasonable doubt that the applicant had been subject to such treatment.

The Court did, though, find Turkey to have violated

Article 5(3) - holding Tepe in police custody for 12 days without access to the courts breached the requirement that detainees are brought 'promptly' before a judge. In addition, the State Security Court (DGM) at the time did not provide an effective remedy for challenging the lawfulness of police detention which, as well as the applicant's 12 days of unsupervised detention, breached Article 5(4).

It was further concluded that Turkey had not provided an effective remedy to Tepe for his alleged ill-treatment. The investigation by the Provincial Administrative Council in Bitlis into whether a prosecution should be brought against the police officers concerned could not be regarded as 'independent', as required by Article 13.

The applicant's claim

that there was no reasonable suspicion on which to arrest him and that his detention was consequently unlawful within the meaning of Article 5(1) was rejected by the Court. It was not considered necessary to consider the applicant's complaint under Article 6(1), and no violation of Article 14 was established.

Talat Tepe follows a string of cases in which Turkey has been found to have violated the right to liberty under Article 5 of the Convention after holding suspected 'terrorists' for prolonged periods without access to a judge (see, among others: *Süleyman Yildirim v. Turkey*, *Abdülşamet Yaman v. Turkey*, *Ahmet Özkan & Others v. Turkey*, *Mamaç & Others v. Turkey*).

State Security Courts breach right to fair trial

The Court ruled on 15 March 2005 in a case brought by KHRP that proceedings before the Ankara State Security Court breached the right to a fair trial under Article 6(1) (*Ozüpek & Others v. Turkey*, 60177/00).

The applicants, Osman Özüpek, Duran Özdemir and Hüseyin Avni Yazıcıoğlu were convicted by the Ankara

State Security Court of aiding and abetting a terrorist organisation, the Hezbollah, after organising a special activity evening 'Jerusalem night' in their roles as employees of the Culture and Education Department of the Sincan District Council in Ankara. They were sentenced to three years and nine months' imprisonment and debarred from public

service for three years.

The Court upheld the applicants' complaint that Turkey had breached the right to a fair trial by an independent and impartial tribunal under Article 6(1). They could legitimately fear, given the military presence, that the Ankara State Security Court which tried them might allow itself to be unduly influenced by

considerations which had nothing to do with the nature of the case.

This case follows a string of Court judgments in which the presence of military judges on the bench of the now abolished State Security Courts was found to breach Convention fair trial standards (see *Özel v Turkey*, *Özdemir v Turkey*, *Incal v Turkey*).

Dispatches

BTC PIPELINE MEETING IN COMMONS



ABOVE: Participants at the seminar on the Baku-Tbilisi-Ceyhan Pipeline at Portcullis House, Houses of Parliament

On 21 February KHRP attended a seminar and discussion at Portcullis House, Houses of Parliament concerning the Baku-Tbilisi-Ceyhan (BTC) Oil Pipeline. KHRP has been involved for some time in highlighting the adverse human rights, social and environmental impacts of the BTC Pipeline, and has recently published two reports uncovering evidence of human rights abuses in relation to the pipeline's construction.

The seminar aimed at briefing parliamentarians on the concerns that had been brought to the attention of the Trade and Industry Select Committee by NGOs and professionals who have worked on the pipeline. It was also attended by Derek Mortimor, a senior corrosion expert, journalist Michael Gillard, whose research raises major questions over the safety of the pipeline, and Susan Hawley of The Corner House who led a successful legal challenge against the UK Export Credit Guarantee Department over its failure to consult on changes to its anti-corruption procedures.

WOMEN'S CONFERENCE

On 9 December KHRP Legal Officer Anke Stock and KHRP Women and Children Consultant Margaret Owen attended the conference 'Global Challenges to Women's Human Rights: 25 Years of CEDAW' at Portcullis House, Westminster. The conference, organised by DFID, the British Council and Womankind, marked the 25th anniversary of the adoption of the CEDAW convention (the Convention on Elimination of All Forms of Discrimination Against Women). It brought together international experts and policymakers to debate the global challenges to enforcing women's rights, as well as debating the value of CEDAW and the obstacles presented when implementing it.

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

Continued from page 8 - IHD death threats

protect the human rights defenders.

This latest incident of death threats issued against IHD comes soon after alleged death threats made in February against human rights defender, Editor of the *Ozgur Gundem* Newspaper and former Chairman of the Tunceli Bar, Huseyin Aygun. It was reported that a gendarme officer called Aygun a 'traitor', suggested that Aygun would lose his office and threatened to make him 'disappear'. Aygun has been repeatedly indicted for his non-violent criticism of the implementation of human rights reforms in Turkey. He now faces defamation charges after making public the alleged threats by the gendarme officer at the Elazig Branch of IHD.

KHRP considers that the

persistence of threats to human rights defenders is substantially impeding the development of civil society, and calls on the Turkish authorities in the strongest terms to protect those whose safety has been threatened. KHRP further calls on the Turkish government and security forces to recognise the legitimacy of the work carried out by human rights defenders, and to accept that the free expression of a plurality of viewpoints, including those critical of the state, is a key part of democratic debate in modern, European society.



ABOVE: Editor of the *Ozgur Gundem* Newspaper and former Chairman of the Tunceli Bar Huseyin Aygun (centre) among a crowd of supporters. Aygun also alleges to have been subject to recent death threats.

No Grand Chamber hearing on *Issa* jurisdiction



ABOVE: KHRP Executive Director Kerim Yildiz in the Iraqi border region in 1996

The Grand Chamber has declined to revisit the issues raised in *Issa v. Turkey*, a precedent-setting case of international legal importance decided by the Second Chamber in November 2004.

In the landmark Second Chamber judgment it was affirmed that the legal meaning of 'jurisdiction' under Article 1 of the Convention could, in accordance with international legal principles, apply to state acts performed outside a state party's borders. Thus Turkish troops are bound by the ECHR even while operating outside Turkish territory. Alongside *Öcalan v Turkey* and *Bankovic & Others v Belgium & Others*, the case is the most important determinant to date of the Convention obligations of signatories while intervening in the territory of a third state not party to the Convention. The Second Chamber judgment has ramifications, for example, for the human rights obligations of British troops serving in Iraq.

