



# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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## 'Outstanding leadership in international human rights'

### Sigrid Rausing Trust honours KHRP



ABOVE: Recipients of the Sigrid Rausing Trust Awards – Back L-R: Richard Fuller (Blacksmith Institute), Gareth Evans (International Crisis Group), Han Dongfang (China Labour Bulletin), Carolyn Hamilton (Children's Legal Centre), Sigrid Rausing, Kerim Yildiz (Kurdish Human Rights Project), Nick Hildyard (The Corner House) Front L-R: Susan Hitch, Joanna Kerr (AWID), Susan Hawley (The Corner House), Bisi Adeleye-Fayemi (African Women's Development Fund), Paula Ettlbrick (IGLHRC), Wanda Nowicka (Astra), Joshua Mailman

*"Kerim and KHRP have succeeded in changing the landscape for the world's 28 million Kurds."*

Sigrid Rausing Trust

KHRP's success in taking a number of individual cases against different states for the torture and abuse of Kurdish and other minorities was honoured this autumn when it collected the Sigrid Rausing Trust Award for Leadership in Minority and Indigenous Rights.

The trustees gave ten awards of £100,000 each to those organisations they felt had

shown outstanding leadership in the Trust's areas of interest.

Of the organisation's success, Executive Director Kerim Yildiz said, "while we firmly believed that rape constituted a form of torture; that Turkey's 30-day detention periods were unacceptable; that her secretive state security courts and the death penalty should be abolished, we could not have imagined the precedents that would be set, not only for Kurds, but for human rights

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## Kurds welcome Nobel recognition for Pinter

The renowned British playwright and activist Harold Pinter's contribution to international peace and human rights was acknowledged on 13 October 2005, when he was awarded the

prestigious Nobel Peace Prize for Literature.

The Swedish Academy praised Pinter's work for uncovering, "the precipice under everyday prattle," and for forcing, "entry into op-

pression's closed rooms."

Growing up, Pinter was met with expressions of anti-Semitism, and has indicated the importance of

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### Director's Letter



Dear Friends,

KHRP has worked hard throughout 2005 to represent and secure justice for victims of human rights violations in the Kurdish regions.

We have continued to monitor and to draw international attention to such abuses. With your support, our missions have helped ensure fair trials for survivors of human rights abuse and to challenge discrimination in all of its forms.

The states of Turkey, Iran and Syria still do not recognise the rights of their Kurdish populations and instead perceive them as a threat to national unity and security. As a result, one of the largest ethnic groups in the Middle East still endures the prohibition of its language and cultural traditions. KHRP believes

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Directors Letter

it is in fact these state policies which threatens society and plays a divisive role among their citizens.

Throughout the year, KHRP has played a key role in maintaining a spotlight on the human rights situation in the Kurdish regions. The impact of our work has very much been in evidence throughout the year, gaining recognition from the international community, civil society organisations, media and, perhaps most importantly of all, from the individuals and groups who benefit from our work.

As the year comes to an end, I would like to welcome those new to the KHRP staff, Rachel Bernu, Mustafa Gundogdu, Anna Irvin, and Folake Ogundele. I would also like to thank our regional partners, board members, legal team, staff, interns and supporters for the diverse contributions they have made in the fight for the recognition of fundamental human rights. An enormous debt of gratitude is owed to our funding bodies who have maintained their commitment to some of the most disadvantaged groups in the Kurdish regions. I wish you all prosperity in the year to come.

Kerim Yildiz  
Executive Director

## Concern over indictment of publisher

On the same day the European Commission expressed serious concern about the capacity of certain judges and prosecutors in Turkey to comply with the European Convention on Human Rights (ECHR) safeguards on freedom of expression, an Istanbul-based publisher was indicted for publishing a book concerning American foreign policy.

Fatih Taş, the owner of Aram Publishing House, has been indicted under Article 301 of the Turkish Penal Code for 'humiliating Turkishness' and 'insulting the memory of Mustafa Kemal Atatürk', the founder of the modern Turkish Republic. The charges relate to Aram House's Turkish publication of 'Spoils of War: The Human Cost of America's Arms Trade' by John Tirman, director of the MIT Centre for International Studies. If found guilty, Taş faces up to seven years imprisonment.

In its 2005 report on Turkey's progress towards meeting EU accession criteria published on 9 November 2005, the European Commission acknowledged improvements in the field of freedom of expression but stated, "In assessing whether to bring cases which impinge on the right to freedom of expression, the judiciary should consider whether the expression incites violence, armed rebellion or enmity, what the capacity of the individual or group is to influence the public and what kind of opportunity the target of the expression has to respond."

Noam Chomsky is one of hundreds of sup-

porters to have signed a petition protesting against the use of Article 301 of the Turkish Penal Code to indict the publisher. The same publisher was indicted in 2002 on allegations of publishing 'propaganda against the indivisible unity of country, nation and the State Republic of Turkey' concerning his publication of an anthology of Noam Chomsky's essays 'American Interventionism'. KHRP and other human rights observers expressed concern at the time that, although Taş was subsequently acquitted, the original indictment nonetheless had constituted a *de facto* violation of freedom of expression. The first hearing in the case, initially scheduled for 17 November 2005, was postponed.

The indictment challenges the book's claim that soldiers committed human rights atrocities against people living in south-east Turkey during the 1990s, using arms acquired from the United States.

Article 301(1) has come under criticism from the European Commission and human rights observers internationally, in cases recently highlighted by the indictment of internationally renowned Turkish author Orhan Pamuk.

KHRP urges the case against Aram Publishing House to be dropped, and for the relevant legislation to be repealed. It is imperative that freedom of expression is ensured for all citizens in Turkey in compliance with the European Convention on Human Rights.



ABOVE: Harold Pinter makes introductory remarks at KHRP's 10th Anniversary Lecture at St. Paul's Cathedral, London (2002)

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*Kurds welcome Nobel recognition for Pinter*

that experience for both his dramatic and political work. Since 1973, Pinter has won recognition as a fighter for human rights. He has been engaged with Kurdish issues for several decades, and has previously described, "the scandalous state of affairs which is simply not reported in the British press."

"The plight of the Kurdish people desperately calls for recognition and support," he has said.

He has been a member of the International Board of Patrons of Kurdish Human Rights Project since the early 1990s.

"Pinter has always devoted his immense personal and professional skills to highlighting the suffering of some of the most disadvantaged people in the world. We are thrilled, but not surprised, that that dedication has received such prestigious recognition," stated Kerim Yildiz of KHRP.



ABOVE LEFT: Delegates at the Second International Conference on EU, Turkey and the Kurds, held at the European Parliament in Brussels from 19 to 20 September 2005; ABOVE RIGHT: EUTCC Board of Directors and Members EUTCC Board of Directors and Members participate in a panel discussion (L-R) Jon Rud, Kariane Westrheim, Mark Muller, Kerim Yildiz, Hans Branscheidt and Şehnaz Turan

# Civic Commission welcomes EU's decision on Turkey – with reservation

The Kurdish community worldwide has reacted positively to the EU foreign ministers' decision to open accession negotiations with Turkey, but have expressed concern over a deteriorating human rights climate in the country.

