

# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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## International NGOs Collaborate on Fact-Finding Mission on Media Freedom in Turkey

In July, KHRP undertook a fact-finding mission to Turkey in conjunction with Article 19, Index on Censorship, the Bar Human Rights Committee of England and Wales and the Centre for European Studies at the University of Limerick, Ireland. Its aim was to investigate the current situation with regard to freedom of the media. During the 8-day mission, the delegates visited Istanbul, Diyarbakır and Batman, and met with a cross-section of representatives from broadcasting, print and online media, as well as with state officials, local lawyers and civil society groups. In particular, the mission was interested in finding out about the impact of the harmonisation package introduced as part of the EU-Turkey



ABOVE (Left to Right): Mission members Edel Hughes, Louise Christian and Pranjali Acharya with Sezgin Tanrikulu, Chair of Diyarbakır Bar Association.

accession negotiations, especially on Kurdish, socialist and Islamist oriented media (reportedly the main targets of violations due to sensitivities to their discussions of the Kurdish question and/ or their socialist/ Islamist agendas).

The mission found that while there had undoubtedly been an improve-

ment as part of the reforms of 2003-2004, there has since been a substantial and rapid regression in media freedom. This was mainly attributed to the slow-down in the EU reform process, the passing of new legislation and, crucially, the manner in which this legislation is

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## KHRP Observes Hrant Dink Murder Trial

In issue 37, Newsline reported the murder of Hrant Dink, the late editor of *Agos* newspaper and one of Turkey's most outspoken advocates of multiculturalism and human rights. Mr. Dink was gunned down outside *Agos'* offices in Istanbul in January 2007. At the time of his death he was being prosecuted under Article 301 of the Turkish Penal Code for "insulting Turkishness". Mr. Dink had been receiving death threats as a result.

On the 2nd and 3rd of July, KHRP sent Legal Team members Louise Christian and



ABOVE: Hrant Dink, photographed during KHRP interview, December 2005.

Edel Hughes to Istanbul to observe the Dink murder trial in cooperation with Article 19 and Index on Censorship. However, due to the alleged murderer being under 18 and therefore a minor, the public, including KHRP's delegation, were barred from the proceedings. Unable to access the trial itself, KHRP

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## Director's Letter



Dear Friends,

A summer ripe with activity comes to an end here at KHRP with an equally busy autumn on the horizon both here in our London offices and with our partners across the Kurdish regions.

KHRP has closely monitored developments across the regions over the past three months, and their possible implications for regional stability, democracy and human rights. From the constitutional crisis suffered by Turkey in late spring and early summer have emerged a new parliament and a new president. From the Kurdish point of view developments in this regard have been largely positive, with Kurdish MPs present in parliament for the first time in 14 years. This may open the door to better dialogue between the Kurdish leadership and the ruling party. In the border regions tension continues. With ongoing clashes between the Turkish army and the PKK, the threat of an incursion into Kurdistan, Iraq is not yet off the cards.

In Kurdistan, Iraq, there have sadly been some very negative developments.

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# Semdinli Re-Trial - Observers Fear Impunity

In July KHRP sent Legal Team member Sandra Conway to observe the re-trial of the alleged Şemdinli bombers. Ali Kaya and Özcan İldeniz, both officers in the Turkish security forces, were originally handed long sentences for the bombing of a Kurdish bookshop in Şemdinli but had their convictions overturned on appeal. Although the judge cited unsafe evidence in the first trial, the move prompted claims that the establishment could not be trusted to try its own people impartially, especially



when the bombing targeted a Kurdish bookshop. Concerns about impartiality were justified when on 14 September it was reported that a Van court decided that jurisdiction for the re-trial should be handed to a military court.

A full report of the trial observation will be published shortly.



ABOVE LEFT: Van Heavy Penal Court, the venue for the opening of the Şemdinli re-trial hearing.  
ABOVE: Mission member Sandra Conway with Cüneyt Caniș, head of İHD, Van Branch.

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## Director's Letter

The mass murder of over 500 Yazidi Kurds in Şengal in August has raised the fear that sectarian and ethnic violence has spread to Iraq's Kurdish regions. The summer has also witnessed further evidence of the grave deterioration in the human rights situation in Iran, particularly in its Kurdish regions. In the past months Iran has been carrying out repeated artillery strikes on Kurdish villages and farms straddling the Iraqi border which have resulted in the displacement of thousands and the destruction of their homes and property. This situation is an unjustifiable violation by Iran of Iraqi sovereignty and international law, which worsens the already enormous problem of internal displacement in the region. The plight of Kurdish journalists Adnan Hassanpour and Hiwa Butimar, on death row and hunger strike after an unfair trial, has also gained international attention. KHRP has worked tirelessly to raise their case on the international stage, sending communications to the UN and directly to General Secretary Ban Ki-moon. Sadly, the current plight of Messrs

Hassanpour and Butimar is but one example of the grievous human rights abuses occurring in Iran on a daily basis. It is imperative that greater pressure is brought to bear on the Iranian government to stop such abuse.

The season saw KHRP dispatch two missions in July to observe the trial of the alleged conspirators in Hrant Dink's assassination and the re-trial of Turkish soldiers accused of the notorious Şemdinli bombing. Both trials cut to the heart of issues of judicial independence and state impunity in Turkey. With regard to the Şemdinli bombing, recent news of the controversial decision to continue the re-trial in a military court only underscores the importance of continued scrutiny of the affair. The question of state impunity also emerged in August with the opening of proceedings against Gültekin Sütçü, a former member of Turkish security forces thought to be responsible for the murder in custody of Mehmet Şerif Avşar in 1994. This murder was the subject of a groundbreaking KHRP case at the European Court of Human Rights which in 2002 found Turkey in violation of the right to life. As with the Şemdinli

bombing, the trial against Sütçü is a further test of Turkey's ability to impartially try state agents for gross violations of human rights.

In July we also conducted a fact-finding mission with our colleagues at Index on Censorship, Article 19, the Bar Human Rights Committee of England and Wales and the University of Limerick to assess the limitations on freedom of the media in Turkey in light of the recent slowdown in the reform process there. Early autumn will see the publication of comprehensive reports on all three of our summer missions.

KHRP has continued in its commitment to supporting the work of fellow human rights defenders not only in Kurdistan, but internationally. In July Deputy Director Rachel Bernu was invited to Zambia to speak at a workshop hosted by SADC and Zimbabwe Lawyers for Human Rights where KHRP was called upon to relate its extensive experience in trial observation and reporting. Trainings feature strongly in our plans for the autumn and winter seasons also, with several sessions on European Court litigation planned in Oslo, Şırnak and Van in the coming months.

KHRP also hopes to repeat the enormous success of last year's Cross-Border training this November, holding the week's activities this time around in Kurdistan, Iraq. KHRP's Legal team has coupled this training programme with ongoing work on our caseload at the European Court of Human Rights, including cases on the right to life, freedom of expression and torture

In the coming months KHRP's coverage of events in the regions, as well as news of its ongoing work in fact-finding, litigation and training, will be more accessible than ever with the launch in September of our brand new website and online shop. The new site will provide better access to information about KHRP and its continuing work to promote and develop justice, equality and the rule of law in the Kurdish regions. This work would not be possible without the dedicated backing of our many supporters and funders. I would therefore like once again to extend to them our warmest thanks as we enter the autumn season.

Kerim Yıldız  
Executive Director  
September 2007

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### **KHRP Takes Part in Fact-Finding Mission on Freedom of Media in Turkey**

being interpreted and applied by the state apparatus.