However, while KHRP welcomed the Second Chamber's finding that Article 1 could not be interpreted so as to allow a state party to commit a violation of the Convention on the territory of another state which it could not perpetrate on its own territory, it was concerned over the high level of proof required to engage

Turkey's responsibility in the instant case. The facts of the case relate to the alleged killing and mutilation of seven Kurdish shepherds by Turkish troops in northern Iraq during cross-border incursions in 1995. In order to ascertain that the Kurdish shepherds were under the authority and/or effective control of Turkey, and therefore within its jurisdiction, it had to be proven 'beyond reasonable doubt' that at the relevant time Turkish troops had conducted operations in the exact area in question. This placed a disproportionately high burden on the applicants, particularly given the unequal access to evidence and resources between the individual and the state in cases of this kind, and it was for this reason that KHRP sought to appeal the case to the Grand Chamber.

A panel of judges of the Grand Chamber decided on 30 March 2005 to decline KHRP's application for the case to be referred to the Grand Chamber. Presumably, the Court saw no need to review its determination of the issue of jurisdiction as set out in the decision of the Second Chamber, which has now become final. KHRP is now exploring further elements of the jurisdiction issue in a case lodged with the Court concerning the actions of Turkish forces in Iran.

Dispatches

EU TURKEY CIVIC COMMISSION

KHRP Executive Director Kerim Yildiz and Chairman Mark Muller travelled to Brussels on 28 April to attend the second meeting of the EU Turkey Civic Commission.

The idea for the Civic Commission was born during the international conference on Turkey, the Kurds and the EU, co-hosted by KHRP and partners the Bar Human Rights Committee, Rafto Foundation (Norway) and medico international (Germany) at the European Parliament in Brussels on 22-23 November 2004. There it was affirmed that the EU accession process would determine the nature of both the Union and of Turkey in the twenty-first century and would fundamentally affect the status and rights of the Kurds in Turkey. It was decided that a commission composed of leading European, Turkish and Kurdish elected politicians, NGOs, academics, and human rights and environmental activists would be established to monitor and conduct regular audits of the European Commission's performance in ensuring Turkish compliance with accession criteria.

The Steering Committee of the Civic Commission is currently considering opening the Commission's first office in Brussels. It will also look into the prospect of setting up a number of relevant standing committees under its auspices to deal with thematic issues, including constitutional reform, compliance with judgments of the European Court of Human Rights and the European Court of Justice, and the Kurdish issue.

KHRP IN AZERBAIJAN



ABOVE: KHRP Legal Officer Lucy Claridge (centre) in Baku with members of the Helsinki Citizens' Assembly, Azerbaijan

The KHRP legal team travelled to Baku, Azerbaijan on 9 February 2005 to conduct a training session and to meet with applicants to the European Court of Human Rights. During the team's stay they also met with individuals and NGOs in order to draw an assessment of the human rights situation in the country.

KHRP ATTENDS MEETING AT THE FCO

KHRP attended a meeting at the UK Foreign and Commonwealth Office, Turkey Desk on 23 March. The meeting concerned human rights in Turkey and Turkey's relationship with the EU, with a particular focus on the rights of women. KHRP briefed the FCO about its training activities and other work in the Kurdish region of Turkey.

Dispatches

KHRP CONSIDERING OPENING OFFICES IN TURKEY AND IRAQ

As Turkey moves towards EU membership, KHRP is exploring the possibility of opening an office in the country. KHRP is also considering opening an office in Iraqi Kurdistan. The opening of regional offices constitutes one of the recommendations of the recently completed Feasibility Study, which examined how KHRP can best continue to fulfil the needs of the Kurdish community. KHRP is interested in establishing a more fixed presence in Turkey and Iraq in order to facilitate the organisation's current human rights work and to support Turkey's pro-EU reform process and the progress of democratisation in Iraq.

CONFERENCE: WOMEN IN IRAQI KURDISTAN



ABOVE: KHRP Representative Anke Stock addressing the Kurdish Women's Conference in Sweden, 10 April 2004

An international conference on women in Iraqi Kurdistan and the establishment of civil society was held in Stockholm, Sweden on 9 – 10 April. The conference, organised by the Kurdish Women's Project and sponsored and supported by the Kurdistan Regional Government, brought together women from across the Kurdish regions and the diaspora, and participants included prominent scholars, politicians, human rights and women's rights activists. The conference was supported by KHRP, which worked with the Kurdish Women's Project to produce the 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' in 2004. The Charter is now being promoted throughout the Kurdish regions and diaspora in order to highlight the need for the enforcement of Kurdish women's human rights.

The conference aimed to highlight the role of women in democratisation in Iraqi Kurdistan, to develop ideas for new initiatives and to generate dialogue and information exchange to build bridges between Kurdish and non-Kurdish women. Conference sessions focused upon the family, economic and political status of women, Anfal women, Kurdish women politicians and Kurdish women's organisations. KHRP Representative Anke Stock attended the conference and gave a presentation on International Legal Instruments in the Transformation Process.

Turkey violated right to life

The European Court of Human Rights ruled unanimously on 18 January 2005 that Turkey had violated the right to life (Article 2) and the right to an effective remedy (Article 13) of the ECHR by failing to conduct an effective investigation into killings that took place during an operation by security forces in a Kurdish village in 1994 (*Mentes & Others v. Turkey*, 36217/97).

The applicants alleged that in May 1994 state security forces arrived in the village of Yolçati in the Lice District of Diyarbakir in the early hours of the morning. Four of the applicants contended that their relatives were killed by the state forces during the ensuing security operation in violation of the right to life under Article 2, and that the authorities' subsequent failure to investigate the deaths breached the procedural provisions of this article. These applicants also complained that the emotional pain caused by the deaths of their relatives breached Articles 3 and 8.

The applicants all submitted that they were forcibly expelled from their village during the security operation and that their houses were burnt down, causing them mental suffering in breach of Article 3. They also complained that the destruction of their houses and their forced eviction violated Article 8 and their right to the peaceful enjoyment of their possessions under Article 1 of Protocol 1.

