ISSN: 1462–6535

KHRP
Kurdish Human Rights Project

newsline

Winter 2002

Issue 20

AKP Sweeps Away Old Order in Turkish Elections

The Islamic-oriented Justice and Development Party, the AKP, gained an unprecedented victory in Turkey's 3rd November elections, sweeping up 34.27% of the votes and obtaining 363 of the 550 seats in Parliament. The social democratic Republican People's Party, a secular group led by Deniz Baykal, obtained 19.39% of the votes and 178 Parliamentary seats. The remaining nine seats were obtained by independent candidates.

This disproportionate outcome, which eliminates the choices of nearly half of the country's voters, is the result of an aspect of the electoral system in Turkey which requires candidates to pass a 10% nationwide threshold in order to gain seats. None of the other 16 political parties,

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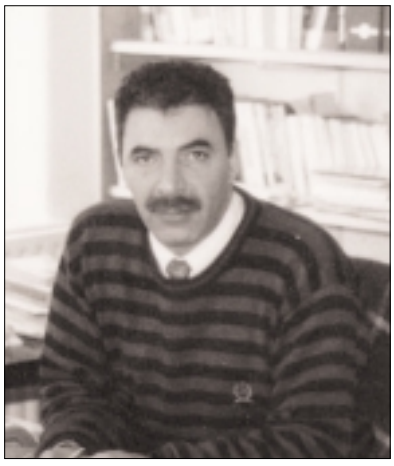
photo: Pre-Election rally held in Hakkari in support of pro-Kurdish party DEHAP. Despite being the leading party in the 13 provinces in the Kurdish region of Turkey, DEHAP did not manage to pass the 10% nationwide threshold required toain a seat in Parliament.

Director's Letter



Dear Friends,

It is with great pleasure that I would like to announce that this month KHRP will celebrate its 10th anniversary. Looking over what has been a decade of dedicated effort, I cannot help but feel proud of what KHRP has achieved in its aim to promote and protect the human rights of Kurds and non-Kurds alike. In spite of our achievements, however, much remains to be done. Reports of alleged violations of human rights in the Kurdish regions continue to stream in daily. The number of such violations in Iran appears to be multiplying at an alarming rate. No less troubling are the recent elections in Turkey which have been tainted by widespread allegations of repression throughout the Kurdish southeast both in the lead up to the elections and on election day itself.

Of foremost concern, however, is the impending war in Iraq which, should it take place, will likely result in the untold misery of thousands. We at KHRP reiterate with gravity our call to the international community to join together to dissuade the principle participants in the conflict from the use of violence. Furthermore, we insist that all mechanisms available must be utilised to ensure the safety of civilian non-combatants, and especially Iraqi Kurds whose precarious situation renders them particularly vulnerable in these times of great tension.

I would like to take this opportunity to thank all of those who have helped to make KHRP's work possible over the years. I am particularly grateful to all those individuals, foundations, trusts, governments, and groups who have provided us with the necessary financial resources. Finally, I would like to recognise all the work done by past and present KHRP staff, volunteers, and Legal Team, whose combined efforts have made KHRP the success that it is today.

Kerim Yildiz
Executive Director
December 2002

KHRP celebrates it's 10th birthday at St Paul's Cathedral

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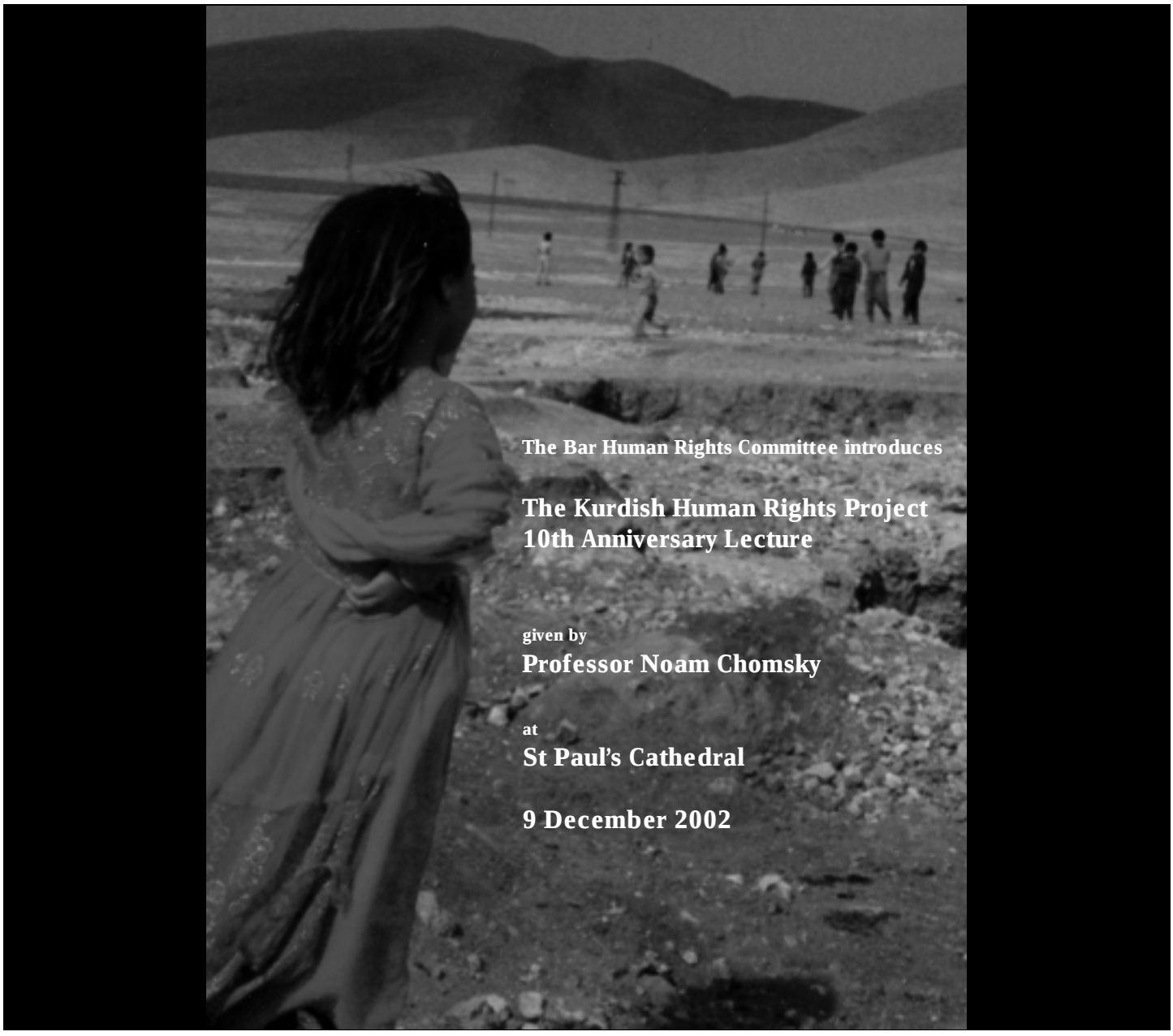

Editorial

2002, KHRP's tenth anniversary year, has proven to be highly eventful for KHRP. Each of our projects has continued to flourish thereby increasing the proficiency of our ongoing effort to combat human rights violations in the Kurdish regions.

In terms of litigation, KHRP's legal team continues to pursue their caseload of applications to the European Court of Human Rights on behalf of Kurdish and non-Kurdish applicants and are currently in the process of dealing with several new cases from Turkey, Armenia, Azerbaijan, and Georgia. Related to this, are KHRP's ongoing series of litigation training seminars which are conducted in various parts of the Kurdish regions to provide lawyers and human rights activists on the ground with practical and theoretical knowledge of the European Court. In light of Armenia and Azerbaijan's recent ratifications of the European Convention on Human Rights, KHRP held numerous such seminars in these regions throughout the year.

