



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

NEWSLINE 1, SPRING 2007, ISSUE 37

KHRP Deputy Director Completes Fact-Finding Mission Investigating Human Rights Situation in Kurdish regions of Iraq

In January, KHRP sent a fact-finding mission to the Kurdish Regions of Iraq, which comprised visits to Sulaymanya, Dohuk and Arbil in the Kurdish Regional Government (KRG), as well as to Kirkuk. The mission sought to investigate human rights developments in a region which has been transformed in so many ways since the fall of the Baathist regime in Iraq in 2003.

The particular focuses were the treatment of minorities, freedom of expression and the awareness and understanding of human rights. The mission met with a range of government, intergovernmental and NGO representatives. Observations and recommendations will be laid out in full in a report in April.

Upon her return, mission member Rachel



ABOVE: Rachel Bernu and camp representative Hussein Karimi (right) in Baryka UNHCR Refugee Camp, Iraq, Jan 2007

Bernu gave briefings to KHRP, the Bar Human Rights Committee of England and Wales, and to UK government officials. Firstly, the mission observed that the development of a strategic human rights framework is urgently needed in the region. Whilst both the Kurdish Regional Government and civil society actors appear to welcome the introduction of such a framework, little has

been done to support its systematic introduction. The mission believes that such development is being undermined by a pervading sense of impermanence which is contributing to the lack of long term strategies for institutional and infrastructural development in the region and the emphasis

continued on page 2

KHRP in Mission for European Parliament Initiative to Investigate Suicide Rates amongst Women in Kurdish Regions

In January KHRP carried out a fact-finding mission to the Kurdish regions of Turkey and Iraq seeking to establish the situation of women living there and the factors contributing to the reportedly escalating female suicide rates in the region.

The mission, which was commissioned and funded by the European Parliament,

continued on page 4



ABOVE: Left to right - Gillian Higgins, Pırl Akkuş, Handan Coşkun and Margaret Owen at Van Castle, Jan 2007

Director's Letter



Dear Friends,

The first quarter of 2007 has, as ever, flown by and the past three months have seen some worrying developments in the regions.

The execution of Saddam Hussein in the last days of 2006 after a fundamentally flawed and unfair trial confirmed fears that he would never be called to task for his part in the genocide of the Anfal campaign, while setting a damaging precedent for Iraq's fledgling justice system. It has also been reported that the Austrian Government has signalled a green light for funding of the Ilisu Dam project, contingent on the Austrian and Swiss Governments' support. This is extremely worrying given the dangers of instability, potential conflict, mass displacement and environmental destruction that will result from the project if it goes ahead as proposed.

continued on page 2

continued from page 1:
Director's Letter

More recently, there has been greater media exposure of the ongoing imprisonment and persecution of campaigners for women's rights in both Iran and Iraq, but sadly, little improvement of their situation. In January KHRP conducted a number of activities in Iraq, sending a fact-finding mission to Iraqi Kurdistan, including Kirkuk, while Margaret Owen, KHRP Consultant on Women and Children's Rights, led a mission to investigate suicide rates amongst

women in the Kurdish regions of Iraq and Turkey. In early February KHRP also conducted an observation of the trial of a publisher in Turkey, which touched on important questions of Turkey's freedom of expression laws. These laws are increasingly being used in Turkey as a tool for the violation of fundamental human rights such as the rights to free association, free thought, free movement, as well as threatening the right to life. The most recent example of this was the murder in January of Hrant Dink, whose death dealt a great blow to the cause

of multiculturalism, reconciliation and understanding in Turkey.

On the litigation front KHRP continues working on its caseload at the European Court of Human Rights, including freedom of expression and land expropriation cases. On 15 February the European Court of Human Rights found Turkey to be in violation of Article 13 (the right to an effective remedy) in a house demolition case brought by KHRP. February also saw the KHRP Legal Team go to Yerevan to conduct training on protection of human rights advocates.

Despite some

worrying developments in the regions, KHRP maintains its steadfast commitment to the promotion and protection of the human rights of all people living in the Kurdish regions and to the support of our partner organisations working to the same end. With Newroz approaching, on behalf of all at KHRP, I would like to extend our warmest wishes for the coming year to all our partners and friends in the regions.

Kerim Yildiz
Executive Director
March 2007

continued from page 1:

KHRP Deputy Director Completes Fact-Finding Mission Investigating Human Rights Situation in Kurdish regions of Iraq

on border security. It is deeply concerned about the lack of strategic international support currently being given to create good governance structures. Despite this, the mission observed public optimism about the potential future of the region.

Secondly, the mission is concerned that the efforts to prevent terror from spilling into the three Governorates' borders has led to strong border security, but little security for those accused of crimes. The mission observed that the standards of pre-trial detention are extremely poor, with no effective investigations system in place to minimise detention time. The conditions in the region's gaols are also extremely poor, particularly in men's prisons, and child imprisonment is commonplace. It is also well known in the region, though not officially acknowledged, that the main political parties (PUK and KDP) also run their own prisons and detention centres. Furthermore the three regional prisons have not been opened for inspection, except to the international Red Cross, and there are widespread allegations of torture and ill-



ABOVE: Rachel Bernu with Sarteeep Ali (left) and Atta Muhamed (right) of Civil Development Organisation, Sulemyanya

RIGHT: Rachel Bernu with Falakaden Kakei, Kurdistan Minister of Culture, Arbil, January 2007



treatment, as well as arbitrary arrest.