Further reliance was placed on Articles 6(1) and 13 with regard to the failure by the Turkish authorities to investigate the deaths, forced evictions and destruction of homes resulting from the security operation, and on Articles 5(1) (unlawful deprivation

of liberty), 14 (prohibition on discrimination) and 18 (permissible restrictions on rights).

The Court, in its judgment, found an insufficient factual and evidentiary basis to conclude that the security forces were responsible for the deaths of the applicants' relatives under Article 2. There was also, accordingly, no breach of Articles 3 or 8 in relation to the deaths of the applicants' relatives.

There was, though, a violation of the procedural element of Article 2 in that domestic authorities did not conduct a prompt and adequate investigation into the circumstances surrounding the killings. In reaching this conclusion the Court deemed it significant that the first on-site inspection at the crime scene was made in 2001, almost seven years after the incident, that there were substantial gaps in the autopsy report and that the investigation to date had not produced any tangible results. The Turkish authorities were judged here to have 'disregarded their essential responsibilities'.

The Court found no violation of Articles 3, 8 and Article 1 of Protocol 1 in relation to the destruction of the applicants' homes.

In light of the Court's finding on Article 2, there was accordingly a violation of Article 13 in relation to the deaths of the applicants' relatives (but not with regard to the alleged village destruction). This decision rendered it unnecessary to consider the applicants' complaints under Article 6(1).

The Court further found no violation of Article 5(1) (unlawful deprivation of liberty), Article 14 (prohibition on discrimination) or Article 18 (permissible restrictions on rights).

KHRP lodges new Armenian cases

KHRP has lodged three new cases concerning the treatment of individuals engaged in political activism in Armenia.

Edgar Arakelyan alleges he was assaulted by a police officer at a political rally and, having sought to defend himself, was later arrested, forced to confess to using foul language and sentenced to two days administrative detention. In the meantime, a journalist had released footage of the applicant defending himself against the police officer, as a result of which he was sentenced to 18 months imprisonment. After 6 months in custody he was released on parole. The applicant submits that he was subjected to torture and inhuman and degrading treatment while detained (Article 3), and Articles 5, 6, 8, 10, 11, 13 and 14 were also invoked.

Artak Gabrielyan, a member of the Communist Party, was distributing leaflets for a rally relating to 'Establishing lawful government in Armenia'. He was arrested, his home was searched and he was sentenced to two months detention as a precautionary measure, which was then extended to one year's imprisonment (conditional). The applicant spent 54 days in detention, and although now released the prison sentence against him remains valid. The case raises issues under Articles 5, 6, 8, 10, 11, 13 and 14.

Stephan Demirchyan is the Chairman of

the People's Party of Armenia (PPA), and was a Presidential candidate during the 2003 elections. In April 2004, following the forcible dispersion of a political opposition rally by police, people dressed in both police uniforms and civilian clothes entered the PPA office without producing a warrant and seized and destroyed items there. Twelve people were arrested, and the police barred entry to the office for several days. The applicant sought the institution of criminal proceedings against the police officers involved, and when he received no response brought civil and later criminal proceedings against the Prosecutor. The court refused to accept either application. The applicant alleges violations of Articles 6, 8, 10, 11, 13, 14 and Article 1 of Protocol 1.

Artak Zeynalyan, a previous deputy minister in the Ministry of Health, was arrested after his party offices were searched without a warrant and his possessions seized. Zeynalyan, who is disabled, was kept in a cell for 36 hours where he had to sleep in a sitting position and was denied access to his family and to legal counsel. The Armenian courts rejected Zeynalyan's request for notification of the legal basis and reason for his detention and did not address the violation of his rights. The case raises issues under Articles 3, 5, 6, 8, 10, 11, 13, 14 and Article 1 of Protocol 1.

Dispatches

MOURNING OF TURKISH JOURNALIST

Journalist Bahattin 'Baha' Karakutuk died unexpectedly at his home in Glasgow on 10 January. Born in Ankara in 1966, Karakutuk had worked for the Kurdish media since establishing the first pro-Kurdish daily newspaper 'Ozgur Gundem' in 1992 in Turkey. He was the newspaper's diplomatic editor but was forced into exile following his abduction by Turkish intelligence services. In Scotland Karakutuk worked as a senior columnist and reporter for Kurdish television stations.



Journalist Bahattin 'Baha' Karakutuk

KHRP CONTINUES SUPPORT FOR KURDISH REFUGEES IN JAPAN



ABOVE: The case of two Kurdish asylum seeker families denied refugee status by the Japanese authorities has aroused considerable media interest in Japan

KHRP has been in contact with the Japanese authorities and with UNHCR's offices in Japan and in Geneva in recent months concerning the situation of two Kurdish asylum seeker families refused refugee status in Japan. In a move strongly condemned by UNHCR two members of one of the families, the Kazankirans, were deported by the Japanese authorities to Turkey on 18 January. Members of both families are now waiting to be sent to a third country by UNHCR to have their status determined. KHRP will continue to support the families in their struggle to avoid being returned to face persecution in Turkey.

TALK ON VIOLENCE AGAINST WOMEN

On 3 March 2005, KHRP was invited to give a talk to the Amnesty International Group of Durham University in relation to the Campaign on Violence Against Women. The talk covered types of violence, causes of violence, consequences of violence and the prevention of violence, with a particular focus on the Kurdish regions. The talk was very well attended and received. Great interest was expressed in the work conducted by KHRP and in undertaking internships.

Dispatches

MEMORANDUM HIGHLIGHTS OBJECTIONS TO BTC PIPELINE

More than 50 human rights and environmental groups from 13 countries have submitted a detailed Memorandum to the World Bank and other funders of the Baku-Tbilisi-Ceyhan (BTC) Pipeline outlining serious safety, environmental and human rights concerns.

The BTC project is supported by public funds via the World Bank and the European Bank for Reconstruction and Development (EBRD), which places on these bodies duties of due diligence over the pipeline - duties which NGOs argue they have consistently failed to meet. The Memorandum lists an array of serious problems with the pipeline, including the possibility of disastrous safety failures and accidents; pending cases against BP at the European Court of Human Rights and the European Court of Justice; the withdrawal of a senior private backer from the project; and deepening political discord in the region, including mass strikes by pipeline workers and the alleged torture of a local human rights defender.