In our aim to collect firsthand information on the human rights situation in the Kurdish region and to advocate the rule of law in these areas, KHRP conducted numerous fact-finding missions and trial observations. These related to a broad range of issues, such as repression of women, language rights, State of Emergency Rule, torture, internal displacement, and the potential human rights and environmental abuses posed by large-scale infrastructure projects. Such missions, in addition to the extensive research conducted in house, allowed KHRP to produce an unprecedented number of publications this year containing extensive information of human rights abuses committed throughout the Kurdish regions.

The year shall shortly draw to a close with an event which we at KHRP are all looking forward to – the celebration at St. Paul's Cathedral in honour of KHRP's 10th anniversary. While it has, most certainly, been an exciting year, we continue to stand in trepidation of the upcoming months which will reveal whether or not the impending war in Iraq will come to pass. With 10 years of experience in the fight against human rights abuses, we wish to remind all that should such an event transpire, unimaginable human rights violations will occur, the burden of which shall most certainly be heavy.

EU Releases 2002 Progress Report on Turkey

On 9 October, the European Union issued its 2002 Regular Report on Turkey determining the country's progress towards accession. Releasing the Report in Brussels, Guenter Verheugen, the European Commission Commissioner for Enlargement, stated that to date Turkey had made "substantial progress", but that the country still had much to accomplish before it could satisfy the Copenhagen political criteria for accession.

In its assessment of Turkey's efforts to improve the condition of human rights in the country, the Report referred to the three sets of reform packages adopted by the Turkish Parliament in February, March and August 2002. The Report declared the August package to be "particularly reaching" as it dealt with a wide range of human rights issues, including the abolishment of the death penalty in peacetime, extensions to the right to freedom of expression and association, and reduction in the length of pre-trial detention (see *Newsline 19*, "Turkish Parliament Passes Significant Reform Package").

Despite these efforts, however, the Report concluded that Turkey "*does not meet the political criteria*" required to enter into EU accession talks as the reforms contain numerous limitations, including major restrictions on many basic rights, such as freedom of peaceful assembly, freedom of religion, and the right to legal redress. Furthermore, the Report insists that a number of human rights issues in the country have not yet been addressed in a manner which meets the Copenhagen criteria.

Of notable concern are the ongoing allegations of torture and of extra-judicial killings, particularly prevalent in the Kurdish region of Southeast Turkey. The Report expressed disapproval of the fact that sentences passed on those found guilty of torture or ill-treatment are often light, and that court cases are often prolonged, with many ending unresolved as they exceed the statute of limitations.

Yet another area of concern highlighted by the Report is the high number of cases filed against Turkey at the European Court of Human Rights (ECtHR). The Report details that between 1 October 2001 and 30 June 2002, 1874 applications regarding Turkey were made to the ECtHR. Of these, the majority (1125) were related to Article 6 (right to a fair trial) of the European Convention on Human Rights (ECHR). 304 were concerned with Article 5 (the right to liberty and security), and 246 applications were made under Article 3 (prohibition of torture). 104 pertained to Article 11 (freedom of assembly and association), and 95 to freedom of expression (Article 10). Noting the fact that, "Turkey's failure to execute judgments of the European Court of Human Rights remains a serious problem," the Report affirms that there are 90 cases where Turkey did not ensure fully the payment of just satisfaction ordered by the Court, and 18 cases related to the exercise of freedom of expression, where the authorities did not erase the consequences of criminal convictions violating the ECHR.

With regards to the country's treatment of minorities, the Report approved of the Turkish Parliament's decision to lift the State of Emergency Rule in the Kurdish provinces of Hakkari and Tunceli which took effect as of 30 July 2002. However, given that State of Emergency Rule is not due to be lifted from the provinces of Diyarbakir and Sirnak until the end of the year, the Report recommended that the situation in the Southeast be consistently monitored and that efforts to protect human rights in the region needed to be strengthened. (For more information on the State of Emergency, please refer to KHRP Fact-Finding Mission Report, "The Lifting of State of Emergency Rule: A Democratic Future for the Kurds?", a summary of which is on page 13.)

Omitting to mention a specific date to start accession talks, the Report ended by recommending that Turkey address the outstanding issues of concern and that the country continue to pursue the reform process both in law and practice. Such efforts, the Report concluded, "will enable Turkey to overcome the remaining obstacles to full compliance with the political criteria."

On the day of the Report's release, as described in Turkish Daily News, Turkish Foreign Minister Sukru Sina Gurel stated that he considered the document to be a test of the European Union's sincerity towards Turkey over its decision on setting a date for starting membership talks with Ankara. "The EU is going through a test of goodwill and sincerity and if it fails this test that will reflect adversely on other aspects of Turkish-EU relations." Despite such remarks, however, the Minister indicated that Turkey was not depending on the Report alone to determine the EU's stance towards Turkey, but rather that the country was looking ahead to this December's EU Summit in Copenhagen to set a specific date for Turkey to enter into accession talks.

Commenting on the Report, KHRP Executive Director Kerim Yildiz stated, "The European Union's Report on Turkey is a well balanced overview of the current state of human rights in Turkey. We hope that the participants of the Copenhagen Summit in December will keep the Report's findings in mind, remembering above all, that whatever progress Turkey has made in regards to human rights, gross violations to fundamental rights continue to prevail throughout the country, most particularly in the Kurdish regions of the Southeast."

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including the outgoing tripartite coalition led by Bulent Ecevit, the Democratic Left Party (DSP, nationalist left), the Nationalist Action Party (MHP, ultra nationalist) and the Motherland Party (ANAP, center-right), who, ironically, could have lowered the threshold to 5% in the years prior to these elections, obtained the minimum necessary 10% of the votes to be represented in Parliament. Consequently, the political choice of 45% of the voters will not be represented at the National Assembly. "We have a controversial picture in front of us," said Sedat Ergin, a prominent columnist for the daily newspaper Hurriyet. "Many people could claim the government is not representative."

As for the pro-Kurdish party, HADEP, or in this election, DEHAP (the Democratic People's Party), it achieved 6.2%, obtaining nearly 2 million votes, and was the leading party in the 13 provinces in the Kurdish region. Concerns exist, however, that electoral practice related to pro-Kurdish parties were flawed, calling the independence of the results into immediate question.

Indications of such flaws were clearly discernible not only during the voting process, but also in the lead up to the elections. Most notable was the decision of DEHAP's predecessor HADEP to drop out of the election in September fearing it would be outlawed before the polls on charges by the Turkish government that the party maintains ties with PKK guerrillas who had waged an armed campaign in southeast Turkey until the 1999 unilateral ceasefire.

According to information received by Diyarbakir IHD (Human Rights Association), Lawyers Union, and several party province representatives, on election day itself, many voters in Diyarbakir villages were forced to vote openly. Open voting implies voting carried out without the privacy of a booth, or votes being presented in dozens by the head of a clan or group. Numerous additional reports circulated relating incidents in which military and police forces exerted extensive physical and psychological pressure on voters throughout the Kurdish regions, extending to obstruction of international election observers, threats against those regions which voted for DEHAP, and conversely, rewards to those which did not. Similar incidents were also reported in cities throughout Turkey. Norman Paech, part of a German delegation monitoring the election, told Reuters that he had not

witnessed irregularities before the polls during a visit to other areas in the southeast, but the issues raised by DEHAP officials in Sirnak were troubling.

On the broader question of the victory of the AKP, which has begun to define itself as "Muslim Democrat", it is generally considered that a large proportion of the AKP's vote was cast in protest at the inability of the former coalition Parliament to work together and manage the country's flailing economy. Last year's economic collapse resulted in soaring rates of unemployment, a 50% fall of the Turkish Lira compared to the Dollar, climbing interest rates and chronic inflation. It is also believed that the decision to choose a party which is not in favor with the military National Security Council (MGK), designated under the Kemalist regime as protectors of secularism, was a deliberate counter reaction to persistent military intervention into daily life.

The major unease surrounding the Islamic AKP is that they will impose religious structures on the country. Such concerns relate back to party Chairman Recep Tayyip Erdogan's past as Istanbul mayor from 1994-1998 during which time he banned alcohol from several restaurants. However, as reported in the Washington Post, Erdogan's pledge to respect Turks' "lifestyles" has been seen by many as a promise that the Party will strive to defend the country's secular principles.