Clearly, there has been much discussion of the high profile prosecutions against intellectuals such as Orhan Pamuk and Hrant Dink for their alleged 'denigration of Turkishness', under Article 301 of the new Turkish penal code. However, the mission was interested to hear of the many lesser known cases brought against journalists in the Southeast under other articles of the penal code, particularly Article 220 (8), on 'praising illegal organisations', and Article 218. One source estimated that there were six times as many prosecutions in Diyarbakır alone under Article 220 (8) and relevant provisions than under Article 301 across Turkey as a whole, with Article 301 said to be used against the Turks, and Article 220 (8) against the Kurds.

In particular, the mission was concerned to hear consistent reports of Kurdish newspapers being closed or threatened with closure. For instance, despite KHRP's success in representing the pro Kurdish paper *Özgür Gündem* before the European Court of Human Rights in 2000, it is one of several newspapers that continue to be repeatedly shut down for short intervals, with notices of closure at times issued in advance of their reinstatement. At the time of the mission, it had already been shut down twice in 2007 (see details of recent closures in the article on p9). Furthermore, delegates were disturbed to hear of the numbers of



ABOVE LEFT: Mission meeting with Abdullah Yetik, of *Mizgin*, a monthly Islamist-oriented magazine focusing on the Kurdish question. Left to right: Abdullah Yetik of *Mizgin* Magazine with mission members Edel Hughes and Pranjali Acharya.



ABOVE RIGHT: Mission meeting with *Özgür Radio*, a Socialist radio station which recently suffered closure and the imprisonment of several of its executives. Left to right: mission member Edel Hughes with Songül Özbakar, executive of *Özgür Radio*.

journalists being prosecuted or imprisoned, sometimes with long periods of detention without trial, and unaware of the charges being made against them.

The mission also learnt of very substantial restrictions on the use of Kurdish language in broadcasting and news, although the lifting of restrictions in 2003/4 was lauded as one of the major achievements of the EU accession process. While regulations no longer ban Kurdish outright, the costly obligation of providing simultaneous Turkish subtitles or having an equivalent Turkish broadcast immediately follow a Kurdish programme, render live broadcasts in Kurdish practically impossible. Heavy fines for failing to meet these requirements have forced many Kurdish language broadcasters to shut down. The mission also learned that Kurdish language broadcasting is not permitted during the weekends and during the weekdays this must be limited to just 45 minutes per day. The mission was shocked to hear further reports that Kurdish language broadcasts need to have

advance approval as to their content and preparation.

Though the situation was comparatively much better than in the 1980s and 1990s, there was widespread acknowledgment that the current climate is causing fear of a return to the 'dark years'. Journalists and reporters, with whom the mission met, conceded that while they would continue to fight injustice, many would likely practice a degree of self-censorship in the face of such repression. The mission has called on the Turkish authorities to urgently lift its restrictions on Kurdish language broadcasting and to repeal laws which stifle free speech and prevent Turkey from functioning fully as a democratic state. The mission further urges the European Union to uphold its commitment to the reform process by resuming Turkey's accession bid and by continuing to closely monitor its performance, particularly with regard to freedom of expression.

A full report of the mission will be made available shortly.

## **Outbreak of Cholera in Kurdistan, Iraq**

A cholera outbreak announced in late August 2007 in Iraq's Kurdish regions raises further concerns about the deteriorating infrastructure in the region. The outbreak is mainly affecting Sulaymanya, Kirkuk and Erbil, with over 4,000 suspected cases of the disease. With 47 confirmed cases in Tamin prov-

ince and 35 in Sulaymanya, UNICEF has delivered thousands of cannulae, needles and sachets of Oral Rehydration Salts (ORS). The World Health Organisation proceeds to monitor the water quality in the region as the numbers of those infected and reported cases of diarrhoea continue to mount. Local health au-

thorities fear the outbreak could spread southward to the central province of Salahuddin and even towards Baghdad. Water shortages are a problem across Iraq; nearly 70 per cent of Iraqis have inadequate water supplies and only 20 per cent have access to appropriate sanitation. This shortage of fresh water supplies is

putting many at further risk of disease through contaminated drinking water. KHRP calls on all international organisations present in the region to step up efforts at improving water and sanitation systems and providing medical assistance in order to put a halt to the epidemic.

# Sectarian Violence Hits Iraq's Yezidi Kurdish Community

Sectarian violence marked its arrival to Iraq's Kurdish regions with the murder of more than 500 Yezidi Kurds in a series of suicide bomb attacks on the 14th August in two villages near Mosul. The attack carried the highest death-toll of any single assault since the US-led invasion of Iraq in 2003. According to an Iraqi Interior Ministry spokesman, two tonnes of explosives were used in the massacre.

It has been suggested that the attack was in retaliation to the "honour" killing of Du'a Khalil Aswad, a seventeen year old Yezidi girl stoned to death for allegedly falling in love with a Sunni and converting to Islam in April of this year. Others suggest that



ABOVE: Men dig through rubble to search for survivors and dead after the bombing.

the attack is the result of a change of tactics by armed groups who are now seeking 'softer' targets since March's 'surge' of US troops in Baghdad.

Despite its relative stability up to now, development in Iraq's Kurdish regions remains extremely uneven. This was highlighted by the fact that a lack of resources

meant local authorities did not have the capacity to search the rubble at sufficient speed. This is thought to partly explain the high death-toll, which rocketed from an estimated two-hundred on the day of the bombings to over five-hundred by the 19th August.

The victims now have to rebuild their homes and

their lives in a climate of escalating fear and violence. It remains to be seen whether this incident will remain an isolated event or a chilling symbol of a new wave of violence in Iraq's Kurdish regions. According to the Iraqi constitution, a referendum in Kirkuk is to be held before the turn of the year which will decide whether or not it will become part of the autonomous Kurdistan Regional Government. The approaching deadline could explain the timing and focus of this attack. If this is the case then it seems likely that we will see further bloodshed before the Kirkuk issue is settled as Iraqi insurgents look to undermine the security of the previously relatively stable Kurdistan region.

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## Villagers Forced to Flee Homes as Iran Shells Kurdistan, Iraq

In assaults beginning in the middle of August at least a thousand Kurdish families have been forced to flee their villages in the Qandil mountains in Kurdistan, Iraq by shells fired from Iran. Whilst there are no reports of any villagers being killed in the incident, the shells have injured two women and destroyed houses and farms. The events occurred as Iran's Revolutionary Guards led an assault against armed groups in the Kurdish Iran/Iraq border region.

This issue is cause for concern amongst human rights advocates. After fleeing their homes, the villagers were faced with the difficult challenge of finding somewhere safe to go. It has been reported that some have had to take refuge in caves outside of the range

of Iranian shells, which has obvious implications to their health and welfare. On top of this, when the shells stop, there is no guarantee that the villagers' houses and farms will still be there when they return. In addition to the humanitarian implications, Iran's shelling of villages in Iraq is in clear contravention of international law.

The fact that actions of the Iranian military have resulted in the displacement of a thousand people in Iraq shows that instability in the Kurdish regions is not contained within international borders. As reported in the Guardian on the 20th August, Jabar Yawar, a deputy minister in the Kurdistan Regional Government said, 'If this escalates it could pose a real threat to the Kurdistan region, which is

Iraq's most stable area.' On the 30th August an official protest was made by the Iraqi federal government to the Iranian Ambassador to Iraq. On 12 September the top United Nations official in Iraq voiced concern over the shelling. In a statement issued by the UN Assistance Mission in Iraq, Secretary-General Ban Ki-moon's Special Representative Ashraf Qazi said "Such incidents continue to cause damage and consternation among the civilian populations in these areas, disrupting their daily lives." No official Iranian statement acknowledging the shelling came until 23 September, when General Yayha Rahim Safavi, military adviser to Ayatollah Ali Khamenei, stated that "Some of their [PJAK's] bases are 10 kilometres deep inside Iraqi territory so this

is part of our natural right to secure our borders".