KHRP has been monitoring the situation on the ground through contact with directly affected communities, and in conjunction with its partner organisations has repeatedly raised concerns over the implementation of the project with the World Bank and EBRD.

KHRP AT UN HUMAN RIGHTS COMMISSION

KHRP Chairman Mark Muller attended the 61st Session of the UN Human Rights Commission on 29 - 30 March. Muller met with government representatives and highlighted human rights concerns regarding the Kurds to the Commission. The Session was also attended on 3-4 April by KHRP's Consultant for Women and Children, Margaret Owen, who made representations to the Human Rights Commission on gender issues.

KHRP IMPLEMENTING OUTCOMES OF FEASIBILITY STUDY

KHRP staff held a meeting on 3 February with the consultants responsible for conducting the Feasibility Study - a study commissioned by KHRP to provide an assessment of the current needs of the Kurds and to identify appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole. The study was conducted over an eighteen-month period, and was completed in January. KHRP is excited about the conclusions reached and looks forward to moving forward and implementing the outcomes of the study.

KHRP is grateful for the financial support of Atlantic Philanthropies in undertaking the Feasibility Study.

Turkey responsible for killings in southeast Turkey

On 3 March 2005 the Court ruled that Turkey had violated the right to life (Article 2), the prohibition on inhuman and degrading treatment or punishment (Article 3) and the right to an effective remedy (Article 13) in the case of *Akkum & Others v. Turkey* (21894/93).

The applicants contended that their relatives (Mehmet Akkum, Mehmet Akan and Derviş Karakoç) had been unlawfully killed by members of the security forces during a military operation in the district of Dicle near Diyarbakır in November 1992. Derviş Karakoç was allegedly shot at point-blank range by soldiers; while it was claimed by their relatives that Mehmet Akkum and Mehmet Akan had last been seen alive on a mountainside with a large number of soldiers by whom they had subsequently been killed. The bodies of the three men were found after the operation and Mehmet Akkum's ears had been severed.

The applicants also claimed that the state authorities failed to carry out an adequate investigation into the deaths. In bringing their case they invoked Articles 2, 3, 13, 14 and 18 of the Convention and Article 1 of Protocol 1.

The Commission conducted an investigative hearing in March 1997 to ascertain the facts of the case, which were disputed by the parties. However, the Turkish authorities failed to provide vital evidence - in particular military reports which could have clarified the circumstances of the security operation alleged to have led to the deaths of the applicants' relatives. Reports produced by state agents were heavily criticised by the

Court as 'full of omissions and contradictions'. Turkey had fallen short of its obligation under Article 38 (1) (a) of the Convention to furnish all necessary facilities to the Commission and Court in their task of establishing the facts.

The Court went on to infer from the government's failure to provide the necessary information and the consequent absence of adequate alternative explanations that Derviş Karakoç was killed by soldiers on 10 November 1992, and Turkey had failed to account for the killings of Mehmet Akkum and Mehmet Akan or the mutilation of Mehmet Akkum's body when they were under the control of the authorities. The Court also concluded that no meaningful investigation had been conducted at domestic level.

Turkey had thus violated the substantive aspect of Article 2 in respect of all three killings, as well as the procedural aspect for failing to conduct adequate investigations. It was further found that the anguish caused to Mehmet Akkum's father (the first applicant) as a result of the mutilation of the body of his son amounted to degrading treatment contrary to Article 3. Because of the failure of the state to carry out an effective investigation into the incident, Turkey was also in breach of its obligation to provide an adequate remedy under Article 13.

The Court declined to examine whether there had been a breach of the prohibition on discrimination under Article 14, or whether the authorities had attempted to cover up the deaths in violation of Article 18.

Admissibility decision in detention case

The Court has reached an admissibility decision on a case lodged by KHRP concerning the alleged unlawful detention of Sinan Tanrikulu and Servet Ayhan of the Human Rights Association of Turkey and Firat Anli of HADEP (*Tanrikulu & Others v. Turkey*). The applicants were arrested in February 1995 on suspicion of being involved in PKK activities, and were charged and subsequently acquitted of being members of an illegal organisation under Article 168 (2) of the Criminal Code. All three applicants allege that they were ill-treated in detention, including being subjected to blindfolding, deprivation of adequate food and drink, beatings, genital squeezing, hosing with pressurised water and being hung upside down. No criminal proceedings were brought against the police officers concerned. The applicants alleged violations of Articles 3, 5(1)

(c), 5 (3), 6, 10, 11, 13, 14, 18 and 34.

The applicants' complaints concerning the length of their detention in custody and the first and third applicants' complaints concerning the unlawfulness of their arrest and detention were judged admissible. The Court, while recognising the evidential difficulties in such cases, found insufficient evidence was put forward to substantiate the applicants' claims of ill-treatment under Article 3. The allegations by the first and second applicants that their detention and arrest was unlawful on the basis that it was conducted by gendarmes was also found inadmissible, as were the applicants' complaints under Articles 13, 14, 18 and 34. The Court decided to examine the issues raised by the applicants under Articles 10 and 11 solely under Article 10.

Disappearance case declared admissible

On February 1 2005, the Court declared admissible the case of *Seker v. Turkey* concerning the disappearance of the applicant's son, Mehmet Şah Şeker. In the month previous to his disappearance, the applicant's son had allegedly been involved in a fight with a plain-clothed policeman and had subsequently been followed and threatened

by the police. He applied to various authorities but received an ineffective response to his petitions.

The applicant alleged that the circumstances surrounding his son's abduction and disappearance gave rise to violations of Articles 2, 3, 5, 6, 8, 13 and 14 of the Convention. The court unanimously declared the complaints admissible.

Dispatches

DEVELOPMENT IN SYRIA – WOMEN AND MINORITIES

A KHRP fact finding mission to Syria conducted in February has examined the human impact of state development projects in the Euphrates Basin, with a particular focus on the gender and minority dimensions. Syria has instituted development schemes in agriculture and water management that have had far-reaching consequences for rural life in Syria. Interviews conducted in the course of the mission indicate that the difficulties faced by women in rural areas, particularly Kurdish women, have seen little improvement from government talk of the need to decrease the gender imbalance. Indeed, the government's 'top-down' approach to development has instead damaged the position of women in society. Vulnerable sections of the population are further affected by water scarcity; water distribution often reflects patterns of gender, ethnicity and social status.