Human rights defenders have continually emphasised the centrality of the Kurdish question to a stable, democratic and peaceful Turkey capable of entering the EU. The EU-Turkey Civic Commission (EUTCC) has urged Turkey to undertake new political reform to its state institutions and to banish adherence to ethnic nationalism, seen to be the root cause of Turkey's endemic instability.

Erdoğan's historic acknowledgement of a Kurdish question in August combined with the month-long ceasefire from Kurdish military groups is believed to afford a platform from which true reconciliation is achievable. At the 'Second International Conference on the EU, Turkey and the Kurds' – the largest conference yet on the controversial issue of Turkey's EU accession – leading authorities agreed that more steps can and must be taken by all sides, including the establishment of a truth commission in Turkey and by inviting Kurds to the table in Europe.

The conference was organised by the EU-Turkey Civic Commission with the support of KHRP, the Bar Human Rights Committee of England and Wales, Medico International and the Rafto Foundation. A final resolution highlighting steps for all parties to the conflict to take was agreed by conference speakers and participants, including Members of the European Parliament; non-governmental organisation representatives; Turkish, Kurdish and European politicians; academics, writers and others.

EU Commissioner Olli Rehn has urged Turkey to, "focus its energies and renew its determination," on the EU accession process. In November 2005, the European Commission delivered its annual monitoring report on Turkey's preparation for EU membership, congratulating its uneven progress towards meeting accession criteria while highlighting areas of concern.

KHRP welcomes the European Commission's commit-

ment to continued monitoring of the political elements of Turkey's reform process. It now hope for the European Commission to use its good offices actively to develop a democratic platform to enable Kurds, the government and others to debate a possible reform to the Constitution and an end to ethnic hostilities. KHRP urges action to be taken now while there is opportunity for genuine reconciliation.

*The Final Resolution of the Second International Conference on the EU, Turkey and the Kurds is available at [http://www.khrp.org/eutcc/resolution\\_2005.pdf](http://www.khrp.org/eutcc/resolution_2005.pdf)*

Speakers at the event included Kariane Westrheim (Chair, EUTCC), Edward McMillan-Scott (Vice-President of the European Parliament, on behalf of the President of the European Parliament, Josep Borrell Fontelles), Hatip Dicle (former MP, Turkey), Luc Van den Brande (Chair of Political Group (PPE), Bureau of the Assembly of the Council of Europe), Vittorio Agnoletto (Coordinator of the Kurdish Friendship Group in European Parliament), Kerim Yildiz (KHRP, EUTCC), Joost Lagendijk (MEP, President of Delegation to the EU-Turkey Joint Parliamentary Committee), Frida Brepoels (MEP, PPE-Group), Conny Frederiksson (Chair of Socialist International Working Group on Kurdish issues, Sweden, on behalf of Socialist International), Selim Sadak (former MP, Turkey), Mehmed Uzun (Kurdish writer), Tuncer Bakırhan (President of DEHAP), John O'Rourke (European Commission, Turkey desk), Mark Muller (EUTCC and Bar Human Rights Committee of England and Wales), Pasqualina Napolitano (MEP, PSE-Group), Francis Wurtz (MEP, Chairman of GUE/NGL-Group), Ali Yiğit (Former MP and Chairman of KON-KURD), Margaret Owen (Women and Children's Advocate for KHRP and BHRC, EUTCC Advisory Council), Reyhan Yalçındağ (IHD Turkey and EUTCC Advisory Council), Tarık Ziya Ekinci (Former MP, Turkey), Richard McKane (Writer, English Centre of International PEN, EUTCC Advisory Council), Şehnaz Turan (Chairwoman of Foundation for Society and Legal Studies – TOHAV, EUTCC Board of Directors), Akın Birdal (Vice-President of FIDH, Former Chairman of IHD), Ayhan Bilgen (Vice-Chairman of Mazlum-Der, Turkey), Osman Baydemir (Mayor of Diyarbakir), Lord Russell Johnston (Member of the Parliamentary Assembly of the Council of Europe – PACE, former President of PACE), Professor Wolf Dieter Narr (Freie Universität, Berlin, EUTCC Advisory Council), Jon Rud (Secretary General of the EUTCC), Hans Branscheidt (EUTCC Board of Directors) and Hugo Van Rompeay (Honorary Senator in Belgium).

# Renowned novelist Orhan Pamuk on trial

International attention has focused on proceedings brought against renowned novelist Orhan Pamuk for allegedly “insulting the national character” of Turkey. The charges relate to comments made by Pamuk to a Swiss newspaper in February 2005 concerning Armenian and Kurdish genocides. If found guilty, Pamuk would face up to three years imprisonment.

Pamuk has been unrepentant about his comments, stating in October, “I repeat, I said loud and clear that one million Armeni-

ans and 30,000 Kurds were killed in Turkey. Whether it should be called ‘genocide’ or ‘mass murder’... or something else, has to be decided by experts.”

The charges have been brought under Article 301(1) of the new Turkish Penal Code: “A person who explicitly insults being a Turk, the Republic or Turkish Grand National Assembly, shall receive a penalty of imprisonment for a term of six months to three years.”

The case is seen as problematic for Turkey which

is keen to improve its human rights image as part of accession to the EU. The EU’s enlargement commissioner, Olli Rehn, and several MEPs have strongly criticised Turkey for bringing the charges against Pamuk, accusing the State of suppressing his freedom of speech.

KHRP in conjunction with BHRC will send a trial observation delegation to observe the first hearing in his trial on 16 December 2005 and monitor compliance with international rule of law standards.



ABOVE: Orhan Pamuk has become a figurehead for freedom of expression in Turkey



ABOVE: Clashes between police and protestors have resulted in at least four fatalities. The violence was prompted by the rumoured discovery of arms, identity documents, a map and a list of names in a car belonging to a police sergeant (above right). The list of names included that of the owner of a bookstall that had been subjected to a bomb attack.

## Government urged to investigate bomb attack and shootings

There is concern at escalating violence occurring in the district of Hakkari, Turkey, following several civilian fatalities and casualties incurred during protests in mid-November.

The violence was prompted by the rumoured discovery of arms, identity documents belonging to Gendarme Intelligence (JIS), a map and a list of names in a car belonging to a police sergeant. The discovery – alluding to collusion between the police and gendarmerie in extra-judicial killings of civilians – provided a chilling reminder of the violence which marred the region during the 1990s. The list of names included that of the owner of a bookstall in Şemdinli (Hakkari province) that was subject to a bomb attack; the second such attack to oc-

cur in two weeks. One fatality and several injuries were incurred due to the explosion. Violence and unrest erupted as local people apprehended the suspected perpetrators. It was there that a bystander, named as Ali Yılmaz, was reportedly shot.