The mission further observed that there continues to be confusion between federal, regional and old Baathist law, along with inappropriate application of Shar'ia law. Marginalisation of women and violence against them was said to be on the increase, as was the influence of radical Islamic elements in certain cities. It was observed that these are concerns for the Regional Government, but due to external pressures and the resulting lack of a systematic human rights approach, all too often questions of internal day to day security for women and children in particular, but for society as a whole as well, falls in the hands of tribal, clan and religious leaders.

The most positive observation of the mission was the degree to which the right to freedom of expression has

been realised. It appeared that most people interviewed felt comfortable expressing their concerns. However, the mission also noted that in general, public understanding of rights is very lacking, with many seeing rights simply in terms of what the government owes them. Those charged with responsibility for human rights are more often than not political appointees, and there is no consistent domestic training on human rights in the region. It is clear, therefore, that much work needs to be done in Iraq's Kurdish regions to improve the human rights situation, and international NGOs have a part to play in this. Indeed, during its time in Kurdistan the mission met with numerous requests for human rights training from NGOs, civil society groups and KRG officials.

KHRP Carries Out Freedom of Expression Trial Observation Mission to Turkey



ABOVE: Rajesh Kumar Rai (left) and Morten Thorsted (right) with defendant Songül Özkan (front) and associates of Doğa Basım Publishing House

In February KHRP sent a mission to Istanbul to observe the trial of publisher Songül Özkan. The focus of the mission was freedom of expression in the context of Turkey's implementation of EU accession reforms.

In order to assess the overall situation regarding freedom of expression in Turkey and the implementation of accession reforms, mission members Rajesh Kumar Rai and Morten Thorsted further met with representatives from Kurdish and Turkish Publishing Houses and local NGOs.

Mrs. Özkan, the owner and responsible editor of the Doğa Basım Publishing House, stands trial for publishing the book

'Kurdish Rebellions', written by Ahmet Kahraman. By publishing the book, describing Kurdish uprisings in the 20th Century, Mrs. Özkan has been charged under Article 312 of the former Penal Code (now article 216) for 'inciting people to resentment and enmity with regard to differences of race and religion', as the authorities contend that the book openly incites people of Kurdish origin to rebel against the Turkish state. Mrs. Özkan maintains that the book represents a piece of historical research, and hence she denies the charges. No final judgment on the merits was reached during the February hearing. Instead,

the case was referred to the Court of Appeal for a decision on the jurisdiction. It is anticipated that it will be at least a year before the Court of Appeal will deliver a decision on the jurisdictional matter.

The trial is illustrative of the problems which publishers and writers, despite reforms, still face in Turkey in relation to freedom of expression. The trial further mirrors the fact that there remains a lack of real democracy in Turkey with publishers, writers, intellectuals and others expressing dissenting opinion continuously subjected to harassment. The threat of prosecution is ever present thus promoting an environment of self-censorship in Turkey. Consequently, publishers who face trial are frustrated out of business, as the cases pending against them continue for years and years without a final judgment or acquittal. The trial is also re-

flective of the problems which remain in relation to the implementation of the EU accession reforms, which remain slow and uneven. Freedom of expression is still subjected to anti-democratic restrictions, such as article 301 and 312 (now 216) of the Penal Code, and the judiciary and authorities continue to adopt a restrictive interpretation of any reforms enacted, resulting in cases against writers and publishers who express dissenting opinion. It is no secret that EU accession has created a division within the Turkish state between pro-reform activists and Turkey's reactionary elite, fiercely opposed to Turkey joining the EU. The insidious application of the freedom of expression laws is a sign of this opposition to EU membership and its attending reforms.

The mission's observations will be laid out in full in a report in April.

Turkey once again tops Leader Board of European Court of Human Rights Judgements in 2006

In its 2006 Survey of Activities the European Court of Human Rights (ECtHR) has once again listed Turkey as the member state with most judgments against it in 2006.

Of a total of 1,560 judgments passed by the Court last year, 334 were made against Turkey. This figure, which accounts for over 20 per cent of the total number

of judgments made by the Court in 2006, put Turkey well ahead of other states, with Slovenia in second place at 190 judgements against it, followed by Ukraine at 120. In addition, a total of 362 new cases against Turkey were deemed admissible by the court last year. This figure, too, was well ahead of other states, with Slovenia again

coming in second with 193 admissible cases against it.

The scale and frequency with which Turkey is still being called to task for human rights violations at the ECtHR demonstrates that much work remains to be done before Turkey can claim to fulfil all the criteria required of it for EU membership. Last year witnessed a dramat-

ic slowdown in the reform process in Turkey, with renewed international attention on the violence in the Southeast and real regression in the area of freedom of expression. These have not been encouraging indicators of things to come, and do not provide any suggestion that the ECtHR's 2007 survey will place Turkey any lower on its leader board.



ABOVE: Tanyel Taysi and Sarteep Ali of CDO with Mullah Chamchamali, Sulemanya

continued from page 1:
KHRP in Mission for European Parliament Initiative to Investigate Suicide Rates

was carried out by KHRP Consultant on Women and Children's Rights Margaret Owen, KHRP Advisory Board member Gillian Higgins, KHRP Deputy Director Rachel Bernu, Tanyel

B. Taysi of University of Kurdistan-Hewler, KHRP Fellow Chnoor Amin and Handan Coşkun of the Di kasum women's organisation in Turkey.