The report, due to be published by KHRP in May, sets out the current situation of women and minorities in Syria, and comprehensively analyses the consequences of the Euphrates Basin Development Project, land and agrarian reform, the irrigation system, male migration and the feminisation of agriculture. Recommendations are put forward as to how development policies in Syria can be more sensitive to minority and gender needs.

MARK THOMAS AND SIGRID RAUSING WIN HUMAN RIGHTS AWARD

Mark Thomas, a campaigning journalist and comedian, and Sigrud Rausing, the founder of the Sigrud Rausing Trust, are joint winners of the International Service Global Human Rights Defender award. This award is given to someone able to use their fame or status to bring attention to human rights issues. Both Mark Thomas and Sigrud Rausing have played important roles in supporting the work of KHRP. The judges praised Mr Thomas for using his skills and talent to intelligently raise public awareness of human rights abuses and reportedly said of Sigrud Rausing: 'Her determination to provide for the cause of women's rights is outstanding.'



ABOVE: Mark Thomas celebrating the withdrawal of Balfour Beatty from the discredited Ilisu dam project

FACT-FINDING MISSIONS IN TURKEY

Two KHRP fact finding missions were conducted in Turkey at the end of April. The first visited Tunceli and Diyarbakir, and considered Turkey's progress towards meeting international standards on media law and freedom of expression. The second was based in Istanbul and focused particularly on investigating the recent threats made against members of the Istanbul branch of the Human Rights Association of Turkey (IHD) and other human rights defenders. The findings of the mission will be published in the next edition of Newline.

Dispatches

DEPARTMENT OF TRADE AND INDUSTRY INVESTIGATION HEARING

KHRP and partner organisations The Corner House, PLATFORM and Friends of the Earth (England, Wales and Northern Ireland) have submitted evidence to the Trade and Industry Committee at the House of Commons on the Baku-Tbilisi-Ceyhan (BTC) Pipeline. The evidence aimed to assist the Committee in assessing the extent to which the Business Principles Unit (BPU) - attached to the Export Credit Guarantee Department (ECGD) - had responded to the concerns raised by NGOs in the Committee's assessment of the project. KHRP has played a key role in highlighting concerns over the implementation of the BTC Pipeline, which is built by a consortium led by BP and funded in part through British tax-payers money via the export credit scheme.

The Committee has now published its report on the ECGD's Business Principles. The report criticised ECGD's lack of transparency on BTC (into which it channelled £60 million of taxpayers' money), though the chief emphasis of the report was on ECGD's anti-corruption guidelines rather than substantive issues.

MINORITY RIGHTS EXPERT SEMINAR

KHRP Executive Director Kerim Yildiz sat as a member of an expert panel for a seminar on minority rights in Turkey on 10 December 2004. The seminar was organised by Chatham House and Minority Rights Group International and examined issues surrounding minority rights reform in Turkey and the EU accession process. Other members of the expert panel included Kirsty Hughes, Visiting Fellow at the LSE, Mark Lattimer, Director of Minority Rights Group International, and Dr Whitman, Head of the European Programme at Chatham House.

ANFAL AND HALABJA REMEMBRANCE DAY

The Anfal and Halabja Remembrance Day, to commemorate the victims of the ethnic cleansing campaigns committed against the Kurds by the Iraqi regime, took place on 13 March 2005 at the Brunei Gallery, School of Oriental and African Studies (SOAS). The event was organised by the Joint Kurdish Committee for Anfal and Halabja, of which Kurdish Human Rights Project is a part. KHRP Executive Director Kerim Yildiz spoke at the event.

HUMAN RIGHTS LECTURES

KHRP legal team member and barrister Parosha Chandran has joined Dr Hans Christian Kruger, former Deputy Secretary General of the Council of Europe, to give a series of informative and thought provoking talks at Lincoln's Inn on human rights jurisprudence. Subjects include the European Court of Human Rights in 2004 and the 14th Protocol, legal developments in the right to a fair trial, the fight against torture and the right to life, and recent development in private life and freedom of expression.

KHRP case against Turkey is admissible

A KHRP application to the European Court of Human Rights concerning the alleged abduction, disappearance and death of Cemal Uçar, the applicant's son, was declared admissible on January 4 2005 (*Uçar v. Turkey*, 52392/99). The applicant alleges that Cemal Uçar was abducted by unknown kidnapers, kept blindfolded, deprived of food and subjected to electric shocks. Uçar was then reportedly left outside the city stadium in Diyarbakır where he was arrested by police and, he alleges, forced to sign a statement admitting responsibility for the organisation of Hizbullah activities in Diyarbakır. The applicant was transferred to the Diyarbakır E-type prison, where he remained in a cell for eleven days

before his death on 24 November 1999.

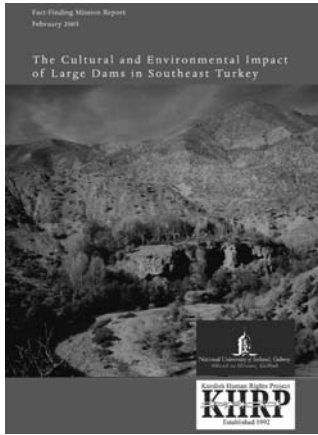
The applicant complained that the circumstances surrounding his son's abduction, disappearance and death in custody give rise to a violation of Articles 2 and 3 of the Convention. He further alleged that his son was arbitrarily deprived of his liberty in breach of Article 5(1), was held for nine days before being brought before a judge as required by Article 5(3), was denied access to a lawyer in police custody in accordance with Article 6, and was denied the right of access to members of his family under Article 8. Complaints were also lodged under Articles 13 and 14. The Court unanimously declared the application admissible.

Village destruction case is admissible

The Court declared admissible the case of *Süleymanoğlu and Yasul v Turkey* on 7 December 2004. The case concerns the destruction of the applicants' homes in the Hazro district, Diyarbakır province. The applicants allege that their village was suspected by security forces of having links with the PKK, and that police compelled them and the rest of the population of their village to flee. It was later discovered that the applicants' homes had been torched. An official report concluded that the villagers left of their own accord and that the ruins of the houses were due to lack of upkeep and wintry

conditions – contentions which the applicants dispute.