According to news reports, two more civilians were killed and a further twelve sustained serious injuries when police opened fire on a demonstration in the Yüksekova district of Hakkari that had gathered to commemorate the victims of the violence. Police officers intervened to break up the demonstration, exacerbating a widespread feeling of distrust between officials and civilians in the region. Civilians were reported to have taken a senior sergeant hostage. A further Kurdish protestor was

killed and two others were wounded when Turkish police opened fire on demonstrators in the Çilek district of Mersin in southern Turkey on 20 November 2005.

KHRP is concerned that subsequent investigations have been inadequate or non-existent. Reportedly, police prevented the public prosecutor from conducting an investigation at the scene of the incident and from taking witness statements until yesterday, two days after the incident. The investigating officer has linked the case to another which occurred on 1 November 2005 where a car bomb attack injured 23 people outside a police station. The attack was initially blamed on an armed illegal group.

# Saddam on trial

Saddam Hussein was defiant during the first session of the Special Iraqi Criminal on 19 October 2005. Pleading not guilty, he questioned the validity of the court and refused to confirm his name. Funded mostly by the US government, the court will address some of the most notorious human rights violations that took place under the previous regime.

The current case concerns the rounding up and execution of 148 men in Dujail, a Shia village north of Baghdad, following an attempt there on Saddam Hussein's life. If convicted, he could face the death penalty.

The choice of this case as the first against Saddam has been criticised in some quarters for signalling a desire to "finish off" Hussein quickly, thus denying justice to other victims of his regime, such as Iraqi Kurds affected by the Anfal campaigns and the Halabja gas attack.

The tribunal runs the risk of violating international standards for fair trials and for failing to ensure the safety of the defence team. KHRP issued a statement publicly condemning the attack which fatally wounded trial defence lawyer Adel Mohammed al-Zubeidi. His colleague, Thamer Hammoud Hadi, was wounded but survived.

Another defence lawyer, Saadun al-Janabi, was kidnapped and killed by his kidnappers on 20 October 2005. KHRP is concerned that continued attacks could undermine Iraq's attempts at conducting its juridical process in an impartial manner which is consistent with international practice. KHRP stresses that immediate action has to be taken by the Iraqi authorities to find the attackers and implement an adequate level of security in the region.



ABOVE: Kerim Yildiz with Kate Allen, Amnesty International UK Director, at the awards ceremony in London

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advocates and defenders worldwide," Kerim Yildiz stated at the event. "This achievement would not have been possible without the support of our funders and the work of our Board of Directors and staff," he continued.

The awards were made to mark the Trust's tenth anniversary, with ten awards of £100,000 going to ten different organisations. Since its foundation in 1995, the Trust has taken a keen interest in work that promoted human rights in an international frame. It particularly favours advocacy groups that implement a rights based approach in order to bring about social change.

# Dispatches



KHRP legal team member Edward Grieves receiving the Legal Aid Lawyer of the Year Awards 2005 from Cherie Booth QC and BBC Radio 4 Journalist John Howard

## LEGAL AID LAWYER OF THE YEAR

Edward Grieves, a member of KHRP's legal team, was recently honoured at the Legal Aid Lawyer of the Year Awards. He was presented with the award for Young Barrister of the Year by Cherie Booth QC at a ceremony at Haberdashers Hall on 23 June 2005.

Mr Grieves, an immigration and public law specialist, was praised by the Rt Hon Mr Justice Fulford as "a very fine lawyer" and was further commended for excelling in an unpopular and difficult area of law. The awards were set up by the Legal Aid Practitioners Group and the *Independent* to recognise excellence from lawyers working in publicly funded fields of law.

## IRAQ PRESIDENT AT CHATHAM HOUSE

During his first official visit to the UK, Iraqi President Jalal Talabani gave a talk at Chatham House on the subject of "Making a Democratic, Peaceful and Secure Iraq" on 6 October 2005. In a well received speech, Mr Talabani said that "values of dialogue, compromise and equality" were the only way to secure "peace, security and reconciliation for all the Iraqi people". KHRP Executive Director Kerim Yildiz attended the event.

Though Mr Talabani acknowledged that "we have had some birth pangs", he hailed the January 2005 election and the October 2005 vote on the Iraqi constitution as milestones in the history of Iraq and the Middle East.

## OECD GUIDELINES ON MULTINATIONAL ENTERPRISES: DIALOGUE MEETING

On 12 October 2005 KHRP and its partner organisations attended a dialogue meeting with BP concerning a complaint brought under the OECD Guidelines on Multinational Enterprises. The meeting was facilitated by the UK National Contact Point Duncan Lawson, who also conducted an information-gathering visit to the pipeline region in connection with the complaint. Participants in the meeting discussed possible lessons that could, and should, be learned from the issues raised in the complaint (or Specific Instance) and their relevance not only to BTC Co but to multinationals in general.



ABOVE: Children protesting against the killings of 12-year-old Uğur Kaymaz and his father Ahmet, Kızıltepe, December 2004

## Officials stand trial for extra-judicial killings

International observers including a joint KHRP/ BHRC delegation attended the trial on 24 October 2005 of several security officers alleged to carry responsibility for two extra-judicial killings in Kızıltepe, south-east Turkey, on 24 October 2005.

The two victims, Ahmet (31) and his son Uğur Kaymaz (12), were killed approximately 45 metres from their home in front of the truck used by Ahmet in his job delivering petrol. Post mortem findings found that Uğur had sustained thirteen bullets to his body and hands while his father had sustained four.

The hearing on 24 October 2005 was the third to take place. The location of the hearings has been moved from Kızıltepe, the scene of the kill-

ings, to Eskişehir province following reprisals against relatives, lawyers and supporters of the victims following the first hearings.

Barrister and KHRP legal team member Catriona Vine observed the trial on behalf of KHRP and BHRC. She interviewed relatives of the victims, defence lawyers, members of the Eskişehir Bar Association Human Rights Committee, Diyarbakır parliamentarian Mesut Değer, representatives of human rights organisations and of the Parliamentary Human Rights Commission. A trial observation report is forthcoming.

Separately, a court case has been launched against four people including three police officers in connection with the extra-judicial killing of Şiyar

Perinçek, the Kurdish son of a human rights defender, on 28 May 2004. The trial will commence on 2 March 2006. The complainants allege that the officers acted in dereliction of their duties in relation to protection of evidence, following the disappearance of clothing worn by the deceased at the time of the incident.