Commenting on the election results, KHRP Executive Director Kerim Yildiz stated, "It has been well documented that the Turkish State does not respect internationally accepted election standards and guidelines as outlined by the Copenhagen document and other binding international instruments. If the AKP is to truly reinvigorate the country's decayed and corrupt political system, as some are hoping, the party must start implementing its promises to improve the country's human rights condition which, as the multiple reports emanating from the Kurdish regions demonstrate, is of the most pressing and immediate concern."

KHRP Observes the Trial of Eren Keskin

In September, KHRP in conjunction with the Bar Human Rights Committee (BHRC), sent a fact-finding delegation to Turkey to observe the trial of Eren Keskin, Advocate, Chair of the Istanbul branch of the Human Rights Association (IHD) and founder of the legal Aid Project Against Sexual Harassment and Rape in Custody. Ms Keskin was charged under Article 312, paragraph 2 of the Turkish Penal Code for inciting people to "hatred or hostility on the basis of a distinction between social classes, races, religions, denominations or regions."

The charge under this provision related to a speech given by Ms Keskin at a meeting organised by the Federation of Alevi Associations in Cologne, Germany, on 16 March 2002, entitled, 'Are Women's Rights Human Rights?'. Ms Keskin spoke on the subject of sexual violence directed at women by the State. The indictment alleges that she accused the army of subjecting women to all manner of sexual harassment.

By attending the trial, KHRP and BHRC sought to continue the essential monitoring of this issue undertaken previously by the KHRP delegation visit in December 2001. Please see KHRP 2001 report entitled, "State Violence Against Women in Turkey and Attacks on Human Rights Defenders of Victims of Sexual Violence in Custody". Furthermore, the delegation aimed to expand upon the issues brought to the forefront by the trial, particularly women's rights, Kurdish rights, sexual violence, and the independence of human rights lawyers in the context of the present political situation in Turkey.

The Delegation's report shall be published by KHRP and the BHRC at the end of the year.

KHRP Visits Azerbaijan to Conduct Further ECHR Litigation Seminars

Between 15 - 20 October, KHRP Executive Director Kerim Yildiz, barrister Claire McGuigan, and members of the Bar Human Rights Committee (BHRC), Christopher Jacobs and Bill McGivern, returned to Azerbaijan to conduct ongoing European Court of Human Rights (ECtHR) Litigation Seminars in conjunction with the Helsinki Citizens' Assembly (HCA), following the country's ratification of the European Convention of Human Rights (ECHR) in April of this year.

While in Azerbaijan, the delegation met with government officials, lawyers, members of the press, and activists working in the fields of democracy and human rights. With regard to cases before the ECtHR, there is a general consensus among those met by the delegation that there is a lack of information available in the country. Concerns were expressed that the overall population appears to be unaware of the need to exhaust domestic remedies before attempting to take cases to the Court. Additionally, it was stated that confusion exists between what constitutes as issues to be dealt with locally and which may be considered outside central state control.

While changes are afoot and new codes and mechanisms are being created in the country, such as a disciplinary committee of the Supreme Court, a Human Rights Ombudsman and a Constitutional Court, much anxiety continues to exist over implementation. Apart from the pressing need for general education around the implications of the ECHR, concerns were expressed over the high number of arbitrary detentions which are taking place with little respect for the arrest procedures in the criminal code practices of illegal detention, ill treatment, lack of access to a fair trial, independence of the judiciary, issues of religious freedom, and trafficking.

In regards to the KHRP, BHRC, and HCA litigation seminars, participants welcomed the initiative to train local lawyers, considering it one avenue to remedy the lack of education and information available locally about what the ratification of the ECHR means for the country.

Some issues addressed in the prior training seminars included whether pre-ratification cases could be taken to Strasbourg; what constituted exhaustion of domestic remedies; how the six-months rule works; how the European Convention would apply in relation to Karabakh; issues of refugees and citizenship; remedies available from the Court; legal aid and fees; Court workload and possible reforms monitoring of human rights abuses by the Council of Europe; documents which need to be lodged with the Court; and to what extent State officials would be brought to account following an ECtHR judgment.

Training on this particular visit focused on Article 3 (Prohibition of torture) and Article 5 (Right to liberty and security). Both of the articles were presented and explained in depth followed by a question and answer session, leading to a productive level of interaction. Various concerns were raised particularly concerning the question of admissibility and the exhaustion of domestic remedies with regard to both of these articles.

Overall, KHRP and the BHRC continue to consider the human rights situation in Azerbaijan to be one of concern, particularly with regard to arbitrary detentions and torture. Although new laws have been drafted and new mechanisms are being put in place, it seems that changing practices on the ground will be a significant challenge. However there is much to be done to inform local lawyers of the legal requirements and ensure correct local actions are taken to exhaust domestic remedies.

photo: KHRP conducts European Court of Human Rights Litigation Training in Azerbaijan

photo: The KHRP delegation meets with Faig Gurbanov, Head of the Human Rights Department for the Ministry of Justice of Azerbijan (second from right)

KHRP Travels to Nardaran Following Reports of Alleged Human Rights Abuses

On June 3rd of this year, in the village of Nardaran, Azerbaijan, police reportedly arbitrarily arrested and shot various persons who had engaged in a demonstration on May 7th, 2002, killing one and wounding several others. Concerned by these allegations, KHRP, in conjunction with the Bar Human Rights Committee (BHRC) and the Helsinki Citizens' Assembly (HCA), travelled to Nardaran in October to investigate the incident.

According to the information provided, tensions between villagers and the government had existed throughout the year. The June 3rd confrontation began at around 9pm when police entered and encircled the village. There were allegedly three kinds of law enforcement bodies represented – local police, special rapid reaction forces, patrol police and official police sources admit around 850 police were present. They came from several directions and prevented people going to the mosque. The elders asked the police why they were preventing movement and for permission to pray. The captain made a call on his radio and then denied permission. The people stayed in the square and Mehrab decided to try to lead the people to the mosque. This is when he heard a cry from the police "beat them", and he turned to see the three of the elders being beaten behind him. The villagers consider the choice of the elders as targets was deliberate to ensure maximum provocation of the population.

Before the shooting started, the villagers alleged that they noticed two men not in uniform with guns. They felt they were giving the orders. When the shooting started it came from two different directions, crossing the village. It was at this point that one villager, Ali-Hasan Agayev, was shot dead and several people were injured.

After the confrontation, the villagers brought Agayev's body to the emergency assistance service in the next village, Mashtagi, who refused to take the body. The authorities have never authorised an autopsy for Ali-Hasan. The villagers claim that they later found out that the hospitals in the area were instructed not to give any formal documentation to people killed or wounded by bullets and that many were prepared for an influx of wounded from earlier information. Of those wounded who went to hospital and stayed for treatment, all were arrested. On the day following the confrontation, HCA representatives arrived in the village. The police later surrounded the village again and did not let anyone leave or enter for over a month, including doctors and members of the HCA who arrived later and were not permitted entry.

There are currently 15 people from the village in detention. One of the 15 is mentally retarded and has been since childhood. The village detainees include Jebrail Alizadeh, an important elder, who was kidnapped by masked men from his car in front of his son and grandson, just outside the village in September. The kidnappers held a gun to the head of the grandson to force Alizadeh to leave with them. He has been tortured and detained since. Currently the villagers are terrified to leave the village for fear of arrest and ill treatment. Jebrial Alizadeh's son, Nadir Alizadeh, was allegedly detained for 7 days and tortured during three of those days after he attempted to visit his father in jail to give him food.

Authorities continue to deny responsibility for the death and injuries that resulted from the alleged shooting of the demonstrators.