If the Iranian assault in the Kurdish area of Iraq persists then it is likely that more displacement will follow, accompanied by the significant danger of civilian casualties. This illegal cross-border attack, following the sentencing to death of two Kurdish journalists in July, adds to ongoing concerns about Iran's hardening attitude towards human rights, particularly in its Kurdish provinces. Furthermore, though Iran claims that their operations target members of the armed group PJAK, the shelling increases concerns that a coordinated strategy aiming at the destabilisation of the Kurdistan Regional Government has been followed by Iran, Turkey and Syria over the past months.

# KHRP Calls On the UN to Intervene on Behalf of Two Kurdish Iranian Journalists on Death Row

On 30 July KHRP sent a special communication to the UN on behalf of Kurdish journalists and activists Adnan Hassanpour and Hiwa Butimar, sentenced to death by Iranian courts in dubious circumstances earlier that month. Swift international pressure in the form of intervention from the UN is essential if the two men are to be saved.

Judicial processes through which the two were sentenced were severely flawed from beginning to end. KHRP highlighted in its communication to the UN the seemingly arbitrary nature of their arrest and the vague charges made against them. While Hassanpour was accused of 'acts against national security and spying for Western countries', no details or documents relating to these charges have been made available. In Butimar's case no details of the charges against him have been released at all.

Hassanpour and Butimar have been unable to expose the flimsiness of evidence against them in



Hiwa Butimar

Adnan Hassanpour

court, as both have been denied access to their own choice of lawyer. The trial was held at 24 hours notice in a location the defendants could not attend. They were therefore represented by duty solicitors, widely considered to be agents of the state. As Iran continues to repress the freedoms of journalists and discriminate against Kurds in the legal system, the absence of evidence and reluctance to hold a fair trial for these two Kurdish journalists is highly suspicious. KHRP has further drawn attention to the conditions in which Hassanpour and Butimar are being held, following reports that they are being physically and emotionally tortured.

In August KHRP received information from the men's

families that they have in fact been on hunger strike since mid-July in protest against their arbitrary arrest, unfair trial, sentencing and the appalling conditions of their detention. This prompted KHRP on 22 August to appeal directly to the UN Secretary General to take immediate action to encourage Iran to comply with its obligations under the International Covenant on Civil and Political Rights. The lives of these two men are seriously at risk unless immediate action is taken.

KHRP Executive Director Kerim Yildiz commenting on the issue stated: "Between their hunger strike and the looming threat of execution, the lives of Mr Hassanpur and Mr Butimar are in the balance. KHRP urges the international community, and in particular Secretary General Ban Ki-moon, to redouble its efforts on their behalf. We further call on Iran to fall into line with both Iranian and international law by immediately releasing these men back to their

families".

In a similar case, on 1 July Mr. Mohammad Kabudvand, a prominent Kurdish journalist and President of the Kurdistan Human Rights Organization, was arrested and detained by Iranian authorities. Officials advanced no reason for the action, which was accompanied by the searching and confiscation of his personal belongings, including documents, books and a personal computer.

In 2004, Mr. Kabudvand was arrested and detained for human rights activities and the publication of articles deemed to encourage ethnic and racial dissent in the now banned Payam-e Mardom-e Kurdistan (Message of the People of Kurdistan). After being freed on bail, a one year suspended sentence and 5 year ban on journalistic activities was imposed. As with Mr Hassanpour and Mr Butimar, it is likely that Mr. Kabudvand's current detention is similarly linked to his Kurdish human rights and press activities.

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## **KHRP Observes Hrant Dink Murder Trial**

followed the case through interviewing interested parties, attending a press briefing given by the Dink family's lawyer, observing a demonstration in support of the Dink family, and reviewing the indictment.

According to the indictment 18 persons are on trial, one being the alleged murder and the remaining 17 being alleged co-conspirators involved in the youth's recruitment and

the overall planning of the crime. One such individual is Yasin Hayal, previously convicted of a bombing of a McDonald's in Trabzon in 2004. Another, Erhan Tuncel, is alleged to have informed the police of the murder plan prior to being dropped as a police informant in 2006, while several members of the far-right BBP party have also been indicted.

Representatives of TOHAV (the Foundation for Social and Legal Studies), İHD (the Human Rights As-

sociation of Turkey) and Ms. Fethiye Çetin (the Dink family's lawyer) told the mission of their suspicion that State negligence, and even complicity, had a part in Dink's murder. The State is thought to have conducted an inadequate and biased investigation; indeed, a report states that the Chiefs of Police in Trabzon and Istanbul failed to take the necessary measures to prevent the killing. Not only does evidence suggest that the authorities knew of the murder

plot and took no action, but, upon reaching the police station after arrest, some police officers posed for photos with the murder suspect in front of the Turkish flag. Given these outstanding issues, there is a strong argument that the investigation should be widened to assess the potential role played by elements of the State, gendarmerie and police in the killing.

A Full report of the trial observation will be made available shortly.

# Dispatches

## KHRP Welcomes Two New Staff Members and New Contractor

KHRP has ended the summer with the recruitment of two new members of staff. We would like to warmly welcome, Catriona Vine, former KHRP Legal Team member as our new Legal Officer, and Charlotte Alfred, new Assistant to the Executive Director.



Catriona Vine



Charlotte Alfred



Esra Türk

KHRP would also like to welcome Esra Türk as our new Operations Contractor. Esra, who has long been with us as an intern, has taken on

this contract post to support the smooth running of all operations at the KHRP office.

## KHRP Launches New Website

KHRP is preparing to launch a brand new website. The new site, which will retain the domain name [www.khrp.org](http://www.khrp.org), will feature a simplified structure and navigability, allowing users to access more information, more quickly and easily. A clear layout makes each section easy to find, and the appearance of the site has been revamped to add vibrancy and colour.

One particularly exciting feature of the new website is the addition of a facility which, when completed, will allow users to access information on KHRP's massive archives. The Feeney Centre for Research and Dialogue will soon be fully searchable from the KHRP website, making information on Kurdish human rights and the work of KHRP fully accessible to registered users.

## KHRP Applications for 2007 Fellowships still open

KHRP has opened applications for its 2007 Senior Fellowships. In conjunction with the Sigrid Rausing Trust, this position has been created to bring selected advocates from the Kurdish regions to London to work with our Legal Team. An important part of KHRP's training and skills transfer work, the Fellowship gives 'on the ground' experience to human rights practitioners from the regions. The arrangement also facilitates an exchange of legal and professional expertise, empowering local advocates to bring about lasting change in the human rights climate across the Kurdish regions. The Fellowship also helps to promote cultural understanding between advocates within the regions and internationally.

More details on the Fellowship, including application details, can be found on the KHRP website, [www.khrp.org](http://www.khrp.org).

## Brazilian Daily Consults KHRP Expertise on Turkish Elections

In July KHRP was approached by Brazilian daily *O Estado de S. Paulo* to provide expert opinion on the potential impact of the recent elections in Turkey. In keeping with KHRP's longstanding role of providing the first point of reference for up-to-date information on Kurdish issues, Mustafa Gündoğdu, KHRP Country Coordinator, conducted an in-depth interview with the Brazilian broadsheet. The interview was published on 22 July as part of a feature on the possible impact of the elections on Turkey's Kurdish population.