*For further information see KHRP/BHRC 'Thirteen Bullets: Extra-Judicial Killings in South-east Turkey – Fact-Finding Mission Report' (March 2005) and KHRP/BHRC 'Relatives of Human Rights Defenders at Risk: the Extra-Judicial Killing of Şiyar Perinçek – Trial Observation Report' (February 2005)*

## Human rights defender sentenced for 'incitement to enmity and hatred'



ABOVE: Şefika Gürbüz, chair of the Immigrants' Association for Social Co-operation and Culture (Göç-Der)

A human rights defender who co-published a report concerning the forced displacement of Kurdish people in Turkey has been sentenced by Turkish courts for allegedly "incite[ing] people to enmity and hatred because of class, racial, religious, confessional or regional differences."

Şefika Gürbüz, chair of the Immigrants' Association

for Social Co-operation and Culture (Göç-Der), is the latest to be sentenced under Article 312(2) of the Turkish Penal Code, a law that has frequently been criticised by EU and human rights observers. Dr. Mehmet Barut, a Göç-Der board member and academic at the University of Mersin who jointly published the report, was acquitted. The appeal court

affirmed her sentence on 4 November 2005.

On 6 February and 3 August 2002, Turkey amended several provisions in the penal code with a view to improving freedom of expression and of association, including Article 312(2). Perversely, this amendment was used against Gürbüz actually to increase her sentence.

# KHRP delivers training in Armenia



ABOVE LEFT: Narine Gasparyan (Forum Law Centre), Lucy Claridge (Legal Officer, KHRP), Kerim Yildiz (Executive Director, KHRP) and Tigran Ter-Yesayan (Forum Law Centre) deliver training on just satisfaction claims at the ECtHR; ABOVE RIGHT: Over twenty lawyers, potential ECHR applicants, NGO representatives and human rights defenders attended the training

KHRP with its partner organisation the Forum Law Centre delivered training in Armenia from 20 to 24 October 2005 to over twenty lawyers, survivors of human rights violations, non-governmental organisations and human rights defenders. Training focused on the correct preparation of just satisfaction claims under

Article 41 of the European Convention on Human Rights. The training covered how just satisfaction claims are prepared, what rules the Court will apply in assessing the claims, and about how to quantify various kinds of financial and non-financial damage.

KHRP held further meetings fol-

lowing the training at which further advice was provided. Meetings were conducted with the Forum Law Centre and survivors of human rights violations including journalists and minorities. It also held meetings with the British Embassy to discuss its work and the current human rights climate.

# Iraqi constitution heralds new era

In October 2005, voters in Iraq endorsed a new constitution aimed at creating an Islamic Federal Democracy. The result was hailed by President Jalal Talabani as a milestone in the history of Iraq and the Middle East.

Iraqi Kurds are well represented in the constitution, with existing Kurdish institutions including the regional government being secured, as

well as gaining a significant degree of autonomy. The constitution also proposes a model for settling the controversial issue of Kirkuk.

The vote was passed by a majority of 78 to 21 per cent, with opposition to the constitution failing to secure a two-thirds majority in three of the eighteen Iraqi provinces to block it. The constitution was largely pushed through by Iraqi Kurds and Shia, with

Iraqi Sunnis voting overwhelmingly against the Constitution. However, the fact that Sunnis chose to enter into the political process was seen by many as an encouraging sign.

The result opens the way to elections for a fully constitutional government with a four year term by December, with the government in place by the end of the year.

# KHRP delivers training in east Turkey



ABOVE: Barrister Catriona Vine with lawyers, representatives of NGOs and of the local Bar Association who participated in the training, Kars, October 2005

Human rights defenders including lawyers, representatives of non-governmental organisations (NGOs) and representatives of the local Bar Association attended a training seminar on the practical aspects of taking a case to the European Court of Human Rights, jointly organised by KHRP and the BHRC.

To improve access to justice for the most disadvantaged groups, the training was the first to take place on this subject in Kars, north-east Turkey.

A further legal awareness seminar, intended to raise awareness among community members and local leaders of the impacts of gas and oil pipelines affecting their region, was postponed following poor weather conditions.

## UPDATE ON KHRP ENVIRONMENTAL WORK

# BP's new pipeline launched amid protests: report finds new breaches as Caspian oil begins to flow

Aggrieved villagers in Georgia shut down construction work on 12 October 2005 as BP officially launched the Georgia section of its newest project, the controversial Baku-Tbilisi-Ceyhan (BTC) oil pipeline. The villagers drew attention to damage caused to their property and livelihoods during construction. Despite BP promises of fair engagement, most villagers have yet to receive compensation.

A preliminary report on a recent NGO fact-finding mission to Georgia (and Turkey) has also been published. The mission was conducted by local and international human rights and environmental groups including KHRP, Friends of the Earth (England, Wales and Northern Ireland), The Corner House (UK), PLATFORM (UK), CEE Bankwatch Network (Europe), Urgewald (Germany), Green Alternative (Georgia), Centre for Civic Initiatives (Azerbaijan) and the Committee for the Protection of Oil Workers' Rights (Azerbaijan).

The observers found a number of problems related to the BTC pipeline in Georgia, including:

- BTC-related human rights abuses have increased. BP officials were alleged to have threatened affected villagers with violence. Police repression since has led to villagers being hospitalised.

- Compensation remains disputed for 30% of land parcels.
- The support given to villagers whose livelihoods were critically affected by the pipeline has been inadequate or non-existent. All 98 homes in Dgvari village are structurally collapsing due to landslides intensified by the pipeline. A \$1 million compensation package previously offered by BP has not materialised.
- Damage to important heritage sites was not dealt with and continues. The 1st Century Atskuri Fortress and 11th Century 'Mother of God' Convent are being permanently damaged by heavy BTC vehicles.
- All villages visited complained that damage caused during construction was neither compensated for nor repaired. In Tsemi the water supply has been polluted, ending the village's tourism industry, its primary source of income.

The final report of the fact-finding mission is forthcoming. The groups also held a joint meeting on the campaign's strategies in Georgia.

*The preliminary report is online at [www.baku.org.uk](http://www.baku.org.uk)*

## International seminar on water, dams and the GAP

KHRP in conjunction with its partner organisations held an international seminar on 29 and 30 October 2005 to examine the international experience with large dams and its relevance to Turkey's dam building programme in general, and the GAP project in particular. The aim of the seminar was to bring together international and local experts, together with those directly affected by past and proposed dams, to assess the environment and social impacts and draw "best practice" lessons from the experience of dams elsewhere.