KHRP, BHRC, and HCA meet with the community of Nardaran

KHRP and Helsinki Citizens' Assembly (HCA) meet with Nardaran community leaders

Rights of Kurds Debated in Syria for the First Time

On 15 October 2002, the Kurdish Democratic Progressive Party of Syria organised the country's first ever political forum on the rights of Kurds in Syria. The forum, held in the country's capital of Damascus, brought together representatives from various opposition parties, Kurdish groups, human rights organisations and NGOs. The discussion, which lasted three hours, revolved around the present condition of Syria's Kurdish population who currently represent approximately 8% of the population

Speakers included lawyer Jemeel Ibrahim who addressed the bleak living condition of Syrian Kurds, drawing attention to the 1962 Hassaka census which deprived tens of thousands of Kurds living in Northeast Syria from the right to hold Syrian citizenship, effectively depriving them of equal opportunities to receive education and find employment.

Another speaker, Jad Abdulkarem, a member of the Syrian NGO "Reviving Civil Society", addressed the issue of autonomy or local administration rights for Kurds, suggesting that in the context of a democratic environment, such structures may be an avenue for future coexistence. Other participants stressed the contrasting view that democracy cannot be achieved in Syria without first resolving the Syrian Kurdish question.

Reference was also made to President Beshar Assad statement of 18th August which most of the participants viewed as positive: "We and the Kurdish people are descendants of the same history and civilisation. All must have equal rights of citizenship and we try to deal with the problems of nationality for those who were deprived of as well as other problems."

The forum, in its distinctive place in the country's history, may be viewed as an encouraging step in the struggle to extend greater rights to Syrian Kurds. However, it must be remembered, as the Syrian Human Rights Committee's 2002 Annual Report aptly illustrates, Kurdish culture in Syria is not recognised and Kurds are consistently denied access to rights which other national and ethnic minorities in Syria enjoy. Thus, while the importance of the 18 October forum is not to be overlooked, a situation in which the rights of Syrian Kurds are violated on an ongoing basis remains a reality.

Iran Executes Kurdish Political Prisoner

According to information received by KHRP, on 8 October 2002, the Iranian authorities executed Hamza Qader, a Kurdish political prisoner from the Kurdish town of Sardasht, who had been in Uromiyeh prison since 1997. KHRP is highly concerned by this incident and considers it indicative of Iran's continuing oppression of its Kurdish population which is in breach of numerous international human rights conventions which the country has ratified.

For decades, Iranian Kurds have been denied access to basic rights, such as the right to be educated in Kurdish, the right to form political and non-political organizations, and the right to cultural expression. The systematic repression of Kurdish women is particularly notable. For example, contrary to the traditionally colourful Kurdish female costume, Kurdish women in Iran are forced to cover themselves completely in dark attire. They are, furthermore, discouraged to take part in any level of the society, and, more seriously, are subject to brutal forms of punishment should they contravene Islamic law.

Such violations take place within the government's general repression of Iranian society which, according to numerous NGO reports, is intensifying at an alarming rate. The number of reports of executions, amputation of limbs, and floggings occurring in recent months evidence an unprecedented increase in the number of flagrant human rights violations committed in the country. According to the OMCT, these are often carried out in public in order to spread fear and intimidation. During one period spanning 17 days, a reported 50 executions and death sentences were issued by the country's clerical regime. The number of executions announced by state-run dailies since the beginning of 2002 has reached 250.

This troubling escalation of violations appears to coincide with this year's UN Human Rights Commission's failure to adopt a resolution condemning human rights violations in Iran, as well as the termination of UN Special Representative in Iran's monitoring activities in April. KHRP shares the concern of the OMCT and numerous other NGOs that the lack of a resolution and the removal of monitoring mechanisms in Iran will result in the continued increase of human rights violations. KHRP urges the international community to call on the United Nations to issue a resolution on Iran and reverse their decision in relation to monitoring mechanisms in the country. Most especially, KHRP requests all to exert concentrated pressure on the Iranian government to cease inflicting gross human rights violations upon its population who have, for too long, suffered the consequences of such crimes.

Update on KHRP Litigation

T.A. v Turkey (26307/95)
'Disappearance' – Referred to the Grand Chamber

This case concerns the 'disappearance', detention, and torture of a Kurdish farmer. On 20 August 1994, the victim was allegedly abducted by two armed men in plain clothes claiming to be police officers, while working in a cotton field near the village of Ambar.

After the incident, the victim's sister reportedly made inquiries to various high authorities requesting to know the whereabouts of her brother. Claiming that she had not been given a satisfactory answer, the victim's sister contacted KHRP and asked that the case be referred to the European Court of Human Rights (ECtHR). Although violations of Article 2 of the European Convention on Human Rights (ECHR) and the obligation to provide adequate or effective investigation were claimed, the ECtHR decided to 'strike out' the case in April 2002.

On behalf of the Applicant, KHRP requested the referral of the case to the Grand Chamber relying on Article 43 para 2 of the ECHR which states that a panel of five judges of the Grand Chamber shall accept a request for a case to be referred to the Grand Chamber if the case raises a serious question affecting the interpretation or application of the Convention or the protocols there to, or a serious issue of general importance. The decision of the Grand Chamber to accept the case on 4 September 2002 is considered very significant in view of the current policy of the Court.

Tepe (Hüdeyda) v Turkey (303192/02)
Extra-Judicial Killing

This case concerns the killing of Safyettin Tepe in August 1995, the cousin of Ferhat Tepe. The death of Safeyettin Tepe has been alleged by the family as one episode in a history of abuse suffered by members of the Tepe families at the hands of Turkish security forces in Bitlis. [See the related case of Isak Tepe (27244/95) which concerns the killing of journalist Ferhat Tepe. There was a fact-finding hearing in October 2000].

Safyettin Tepe, the son of the Applicant was a journalist working in Batman, Turkey for the Yeni Politika newspaper. The victim and his family were allegedly threatened by the police and other state officials to stop the publication of the newspaper. Safyettin Tepe was taken into custody and reportedly tortured and killed. The family members requested KHRP to lodge an Application to the ECtHR on their behalf. Currently KHRP is carrying out further observations and communications with the Court and respondent Government.

Tepe(Talat) v Turkey(31247/96)
Torture/Inhumane and Degrading Treatment

This case concerns the Applicant's complaint that he was the victim of inhumane and degrading treatment and torture while in police custody resulting in a possible violation of Article 3.

The Applicant is a lawyer at the Istanbul Bar and practices in the State Security Courts in Turkey. He also was the president of the TOHAV – the Common Legal Research Foundation. On 9 July 1995, the Applicant was arrested at the Istanbul Airport on his way to Germany. He was handed over to officers at the police centre in the airport. The Applicant was not informed of the reasons for his arrest during the days he was held by state authorities. During his detention, the Applicant was allegedly taken to an interrogation room and accused of aiding and abetting the PKK. It was during this period that the applicant alleges that he was subjected to inhumane and degrading treatment and torture.

The Applicant contacted KHRP requesting assistance to lodge an Application to ECtHR on his behalf. After the registration, the case was declared admissible in January 2002. Further observations were lodged in May 2002. The Government responded on June 2002. The case is pending before the Court.

Varli and Others v Turkey (57299/00)
Freedom of Expression –
Declared Partly Admissible

This case concerns the Applicants' convictions under Art. 312 of the Turkish Criminal Code regarding an alleged statement made by the Applicants regarding the Kurdish situation in Turkey.

In 1996, the Applicants produced a "Letter of Peace and Brotherhood" concerning the treatment of Kurdish people in Turkey. The letter was intended to draw attention to the human violations being perpetrated against the Kurds and to call on the authorities to take action. After convicted by the Turkish State for allegedly committing the offense of arousing "hatred and hostility in society on the basis of a distinction between social classes, races or religions" the applicants contacted KHRP asking for assistance. KHRP lodged an application on behalf of the Applicants, which was registered by the ECtHR on 16 May 2000. On 17 October 2002, the Court declared the case to be Partly Admissible and adjourned its examination of the Applicants' complaints of violations of Art. 6 (1) and (3b), 9, 10, 11 and 14 of the Convention. Before handing down a final decision, the Court will invite the Government to submit observations. Further complaints (Art. 8, 13 and Art. 3 of Protocol 1 of the Convention) have been declared inadmissible under Art. 35 (3) and (4) of the Convention.