A preliminary report, comprising several chapters of background desk research carried out at KHRP's headquarters, along with the mission's preliminary findings and

recommendations, was submitted to the European Parliament in February.

The mission found that statistics on the subject of suicide were extremely difficult to come by in Turkey since official documentation is not disaggregated by ethnicity, while the subject of suicide, like elsewhere in the world, is seen as taboo by Turks and

Kurds and is often therefore recorded as 'unusual death'. Added to this is the common fear of officialdom that is pervasive amongst the families affected. Statistics on the subject in Iraq were more readily available, though the mission was concerned as to their reliability. The mission further observed that many recorded suicides may indeed have other causes, given cultural habits in both Turkey and Iraqi Kurdistan which allow forced suicides to take place with impunity.

An in-depth report, detailing the mission's recommendations in the light of both the fact-finding mission and KHRP's desk research, will be submitted to the European Parliament in April.

Armenian Journalist Hrant Dink Murdered

Turkey lost one of its most outspoken advocates of multiculturalism and human rights on 19 January when Hrant Dink, editor of AGOS newspaper, was gunned down in front of his newspaper's offices in Istanbul.

Dink had been the focus of ultra-nationalist ire having been prosecuted on several occasions for 'denigrating the Turkish character' under both the old, and the current Penal Codes. He was most recently handed down a six-month suspended sentence in October of last year, which he went on to challenge in the European Court.

In December 2005 he met Stuart Kerr of the KHRP Legal Team during an observation of the trial of Orhan Pamuk on similar charges. In KHRP's report on the Pamuk trial, it was observed that Dink's experiences, like Pamuk's, demonstrate the degree to which Turkey's draconian freedom of expression laws 'expose journalists to a real risk of imprisonment.' Sadly, in Hrant Dink's case it seems the risk was far greater. Indeed, during and after his trial Dink had been receiving death threats, which he had discussed in his editorials. Despite this, Dink never received any form of state protection.

His murder provoked official and public condemnation. It also put the spotlight on the flaws of article 301 of the Penal Code, which has been used to prosecute doz-

ens of writers, publishers and politicians since its introduction in 2005, leaving them open to death threats by ultra-nationalist groups. Dink's funeral was a dramatic show of opposition to the code, with an estimated 100,000 mourners attending, many of whom carried placards reading 'we are all Armenian' and '301 the Murderer'. The Turkish government has since called for consultation by NGOs to discuss amendment of the article, but has rejected calls to repeal it outright.

BELOW: Hrant Dink, December 2005



Renowned Political Scientist Joins KHRP Advisory Board

Kurdish Human Rights Project would like to warmly welcome Michael M. Gunter, Professor of Political Science at Tennessee Technological University to its Advisory Board. With a background in history and international relations, Gunter is an authority on the Kurds of Iraq and Turkey. He is the author of many books and articles on Kurdish politics and culture, such as 2003's Historical Dictionary of

the Kurds and 1999's The Kurdish Predicament in Iraq: A Political Analysis. His expertise will no doubt be of great benefit to the work of KHRP.



Michael M. Gunter

LEGAL

KHRP Readdresses Öcalan Case after Committee of Ministers Ruling

KHRP has lodged a case challenging the failure of Turkish authorities to offer Abdullah Öcalan a full retrial after the original trial was judged unfair by the European Court of Human Rights (ECtHR). This follows a Council of Europe Committee of Ministers ruling that Turkey's review of Abdullah Öcalan's case was sufficient. Turkey's 14th Assize Court concluded it was not necessary to carry out any further investigations or hearings into the case, and thus only considered the nature of the crime and the evidence in the case file.

The Assize Court ruled that although the ECtHR found there to be considerable violations in the original trial, these findings would not alter the outcome of the case and the applicant's conviction. Violations included inadequate time and facilities for the preparation of the defence, restrictions on legal assistance and the fact that Mr Öcalan did not have access to the 17,000 page case file until two weeks before the trial. KHRP believes the matter warranted a comprehensive retrial and that Turkey's mere review of the case was insufficient.

However, in a judgment of 14 February 2007, the Committee considered Turkey to have exercised its obligations under the ruling. Members of Mr Öcalan's legal team expressed their disappointment with the judgement. KHRP does not believe the decision adequately addresses the concerns expressed by the European Court in its initial judgement, and will be addressing the case in its wider context with a view to submitting further arguments.

Dispatches

RENOWNED KURDISH-IRANIAN FILMMAKER BANNED FROM FILMING IN IRAN

On 19 January, Bahman Ghobadi, director of many award-winning films including *Turtles Can Fly* announced that he has been banned from filming in his native Iran. Ghobadi stated in a press release that he first learned of the ban from a cinema website on which the Ministry of Culture and Islamic Guidance had announced 'Under current circumstances...production of any film by Bahman Ghobadi is not within the professional filmmaking agenda of the General Censors Office'. Though he initially believed that there had been some sort of misunderstanding, enquiries by his office did not elicit any formal denial of the ban by officials.



Bahman Ghobadi

This ban comes on the heels of increasing difficulties and obstacles faced by the director in the production of his previous film *Half Moon*, for which, he claims, he was subjected to accusations of being a separatist, despite statements that he regards himself 'as an Iranian Kurd and condemn(s) even an inch of my country to be disintegrated'. Although in the past Ghobadi has remained silent during government-instigated disruption to his work he has declared in the wake of this ban that 'if the Censors Office ... refuses to issue a permit for the making of my new film, I will personally take action and start its shooting in the streets of Tehran'.