## Al-Maliki Signs 'Memorandum of Understanding' with Turkey

Iraqi Prime Minister Nuri al-Maliki visited Turkey on August 8, 2007 to discuss joint steps against armed organizations operating on the border between the two countries. Maliki was accompanied by a delegation of 30, including five ministers from the cabinet such as Foreign Minister Hoshyar Zebari and State Minister for Security and counter-terrorism coordinator Shirwan al-Waili.

Turkey's chief expectations from the visit were an Iraqi promise to take the concrete steps to control the activities of PKK in Iraq including preventing PKK members from using the Iraqi media for propaganda, increasing cooperation on the borders to block the traffic of guns, drugs and other goods, and stopping Iraqi nationals supplying food to armed groups. A Turkish diplomat said that if the Iraqi government does not respond to Turkey's calls positively, Turkey will have to remind them of its international right of self defence, an allusion, no doubt, to Turkey's pre-election threats of incursions into Iraqi territory.

Maliki's visit to Ankara demonstrated that the Baghdad government is not willing to make many promises to its Turkish neighbour. Although Ankara expected to sign a broad cooperation agreement, Maliki signed a much narrower 'memorandum of understanding' arguing that anything more would require the approval of the parliament. The memorandum covers in a limited way possible efforts and plans to fight terror. It is thought that pressure from Massoud Barzani influenced Maliki's move not to sign the cooperation agreement.

The Kurdistan Regional Government (KRG) reacted negatively to the memorandum signed by Maliki. Spokesperson Cemal Abdullah noted that they would not recognize any agreement signed without the consent of the KRG.



ABOVE: Abdullah Gül addressing DTP supporters and press during the run up to the Turkish presidential election.

## Abdullah Gül Elected President of Turkey

Following the wrangling that preceded last July's general election in Turkey, Foreign Minister Abdullah Gül was finally elected President of Turkey on 28 August. It took three rounds of voting for Gül to obtain the votes necessary for election. The National Assembly, which serves as the electoral college in the presidential elections, cast 339 votes in favour of Gül and 70 in favour of Sabahattin Çakmakçoğlu. There were 23 blank ballots of which 20 were cast by the

pro-Kurdish Democratic Society Party (DTP). Speaking after the first round, the DTP's chief whip Ahmet Türk suggested that Gül would win the DTP's votes if he took a "solid step in the solving of the Kurdish question". However, despite a recent visit by Gül to the DTP's offices to garner support, such votes were not obtained. Upon winning office, Gül promised to strive for entry into the European Union and defend the secular constitution.

## UN Committee against Torture rules against Azerbaijan in case of Elif Pelit

In August 2007 Azerbaijan was found in violation of Articles 3 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in reference to the extradition of Ms. Elif Pelit to Turkey in 2004. Ms. Pelit, a Kurdish journalist with refugee status in Germany, had been arrested in Azerbaijan after entering the country illegally to contact the German Embassy following an incident in Mosul where she was attacked and her travel documents seized while she was there covering events in Iraq for a pro-Kurdish news agency.

From 1993-96 Ms. Pelit had been detained in Turkey on charges of 'subversive activities and terrorism'

and tortured during her detention. Ms. Pelit feared similar actions upon her sentence by an Istanbul District Court in absentia on 3 December 2004 to 10 year's imprisonment for alleged subversive activities on the grounds that she had covered a PKK meeting in Northern Iraq in her capacity as a journalist. On 25 September 2005 Ms. Pelit submitted a complaint to the UN Committee against Torture on the grounds that her removal to Turkey would place her at risk of torture or other inhuman treatment. Despite agreeing to halt the extradition pending the Committee's final decision, Azerbaijan deported Ms. Pelit to Turkey on 13 October 2006.

# Dispatches

## Spreading The Word 24 August



ABOVE: Hadi Butimar, brother of Hiwa Butimar, speaking to KHRP staff and interns during a vigil outside the London office of Amnesty International.

A Petition for Adnan Hassanpour and Hiwa Butimar, the Kurdish journalists on death row in Iran, were signed by KHRP staff and interns on 24 August 2007 at a vigil held by their family outside the offices of Amnesty International in London.

### 11 September

Deputy Director Rachel Bernu and International Fellow Serpil Taşkan attended a meeting at the European Parliament in Brussels where KHRP made an oral presentation to the European Parliament on the increasing occurrence of suicide amongst Kurdish women. This study was commissioned in 2006, and the field work was carried out in February of this year. The full report titled European Parliament Project: The increase in Kurdish women committing suicide will shortly be available online.

KHRP briefed the Irish Department of Foreign Affairs in Dublin on KHRP's recent work and the current situation in the region.

### 18 September

Deputy Director Rachel Bernu visited Finland to speak with the Finnish Ministry of Foreign Affairs about KHRP's ongoing work.

# Dispatches



ABOVE: Ed Grieves, KHRP Board member (right) with Prof. Baskin Oran (left) in February 2006.

## Acquittal of Professors Kaboğlu and Oran Overturned at Appeal

KHRP received news on 17 September that the acquittals on 10 May 2007 of Professors İbrahim Kaboğlu and Baskin Oran have been overturned at appeal.

In February 2006 KHRP conducted an observation of the trial of the two academics, who fell foul of Articles 301 and 216 of the Penal Code (see *Suppressing Academic Debate: The Turkish Penal Code*, KHRP, 2006). The accused were brought to the dock for criticising Turkey's minorities policy and suggesting that the official use of the word 'Turk' to describe citizens of Turkey is insufficient, since the state has citizens of other backgrounds, such as Kurdish, Arab, Greek and Armenian. For this, they were accused of 'denigrating Turkishness'. The irony of the case was the fact the professors peacefully expressed these sentiments under the aegis of an official report commissioned by the Prime Minister's office.

The appeal court argued that "a redefinition of the term 'minority' will represent a danger to the unitary state and the indivisibility of the nation" and that "the limits of freedom of criticism and thought had been overstepped with the discussions of super-and sub-identities". If found guilty in a re-trial, the professors could face up to four and a half years in prison.

## KHRP Work on Cultural and Linguistic Rights Discussed at National Eisteddfod of Wales

Cymdeithas y Cymod (The Fellowship of Reconciliation in Wales) held a panel discussion on Kurdish cultural and linguistic rights the National Eisteddfod of Wales on 6 August. Responding to KHRP's awareness-raising efforts on Kurdish cultural and language issues, Cymdeithas y Cymod wished to discuss its concerns regarding the ongoing restrictions that Kurdish language and culture face in Turkey. The discussion featured three speakers, Ann Clwyd MP, Hywel Williams MP and Jill Evans MEP, all of whom criticised the ongoing violation of this basic human right. Ann Clwyd also took the opportunity to condemn the Ilisu dam project. The discussion was an ideal opportunity to raise awareness of violations of Kurdish cultural and language rights amongst a community in the UK for whom such rights are dearly valued.

## Fears of New 'Arab Belt' in Syria's Kurdish Regions

Recent reports to KHRP have raised fears of a new wave of Arabisation in the Kurdish region of Hasakah, north-eastern Syria. This comes after the Syrian Minister of Agriculture and Agrarian Reform issued a decree in earlier this year approving the resettlement of 150 Arab families from South Abdulaziz to the region.