The applicants' complaints with regard to the destruction of their homes and the lack of domestic redress were deemed inadmissible due to failure to comply with the Court's time limitations. Grievances stemming from the impossibility of the applicants returning to their villages were found admissible under Articles 8, 13 and Article 1 of Protocol 1. The applicants' claim under Article 6 is to be considered under Article 13, and complaints under Articles 14 and 18 were declared inadmissible.



The Cultural and Environmental Impact of Large Dams in Southeast Turkey - Fact-Finding Mission Report

Following an international campaign, the consortium of companies planning to build the now discredited Ilisu Dam collapsed in 2002. The project threatened ancient sites of archaeological significance in the area and stood to displace up to 78,000 people, mostly Kurds. Almost three years on, a joint fact finding mission by Kurdish Human Rights Project and the National University of Ireland, Galway, provides evidence that a new consortium of companies is coming together to build Ilisu based on the same plans as before, while the construction of other controversial dams in Hakkari and the Munzur Valley is also going ahead.

The report details the damage that would be caused to architecture and heritage, and highlights the impact of the dams on cultural rights and the environment. Numerous international and EU standards have not been met, and adequate public consultation has not taken place. The report also places large dam construction in Southeast Turkey in the context of the ongoing marginalisation of the Kurds in Turkey.

£8.00 plus £2 (P&P) - ISBN 1900175851 - available to download: www.khrp.org

'Thirteen Bullets': Extra-Judicial Killings in Southeast Turkey - Fact-Finding Mission Report

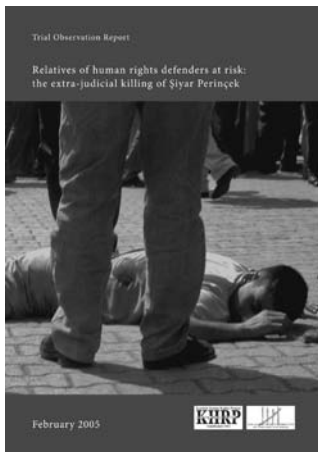
The Kurdish Human Rights Project sent a fact finding mission to the Kurdish region of Turkey in December 2004 to investigate extra-judicial killings in Hakkari and Kiziltepe and to gauge human rights reform in the region.

The report of the mission details the killings of Ahmet and Uğur Kaymaz by plainclothes policemen, and of Fevzi Can by the military. The authorities stated in both instances that the individuals did not respond to a stop command and therefore officers opened fire. It raises grave concerns over the circumstances surrounding the killings, and presents reports by witnesses which dispute the official explanations put forward by Turkey.

The broader context of EU-inspired human rights reform in Turkey is also considered. The mission, having interviewed representatives of local human rights groups, concludes that in relation to the general treatment of Kurdish people Turkey has a long way to go before it meets the Copenhagen Criteria. Particular concerns focus on an increase in the use of psychological torture which counteracts the decrease in physical torture, unofficial detention of Kurds suspected of 'terrorist' links, failure to implement compensation schemes for IDPs, continuation of the village guard system and high levels of abuses against women.

The authors recommend that Turkey's reforms must be assessed on the basis of implementation as well as formal, legislative changes, and that Turkey's accession to the EU must be founded on an accurate appraisal of Turkey's fulfilment of the relevant criteria rather than upon external political considerations.

£5.00 plus £1.50 (P&P) - ISBN 1900175827 - available to download www.khrp.org



Relatives of Human Rights Defenders at Risk: The Extra-Judicial Killing of Şiyar Perinçek - Trial Observation Report

This report presents the findings of a joint mission by Kurdish Human Rights Project and the Bar Human Rights Committee of England and Wales to observe the trial of three security officers for an alleged extra-judicial killing and the torture or ill-treatment of a key witness.

Şiyar Perinçek was the son of a member of the Human Rights Association (IHD) board of directors. Siyar was, according to witnesses, shot in the back by a security officer after falling to the ground from his motorcycle on 28 May 2004. He died later at hospital. A key witness Nurettin Başçı was arrested and alleges he was subjected to torture or ill-treatment.

The trial of the three security officers involved took place on 21 December 2004. The mission expressed concern over failures to comply with domestic legislation as well as breaches of several international legal standards.

Interviewees expressed concern over continuing violations of the prohibition of torture or ill-treatment, and the implications of this for Turkey's EU accession. Appended to the report is a paper given by KHRP, 'The EU, Turkey and the Kurds', presented at its international conference in the European Parliament, Brussels in November 2004.

£5.00 plus £1.50 (P&P) - ISBN 1900175819 - available to download www.khrp.org

Baku-Tbilisi-Ceyhan Oil Pipeline: Human Rights, Social and Environmental impacts - Turkey section

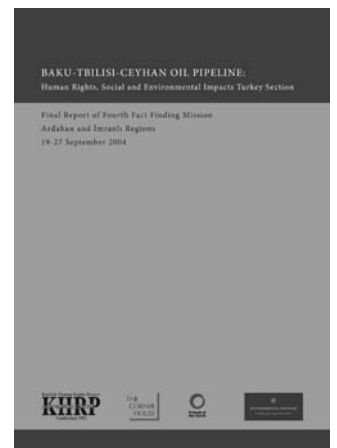
Final Report of Fourth Fact Finding Mission, Ardahan and İmranlı Regions, 19 – 27 September 2004

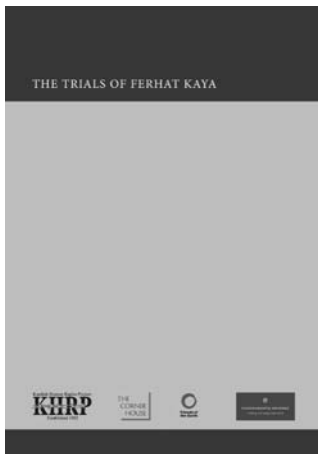
Kurdish Human Rights Project and its partner organisations have been instrumental over several years in highlighting the adverse human rights, social and environmental impacts of BP's Baku-Tbilisi-Ceyhan Oil Pipeline.