TURKEY TAKES ACCESSION SETBACK ON CHIN WITH ANNOUNCEMENT OF 'DIY' REFORM PACKAGE

Turkey has responded to the recent suspension of crucial aspects of accession talks by promising a "do-it-yourself" legislative overhaul to prepare for European Union membership. The determined stance has been welcomed by Brussels as a positive reaction to the partial breakdown of the talks.

In December, the EU suspended membership talks in eight policy areas following a dispute over Turkey's refusal to open its ports to Cyprus - an EU member since 2004.

Abdullah Gül, Turkey's foreign minister, gathered more than 150 senior officials from different government departments to draw up detailed legislative plans covering 32 outstanding subject areas of negotiations. These would include the eight frozen in December.

KHRP Steps up Litigation and Training Activities in Armenia

KHRP has continued to provide submissions and information to the European Court of Human Rights in the case of *Chiragov and Others v. Armenia*. This case was brought in 2005 on behalf of six Azerbaijani Kurds who were forced to leave their homes in the town of Lachin, in Nagorno-Karabakh, when it was captured by Armenian forces in May 1992. The Applicants allege that the town was looted and burned in the days after the takeover. The applicants and their families fled to Baku and have been unable to return to their homes and properties due to the conflict. Since the end of the war in 1994, most of Nagorno-Karabakh and several regions of Azerbaijan around it remain under Armenian military control. Though Armenia ratified the European Convention on Human Rights only in 2002, the applicants contend that Armenia is responsible under the Convention for their losses in 1992 because it took de facto control over the area in a way which lacked (and lacks) legal validity. They allege that they were subjected to discrimination in their treatment by the Government by virtue of their ethnic and religious affiliation, since had they been ethnic Armenian and Christian, they would not have been forcibly displaced from their homes by the Armenia-backed Karabakh forces. The applicants further complained that their right to respect for private and family life and home was violated. KHRP lodged further submissions and information with the Court in February 2007.

KHRP lawyers have also continued to represent Meltex Limited in its freedom of expression case before the European Court of Human Rights. Meltex is an independent Armenian television company which established in 1999 a nine-member network of independent licensed TV companies. The network was widely recognised as one of the only independent voices in television broadcasting in Armenia, which broadcast 24 hours a day until



ABOVE: Jo Cooper addressing delegates at KHRP Human Rights Training in Yerevan, Armenia, Feb. 2007

the withdrawal of its licence in 2002. Following this, it reapplied unsuccessfully for a number of other licences. The refusal, it appears, was due to its inclusion of opposition parties in its presidential election coverage. KHRP is assisting Meltex in challenging the denial of a broadcast licence in several cases before the ECtHR. The most recent submissions were made to the Court in January 2007. The case alleges violations by Armenia of the right to freedom of expression. It furthermore alleges the violation of the right to a fair trial under Article 6 of the ECHR because the applicant was not provided basic procedural safeguards or an opportunity to have a fair and public hearing in the domestic courts.

On 17 February, KHRP conducted a training session in Armenia in conjunction with Forum Law Centre entitled Human Rights for Human Rights Defenders. The training was conducted by solicitor Jo Cooper and Ara Ghazaryan, Vice-President of FORUM, in the offices of the Bar Association in

Yerevan. The main aim of the training was to address the problems faced by human rights defenders in Armenia, particularly the frequency with which criminal lawyers are prosecuted by local judges for alleged misconduct or contempt of court, as a result of their challenge to human rights violations in Armenia. The delegates, a group of 20 qualified criminal lawyers working in human rights advocacy, explored how international mechanisms such as the ECHR and the UN Convention on Human Rights Defenders could be called upon to protect advocates facing hostility from the bench and discussed some well known cases of such prosecutions, using concrete examples to investigate how such international mechanisms can be used in practice. The training was considered a great success, as the process of mooted enabled delegates to see which approaches were most effective and determine how best to improve the position of claimant lawyers in such cases.

KHRP Brings New Land Expropriation and Right to Life Cases Against Turkey at The ECtHR

KHRP is representing members of the Yöyler family in its application before the European Court of Human Rights against the Republic of Turkey. The case concerns the expropriation of the Applicants' land in the Malazgirt region of South Eastern Turkey by the State, without any payment of compensation. The Applicants were unlawfully deprived of land that has been farmed by their family for at least three generations, and to which they had established title.

In 1964, the land was wrongly registered as belonging to the Turkish treasury. On 14 October 1985, the domestic courts recognised that the Applicants were the rightful owners of the land and were entitled to be provided with title deeds. However, only one relative of the Applicants applied for registration of the title deeds and he was awarded deeds to his 1/5th share of the land. Pursuant to the judgment of 14 October, the Applicants were also entitled to apply for registered title to their share.