Kurdish settlement can mainly be found in four regions in Syria: The Kurd-Dagh, Kūbanî, Al-Hasakeh and Damascus. If the two first one are relatively poor regions that remain underdeveloped, the region of Al-Hasakeh is valued for its water and oil resources. Since Syria's independence in 1946, and as a succession of Arab nationalist regimes came to power, the government has tried to undermine the Kurdish majority in this region. Resettlement policies were first launched against the Kurds in 1962 when the Syrian authorities began to seize Kurdish properties and transfer them to Arabs. Kurds were also banned from grazing livestock which resulted in extreme poverty. After the Baathists came to power, they announced an agrarian reform which meant confiscation of Kurdish land for creation of an 'Arab belt' which would serve as a buffer zone between Syrian Kurds and Kurds in Iraq and Turkey. These land reforms were clearly aimed at the Kurdish community as 43 per cent

of all land seized under Syria's agrarian reform was in the governate of Al-Hasakeh. During the 1970s, under Hafez al-Assad, the government allowed thousands of Arabs to settle on Kurdish lands in areas bordering Turkey and Iraq. Forty five Arab settlements were created and 30,000 Arab families were brought to the Hasakah region. The decision to confiscate Kurdish lands was taken after a census which indicated an absolute Kurdish majority in the Hasakah region. After the census, 150,000 Kurds were deprived of their citizenship and their land confiscated for the establishment of government sponsored farms.

Since the beginning of this year many fear history may be repeating itself, with the current Assad regime attempting to engage in similar activities under the guise of further agrarian reform. The Syrian regime has resumed its interest in Kurdish lands after the discovery of oil in the Hasakah region. Intelligence estimates report that Syrian oil reserves will be exhausted in the near future and the Kurdish region may be the next target for oil exploration. The move may also be interpreted as one of many suspected recent attempts, in conjunction with Iran and Turkey, to further isolate and destabilise the Kurdistan Regional Government.

# Trial Begins in Avşar Murder Case

In May this year a case was opened against Gültekin Sütçü, a former member of Turkish security forces, for the killing of Mehmet Şerif Avşar in 1994. Though several other people were convicted in 2000 for involvement in the killing, Sütçü was in hiding until October 2006, when he was arrested entering Turkey from Bulgaria. He is thought to be equally if not fully responsible for Avşar's murder.

Mehmet Şerif Avşar was taken into custody by several armed policemen on 22 April 1994 in Diyarbakır and was later found dead. His family took a case to the European Court of Human Rights with the assistance of KHRP. In 2002 the Court found Turkey responsible for Avşar's killing, in violation of the right to life as enshrined in Article 2 of the European Convention of Human Rights. It also found under Articles 2 and 13 that Turkey failed adequately to investigate the killing.

The first hearing of the trial took place on 9 August. Significantly, during

this hearing it was decided not to remand the accused in custody. This is of grave concern to KHRP as Gültekin Sütçü has shown himself to be a serious flight risk, having been on the run right up to late last year. Now that proceedings have commenced against him, it is likely he will once again disappear and evade justice.

On 17 August, commenting on this case, KHRP Executive Director Kerim Yıldız said "Turkey over the years has displayed great negligence and indeed reluctance in pursuing and bringing to justice members of its own security forces for torture, abductions and murder. Such negligence breeds a climate of impunity and encourages the continuation of grave human rights abuses". This trial, along with the Şemdinli bombing case, is a crucial test of Turkey's ability to hold state agents to account for human rights violations. Sadly, both cases indicate that there is much progress to be made in this regard.

## Turkish General Election Returns First Kurdish MPs in Fourteen Years

The Turkish elections in July saw the ruling Justice and Development Party (AKP) sweep to victory with a commanding majority of 46 per cent. Early elections had been called following a political crisis caused by the AKP's choice of presidential nominee, Foreign Minister Abdullah Gül. Mr. Gül was seen by some, particularly the army and parliamentary opposition, as a threat to Turkey's secularist constitution.

The election result is significant for Kurds for two reasons. Firstly, the DTP,

which is the principal pro-Kurdish party in Turkey, won 22 seats, meaning that it gains representation in parliament for the first time since 1994. Through fielding candidates as independents, it overcame Turkey's restrictive 10 per cent electoral threshold for parliamentary representation. The DTP will now be able to voice its views on Kurdish identity and language in parliament. Direct representation in parliament also opens the door to dialogue between the Kurdish leadership and the ruling AKP.

# Dispatches

## Diyarbakır Bar Association and Heinrich Boll Foundation Organise Peace Conference in Diyarbakır

Diyarbakır Bar Association together with Heinrich Boll Foundation Turkey Office are organising a conference on "Kurds in Turkey – The Main requirements for a Peace Process" in Diyarbakır on 29-30 September. Both national and international speakers are to attend. The conference intends to use the examples of the Northern Ireland and Spain peace processes as models for discussion. Details and the full conference programme can be found at [http://www.boell-tr.org/docs/kurkonf.program\\_tr.pdf](http://www.boell-tr.org/docs/kurkonf.program_tr.pdf)

## IHD Celebrates 21st Anniversary

İnsan Hakları Derneği (the Human Rights Association of Turkey – İHD) celebrated its 21st anniversary on the 17th July. Founded in 1986 in what it describes as 'a dark period' for human rights in Turkey, İHD is the first human rights organisation in the country's history to have operated continuously for twenty-one years.

İHD has consistently spoken out for Kurdish victims of human rights abuses in the face of threats and intimidation. This included an attempt to assassinate Akin Birdal, chairman of İHD, in 1998. In fact, in its 21 years, 21 members of İHD have been killed. Court cases and investigations against İHD activists continue. İHD plans to continue its important work into its 21st year with the election on 22 September of a new Administrative Board headed up by Board President Mr. Hüsni Öndül.

To mark the anniversary KHRP Executive Director Kerim Yıldız stated, "İHD has been standing up for the human rights of Turkish citizens, including Kurds, for longer than any organisation has done before. That this has been achieved in the face of considerable pressure and even violence is a true testament to the courage and dedication of the people involved."

## Gündem Suffers Further Closures

The pro-Kurdish daily newspaper and former KHRP applicant Özgür Gündem (Free Agenda) has suffered two closures in the past months. With previous closures for 30 days and 15 days occurring in March and April 2007 respectively, it was also closed down for 15 days on 12 July 2007. This closure, 10 days before the national elections in Turkey, has been particularly criticised for impeding the democratic process, especially as legislation making it illegal for candidates to campaign in the Kurdish language has already made it difficult for Kurds to fully understand the election process. The closure of Gündem at this critical time also allowed the government more room to campaign against the election of independent pro-Kurdish candidates.

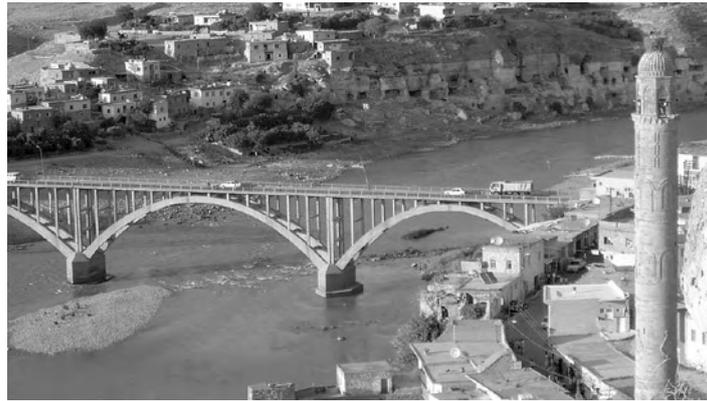
The paper was closed once more in early September, marking its second closure in less than two months. Following publication of two articles written by PKK leader Murat Karayılan entitled "Let us become populist, let us win" and "Self-criticism not in words but in practice" the paper was closed this time for 30 days.

Under the new anti-terror laws, publications can be temporarily closed down by a court if they carry articles incite terrorism, or spread propaganda for terrorist organisations. However, a very wide legal definition of 'terrorism' in Turkey makes it relatively easy for officials to close down publications considered undesirable.