Ipek v Turkey (25760/94)
Disappearance

This case concerns village destruction and the 'disappearance' of two Kurdish men in 1994. After the burning and destroying the homes and village of the Applicants, police officers together with other villagers took the sons of the Applicant, Ikram and Servet, to the Lice Gendarmerie. Afterwards, the Applicant received no information about the whereabouts of his sons, although he made several petitions and inquiries to State officials. After the registration of the case and following communication with the Court, KHRP lawyers attended the pre-trial hearing, which took place in Strasbourg at the end of September 2002. This was a chance for the KHRP as well as for the Applicant to convince the Court that a fact-finding hearing is not only necessary to determine this case, but that it could assist the Court in finding the State responsibility for the village destruction. KHRP therefore needed to convince the Court that the proposed witnesses will in fact be willing and able to give evidence and that what they will say will be of high relevance.As a result a fact finding hearing is going to be held by the ECtHR in Ankara from 18-20 November 2002 with the participation of KHRP's legal team from the United Kingdom and from Turkey in the hearing as well as the Applicant and witnesses.

Kanlibas v Turkey (32444/96)
Killing/Torture

On 12 January 1996, the Applicant read a report in the Milliyet newspaper stating that Ali Ekber Kanlibas (the

applicant's brother) was one of five PKK militants killed in clashes with the security forces on 9 January 1996 in the rural area of the Kangal township of Sivas, Turkey. On 13 January 1996, the Applicant allegedly received a license signed by the Public Prosecutor authorising him to take the corpse and bury it. When the Applicant, together with other five people started to clean the body, they allegedly found evidence that the corpse had been subjected to torture.

The Applicant contacted KHRP via the Diyarbakir branch of the Human Rights Association of Turkey. KHRP lodged the Application on Applicant's behalf complaining of violations to Article 3, which was registered on July 1996. After further communications and observations submitted by the Government, the case is still in a pre-admissible stage.

KHRP Sends Delegation to Turkey to Observe Two Trials: 'W' and Torture

Earlier this year, KHRP and BHRC sent a Delegation to Turkey to attend and observe two important and contrasting trials. The delegation initially travelled to Diyarbakir to observe the 'W' trial as part of the ongoing coverage of the denial of Kurdish language rights. The defendants in this action were members of the Diyarbakir branch of the Human Rights Association of Turkey (IHD) who were prosecuted by state authorities due their use of the word 'Newroz' (the Kurdish spelling) as opposed to the Turkish version, 'Nevruz'. While in Diyarkabir, the Delegation had the opportunity to hold meetings with unions, the Human Rights Foundation, political parties, the Diyarbakir Bar Association, the Human Rights Committee and individual Kurdish lawyers. The Delegation then travelled to Sirnak to observe the ongoing efforts of lawyers from the Human Rights Association (including several of those charged in the 'W' trial) in their representation of alleged victims of torture. The Delegation was one of the first to visit Sirnak since the unilateral ceasefire declared in 1999. Please see page 15 for details of the Delegation's report.

photo: KHRP and BHRC Delegation members Peter Lowrie (second from left) and Richard Heller (fourth from left) in Shirnak at the trial investigating allegations of torture

Committee of Ministers Issue Declaration on the European Court of Human Rights

On 6-7 November 2002, the Council of Europe's Committee of Ministers issued a Declaration on the European Court of Human Rights (ECtHR). Recalling its 8 November 2001 Declaration on the Protection of human rights and fundamental freedoms in Europe guaranteeing the long-term effectiveness of the European Court of Human Rights, the Committee expressed concern that the continuing increase in the Court's case-load compounds the difficulties faced by the Court and threatens ultimately to put at risk the effectiveness of the unique right of individual application.

Having further considered the recommendations made by the Evaluation Group on the ECHR and of the interim report of the Steering Committee for Human Rights, the Committee instructed the Ministers' Deputies to take steps to accelerate ongoing work and to present a set of coherent proposals covering on the one hand measures that could be implemented without delay and on the other any possible amendments to the Convention. Priority was placed on preventing violations at the national level and improving domestic remedies;

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Relevant Articles of the European Court of Human Rights

(Note the changes made following the coming into force of Protocol 11)

Convention

Article 2: Right to life.
Article 3: Prohibition of torture.
Article 4: Prohibition of slavery and forced labour.
Article 5: Right to liberty and security.
Article 6: Right to a fair trial.
Article 7: No punishment without law.
Article 8: Right to respect for private and family life.
Article 9: Freedom of thought, conscience and religion.
Article 10: Freedom of expression.
Article 11: Freedom of assembly and association.
Article 12: Right to marry.
Article 13: Right to an effective remedy.
Article 14: Prohibition of discrimination.
Article 18: Restrictions under Convention shall only be applied for prescribed purpose.
Article 34: Application by person, non-governmental organisations or groups of individuals. (formerly Article 25)
Article 38: Examination of the case and friendly settlement preceding. (formerly Article 28)
Article 41: Just satisfaction to injured party in event of breach of Convention. (formerly Article 50)

Protocol No. 1

Article 1: Protection of property.
Article 2: Right to education.
Article 3: Right to free elections.

Protocol No. 2

Article 1: Prohibition of imprisonment for debt.
Article 2: Freedom of movement.
Article 3: Prohibition of expulsion of nationals.
Article 4: Prohibition of collective expulsion of aliens.

Protocol No. 6

Article 1: Abolition of the death penalty.

Protocol No. 7

Article 1: Procedural safeguards relating to expulsion of aliens.
Article 2: Right to appeal in criminal maters.
Article 3: Compensation for wrongful conviction.
Article 4: Right not to be tried or punished twice.
Article 5: Equality between spouses.

The Baku-Ceyhan Pipeline: An Environmental Concern

The Kurdish Human Rights Project, in conjunction with Friends of the Earth, The Corner House, The Baku-Ceyhan Campaign, PLATFORM, Campagna per la Reforma Banca Mondiale and Green Alternatives, has for some time been investigating the human rights implications and nature of the proposed Baku-Ceyhan (BTC) pipeline project being undertaken by a consortium of companied led by BP. If built, BTC would transport possibly a million barrels of oil a day 1,730 km from Baku in Azerbaijan through Georgia and the Kurdish regions of Turkey down to Ceyhan on the Mediterranean coast of Turkey.

The BTC pipeline project raises a number of serious questions. It has major potential implications for the development of democracy and the alleviation of poverty in the region; for transparency and anti-corruption efforts; for human rights, security and the militarization of already volatile areas; for the further indebtedness of the financially unhealthy host nations; for consultation, compensation, resettlement and the appropriate treatment of minority and other groups; and for global climate change.

To facilitate debate about the concerns raised by the project, the KHRP with the other NGOs, organised a "Reverse Fact Finding Mission", a week of events in which delegates from the three host countries of Azerbaijan, Georgia and Turkey exchanged information with their British counterparts and had the opportunity to learn more about UK involvement in the project and BP's role and record. The centre-piece of the week was an Experts' Seminar in the House of Lords on October 28th, attended by an invited audience of over 100 parliamentarians, civil servants, journalists, financial analysts and investors. Speakers included experts with direct experience of BP's operations in Alaska, Colombia and the North Sea and included KHRP's Executive Director, Kerim Yildiz, Tony Juniper of Friends of the Earth, Nick Hildyard of Cornor House, Manana Kochaldze, the Caucasus coordinator of CEE Bankwatch Network, and Metin Kilavuz of the Human Rights Association of Turkey.

photo: Expert Seminar on the Baku-Ceyhan Pipeline at the House of Lords. From left to right: Razi Nurullayev, co-chair of the Society for Democratic Reforms of Azerbaijan; Kerim Yildiz, KHRP Executive Director; Lord Avebury, Seminar Chair and Co-Joint Vice Chair of the All Party Parliamentary Human Rights Group; Charles Hamel, Researcher and expert on BP's Trans-Alaska Pipeline System; Jake Molloy, General Secretary of the Offshore Industries Liaison Committee; Claudia Sampedro, Coloumbian-based lawyer

photo: KHRP holds meeting for the delegates of the Reverse Environmental Fact-Finding Mission

KHRP Attends 2002 OSCE Human Dimensions Implementation Meeting

KHRP has attended the Organisation for Security and Cooperation in Europe (OSCE) Human Dimension meetings since 1992. This year, 55 states attended, as well as observers from Middle Eastern countries, and representatives from the European Union and United Nations. The participants met together to discuss and tackle, among other issues, democratic elections, citizenship and political rights, the Rule of Law, torture, prison reform, minorities, freedom of expression and freedom of association, nationalism racism, xenophobia, ethnic cleansing, migration, refuges, displaced persons, OSCE human dimension activities, trafficking in human beings, and election standards.