A report on the fourth fact finding mission to investigate the pipeline has recently been published by Kurdish Human Rights Project, The Corner House, Friends of the Earth and Environmental Defense. The mission, conducted along the pipeline route in the Ardahan and İmranlı regions of Turkey, found that the project is being implemented in breach of agreed standards, particularly those relating to land acquisition.

The mission views its observations as indicative that pro-EU reforms have had little impact in the north-east region. It also calls upon the Pipeline's financiers to address the failures identified in the report, to ensure adherence to agreed, legally binding standards in the implementation of the project and to improve oversight and monitoring.

£5.00 plus £1.50 (P&P) - ISBN 1900175797 - available to download www.khrp.org





The Trials of Ferhat Kaya - Trial Observation Report

Ferhat Kaya was detained and allegedly tortured in May 2004 as a result of his work with villagers affected by the Baku-Tbilisi-Ceyhan Oil Pipeline. Eleven police officers were charged with ill-treating him. Kaya was himself charged with threatening, insulting and resisting police officers and damaging state property at the time of his detention.

In September 2004, a mission comprising representatives from Kurdish Human Rights Project, The Corner House, Friends of the Earth and Environmental Defense observed the trials of Ferhat Kaya. The mission found numerous instances of violations of international human rights standards in the detention and subsequent trials of Kaya.

The case of Ferhat Kaya not only raises important questions over Turkey's capacity to meet European standards on human rights and the rule of law as she approaches EU accession, but also questions the diligence of the financial backers of the Baku-Tbilisi-Ceyhan Pipeline in monitoring the project's adverse impact on human rights.

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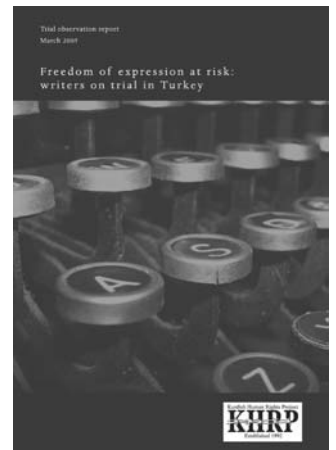
Freedom of Expression at Risk: Writers on Trial in Turkey - Trial Observation Report

A new Kurdish Human Rights Project report places in the spotlight concerns over Turkish compliance with international standards on freedom of expression and fair trial. In March 2005 barristers Mary Hughes and Mark Himsworth travelled to Turkey to observe the trials of Ragıp Zarakolu and Fikret Başkaya. They report that despite the enactment of legislative reforms as part of the pro-EU reform process the government continues to limit freedom of expression, meaning that people cannot criticise the state or government without fear of reprisal.

Writer and publisher Ragıp Zarakolu, who has served several terms of imprisonment for peacefully expressing his views, is currently facing prosecution for 'inciting hatred on the grounds of social class, race, religion, sect or region' for an article he wrote expressing the right of Kurdish people to self determination. Dr Fikret Başkaya is a renowned intellectual charged with publishing two articles alleged to 'insult the Republic or ... the judicial organs, military or security institutions.'

The report highlights elements of the proceedings against Zarakolu and Başkaya which potentially breach international fair trial standards. Attention is also focused upon the inadequacies of continued impediments to free expression on the ground in Turkey, including the retaining of anti-democratic provisions in the revised penal code and the continuing prosecution of individuals for non-violent expression.

£5.00 plus £1.50 (P&P) - ISBN 1900175843 - available to download www.khrp.org



International Conference on Turkey, the Kurds and the EU European Parliament, Brussels, 22-23 November 2004 - Conference Papers

On 17 December 2004, the EU issued its groundbreaking decision that accession talks would be started with Turkey in October 2005. From 22 to 23 November 2004, Kurdish Human Rights Project, the Bar Human Rights Committee, medico international and the Rafto Foundation hosted an international conference in order to consider the implications of Turkey's EU membership bid for the future of the Kurds in Turkey.

Turkey's formal EU candidature is of historic importance to both Kurds and Turks, as it represents an unparalleled opportunity to bring about democracy, human rights, the rule of law and a lasting peaceful solution to the Kurdish issue. However, the EU's approach to the Kurds has generated unease among members of the European, Turkish and Kurdish communities, who believe that the EU has so far failed to openly or adequately address the plight of the Kurds. Consequently, support for accession is conditional upon the achievement of genuine democratisation in Turkey.

The conference brought together leading human rights institutions, political parties, academics, writers, legal experts and prominent Turkish and Kurdish intellectuals from Europe, the United States, Africa and the Middle East to highlight to decision-makers the successes and failures of Turkey's reform process, to share their concerns, to exchange ideas and to establish joint positions on Turkey's progress towards EU accession. This publication brings together some of the leading papers delivered at the conference. It also contains the final resolutions reached by the conference, and a recommendation for the establishment of an EU Turkey Civic Commission to press forward with monitoring compliance by Turkey and the EU with their obligations in the accession process.

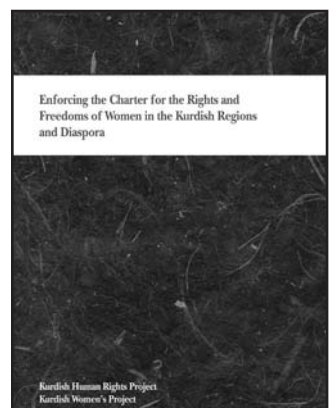
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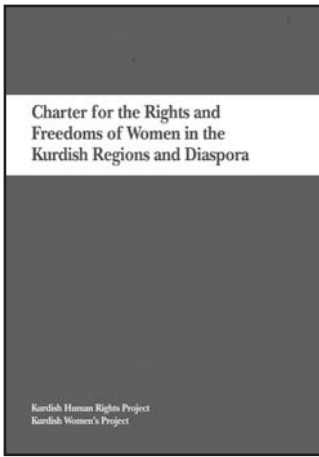
Enforcing the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

This new training manual, published jointly by Kurdish Human Rights Project and Kurdish Women's Project, seeks to provide advice to women in the Kurdish regions of Turkey, Iraq, Iran, Syria and the diaspora on enforcing their rights and freedoms.