# Neighbours and Football Fans Alike Raise Concern over the Ilisu Dam

New controversy has arisen over the planned Ilisu dam to be built in the south-east of Turkey. Neighbouring countries Syria and Iraq have raised concerns about the dam, claiming that it will affect their water supplies. As well as causing a reduction in flow, the two countries claim that the dam will result in increased salinity and pollution in their territories' portion of the river. Although Turkey denies that such adverse effects would arise, a joint delegation from its neighbours has called for a rethink.

The dam, which is to be built in the Kurdish provinces of Batman and Siirt, has already faced repeated criticism over the damage it would cause to communities living there. Towns in the area to be flooded, including the ancient city of Hasankeyf, would have to be emptied. Indeed, in September the Initiative to Keep Hasankeyf Alive reported that expropriation had already begun, underlining the immediate as well as long term human rights implications of this flawed project, with Turkish authorities yet to offer any



TOP: The historic town of Hasankeyf, as photographed by KHRP fact-finding mission, July 2007. ABOVE: A pro-Hasankeyf banner unfurled at Beşiktaş Football Club's game on 29 August.

suitable land purchase or re-housing offers to inhabitants. Accusations have been levelled at the Turkish authorities by some particularly vocal dissidents that the dam's location has been planned so as to intentionally disperse the local Kurdish populations. The fresh criticism from Iraq and Syria may lead to further doubts over the advisability of the continuation of the project.

Sadly, the vocal international condemnation of the dam project does not seem to be putting off all international funders. In response to controversy surrounding the dam Suercher Kantonalbank of Switzerland withdrew from the project on 15 June. However, at the beginning of July, the Turkish company Nurol declared that they found another German bank willing

to become involved with the project. They further announced in July in the Turkish newspaper Sabah that they planned to begin construction within the week. It is estimated that companies from Austria, Germany, Switzerland and Turkey stand to gain at least 1.2 billion Euro for the dam project.

Meanwhile, on 23 August opposition to the dam emerged from what may be seen as an unexpected quarter. Çarşı, the biggest fan group of Beşiktaş Football Club in Turkey unfurled a banner during the football game against Swiss team Zurich FC saying "Leave Hasan alone, do not let Hasankeyf be flooded". In fact, Çarşı is well known for its sensitivity to public opinions and preoccupations. They have performed several such acts of protest such as criticising the famous Susurluk affair by turning the stadium lights off, supporting Greenpeace by hanging an anti-nuclear protest flag from their stadium, protesting global warming and supporting democratic leaders and icons.

## Orhan Pamuk Freedom of Speech case Definitely Dropped

The Supreme Court of Appeals in Turkey has confirmed that Orhan Pamuk should not be prosecuted under Article 301 of the penal code, which outlaws 'degrading Turkishness'. The case against Pamuk was first dismissed in January 2006, but it is only with this latest judgement that ambitions of reviving the case have been finally dropped.

Pamuk, a celebrated author and Nobel laureate,

faced a sentence of three years if convicted. The prosecution followed his politically sensitive comments to a Swiss newspaper that "One million Armenians and 30,000 Kurds have been killed on



Orhan Pamuk

this soil, and no-one talks about it except me". The case, which was observed by KHRP and reported in its 2006 publication Turkey on Trial: the Prosecutions of Orhan Pamuk and Others, attracted international condemnation. The EU deemed it a 'litmus test' of Turkey's progress on human rights. One EU observer commented, "If this trial does not stop, immediately, Turkey will never join the EU".

Following this international scrutiny, the Ministry of Justice ordered the Sisli 2nd Penal Court not to deliver a judgement.

Mr. Pamuk, in circumstances very similar to those of Hrant Dink, received numerous death threats following his prosecution and currently resides in New York. He can now be certain that the case will not be taken up for a second time.

# “Brave Mother” still Suffers Injustice

By **Mustafa Gündoğdu**,

KHRP Turkey and Iraq Desk Officer.

In Spring of 2002, when I was working as an intern for KHRP, I wrote an article for Newsline on the death of Ayşenur Zarakolu. I

was lucky to know her since the mid 1990s when we used to call her Ayşe

Abla (Sister Ayşe) or “Brave Mother”; a well deserved name given her struggle for the rights of oppressed people across Turkey. She was a truly inspirational character and gave us the courage to stand up for the protection of fundamental human rights.

She set up the Belge publishing house in 1977 with her husband Ragıp Zarakolu. Ayşenur served several prison terms for the books



Ragıp Zarakolu



Ayşenur Zarakolu

she published, which were confiscated and banned on a regular basis. Belge continues to face similar restrictions today: now it is her husband’s turn to shuttle back and forth between the courts. As a victim of constant violations of her freedom of expression, Ayşenur approached KHRP to represent her before the European Court of Human Rights. KHRP submitted her two cases to the Court

in 1995 and 1997.

On the 13 July 2004 the Court found Turkey in violation of article 6 and 10 in each case. Sadly, she had no chance to know the result: she passed away on a cold February day in 2002. I was not able to go to her funeral. Her body was carried on the shoulders of Kurdish Women and buried in Istanbul.

Disadvantaged people in Turkey, especially the Kurds, know well her contribution to the struggle for equal rights within Turkey. Since her death Kurds have tried to keep her memory alive. The municipality of Doğubeyazıt gave her name to a women’s health centre which fulfils the huge needs of women in this poorest part of the Kurdish region. In a similar move, Diyarbakir Metropolitan Municipality Council Assembly decided on 14 June 2005 to

give her name to a park in Diyarbakır. The Governor’s office in Diyarbakır, however, refused to ratify the decision. The Municipality took case to court but sadly in August 2007 the court approved the decision by the Governor’s Office, stating that Ayşenur Zarakolu’s name represents somebody who published and distributed books that cultivate ‘separatist ideas’.

Her husband Ragıp Zarakolu said of his late wife “Ayşenur Zarakolu, like Hrant Dink, was a person who tried to build bridges between our peoples on the basis of mutual respect”. It is disappointing and saddening that despite progress and reform in Turkey, Ayşenur’s name continues to be seen as a threat to the Turkish State and that injustice against her continues.

## Kurdish MP Freed to Take up Parliamentary Seat



ABOVE: Sebahat Tuncel greets crowds on her release from prison.

Sebahat Tuncel, elected in July as an MP for her Istanbul constituency, has been freed from prison in Turkey to take up her seat in parliament. Under Turkish law, Ms Tuncel became immune from further prosecution when she won a seat, allowing her to end her nine month prison term in Gebze near Istanbul when election results were officially confirmed.

Ms Tuncel’s release was celebrated by her supporters, who condemned her imprisonment as political persecution. She had been jailed on charges of membership of an illegal organisation, generally accepted as referring to the banned PKK. Critics claim that legitimate Kurdish cultural and political groups are often targeted by this legislation with links to the PKK being exaggerated or fabricated in order to justify a crackdown on Kurdish activities.

## KHRP Addresses Human Rights Workshop in Zambia

KHRP was invited to contribute to a workshop on trial observations in Zambia at a workshop co-hosted by the Southern African Development Committee (SADC) and Zimbabwe Lawyers for Human Rights, which aimed to train professionals from the region in human rights monitoring as part of the wider SADC stronger justice drive.

Sharing KHRP's considerable expertise of trial



ABOVE: Delegates at the workshop. Left to right: Boko Duma (President, Law Society of Botswana), Mumba Malila (African Commission on Human and People's Rights), Trust Maanda (Zimbabwe Lawyers for Human Rights), Tinoziva Bere (Councillor, Law Society of Zimbabwe)

observations, Ms. Bernu elaborated on KHRP's trial observation best practice

guide as well as how to best present the findings effectively in post-observer

reports. KHRP was a pioneer in the use of trial observations, which are now central in providing evidence of shortcomings in domestic legal remedies when taking cases to the European Court of Human Rights.