KHRP attended the meeting to monitor the progress of OSCE human dimension projects, to continue developing relations and collaborating with the OSCE to address human rights issues, and to intervene on human rights issues of concern, this year, with a special emphasis on the right to free elections. KHRP's focused on the right to free elections by addressing the participants in a formal speech on 18 September centering upon KHRP's concerns regarding the then upcoming general elections in Turkey, which, due to numerous allegations of increasing official action against pro-Kurdish expression, did not appear to be in line with internationally accepted election standards as outlined by the Copenhagen document and other binding international instruments.

photo: KHRP's Executive Director, Kerim Yildiz, and Public Relations Officer, Angela Debnath, at the OSCE Conference in Warsaw, Poland

Ilisu Dam Campaign Nominated at British Environment Awards

In this year's British Environment and Media Awards, attended by KHRP's Kerim Yildiz and Tony Juniper of Friends of the Earth, the Ilisu Dam Campaign was nominated for the Redwood Award for Best Environmental Campaign. The nomination is a tribute to the efforts of all those, including KHRP, who joined together in the two-year campaign to obstruct financial support of the proposed Ilisu dam in Southeast Turkey, which if built would have caused serious human rights violations as well as massive environmental and cultural destruction.

Turkish Court Commutes Ocalan Death Sentence to Life Imprisonment

On 3 October, the state security court in Turkey commuted the death sentence of Kurdish leader Abdullah Ocalan to life imprisonment with no chance of parole or amnesty. Ocalan was abducted in Kenya and convicted of treason in 1999 for his role in the PKK's 16 year guerrilla war against the Turkish authorities. The conflict resulted in the death of over 30,000 people in the mainly Kurdish south-east of the country. Ocalan remains in solitary confinement as the only prisoner on Imrali Island.

The Turkish court's decision was taken in line with the recent reform package passed by Turkey's parliament which, alongside the abolition of the death penalty, also included extended minority rights and greater freedom of expression and association.

The Kurdish Human Rights Project welcomed the state security court's decision. However, the British legal team representing Ocalan before the European Court of Human Rights, stressed the need to place the decision within Turkey's general political context, in particular, Turkey's bid to join the European Union (EU): "The announcement comes at a potentially critical time in Turkey's bid for membership [of the EU]. The European Commission meets next week to review the progress of EU candidate countries, including Turkey, towards meeting EU accession requirements. The timing of the announcement of the decision in the Ocalan case is not merely coincidental. The Turkish state is under considerable pressure to reform its human rights record in order to meet EU accession criteria. The abolition of the death penalty is but one step in this process".

In addition, a ruling from the European Court of Human Rights on the death penalty in Ocalan's case against Turkey was expected imminently. As early as July of this year, the Turkish press reported indications that the Court intended to find against Turkey on this issue, a source of embarrassment that the Turkish state would like to avoid, given the continuing influence Ocalan wields and his focus for Kurdish opposition.

Mr. Mark Muller and Mr. Timothy Otty, members of Ocalan's British legal team, stress that a clear and definitive ruling from the European Court on the use of the death penalty in Turkey remains essential. "Despite the State Security Court's recent decision," states Muller, "the death penalty in Turkey remains part of the Constitution and can be imposed in times of war or imminent war. That means there is still the potential for abuse." Muller refers to the European Court's findings that the Turkish State Security Courts are neither impartial nor independent. "The possibility remains that the Security Court could overrule its own decision in the future." There is an overwhelming need for the European Court to set a clear precedent on this issue to ensure the protection of the fundamental freedoms of all the citizens of Turkey.

"Honour" Killings: A Scourge of Society

by Anke Stock

When the story of the killing of a young Kurdish woman by her own father in Sweden hit the European press in the beginning of 2002, the public was shocked. These crimes against women were either unknown to the Western European public or only known to happen in very traditional Islamic societies as so-called "traditional or cultural practices".

Until recently, violence against Kurdish women has not been an issue of major public interest. However, the trial against the Kurdish lawyer Eren Keskin for her commitment to the project "Legal Aid for Women Raped or Sexually Assaulted by State Security Forces" increased the regional as well as international recognition of crimes, which are committed against women on the basis of their sex and their ethnicity. On the grounds of ethnical discrimination, Kurdish women are at particular risk for the perpetration of sexual violence by the State. Cases of sexual violence in custody or outside custody by state agents are the result of the abuse of state powers. These crimes are imputable to the State itself, which can be hold responsible. In the case of "honour" killings, however, the perpetrators are generally male relatives (often the father or the brothers) or the husband of the victim. Thus, these killings take place within the domestic sphere and are much more likely to be seen as traditional "punishments" or conflict solutions beyond any ethnical discrimination.

What are "honour" killings? According to Yasmeen Hassan "honour" killings are acts of murder in which a woman is killed for her actual or perceived immoral behaviour, which can include extramarital affairs, choosing her own marriage partner, demanding a divorce or even speaking to men. The United Nations' Committee on the Rights of the Child (UNCRC) notes that often both victims and perpetrators are minors. The perpetrator kills the "unchaste" woman on orders of family elders, who decide on the "punishment" often weeks before the actual killing takes place. While the victims of "honour" killings are overwhelmingly female, tradition dictates that males involved in the "crimes" should face death as well. The roots of the killings of men are described as "blood feuds". But men are often given the chance to flee or even to pay compensation to the family of the female victim.

The murder of a female family member is justified with the upholding of the collective honour of the family. The concept of honour for men is mainly perceived as the man's social standing in the public sphere and is largely determined by his own behaviour and the behaviour of his family. Patriarchal tradition gives the male of the family the total responsibility over his female family members and establishes him as the sole protector. Therefore, the sexual purity of the mothers, wives, daughters and sisters of a man are perceived to be of utmost importance for his honour and his social acceptance.

"Honour" killings tend to be more prevalent in countries with a majority Muslim population, e.g. Pakistan, Jordan, Palestine territories, Iraq, Iran, Syria and Turkey, but occur also in other parts of the world, such as Brazil. Throughout the world about 5,000 women and girls are killed by their family members every year. 300 alone are killed in Pakistan every year and about 25 per year are murdered in Jordan. There has been an increase in the number of honour killings in Iraqi Kurdistan since the establishment of the Kurdish Administrative Area (KAA) in 1991. In Turkey, the city Sanliurfa close to the Syrian border is known as the capital of "honour" killings, but the brutal practice has spread to the rest of the country through migration.

According to Gökçeçiçek Yurdakul of the University of Toronto, reasons for the practice of "honour" killings can be found in the social constructions of traditional societies which perpetuate gender inequalities. The murders take place because existing patriarchal rules of the society are not obeyed. These unwritten rules are often reflected by state institutions and by the domestic legal system. Therefore, in many countries the perpetrators do not face prosecution or any legal consequences. In Turkey individuals who commit "honour" killings are charged with the crime of murder, but they can take advantage of sentencing provisions that allow a decreased sentence for young age or "extreme provocation". Judges often apply the sentencing provision of "extreme provocation" in order to include traditional customs and the concept of honour, which leads to reduced prison sentences or even impunity for the perpetrators. Furthermore, the perpetrators deny in court any joint family decision and therefore, the real instigators of the killing, the family elders, are never brought to justice.