The Applicants applied for title to their land in 1986 and 1987 and their case was relinquished to the Malazgirt Cadastral Court, who rejected their claims and ordered the Applicants' land should be registered in the name of the Turkish treasury. The decision was appealed but rejected by the Court of Appeal on 4 September 2006. The case raises concerns under Article 1 of Protocol No.1 and Articles 6, 8, 13 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

In another case before the ECtHR, KHRP is representing Yaşar Çerf, the spouse of the late Sefer Çerf, a HADEP politician who was shot and killed along with Rebih Çabuk while sitting in front of Guneydoğu Café in the Mutlu neighbourhood of Adana in 1994. The circumstances surrounding and this incident have already been the subject of two cases in the ECtHR. Ahmet Dizman, who assisted in taking Rebih Çabuk to the hospital after he was shot, and 2 days later was detained and tortured, brought a successful case before the ECtHR. Hacı Sait Macir, a member of the provincial committee of HADEP, was the owner of the café and witnessed the killings. He was later shot on 30 December 1994 and died shortly after in hospital, which is also the subject of a case before the ECtHR ending in a friendly settlement agreement.

Dispatches

RECENT REVELATIONS REINFORCE KHRP'S CONCERNS OVER SAFETY OF BTC PIPELINE

Leaked documents from the internal watchdog of U.S. lending agency Overseas Private Investment Corporation (OPIC) reveal that the Baku-Tbilisi-Ceyhan (BTC) pipeline needs increased surveillance, especially regarding cracks and leakages in its coating. OPIC, who provided a \$142 million insurance policy on loans to finance the construction of the pipeline, conducted the report after complaints from several NGOs and environmental activists who alleged that OPIC was not properly informed about issues regarding the coating material used for the pipeline.

Findings in the leaked documents corresponded with these allegations, showing that the BP-led BTC consortium had failed to disclose information about cracking on the pipeline, discovered in November

2003, until after the insurance contract came into force on February 3 2004. This news comes just a month after the release of a report carried out by former US Secretary of State James Baker, which exposed and criticised BP's patchy safety record. Recent BP safety lapses resulted in an explosion at a BP plant in Texas in March 2005 (leading to 15 deaths and 180 injuries) and an enormous oil leak due to pipeline corrosion in Alaska in March 2006. Both cases are currently under investigation by the U.S. Department of Justice.

These recent safety lapses add further weight to the concerns of KHRP and its partner, the Baku-Ceyhan Campaign, regarding the safety of the pipeline and its potential effect on the welfare of those living in its vicinity in Azerbaijan, Georgia and Turkey.

KHRP CALLS FOR INVESTIGATION AFTER FRESH CONCERNS FOR HEALTH OF ABDULLAH ÖCALAN

As revealed by the KHRP Legal Team in a press release of 1 March, there are grave concerns for the health of Abdullah Öcalan after samples of his hair submitted for testing were found to contain elevated levels of chromium and strontium suggesting either acute or chronic exposure to the substances.

Though the matter clearly requires further investigation, the KHRP Legal Team has drawn the situation to the attention of the European Committee for the Prevention of Torture (the CPT) at the first opportunity, given the possible implications for Mr Öcalan's health. KHRP has also drawn its concerns to the European Court of Human Rights in the context of Mr Öcalan's ongoing complaint that the conditions of his detention on İmralı Island violate Article 3 of the European Convention on Human Rights. KHRP has in the past argued that it would be appropriate for Mr Öcalan to have access to independent medical advice. This need for independent medical advice has been highlighted all the more by these worrying revelations.

Iraqi Kurds denied justice in the wake of Saddam Hussein's Execution

The execution of Saddam Hussein in December, before the conclusion of the Anfal campaign trial, crushed hopes that he would be held fully accountable for the killing of tens of thousands of Iraqi Kurds in the 1980s. The circumstances leading to the planning and execution of the campaign, which killed up to 180,000 Iraqi Kurds in the late 1980s, may now never be entirely understood.

Two more top aides, Barzan Ibrahim al-Tikriti and Awad Hamed al-Bandar, were put to death in January. The manner of the deaths of Barzan, who was decapitated by the noose around his neck, and Saddam, who was taunted by his executioners before being hanged, has been roundly condemned.

Iraq's former vice-president, Taha Yassin Ramadan, was sentenced to death by hanging on appeal in early February for his role in the killing of 148 Shia men from the town of Dujail in the 1980s. He was convicted in November, but the Tribunal's Appeals Chamber ruled in its decision of December 26 that a life sentence for Ramadan was too lenient. The court was ordered to re-sentence him. He was executed on the morning of 20th of March.

Of perhaps even greater concern for KHRP and other international human rights groups is the way in which the trials were conducted. Human rights advocates had called on the Iraqi high tribunal not to impose the death penalty on Taha Yassin Ramadan because of the lack of evidence linking him to the alleged crimes. International organisations observing Saddam Hussein's trial reported contraventions including undue interference from Iraqi government circles, lapses in judicial demeanour revealing a lack of impartiality, failure to disclose exculpatory evidence, and failure to grant the defendants' right to face witnesses against them. It has also been noted that the tribunal did not adequately prepare for the protection of victims, witnesses and lawyers leading to frequent disruption of the proceedings.

KHRP is strongly opposed to the death penalty, as an infringement of fundamental human rights standards such as the right to life, under any circumstances. It notes with grave concern that the integrity of the Iraqi High Tribunal for Crimes against Humanity (IHT) has been compromised as a result of the nature of the trials and the sentences imposed.