The manual complements the 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora', published in 2004. The Charter represents a collective effort to urge the elimination of all forms of discrimination against Kurdish women and to promote the participation of women in policy and decision-making at all levels. This manual offers comprehensive guidance about the application of the Charter at a grassroots level by providing an overview of the mechanisms available both to women's organisations and to women generally who wish to enforce the principles enshrined in the Charter. It is intended to make the experience of using the Charter a more accessible and constructive process.

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Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora: Second Edition

This second edition of the Kurdish Women's Charter, published by the Kurdish Human Rights Project and Kurdish Women's Project and first launched at the House of Lords in June 2004, contains revised translations of the Charter in Sorani and Kurmanji and includes French and Turkish translations.

Discrimination against women occurs globally, but is all the more damaging when compounded with ethnic, religious or other forms of discrimination. Women in the Kurdish regions and diaspora, therefore, face an uphill struggle as they attempt to tackle discrimination on several fronts. Located in the strategically important region spanning the borders of Turkey, Iraq, Iran and Syria, millions of Kurdish women continue to witness the devastating effects of wars, military attacks and economic embargoes.

Against this backdrop, Kurdish women have been pushing hard to achieve the enforcement of human rights. The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora has been continually developed to ensure that it appropriately identifies the needs and wishes of women in the Kurdish regions and diaspora. International and domestic bodies are urged to consider seriously the domestic incorporation of the rights and needs identified in the Charter in both letter and spirit.

£5.00 & £1.50 (P&P) - ISBN 1900175711 - available to download www.khrp.org

Pumping Poverty: Britain's Department for International Development and the oil industry

Researched and written by PLATFORM Research

Kurdish Human Rights Project has endorsed a report by PLATFORM Research which investigates the role of British overseas development aid in facilitating oil development. The report, published by PLATFORM Research, Friends of the Earth and Plan B, concludes that the UK Department for International Development (DFID) is strongly supporting oil extraction in the developing world to the detriment of the world's poor. In particular, development aid is used to reform developing countries' oil taxation and regulation regimes to better favour British business interests. This is despite DFID's explicitly stated goals to eliminate poverty in the developing world through sustainable development. Oil extraction tends to generate suffering among a country's poor, whose energy needs are better met through small-scale, renewable energy sources, and instead serves the energy needs of the developed world.

KHRP has played a key role in drawing attention to the adverse impacts of the Baku-Tbilisi-Ceyhan Oil Pipeline on affected communities in Azerbaijan, Georgia and Turkey, and in opposing DFID's support for multi-lateral financing of the project.

Pumping Poverty can be viewed online on: www.planb.org or www.carbonweb.org, or copies can be ordered (£10) from jo@planb.org.



Turkey – The Situation of Kurdish Children (Turkish language)

KHRP is concerned for the welfare of many children in Turkey, who, largely due to widespread poverty and the authorities' failure to address their situation, have not received adequate protection as enshrined in various international instruments including the Convention on the Rights of the Child. This report assesses the inevitably grave impact that has been wrought on Kurdish children following their combined experiences of armed conflict and continued discrimination.

While many visitors to Turkey would observe Kurdish children who have been forced to work on the streets following their displacement and poverty, there remains little documented research into their situation.

Kurdish children in Turkey, especially displaced children, suffer inadequate provision of the most basic needs: suitable housing, healthcare, basic nutrition and access to education. Many such children have been forced on the streets or elsewhere. Levels of emotional stress and depression are high; those subjected to detention have frequently faced torture or ill-treatment.

KHRP considers Kurdish girls to be exceptionally vulnerable due to other factors, including the frequency of domestic violence, sexual abuse and forced early marriage.

This report provides an overview of the socio-economic and historical factors which have brought about this situation. It assesses the implications of discrimination, housing, nutrition and health, education, child labour, street children and juvenile justice. Throughout, the report refers to Turkey's international legal obligations; urging the international community to recall these obligations when considering Turkey's eligibility for EU accession.

Only available in Turkey or available to download www.khrp.org

The Kurds in Iraq – Past Present and Future (Turkish language)

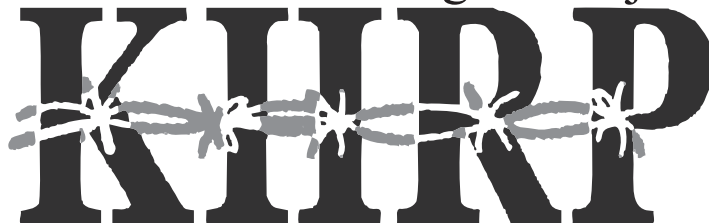
The book explores the key issues facing the Kurds in Iraq in the aftermath of the US-led invasion and chaos of the occupation. It is the most clear and up-to-date account of the problems that all political groups face in rebuilding the country, as well as exploring Kurdish links and international relations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

Kerim Yıldız, the author of the book, is the Executive Director of KHRP. Himself a Kurdish refugee, he has written extensively on matters of human rights, minority rights and international law.

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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.
- Liaising with other independent human rights organisations working in the same field, and co-operating with lawyers, journalists and others concerned with human rights.
- Offering assistance to indigenous human rights groups and lawyers in the form of advice, training and seminars in international human rights mechanisms.
- Assisting individuals in the bringing of human rights cases before the European Court of Human Rights.

Aims

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

Methods

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

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Email: khrp@khrp.org

Calendar of Events

30 May – 3 June	UN Working Group on Minorities Eleventh Session
June 2005	Iran's ninth presidential elections
2-3 June 2005	Seminar on Enforcement of Torture Judgements/Decisions, organised by REDRESS and Freshfields Bruckhaus Deringer and including a presentation by KHRP, London. www.redress.org
5 June 2005	World Environment Day
6 – 10 June 2005	Working Group of the Committee on the Rights of the Child Fortieth Session; Working Group on Contemporary Forms of Slavery Thirtieth Session
10 June 2005	British Institute of International and Comparative Law Annual Meeting, featuring Lord Steyn and Judge Luzius Wildhaber, President of European Court of Human Rights, London – www.biiicl.org
20 June 2005	World Refugees Day
27 - 28 June	Workshop on states of emergency/ derogations/General Comment n° 29 . PW Grd floor 29 June - Meeting of the UN and regional organizations on protecting human rights while countering terrorism