The phenomenon of impunity demonstrates that state authorities frequently do not face domestic legal obligations to prosecute "honour" killings, or tend to apply them inappropriately, as in the case of Turkey. Turkey, in particular, can be held accountable due to its numerous international obligations under, for example, the European Convention on Human Rights (ECHR), the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW, the UN Convention on the Rights of the Child (CRC) and the UN Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

In general, the adoption by the UN General Assembly's Third Committee in November 2000 of a Draft Resolution on Working towards the Elimination of Crimes against Women Committed in the Name of Honour demonstrates an overall increasing level of awareness of the phenomenon of "honour" killings in the sphere of international human rights law. At the end of this year, the UN Special Rapporteur on Violence Against Women, Ms Radhika Coomaraswamy, is going to visit Turkey. Her visit will hopefully have an impact on the handling of cases of "honour" killings by prosecutors and judges. However, a legal solution is not in and of itself enough to tackle the problem. The roots of such heinous crimes lie in the very heart of those traditional and patriarchal societies which commit them. Thus, a radical amount of education is required to alter the perception of gender and sex in such societies in a way that shall lead to the empowerment of women rather than their subjugation.

KHRP Travels to Armenia to Conduct Ongoing European Convention Training Seminars

In October, KHRP Executive Director Kerim Yildiz, Vice President of the Bar Human Rights Committee (BHRC) Mark Muller, and BHRC members Ajanta Kaza and Declan O'Callaghan, travelled to Armenia to carry out a second set of European Convention training seminars initiated by KHRP and BHRC in conjunction with the International Bar Association of Armenia (IBA). These seminars were initiated following Armenia's ratification of the European Convention on Human Rights in April 2002 in order to inform both practitioners and the general Armenian public on European Court practice and procedure.

In this seminar, the thirty four participants consisted of mainly lawyers, post-graduate law students, and NGO representatives. The seminar was well organised and deemed a success, involving lively discussions on all areas related to the European Court.

The KHRP manual, Taking Cases to the European Court of Human Rights, together with copies of the European Convention (translated into Armenian) and other relevant materials were distributed to those attending. All the participants showed willingness to receive further training in the future noting that the KHRP, BHRC, and IBA seminars conducted to date had been both informative and useful.

While in the region, KHRP and the BHRC had several meetings with lawyers, human rights activists, NGOs, representatives of the Cassation Court, representatives of the Armenian Kurdish community, and government officials, including the Head of the Commission of Human Rights to exchange views regarding Armenia's human rights situation and the ECHR.

KHRP is pleased to announce that, during the visit, KHRP and the International Bar Association entered into a formal partnership to work together on ECHR related issues in the future.

photo: KHRP Executive Director, Kerim Yildiz (left), and BHRC Vice-President, Mark Muller (right), meet with David Harutunyan, Minister of Justice

photo: KHRP delegation with Hovannes Asyrian, Head of the Armenian Commission of Human Rights Protection

photo: KHRP conducts European Court of Human Rights Litigation Training in Armenia

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optimising the effectiveness of the filtering and subsequent processing of applications; and improving and accelerating execution of judgments of the Court.

KHRP welcomes the Declaration of the Committee of Ministers as a means to furthering effective monitoring of the European Court. As reported in past issues of Newsline (see Issue 15/16 and 17), KHRP has been instrumental in bringing together NGOs in the UK to lobby on the proposed reforms of the ECtHR and along with other leading human rights organisations including Amnesty International, Liberty, the AIRE Centre, Nottingham University Human Rights Law Centre and Interights, developed an NGO sign-on group in response to the ECtHR Evaluation Group. (Please see below for an excerpt of the NGO's Response to the 2001 Report of the ECtHR Evaluation Group.) KHRP continues to play a leading role in the efforts of the sign-on Group to monitor the reform of the ECtHR and is pleased to announce that, to date, the group has 53 signatories.

Excerpt from the NGO's Response to the Report of the Evaluation Group on the European Court of Human Rights:

"We, the undersigned NGO's, submit the following response to proposals to reform the European Court of Human Rights by the Evaluation Group on the European Court of Human Rights, in its report published on 27 September 2001.

We consider that in assessing proposals to reform the European Court of Human Rights, the overriding principle should be that the Court must provide applicants with an effective and accessible remedy in respect of violations of the European Convention. In order to do so, the Court, including the Registry, must be adequately resourced. The Court must be in a position to provide binding determinations of the merits of individual cases where it is alleged that a Contracting State has failed to comply with its obligation to secure the rights and freedoms established by the Convention. This also requires transparency both of the process and the outcome, and that there should not be unlimited judicial discretion."

For the full text of the NGO Response Report, please see Newsline Issue 17.

New KHRP Reports

Damning Indictment: How *the* Yusufeli Dam *Violates* International Standards *and* People's *Rights* - The Final Report of a Joint International Fact Finding Mission by KHRP, Ilisu Dam Campaign, The Corner House, Friends of the Earth International, and France Libertes.

This report details the findings of an international Fact-Finding Mission, which visited the site of the proposed Yusufeli dam and hydro-electric project, on the Çoruh river in northeast Turkey, in April 2002. When construction, resettlement and road reconstruction costs are added together, the estimated costs of the 540MW Yusufeli project could well exceed $3 billion. It would directly displace 15,000 people and significantly impact the lives of up to 15,000 more, as well as exerting a profoundly deleterious effect on the Çoruh river and the local ecosystem, a largely pristine area rich in wildlife. The Mission visited the region to investigate various concerns raised about the project, and to determine the extent to which it meets international standards, particularly those set out in the World Bank Safeguard policies and in the recommendations of the World Commission on Dams.

In the wake of the Ilisu Dam project and the highly successful campaign (which involved a coalition of numerous NGOs and public interest groups of which KHRP was one) to prevent its construction, the Yusufeli proposal is viewed as significant for a number of reasons. Many of the concerns that motivated protests against Ilisu have been raised about Yusufeli: inadequate consultation with affected people; failure to consider appropriate alternatives; flawed or undisclosed environmental and social assessments and resettlement plans; corporate governance failures and insufficient standards in export credit agencies and other funding institutions; lack of consideration of the project's impact on cultural history and social practices.

The accomplishments of the Ilisu Dam Campaign demonstrate that such projects can be successfully challenged, and that given sufficient public diligence, there are ways and mechanisms of enforcing the accountability that such projects, and indeed such bodies which provide funding to these projects, badly need. That is the lesson that has been taken from the Ilisu experience, and that also may be applied to the Yusufeli project, and indeed to all such projects in the region and beyond.
(ISBN 1 85750 344 9)

The Ilisu Dam: Displacement *of Communities and the* Destruction *of* Culture – A KHRP, National University of Ireland, Ilisu Dam Campaign, and Corner House Joint Report

The Ilisu Dam, a key component of Turkey's Southeast Anatolia Project (GAP), has achieved international notoriety and has been effectively halted, as a result of determined campaigns in Europe and Turkey. The Dam would have resulted in yet further displacement of the mostly Kurdish population in the Ilisu area, up to 78,000 people, as well as untold damage to their environment, health and cultural heritage. The governments who considered the provision of credit for the Dam laid down five conditions which were never met by the Dam's planners. In June 2001, two members of the Ilisu Dam Campaign and an archaeologist undertook a fact-finding Mission to the region where the Dam was to be built, seeking to examine the effects of the Dam on those most affected by it, particularly women and those already displaced from the area by war, poverty and repression. The Mission also aimed to investigate the potential cultural destruction that the Dam could cause. This report documents crucial findings on the continuing failure to consult and inform affected communities about development projects that may enormously impact their lives.

Why publish another report on Ilisu now? Despite the victory of the Ilisu Dam Campaign and others in drawing attention to the human rights disaster that this Dam would have constituted, the Turkish state seems determined to press ahead with this and other similar projects in the Kurdish regions and elsewhere in Turkey. Notwithstanding the withdrawal of three companies and the Union Bank of Switzerland from the Ilisu consortium, a number of companies remain involved. The US, EU countries and others may still be required to consider export credit for the project. The UK's export credit department, the ECGD, has gone so far as to say that it would consider any new proposal on Ilisu based 'on its merits'. This is an astonishing revelation of the extent to which the lessons of Ilisu continue to be ignored resulting in the ongoing violation of the rights and needs of communities affected by this and other development projects.
(ISBN 1 900175 52 5)

Taking Cases to the European Court *of* Human Rights: A *Manual – Azeri* Translation

As part of KHRP's expanding litigation work in the Caucasus region, KHRP, the Bar Human Rights Committee (BHRC) and the Helsinki Citizens Assembly of Azerbaijan have translated this important manual into Azeri to aid and inform practitioners and the general Azeri public on practical matters related to the European Court of Human Rights.