Recent Report Confirms KHRP IDP Findings

The long-awaited results of the survey commissioned by the Turkish authorities confirm KHRP's suspicions that Turkey has severely underestimated the number of Internally Displaced Persons (IDPs). The findings almost triple the original figures provided to the international community by the Ministry of Interior Affairs. Although more than a decade has passed since the forced displacement of Kurds in Turkey during the course of the conflict between security forces and the PKK (Kurdish Workers' Party), many of the lingering consequences remain unresolved. A critical first step towards providing a solution was official recognition of the issue which did not occur until 2002. However, no common agenda between NGOs and

government bodies could be achieved as each had drastically different perspectives on the severity of the problem. Some reasons for delays and the overall lack of empirical research included a lack of access to the civilian population in some of the Anatolian regions, attempts by the State Planning Organization to discredit survey efforts, and the intimidation of those providing information to NGOs. The continuous dialogue with international organizations on this matter finally compelled Turkey to commission Hacettepe University to conduct an independent study to help illuminate remaining obscurities including the numerical extent and current conditions of the acknowledged IDPs. The survey revealed that the current size of the

displaced population is between 953,680 - 1,201,200. KHRP, the Bar Human Rights Committee of England and Wales, the Diyarbakir Bar and Human Rights Watch held a round table discussion on the issue in 2005 which put the number of IDPs at over 3 million, far outstripping the figure reached by Hacettepe survey. The survey also found that 55 percent of those still internally displaced want to return to their homes, and that over 50 percent were neither aware of the government return programme nor the national compensation law, which has now been closed to new applicants. This corroborates KHRP's 2006 fact finding mission report conclusion that Law 5233 leaves the overwhelming majority of IDPs without remedy. The

Turkish government's neglect of the situation for many years was partly due to their reluctance to accept the gravity of the issue. Many hope that this newly acquired information can promote joint efforts and assist in an unhesitating move towards dissemination of the results and the implementation of relevant policy. Ultimately, the utility of these figures relies on the government's willingness to take action and reconsider or alter policy based on such information updates. Given the scale of the problem, support from the EU and other international bodies is also essential. The developments within the next few months will expose whether proclaimed desires for rebuilding mutual trust in Turkey between citizen and state are genuine.

Pressure On DTP as Turkey Approaches the General Elections

KHRP is concerned at the spate of arrests of members of pro-Kurdish Democratic Society Party (DTP) over the past weeks, including the arrest of the Van and Diyarbakır district chairmen.

Diyarbakır chairman Hilmi Aydoğdu was arrested following a request by the Diyarbakır prosecutor in relation to a statement he made on the website of the Patriotic Union of Kurdistan. Aydoğdu had stated that an attack on Kirkuk would be felt like an attack on Diyarbakır, which he later explained as meaning an emotional attack. The Van DTP Chairman, Ibrahim Sunkur, was also arrested alongside 19 other party members following a raid on their district office and homes, where there were said to be materials in support of the PKK. Following an initial hearing 18 of the 20 arrested members were released. Those who have been released have claimed that they were subject to torture whilst in detention. There have been further arrests of DTP members and officials in Siirt, Esenyurt, Silopi, and Batman.

An investigation was also started by the Ankara Republic Chief Prosecutor against the DTP following its recent Annual General Meeting. This investigation concerns claims in the media that the national anthem was not read and a picture of Atatürk was not displayed during the AGM. Ahmet Türk and Aysel Tuğluk, who were elected as chair and co-chair of DTP at the same AGM, have also been given a one and a half year prison sentence, having been held responsible for flyers printed by the DTP Yalova Women's section in 2006. An investigation has also begun against Tuğluk and fifty four other DTP members who made a press statement about the recent revelations concerning the health of Abdullah Öcalan.

These developments signal a clear crackdown on the political activities of DTP in the run-up to elections and a blatant violation of the political rights of Turkey's Kurdish electorate. They are a worrying sign for the development of truly representative democracy in Turkey.

Dispatches

SPREADING THE WORD

24-25 January:

KHRP Executive Director, Kerim Yildiz, travelled to Geneva and Berne in Switzerland to meet with government and NGO representatives, including representatives of the Swiss government, the UN Voluntary Fund for Victims of Torture and ACAT Suisse. The meetings were primarily opportunities to share information and discuss the human rights situation in the Kurdish regions.

30 January and 15 February:

KHRP attended two outreach events organised by London universities focused on volunteering. Current KHRP interns and staff took part in the UCL Union Spring Volunteering Fair and the LSE NGO, Charity and Volunteering Fair. Christina Wilson, Ingrid Tamborin and Rebecca Sammut spoke with students about KHRP's work and the varied projects to which interns contribute. KHRP recruits interns throughout the year to work on its diverse projects and activities; they are a valued and integral part of the organisation. For more information, please see: www.khrp.org/employ/voluntary.htm

8 February:

Following requests for a briefing on her January fact-finding mission to Iraq, Deputy Director Rachel Bernu welcomed representatives of the office of Ann Clwyd MP to KHRP to appraise them of the human rights situation in Kurdish Regional Government and Kirkuk. Ms Bernu provided the representatives with some initial observations, along with a set of preliminary recommendations.

21 February:

In a further engagement following-on from her Iraq fact-finding mission, Deputy Director Rachel Bernu addressed the Bar Human Rights Committee of England and Wales to present her findings and observations.

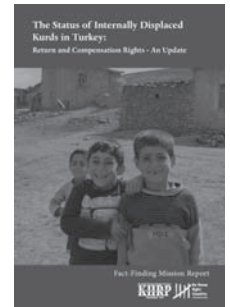
2 March:

Executive Director Kerim Yildiz, Deputy Director Rachel Bernu and Nicholas Hildyard of Cornerhouse met with Mahmoud Osman, a Member of the Iraqi Parliament. The meeting was intended to update Mr Osman on the latest developments concerning the Ilisu dam and to discuss the possible repercussions of the dam project on water supplies in Iraq.