More information, and the report delivered to the conference, can be found on the KHRP website at [www.khrp.org](http://www.khrp.org).

## KHRP witnesses Progress towards a UN Complaints Mechanism for Violations of Economic and Social Rights

In July KHRP intern Heidi Öst travelled to Geneva to observe discussions in the UN on the drafting of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). The need for an Optional Protocol (OP) that would allow victims of economic and social rights violations to submit complaints to a UN body has been debated for decades. The decision by the Human Rights Council in 2003 to mandate a Working Group to start drafting the OP is seen as a decisive step towards strengthening the protection for victims of economic and social rights violations at the global level.

Despite rhetoric of the indivisibility and interdependence of all human rights, the UN system for human rights protection has historically placed more emphasis on civil and political rights than on economic, social and cultural rights. The ICESCR and its sister Covenant on Civil and Political Rights (ICCPR) were drafted in 1966 in or-

der to make the rights of the Universal Declaration of Human Rights legally binding. However, due to the political polarization of the Cold War and strong resistance to the formal establishment of economic and social rights in the West, the rights of the Universal Declaration were split up into two separate instruments, with separate mechanisms for enforcement. For decades, victims of violations of the rights contained in the ICESCR have been not had the ability to seek justice within the UN system for human rights protection, unlike victims of violations of the rights contained in the ICCPR who can turn to the Human Rights Committee with their grievances.

In July 2007 the Working Group on an Optional Protocol (OP) to the ICESCR met for its fourth session and the Chairperson submitted a first draft of the OP for discussion. The draft included provisions for a communications procedure emulating the existing communications procedure of the Human Rights Committee.

The draft OP also included provisions that would allow the Committee on Economic, Social and Cultural Rights (CESCR) to request interim measures of protection and to instigate an inquiry procedure in cases of grave and systematic violations of economic and social rights.

One of the main issues discussed related to the scope of the proposed communications procedure. The UK asserted that they would like to see an opt-out or an opt-in clause, allowing States to choose to which rights the complaints procedure should apply. This suggestion was welcomed by several states with a sceptical attitude towards the protocol, amongst them Denmark, Italy, Sweden, Switzerland, Turkey and the US. While the à la carte approach has a precedent in the European Social Charter, it is unprecedented in the UN system. Several states and members of the NGO coalition in favour of an Optional Protocol warned of the danger that this approach would signal that states may opt

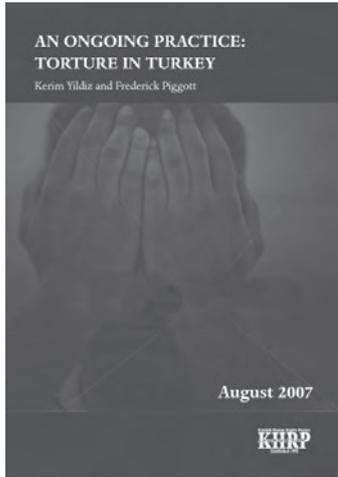
out from their obligations with respect to certain rights, thereby undermining the whole notion of the interdependence and indivisibility of human rights. The African Group heavily opposed an à la carte approach, as did members of the Latin American Group, Belgium, Finland, France, Portugal and others.

The OP is much needed as it would strengthen access to justice for victims of economic, social and cultural rights violations. The views of the Committee on future complaints would have a significant impact in furthering the economic, social, and cultural rights of individuals and groups of individuals world-wide.

Pressure from NGOs, stakeholders and policy-makers back in the UK and around the world is needed in order to support this important process and ensure that a comprehensive and effective OP is agreed upon.

The Working Group is scheduled to meet again in January and April 2008.

Notice: Hard copies of KHRP publications will soon be available to order on our new online shop. Please consult [www.khrp.org](http://www.khrp.org) for updates.



### An Ongoing Practice: Torture in Turkey

This new report, which is an update of KHRP's 2004 book *Torture in Turkey: The Ongoing Practice of Torture and Ill-Treatment*, addresses the continuing practice throughout Turkey of the torture and ill-treatment of detainees in light of the reforms of the early 2000s.

Over the years, the international community has condemned the practice of torture in Turkey, and while the government has made significant progress toward reform, inadequate implementation, legislative loop-holes and a surviving mentality conducive to the practice, see the torture, cruel, inhuman and degrading treatment of detainees persist as systematic.

In light of reform having slowed, the report looks at the approach of the EU and other countries pressing for Turkish accession and the influence of geo-political strategic concerns that see a 'margin of latitude' afforded to Turkey in meeting the objective criteria for accession. Assessing the impact of the reforms carried out in the early 2000s, this report identifies firstly a shift from flagrant to more subtle forms of ill-treatment, leaving few traces or long-term physical signs, as well as an increase in incidences of ill-treatment outside official detention centres, betraying progress reflected by official figures, and secondly an increasingly 'two tier' criminal justice system, with increased procedural and custodial safeguards for those detained for 'regular' offences and the simultaneous erosion of custodial safeguards for those held under anti-terror legislation.

Available for free download at [www.khrp.org](http://www.khrp.org) or for £10.00 from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 3835 – ISBN 978-1-905592-10-4

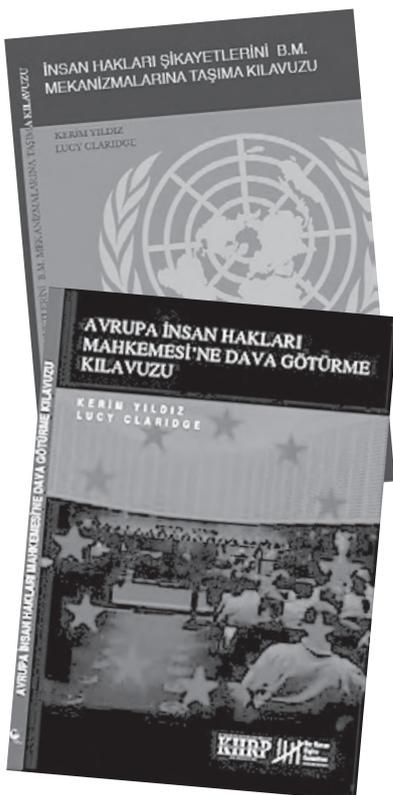
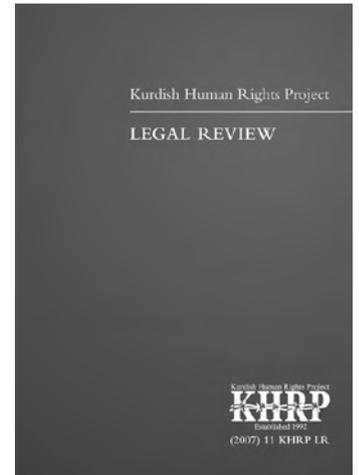
### KHRP Legal Review 11

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 December 2006 to May 2007, 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 of 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.

Available for free download at [www.khrp.org](http://www.khrp.org) or for £8.00 + £2.00 (p+p) from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 3835 – ISSN 1748-0639



### Taking Human Rights Complaints to UN Mechanisms: A Manual (Russian and Turkish Language Editions)

&

### Taking Cases to the European Court of Human Rights: A Manual (Turkish Language Edition)

These manuals, written by KHRP Executive Director Kerim Yildiz and Legal Officer Lucy Claridge have now been published in Turkish. The UN manual has also been translated into Russian and is in production. The UN manual provides an overview of the different mechanisms and guides to their use, and 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. The European Court manual provides commentaries on the practice and procedure of the Court, in addition to key texts such as the European Convention, the Court's application form and details of legal aid available from the Court. It also includes updated sections on admissibility rules, just satisfaction claims and enforcing judgments, together with information regarding the changes to be introduced by Protocol 14.