Originally written by KHRP Executive Director Kerim Yildiz and Solicitor and Lecturer of Law Philip Leach and published jointly by KHRP and BHRC, the Manual provides a brief history of the European Convention on Human Rights which was the first Convention adopted by the Council of Europe in 1950 and is integrally linked with the founding principles of the organisation. These principles, which are implicitly stated in the Council of Europe Statute are the promotion of pluralist democracy, the respect of the rule of law and the protection of human rights and fundamental freedoms.

For mostly, the manual provides commentaries on the practice and procedure of the European Court, as well as including key texts such as the Convention itself, the Court's application form and a table of legal aid rates. Following upon Armenia's ratification of the European Convention on Human Rights on 26th April 2002, it is hoped that this

translation will act as a guide to practitioners taking their first cases to the European Court.
Available only in Azerbaijan

'W' *and* Torture: Two Trial Observations – A KHRP, BHRC, and IHD Joint Publication

In July 2002 two London based Barristers, Richard Heller and Peter Lowrie, travelled to Turkey as a KHRP and BHRC delegation to attend and observe two important and contrasting trials. Firstly the delegation travelled to Diyarbakir to observe the 'W' trial as part of the ongoing reportage of the denial of Kurdish language rights. The defendants in the action are members of the Human Rights Association of Turkey (IHD), an organisation with which the KHRP and BHRC have close links. The case concerns IHD Diyarbakir Branch's use of the word 'Newroz' (the Kurdish spelling) as opposed to the Turkish version, 'Nevruz'.

The delegation then went on to observe the ongoing efforts of IHD lawyers (including several of those charged in the 'W' trial) in their representation of alleged victims of torture. The delegation focused on torture in two aspects of the mission. Firstly, they visited the Diyarbakir office of the Human Rights Foundation of Turkey (TIHV) which is one of five treatment and rehabilitation centres for torture victims in different parts of the country. Secondly, the delegation travelled to Sirnak to observe proceedings in which five security personnel and six doctors have been indicted in relation to allegations of torture on six Kurdish civilians. The delegation therefore had the opportunity to assess recent statistics on allegations of torture in Southeast Turkey, hear accounts of torture first hand from victims, and assess the efforts of the legal process to address the problem of impunity and tolerance.

The delegation was able to observe the pressures on human rights lawyers who were defendants one day and representatives the next. On a wider scale the delegation was able to assess the implications of the unilateral ceasefire in people's daily lives and whether or not the human rights situation has improved in 2002. Observing the ongoing trial in Sirnak presented the delegation an opportunity to give an overview of the problems facing victims of torture who assert their right to justice and to formulate suggestions on how this gross violation of human rights must be addressed.
(ISBN 1900175 533)

The Lifting of State of Emergency Rule: A Democratic Future for the Kurds?

From 13th to 20th August 2002, KHRP in conjunction with the Bar Human Rights Committee of England and Wales (BHRC) sent a fact finding mission to investigate the human rights situation in the South East Turkish provinces of Tunceli, Bingöl, Mu_, Van, Hakkari and Diyarbakir. The object of the mission was to evaluate the effect of recent legal and administrative changes in the Kurdish regions, principally the recent lifting of Emergency Rule, known locally as OHAL, in certain districts. The mission also looked at the enactment of Turkey's recent democratic reform package which, if properly implemented, may significantly liberalise certain provisions that have long been a source of conflict and complaint by those subject to them. Moreover OHAL is to be lifted in its entirety in the region by the end of this year, thus at least symbolically and formally opening a new era in what has been for the past 15 years effectively a war zone.

This report is a rich documentation of the Mission's experience and findings, and includes a detailed analysis of the troubling conclusion that despite the formal lifting of OHAL from much of South East Turkey, most of the region's inhabitants remain literally under a police state.
(ISBN 1 900175 54 1)

Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System –

A joint report by KHRP, Platform, The Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale, and CEE Bankwatch Network.

This is a study of a system of oil and gas pipelines that hasn't yet been built. The pipeline's systems backers intend to build the pipelines through Azerbaijan, Georgia and Turkey between early 2003 and late 2005. The project comprises two pipelines, one oil and one gas, both starting near Baku in Azerbaijan on the Caspian Sea and passing through Tbilisi in Georgia. The Baku-Tbilisi-Ceyhan (BTC) oil pipeline is being promoted by a Sponsor Group, a consortium of oil companies led by BP. The South Caucasus (gas) Pipeline (SCP) is being promoted by a slightly different (though overlapping) consortium of oil companies, also led by BP. The complete system is referred to as the Azerbaijan-Georgia-Turkey pipelines system – AGT for short.

At the moment, the pipelines system is in the pre-construction phase: it exists only in the imagination of the companies and governments that are backing it. Many of the individuals who have the greatest oversight of the pipelines system work far away from the Caspian Sea in cities such as London, New York and Washington, DC. But it is extremely difficult to imagine what the pipelines will be like, and the effects they will have over at least the next two generations. This study attempts to assist this process of imagination by asking and trying to answer some of the most pressing questions related to the project such as: How safe would the AGT pipelines system be for the environment? Would the pipelines system exacerbate conflict? Would the people living along the AGT pipelines system actual benefit?

Upcoming KHRP Reports

- KHRP Legal Review – 2nd Issue
- European Court of Human Rights Manual: Armenian Translation
- Repression of Women in Turkey – Trial Observation Report
- Turkish Translations of:
  - Internally Displaced Persons: The Kurds in Turkey
  - Downstream impacts of Turkish Dam Construction on Syria and Iraq
  - Denial of A Language: Kurdish Language Rights in Turkey
  - KHRP Legal Journal Issue I

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Fax: 020 7734 4927
Email: khrp@khrp.demon.co.uk

Calendar of events

9 December
KHRP Tenth Anniversary Lecture by Professor Noam Chomsky

10 December
Human Rights Day 2002

12 – 13 December
Council of Europe Meeting, Copenhagen

20 – 21 December
EU Plenary Session of the Convention on the Future of Europe, Brussels

13 – 31 January 2003
UN Committee on the Rights of the Child, 32nd Session, Geneva

20 January – 28 March
UN Conference on Disarmament, 1st Part, Geneva

3 – 7 February
International Criminal Court, 2nd Assembly of States Parties, New York

17 - 18 February
European Council Steering Committee for Human Rights Seminar on proposals to reform the ECtHR, Strasbourg

20 – 21 February
OSCE Parliamentary Assembly Meeting, Vienna

19 – 23 March
Third Mediterranean Social and Political Research Meeting, Florence

31 March – 3 April
Conference: Political, Economic and Social Reform in the Arab World, West Sussex

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Designed by
Eitan Buchalter
Printed by Jamm Print and Production.

Project information

The organisation
The KHRP is an independent non-governmental organisation committed to the protection and promotion of the human rights of all persons in Turkey, Iran, Iraq, Syria and the former Soviet Union. KHRP's founding members include human rights lawyers, barristers, accademics and doctors. Its supporters includes Kurds and Non-Kurds.

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

Aims

- Promote and protect the human rights of all persons in the Kurdish regions regardless of race, colour, gender, religion, language, political persuasion or other belief or opinion.
- Promote awareness of the human rights situtaion in the Kurdish regions.
- Procure the abolition of torture by state authorities through the region.
- Raise public awareness of the plight of the Kurdish people everywhere.

Methods

- Monitoring legislation, including emergency legislation, and its application.
- Conducting investigations and producing reports on the human rights situation of the Kurds in Turkey, Iran, Iraq, Syria and the Caucasus 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 Commission of Human Rights.