The Status of Internally Displaced Kurds in Turkey : Return and Compensation Rights – An Update

In the summer of 2006 KHRP conducted a fact-finding mission to investigate the situation of internally displaced persons (IDPs) in Turkey. The mission was carried out by KHRP Legal Officer, Lucy Claridge and Legal Team member, barrister Catriona Vine, investigating state policy and practise regarding measures to provide redress to persons displaced during the armed conflict in east and south-east Turkey in the 1980s and 1990s. The mission discovered severe failings in the legislative mechanisms designed to deal fairly with IDPs and their claims for compensation. Without essential reforms to ameliorate the legal provisions available to displaced persons, this already marginalised group may never receive a just solution to their plight.

Publication available for free download at www.khrp.org or for 10 GBP from publications@khrp.org or +44 (0) 207 405 3835 – ISBN 1 905592 05 1



Refusing Refuge: Investigating the Treatment of Refugees in Turkey



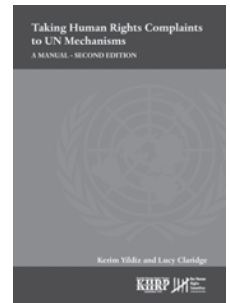
In July 2006, Kurdish Human Rights Project carried out a fact-finding mission to Van and Ankara in Turkey. It discovered worrying trends concerning the situation of refugees and asylum seekers. KHRP is concerned about the welfare of these marginalised and vulnerable people. Of particular concern are twelve hundred Iranian citizens of Kurdish origin currently stranded in Turkey with no access to social provisions or the option of resettlement in a third country. The mission established serious shortcomings in the legal framework in place to address the problems faced by refugees. If Turkey is to institute the necessary mechanisms to remedy the situation of refugees, the mission recommends a series of reforms which conform to international standards.

Publication available for free download at www.khrp.org or for 10 GBP from publications@khrp.org or +44 (0) 207 405 3835 - ISBN 978 1 905592 06 7

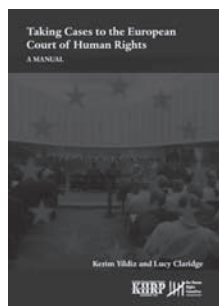
Taking Human Rights Complaints to UN Mechanisms: A Manual

Aiming to provide a guide to taking human rights complaints to UN mechanisms, this manual provides an update to KHRP's 2003 edition of Taking Human Rights Complaints to UN Mechanisms. The UN aims to achieve the promotion and encouragement of respect for human rights through three categories of human rights bodies: the UN High Commissioner for Human Rights, those established by the UN Charter (Charter-based bodies) and those established by provisions in specific legal instruments (treaty-based bodies). Written by Kerim Yildiz, Executive Director, and Lucy Claridge, Legal Officer, the manual provides an overview of the different mechanisms and guides to their use. In addition, the manual also includes updated versions of key texts, such as texts of the reservations and declarations entered into by member states in the Kurdish regions, model complaint forms and guidelines for the submission of complaints.

Publication available for free download at www.khrp.org or for 10 GBP from publications@khrp.org or +44 (0) 207 405 3835 – ISBN 1 905592 03 5



Taking Cases to the European Court of Human Rights: A Manual



Intended to inform practitioners and interested individuals on the practical usage of the Strasbourg mechanisms, KHRP has published an update to its manual, Taking Cases to the European Court of Human Rights. Written by Kerim Yildiz, Executive Director, and Lucy Claridge, Legal Officer, the manual provides commentaries on the practice and procedure of the European Court, in addition to key texts such as the European Convention, the Court's application form and details of the legal aid available from the Court. It also now includes updated sections on admissibility rules, just satisfaction claims and enforcing judgments, together with information regarding the changes to be introduced by Protocol 14.

The manual has been distributed to human rights lawyers and individuals at KHRP's training sessions in Turkey and the Caucasus in order to aid them in utilising the European Court of Human Rights to improve respect for human rights on the ground. Updates in Turkish and Russian languages are currently in production.

Publication available for free download at www.khrp.org or for 10 GBP from publications@khrp.org or +44 (0) 207 405 3835 – ISBN 1 905592 04 3

KHRP Legal Review 10

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 November 2006, including summaries and analysis of the most significant decisions of the ECtHR. Uniquely, this journal covers new cases that have not yet reached any judicial decision, but nonetheless provide invaluable updates of 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 newly communicated cases and admissibility decisions and judgments of the ECtHR and the UN. The journal is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan. Legal Review 11 will be published in June.

Available for free download at www.khrp.org or for £8.00+ £2.00 (P+P)

from publications@khrp.org or +44 (0) 207 405 3835 - ISSN 1748-0639



Publishers on Trial: Freedom of Expression in the Context of Turkey's Accession to the European Union

In February KHRP mission members Rajesh Kumar Rai and Morten Thorsted completed a trial observation mission to Istanbul, Turkey, in order to observe the trial of publisher Songül Özkan. The focus of the mission was on freedom of expression in the context of Turkey's implementation of EU accession reforms.

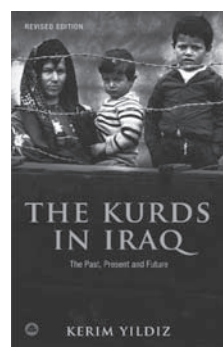
The mission's observations will be laid out in full in a report in April.