The seminar was organised jointly by local groups, Corner House Research (UK), KHRP, Berne Declaration (Switzerland), World Economy Ecology and Development (WEED), ECA-Watch (Austria) and FERN (Belgium) and Diyar Göç-Der. Participants visited Hasankeyf, the site of the proposed Ilisu dam, and viewed a documentary concerning the Munzur dam. Participants included the Mayor of Bağlar District in Diyarbakır, the Deputy Mayor of Diyarbakır, a former Commissioner of the World Commission on Dams, the Deputy Director of the DSI of Ankara, the Deputy Mayor of Tunceli and representatives of KHRP, Corner House, Berne Declaration, Süleyman Demirel



*ABOVE: Participants in the conference conducted a day trip to Hasankeyf, the ancient city and site of the proposed Ilisu dam*

University, DİKASUM 'Impact on Women' NGO, the GAP administration and GÜNSİAD. Villagers who have suffered the impact of dam-building from the Ilisu, Hakkari, Birecik and Munzur regions also gave testimonies of their experiences.



## UPDATE ON LITIGATION AND ADVOCACY

Throughout the year, KHRP's effective litigation and advocacy work has afforded *de facto* improved access to justice to survivors of torture, arbitrary detention, censorship and other human rights abuses. During the year, it has received more judgments than expected. On one day in May alone, the European Court of Human Rights ruled against the Turkish government in six separate KHRP cases, resulting in a damning indictment on its record of 'disappearances'. **The European Court has ruled in favour of KHRP in over 90 per cent of the cases brought before it:** with each case establishing at least one violation of the European Convention on Human Rights.

This year, we are also encouraged by signs – first seen in two KHRP cases – that the European Court may in future be willing to consider Turkey's liability under the ECHR in relation to discrimination against Kurds (Article 14 – prohibition of discrimination). Although surprising that the European Court has not yet considered a finding of Article 14 to date, such a ruling could have a dramatic impact on the protection for Kurds in Turkey. In 2006, we will consider in earnest pursuit of test cases against the Turkish government that capitalise on Judge Mularoni's dissenting opinions in *Dizman v. Turkey* and *Dündar v. Turkey* (see below).

### European Court condemns censorship in Turkey

On 4 October 2005, the European Court of Human Rights (ECtHR) condemned Turkey for violating the right to freedom of expression and the right not to be punished without judicial process in a KHRP case (*Ünsal Öztürk v. Turkey* (29365/95))

The case was brought on behalf of Mr Öztürk, a Turkish citizen of Turkish origin, who complained of violations under Articles 7 and 10 of the European Convention on Human Rights (ECHR).

Öztürk, the owner of an independent publishing firm, was subjected to several criminal prosecutions for the publication of certain books between 1991 and 1994 which were construed as 'propaganda against the indivisible unity of the state' by state security courts.

He complained that his succes-



ABOVE: Applicant Ünsal Öztürk reviews his case file with Kerim Yıldız, Executive Director, at KHRP's office in London

sive convictions and sentences were unforeseeable under domestic law, and amounted to a violation of his rights.

The Court ruled that the imposition of a prison sentence on the applicant was incompatible with the principle

"*nulla poena sine lege*" embodied in Article 7 and considered that the conviction and sentence of the applicant in respect of the books were not prescribed by law as required by Article 10 of the Convention.

### Detained human rights defenders win 9-Year ECHR challenge

On 6 October 2005, the European Court of Human Rights (ECtHR) ruled that Turkey was in breach of the European Convention on Human Rights (ECHR) for failing to uphold the right to liberty and security in regard to the cases of three Turkish nationals, two of whom were prominent human rights defenders. (29918/96, 29919/96 and 30169/96).

KHRP took up the cases on behalf of Sinan Tanrikulu, Servet Ayhan and

Firat Anlı, who complained of human rights violations under Article 5 of the ECHR. They had been held in police custody for ten days before being brought before a judge or judicial officer.

The three men, two of whom were members of KHRP's partner organisation IHD (İnsan Hakları Derneği - Human Rights

Association of Turkey), maintained that they were held for an unrea-

sonable amount of time in custody. They complained that the time taken before presentation before a judicial officer was too long to be legitimate under the ECHR and that the conditions of detention involved inadequate safeguards against abuse.

The Court ruled that Turkey had failed to uphold Article 5(3) of the ECHR.

# Turkey violated right to life, rules Strasbourg court

On 6 October 2005 the European Court of Human Rights (ECtHR) found Turkey in breach of the right to life (Article 2) regarding the case of İhsan Haran, a Turkish citizen of Kurdish origin (*Haran v. Turkey* (28299/95)).

The case was brought by KHRP on behalf of Nesibe Haran, the wife of the disappeared man, who complained of violations of Articles 2, 3, 5, 13, 14,

and 18 of the European Convention on Human Rights (ECHR).

Haran complained that her husband had been taken away by security forces on 24 December 1994, based on oral testimony from a co-villager. She claims she was then constantly prevented from learning about her husband's whereabouts and was prevented from submitting

a petition to the State Security Court by police officers.

The Court ruled that the national authorities failed to carry out an adequate and effective investigation into the circumstances surrounding the disappearance and that there was therefore a breach of the state's procedural obligation under Article 2 to protect the right to life.

## ECtHR: Turkey liable for torture and ill-treatment

On 20 September 2005, the European Court of Human Rights (ECtHR) found Turkey in breach of the European Convention of Human Rights (ECHR) for failing to prevent inhuman and degrading treatment and for failing to provide an effective domestic remedy in the case of Ahmet Dizman, a Turkish citizen of Kurdish origin.

KHRP brought the case on behalf of Mr Dizman, who complained of violations of Articles 2, 3, 5, 6, 13 and 14 of the ECHR.

Mr Dizman had attended the funeral of Rebih Çabuk and Sefer Cerf, respectively district leader and administrative board member of HADEP (*Halkın Demokrasi Partisi, People's Democracy Party*), a political party that had taken up the Kurdish issue, on 4 October.

He alleged that on October 1994 he had been taken to an isolated place by four plain-clothes police officers and subjected to inhuman and degrading treatment. He was later

taken to hospital by relatives where it was discovered that he had a broken jaw.

The Court established that Mr Dizman had been beaten by police officers, leading to his broken jaw. It further ruled that Turkey had failed to carry out an effective investigation into the case and had failed to provide all the necessary documentation to the Court, violating Articles 13 and 38.

## Five New Cases Communicated to Government

The European Court of Human Rights (ECtHR) has communicated five new cases brought against the Armenian government. All of the cases were brought by KHRP with the assistance of its partner organisation the Forum Law Centre, and concern arbitrary "administrative" detention of political activists. The cases in question are *Davtyan v. Armenia* (22382/05), *Gasparyan v. Armenia* (22571/05), *Kirakosyan v. Armenia* (24723/05), *Karapetyan v. Armenia* (22387/05), and *Mkhitaryan v. Armenia* (22390/05).

All the cases occurred during the presidential elections in 2003 and involve alleged violations of the right to an independent and impartial trial, the right to be adequately informed of accusations, access to a

lawyer, freedom of expression and association and an effective domestic remedy.

Mr Ashot Davtyan, an Armenian citizen, alleges that he was arbitrarily detained for attending a public demonstration in support of the National Democratic Union (NDU) on 21 March 2003. He claims he was then held for eight days in detention cells in which he was forced to share a single bed with two or more people each night.

In *Gasparyan v. Armenia*, the applicant was a proxy for an opposition candidate at a polling station. The applicant was arrested for allegedly having attended a public demonstration and sentenced to ten days detention, commuted to a fine.

In *Kirakosyan v. Armenia*, Mr Abraham Kirakosyan, a proxy for an opposition candidate in the Presidential elections, was arrested for attending a public demonstration. He was sentenced to fifteen days detention, commuted to a fine.

In *Karapetyan v. Armenia*, the applicant was sentenced to ten days detention for allegedly, "refusing to follow the instructions of police officers acting lawfully in pursuance of their duties of preserving public order."

In *Mkhitaryan v. Armenia*, the applicant, Mr Arman Mkhitaryan, was sentenced to ten days detention for having attended a public demonstration regarding the presidential election.

# Ten-year challenge ends in justice for Mesut Dündar

After a 10-year legal challenge, the European Court of Human Rights finally condemned Turkey for failing to carry out “any meaningful investigation, let alone an adequate and effective one” into the circumstances of the death of Mesut Dündar, a Turkish citizen of Kurdish origin (*Dündar v. Turkey* (26972/95)).

KHRP brought the case on behalf of the deceased’s father, who complained of violations under articles 2, 3, 13 and 14 of the European Convention of Human Rights (ECHR). The judgment was delivered on 20 September 2005.

The applicant, Mr Zübeyir Dündar, alleged that his son was killed by State agents and that the investigating authorities had failed to carry out an effective investigation into the circumstances of the killing.

Mr Dündar says that his mentally disabled son was very interested in Kurdish music and poetry and used to enjoy wearing Kurdish colours on national holidays. He claims these activities alerted the police, who began following him and started raiding his parents’ house.

In July 1992, he alleges, police officers came to take Mesut Dündar into custody prior to taking him to a psychiatric hospital for treatment. He claims that Mesut jumped out of a window to escape the police out of fear.

Mesut subsequently stayed away from home out of fear of the police. His strangled body was found near the Sulak village on 5 September 1992. Eyewitnesses claim they saw four armed men, one of whom was a police officer, strangling him. His body was later dragged behind an armoured personnel carrier by soldiers, apparently as a reprisal against the youth for expressing his Kurdish identity.

The Court found violations under article 2 of the ECHR for failing to carry out a meaningful investigation into the killing of Mesut Dündar and under article 13, for failing to provide an effective domestic remedy for the applicant.

Significantly, Judge Mularoni gave a partly dissenting opinion. Whilst the majority considered it unnecessary to consider the complaint of discrimination separately, Judge Mularoni said she felt uncomfortable not considering a potential violation Article 14 given the number of applications lodged by Turkish citizens of Kurdish origin, and particularly following the *Nachova and Others v. Bulgaria* cases (nos. 43577/98 and 43579/98), where the Court found such a violation. The partly dissenting opinion suggests the Strasbourg mechanisms may be considering a new approach to discrimination cases.



ABOVE: Mesut Dündar’s corpse was discovered near the Sulak village on 5 September 1992. Eyewitnesses captured photographs of soldiers dragging the youth’s body along the ground, tied to a German-manufactured BRT-60 armoured personnel carrier

## Diplomatic assurances do not protect refugees: KHRP submission to UK JCHR

KHRP made a submission in September 2005 to the UK Joint Committee on Human Rights on the UK’s compliance with the UN Committee Against Torture (UNCAT) regarding the forced return of Iraqi refugees.

The submission highlighted the fact that enforced return of Iraqi refugees violates Article 3 of UNCAT, which states that, “No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing

that he would be in danger of being subjected to torture.” It further highlighted the fact that bodies such as the UN High Commissioner for Refugees (UNHCR) has voiced concerns that the security situation in Iraq has actually deteriorated in many places.

KHRP stated that it shares UNCAT’s concerns over the government’s use of diplomatic assurances to return refugees, and that such measures are an ineffective safeguard to

*continued on page 12*

## OSCE urged to support bilateral Turkish-Kurdish forum

KHRP made a submission to the Organisation for Security and Co-operation in Europe’ (OSCE) office for Democratic Institutions and Human Rights (ODIHR) as part of its tenth annual Human Dimension Implementation Meeting held in Warsaw from 19 to 30 September 2005.

The submission drew attention to concerns over Turkey’s non-compliance with internationally agreed human rights standards, especially in its relations with the Kurdish population. It was one of a series of submissions which urged the OSCE’s High Commissioner



for Minorities to examine the position of the Kurds in Turkey.

KHRP urges the OSCE to request information from Turkey on its human rights record, in particular in relation to internally displaced persons. It also urges the establishment of a bilateral forum with Turkey on these issues.

the security of returned refugees. The submission called on the UK government to take action to ensure that Iraqis whose asylum claims have been dismissed should

## New ECHR case: death of Kurdish conscript in Turkish army

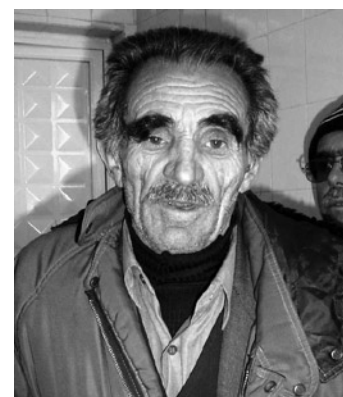
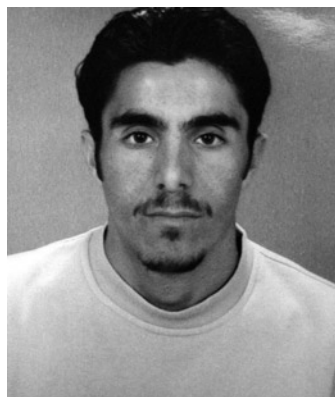
On 25 October 2005, KHRP lodged a full application concerning the death, during military service, of Cihan Tunç, a Turkish citizen of Kurdish origin, on behalf of the deceased's parents (*Mustafa and Fecire Tunç v Turkey*, 24014/05).

Cihan Tunç was found dead in February 2004, during the course of his military service, in the Kocaköy district of Diyarbakır province. A military court ruled that the death had been the result of suicide.

The applicants refute this and believe that their son was killed. The case is one of several concerning the deaths of Kurdish conscripts in the Turkish army that have been brought by KHRP.

only be returned when sufficient guarantees are in place to ensure that their return is safe and dignified.

The submission ended by urging the government to formalise its intention not to rely on or present in any proceedings evidence where there is knowledge or belief that it has been obtained by torture.