Human Rights and Development in Iraqi Kurdistan – An Update

In January KHRP completed a fact-finding mission to northern Iraq, visiting Sulaymanya, Dohuk and Erbil in the Kurdish Regional Government, as well as to Kirkuk. The mission met with government, intergovernmental and NGO representatives, seeking to establish an understanding of the human rights situation in a region that has seen so much change over the past four years.

The mission's particular focuses were the treatment of minorities, investigative and pre-detention practices, corruption, as well as the extent of access to basic rights such as the right to housing and the right to life. The mission was chiefly concerned to observe that there was a lack of consistency in the enforcement of rights, a lack of public awareness of these rights and that women's human rights are, as a result, the most regularly violated.

The report will be made available in April.



The Kurds in Iraq - The Past, Present and Future, Revised Edition, by Kerim Yildiz (in association with Pluto Press)

This new edition of *The Kurds in Iraq* brings the book fully up-to-date in the light of recent events in Iraq, and the civil war that threatens to engulf the region. Yildiz explores the impact of occupation and escalating violence. There is an entirely new chapter on Kirkuk, which continues to be of major strategic interest to the various powers in the region. There is also a new chapter on insurgency and sectarianism that examines the motivations behind the insurgency, and tactics that are used, and outlines possible ways to deal with it. The book is a unique account of the problems that all political groups face in bringing stability to 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 Kurds in Iraq.

Publication available for 25 GBP from publications@khrp.org or +44 (0) 207 405 3835 - Hardback ISBN 978 0 7453 2663 4

The Kurds in Iran - The Past, Present and Future by Kerim Yildiz and Tanyel B. Taysi

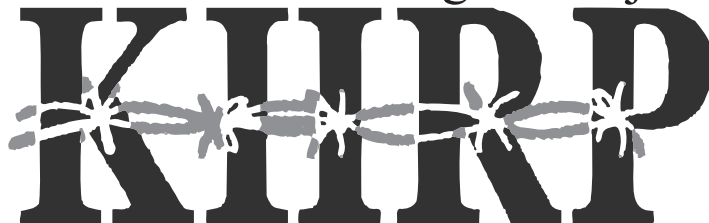
This book offers a historical overview of Iran's development since the First World War through to the revolution of 1979, the war with Iraq, and the emergent state policy towards its Kurdish population. It provides a thorough critique of Iran's human rights record, especially for minorities and women. Yildiz and Taysi address Iran's relationship with its neighbours and the West, the implications of Ahmadinejad's rise to power and the impact of the Islamic state on human rights. They analyse Iran's prospects for the future and how the resolution of the Kurdish issue in Iran affects the future of the region as a whole as well as Iran's international policy and relations.

Publication available for 25 GBP from publications@khrp.org or +44 (0) 207 405 3835 –

Hardback ISBN 978 0 7453 2669 6

Publications will soon be available to order on our new online shop. Please consult www.khrp.org for updates.

Kurdish Human Rights Project



Established 1992

Project Information

THE ORGANISATION

The KHRP is a non-political, independent human rights organisation, founded in December 1992 and based in London. Its founding members include human rights lawyers, barristers, academics and doctors.

The Project is registered as a company limited by guarantee (company number 2922108) and is also a registered charity (charity number 1037236).

The KHRP is committed to the protection of the human rights of all persons within the Kurdish regions of Turkey, Iran, Iraq, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion.

investigations and producing reports on the human rights situation of the Kurds in Turkey, Iran, Iraq, Syria and elsewhere by sending trial observers and fact-finding missions.

- Using reports to promote awareness of the plight of the Kurds on the part of the committees established under human rights treaties to monitor the compliance of states.
- Using the reports to promote awareness of the plight of the Kurds on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, the national parliamentary bodies and inter-governmental organisations including the United Nations.

Aims

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

Methods

- Monitoring legislation, including emergency legislation, and its application.
- Conducting
- Assisting individuals in the bringing of human rights cases before the European Court of Human Rights.

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

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

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

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

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

£20 _____ £10 _____ £ _____ Other _____

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

ALL DONATIONS ARE WELCOME

Cheques should be made payable to:
Kurdish Human Rights Project

WE ACCEPT CAF Charity Card

I wish to donate by CAF Charity Card

Please debit my Charity Card for the sum of £

My card number is:

Expiry Date:

Date ___/___/___ Signature

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

Name

Address

..... Postcode

Tel Fax

Please return to:

KHRP
11 Guilford Street
LONDON
WC1N 1DH

Tel: +44 (0)207 405-3835
Fax: +44 (0)207 404-9088
Email: khrp@khrp.org

Calendar of Events

March:

- KHRP to attend Gender Action for Peace and Security panel discussion on 'Involving Men in the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security' at the Canadian High Commission.
- KHRP to attend conference on Halabja and Anfal at Kensington Town Hall, London

April:

- KHRP will present its completed report on female suicides in the Kurdish Regions to the European Parliament.
- The KHRP Legal Team will hold its annual meeting, where it will take the opportunity to discuss their ongoing and upcoming projects in the regions.
- KHRP Executive Director Kerim Yildiz will travel to New York and Boston to meet potential new funders.

May:

- KHRP's Legal Team will hold its first ever training in Hakkari, in south-east Turkey. The training will consist of an introduction to the workings of the European Court of Human Rights