ABOVE: Cihan Tunç (left), a Kurdish conscript in the Turkish army, was found dead in February 2004. His father Mustafa Tunç (right) is challenging the official explanation that his death was the result of a suicide before the ECtHR

## ECHR condemns Turkey's failure to investigate civilian deaths

The European Court of Human Rights (ECtHR) on 22 November 2005 condemned Turkey's failure to investigate an incident that became known as the *Gucluconak* massacre by those who believed that state security forces were responsible (*Belkiza Kaya and Others v. Turkey* (nos. 33420/96 and 36206/97)).

KHRP brought the case on behalf of the relatives of ten men who died in the custody of Turkish authorities in January 1996. The men were being transferred to a gendarmerie station when the minibus they were travelling in came under fire. Gendarmes travelling in a separate escort vehicle returned the fire. The shooting, which lasted approximately 30 minutes, ended with the minibus being destroyed and its occupants killed. The body of the driver was found a few metres away bearing gunshot wounds. The bodies of the remaining ten passengers were burnt to ashes.

A KHRP fact-finding mission to the region in 1996 gathered evidence that state security forces were responsible for the killing; while the Turkish government accused the PKK of responsibility. The incident attracted international attention and prompted questions in the UK House of Lords.

## KHRP submission to UK Foreign and Commonwealth Office

On 3 November 2005, KHRP made a submission to the Foreign and Commonwealth Office (FCO), regarding its annual report on human rights.

Addressing the current human rights situation in Turkey, KHRP submitted that the report was overly positive regarding the Copenhagen criteria which Turkey has not yet fulfilled. The submission expressed concern that reforms introduced in preparation for EU accession have not been fully implemented in practice.

The ECtHR held a violation of the right to life (Article 2) to have occurred because the investigations at the scene of the incident had not been conducted with the thoroughness warranted by a case of that nature. No statements were taken by the gendarmes until more than six years after the incident. The authorities only investigated the custody and facts surrounding the questioning of the deceased following KHRP's submission of an application to the ECtHR.

The Government stated that those concerned had been taken into police custody on the basis of statements made by an individual, but failed to produce a copy of the statement in question. Nor did the person's name appear on any record as having been lawfully detained. In those circumstances the Court held unanimously that there had been a violation of the right to liberty and security (Article 5). It also found an additional violation of the right to an effective remedy (Article 13).

Lord Aveybury once described this as, "One of a great many cases where the truth may never be fully uncovered." KHRP is satisfied that an international human rights court has been able finally to investigate the suspicious circumstances surrounding the deaths of these civilians.

The submission highlighted the fact that torture continues to reach levels unheard of in western democracies, whilst perpetrators are rarely adequately punished; that state agents have begun to use more insidious forms of torture that do not leave marks; that journalists are being arbitrarily imprisoned and heavily fined as authorities continue to silence stories about Kurds or the activities of the Turkish army and the poor implementation of linguistic rights.

# News in brief

A selection of other events recently organised or attended by KHRP include:

## 28 September 2005

KHRP Legal Officer Lucy Claridge attended a roundtable meeting between representatives of the UK Home Office, UK Department for International Development, UN High Commissioner for Refugees, relevant non-governmental organisations and Iraqi and Kurdish communities living in the UK. Discussion focused on the recent situation in Iraq; whether or not Iraqi and Kurdish nationals in the UK could participate in national elections in Iraq; domestic asylum issues; and the voluntary returns programme.

## 12 October 2005

Public meeting about the case of *Al Skeini v. Secretary of Defence* – a case before the UK Court of Appeal concerning six Iraqi civilians, five of whom were allegedly killed by British troops while on military patrols. The sixth allegedly died as a result of the treatment he received after he had been arrested and whilst he was in the custody of British soldiers. The case relies heavily on the KHRP case of *Issa v. Turkey* concerning the extra-territorial application of the ECHR.

## 23 October 2005

Countries Coordinator Mustafa Gündoğdu delivers public lecture at the international human rights documentary film festival in Glasgow. The documentary 'A Country, A Time and A Man' was also shown, concerning the killing of Kurdish trade union leader Necati Aydin. KHRP successfully took his case to the European Court of Human Rights this year, securing justice and redress for his wife (see 'European Court Judgment Slams Violation of Right to Life', Newline 31 p. 7).

## 28 October 2005

'Stop Violence Against Women' conference, featuring speakers Jeremy Corbyn, Sawsan Salim, Peter Tatchell, Azam Kamguyan and Nadia Mahmood, organised by the Kurdistan Refugee Women's Organisation and the Middle East Centre for Women's Rights. KHRP attended a working group on honour killings

## 28 October 2005

KHRP Deputy Director Rachel Bernu met with the Finnish Ministry of Foreign Affairs in Helsinki. It was an information exchange on accession to the EU: the promises and obstacles; the difficulties faced by Kurds in Iran since June 2005 and the way forward in Iraq

## 2 November 2005

KHRP briefs legal team members on litigation and advocacy strategies

## 11 November 2005

Public Relations Officer Rochelle Harris delivers talk to students of Roehampton University's distinguished human rights course concerning Kurdish Human Rights Project and its achievements

## 12 November 2005

Europe and East Asia World Region Conference 'From UK to Uzbekistan – How Are We Now', hosted by Amnesty International UK and featuring journalists and representatives of Amnesty International Secretariat, Liberty and Anti-Slavery International

## 19 November 2005

KHRP Executive Director Kerim Yildiz and Chair Mark Muller participate in panel discussion at London's largest Kurdish and Turkish community centre, Halkevi, alongside the Fikri Sağlar, formerly Turkey's Minister of Culture and Richard Howitt MEP, Labour Foreign Affairs spokesperson for the European Parliament

## 29 November 2005

Delivery of a talk concerning the Kurdish situation in Iran to Reading University students, organised by Amnesty International UK

## 30 November 2005

Participation in a panel discussion concerning the Kurdish situation in Iran held at the UK House of Commons



28 September - KHRP  
Legal Officer Lucy  
Claridge



23 October - Countries  
Coordinator Mustafa  
Gündoğdu



11 November - KHRP  
Public Relations Officer  
Rochelle Harris



19 November - Kerim Yildiz, Fikri Sağlar  
and Hikmet Tabak

# New legal team members welcomed

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

**Mark Himsworth** - Mark is a barrister at 10-11 Gray's Inn Square, and specialises in criminal law. The majority of his practice is defence work, although he has particular expertise advising and representing local authorities. Before beginning his pupillage Mark worked as an intern at Interights, and at the OSCE in Bosnia and Herzegovina. In March 2005, Mark carried out a trial observation for KHRP on freedom of expression. He has also assisted with our cases before the European Court of Human Rights.

**Mary Hughes** - Mary is a barrister at 10-11 Gray's Inn Square, where she is head of family law. She has a background in Education and Research and has published extensively in women's issues. Mary regularly lectures and writes for the New Law Journal and for Counsel magazine. She is listed in Legal 500 as a Leading Junior in Education. In March 2005, Mary carried out a trial observation for KHRP on freedom of expression.

**Bill McGivern** - Bill is a barrister at 10-11 Gray's Inn Square, and specialises in public law with an emphasis on immigration, crime, particularly fraud, civil actions against the police, and education. In December 2005, he took part in a fact-finding mission for KHRP in Turkey.

**Eric Metcalfe** - Eric is a barrister and the Director of Human Rights Policy at Justice, the UK section of the Commission of Jurists, set up to promote the rule of law and to assist the fair administration of justice. Eric carried out ECHR training in Turkey for KHRP in May 2005.

**Sajjad Nabi** - Sajjad is a barrister at Veritas Chambers. He practised as a solicitor at D J Freeman before being called to the bar. He undertook a pupillage in media and defamation at 1 Brick Court before joining Veritas Chambers. He has experience of several high profile media cases and continues to provide pre-publication advice to a variety of publishers and newspapers. He has also assisted with KHRP's cases before the European Court of Human Rights.

*Information about further new members of the KHRP legal team will be included in future issues.*

## 'Kurds in Iraq' book reviewed in Middle East Journal

*Extract from a review by Professor Michael Gunther of 'Kurds in Iraq: The Past, Present and Future,' by Kerim Yildiz. London UK and Ann Arbor, MI: Pluto Press, 2004*

In his book, Yildiz provides a useful, practical survey of the Iraqi Kurdish experience up through and after the 2003 war. His analysis of the "triangular relationship" (p. 104) existing between the United States, Turkey and the Iraqi Kurds is particularly revealing.

Moreover, instead of solely emphasizing politics and wars, Yildiz also discusses a number of non-political matters such as human rights, refugees and internally displaced persons, war crimes, and land questions in cities such as Kirkuk, among others.

His two chapters on economic/humanitarian affairs - in which he gives numerous examples of problems caused by the non-recognition of the post-1991 Kurdistan Regional Government in Northern Iraq - are especially useful. Adequate shelter, medicine, clearance of minefields, agriculture, electricity, education, hydropower, the entire oil for food program - all suffered because the "the UN paid more attention to avoiding conflict with government of Iraq than the proper administration of the programme" (p. 72).

As for the belief that Iraq's oil will largely pay for the country's reconstruction, Yildiz notes that "a firm price tag for modernising Iraq's oil industry...will clearly be enormous... The insurgency has also cost the coalition in terms of revenues for reconstructing Iraq" (p. 146).





## Freedom of Expression and of Association in Turkey

As the continuing prosecutions of journalists, publishers, human rights defenders, novelists and artists continue, it is clear that there remain concerns over freedom of expression and freedom of association in Turkey. In spite of measures taken to improve prospects of EU accession, there is disquieting evidence that violations of freedom of expression and of association have in fact been increasing over the past few months. This report provides a background to the situation of Kurds in Turkey and of the government's international obligations. It evaluates the efficacy of a range of pro-EU reforms passed, and concludes that much remains to be done before Turkey could be set to meet European standards on civil and political rights.

ISBN 1900175940

£10.00 or available for download at [www.khrp.org](http://www.khrp.org)

## KHRP Legal Review 2005 (8)

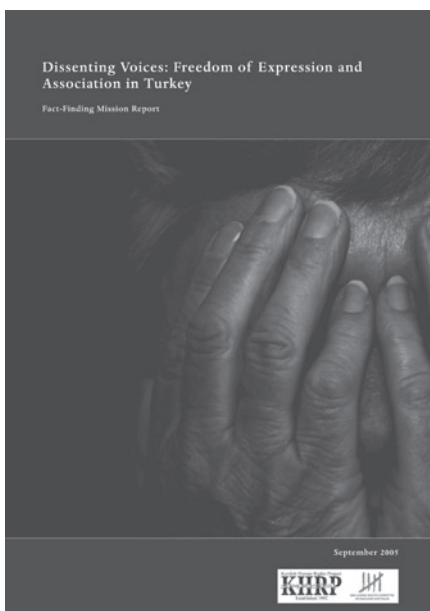
This is the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, this edition covers the period from June to December 2005, including summaries and analysis of all of the most significant European Court of Human Rights (ECtHR) decisions. Uniquely, this journal includes information about new cases that have not yet reached any judicial decision; but nonetheless provide invaluable updates about the most recent allegations of human rights violations to be submitted to international courts and mechanisms. This edition features news and updates on all the Kurdish regions, as well as eight new communicated cases, five admissibility decisions and 23 judgments of the ECtHR. Declan O'Callaghan, barrister, analyses the sufficiency of legal protection from torture or ill-treatment afforded to prisoners under interrogation; while Sharon Linzey, professor of sociology, examines the right to compensation afforded to internally displaced persons (IDPs) in Turkey. The journal is of interest to lawyers, human rights defenders and NGO representatives in the Kurdish regions and elsewhere.



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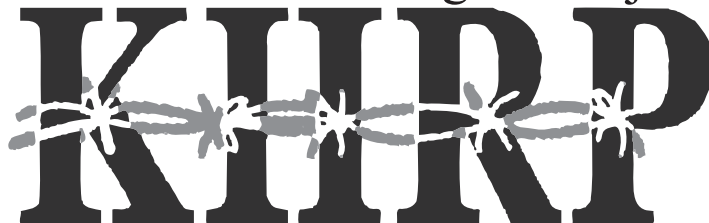
## Dissenting Voices: Freedom of Expression and Association in Turkey – Fact Finding Mission Report

A joint fact-finding mission to Turkey conducted by KHRP and the Bar Human Rights Committee of England and Wales (BHRC) investigated the rights of certain groups fundamental to the protection of civil and political rights. The report details the protection currently afforded to journalists, writers, artists and human rights defenders, particularly since the introduction of wide-ranging pro-EU reforms recently enacted in Turkey. The mission finds that despite legislative reforms to encourage freedom of expression and freedom of association many lawyers, journalists and political activists continue to experience harassment by the state. The mission concludes that the Turkish government must commit to genuine press freedom and freedom of expression and further calls upon the EU to take on a more active role in emphasising the importance of genuine implementation of these rights.

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£10.00 or available for download at [www.khrp.org](http://www.khrp.org)

# 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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## Calendar of Events

6 December 2005	Leadership Conference on Human Rights and the Death Penalty, Tokyo
9-11 December 2005	First European Arab Forum, Monaco
9 December 2005	Fifth Human Rights Film Festival, Warsaw
10 December 2005	UN Human Rights Day
12 December 2005	Liberty/ JUSTICE/ Law Society of England and Wales Human Rights Awards 2005, London
16 December 2005	Trial of novelist Orhan Pamuk begins, Istanbul
19 December 2005	Report sent to EU member states on screening findings (Turkey)
24 January 2006	Turkey and the EU in the broader context of enlargement, lecture, School of Oriental and African Studies, London