Available for free download at [www.khrp.org](http://www.khrp.org) (The Russian translation of the UN Manual is forthcoming)

**Publishers on Trial: Freedom of Expression in Turkey in the Context of EU Accession**

This report was published in May 2007 following a trial observation mission to Istanbul, Turkey to observe the trial of publisher Songül Özkan who faces charges of ‘openly inciting people to hatred’ by publishing the book *Kürt İsyanlari* (Kurdish Uprisings), written by Kurdish journalist and author Ahmet Kahraman.. Written by KHRP mission members Rajesh Kumar Rai and Morten Thorsted, the report provides background information regarding the situation surrounding freedom of expression in Turkey generally and of the trial in particular. It also examines the trial in the context of recurring attacks on freedom of expression in Turkey with respect to the EU accession process. The report incorporates recommendations for Turkey, the EU and the Organization for Security and Co-operation in Europe.

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Kurdish author  
Ahmet Kahraman



**Kurdish Human Rights Project – Impact Report 2006**

*Impact Report 2006* presents a unique insight into the KHRP’s impact in Turkey, Iraq, Iran, Syria and the Caucasus over 2006. Its impact has been achieved through a combination of litigation, advocacy, training, trial observations, fact-finding, research and public awareness initiatives. The report should be viewed as a primary resource for those interested in the human rights situation in the Kurdish regions throughout last year.

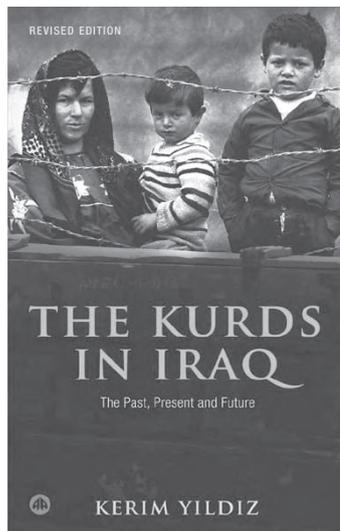
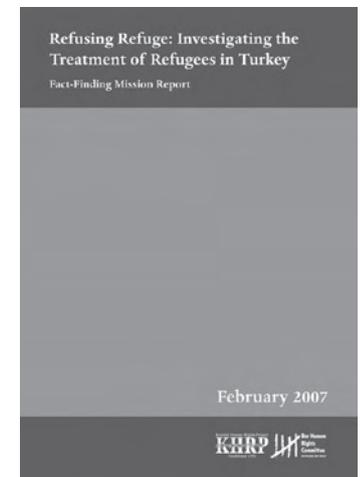
Available for free download at [www.khrp.org](http://www.khrp.org). Hard copies available on request.

**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](http://www.khrp.org) or for 10 GBP from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 405 3835 - ISBN 978 1 905592 06 7



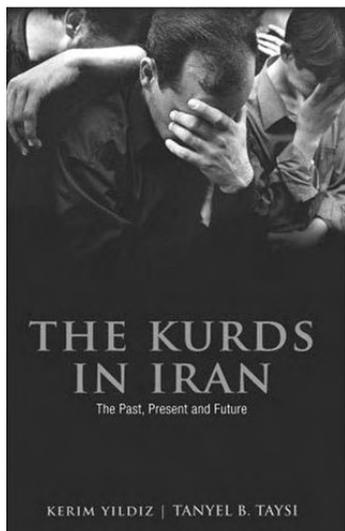
**The Kurds in Iraq - The Past, Present and Future, Revised Edition, by Kerim Yildiz (in association with Pluto Press)**

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](mailto:publications@khrp.org) or +44 (0) 207 405 3835 - Hardback ISBN 978 0 7453 2663



### **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](mailto:publications@khrp.org) or +44 (0) 207 405 3835 – Hardback ISBN 978 0 7453 2669 6

### **The Internally Displaced Kurds of Turkey: Ongoing Issues of Responsibility, Redress and Resettlement**

This latest report provides both a historical background and contemporary analysis of the ongoing question of Turkey's estimated 3 million internally displaced citizens, most of whom are Kurdish. Based on KHRP research in the regions over the past two years, the report also draws on the work of the United Nations, academics and other NGOs in painting a picture of the pressing problems that IDPs continue to face, and the international obligations yet to be fulfilled by Turkey on the issues of redress and resettlement.

*The report is currently in production and will be available shortly*

### **State Accountability? The Şemdinli Trial Re-Hearing: Trial Observation Report**

A full report of KHRP's July observation of the re-trial of the alleged Şemdinli bombers.

*The report is currently in production and will be available shortly*

### **Freedom of the Media in Turkey and the Killing of Hrant Dink: Trial Observation Report**

A full report of the July observation of the trial of those accused of planning and carrying out the assassination of Hrant Dink, published by KHRP in conjunction with the Bar Human Rights Committee of England and Wales, Article 19 and Index on Censorship.

*The report is currently in production and will be available shortly*

### **Not Yet Assured: Freedom of The Media in Turkey. A Fact-Finding Mission Report**

An extensive report on the July fact-finding mission carried out by KHRP in conjunction with Article 19, Index on Censorship, the Bar Human Rights Committee of England and Wales and the Centre for European Studies at the University of Limerick, Ireland.

*The report is currently in production and will be available shortly*

### **European Parliament Project: The Increase in Kurdish Women Committing Suicide, Final Report**

Having combined the observations of its January fact-finding mission to the Kurdish regions with several months of desk research, KHRP submitted its full commissioned report on suicide amongst women in the Kurdish regions of Iraq and Turkey to the European Parliament in April. The 120 page report gives a snapshot of the situation of women in the Kurdish regions, and discusses the possible reasons for the comparatively high female suicide rate there, linking this to issues of conflict, widowhood, education, health and patriarchal society.

*The report will be made available on the KHRP and European Parliament websites pending translation into French.*

### **Human Rights and Development in Kurdistan, Iraq – An Update**

In January KHRP completed a fact-finding mission to Kurdistan, Iraq, visiting Sulaymaniyah, Dohuk and Erbil in the Kurdistan Regional Government, as well as 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 available online at [www.khrp.org](http://www.khrp.org) shortly*



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## Calendar of Events

### September

- KHRP, in cooperation with BHRC and Diyarbakır Bar association, will hold a strategy meeting in Van to call NGOs and Bar associations in Kurdish regions to collect data on internally displaced persons and to take further steps concerning the IDP issue.
- KHRP Legal Officer to travel to Baku, Azerbaijan to follow up on casework related to the Nagorno-Karabakh conflict.
- KHRP to hold training in Şırnak on the ECtHR and attend a conference on the same subject in Diyarbakır.
- KHRP to attend annual OSCE Human Dimensions Implementation Meeting.

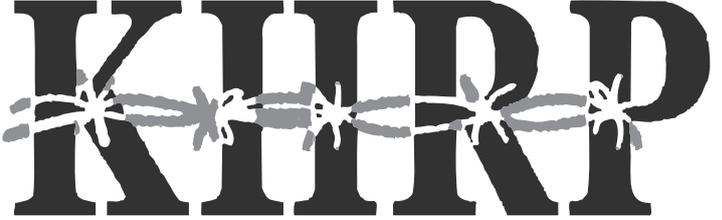
### October

- International Human Rights Documentary Film festival will be held between 17 and 21 October at CCA Sauchiehall St, Glasgow, G2 3JD. See <http://www.docfilmfest.org.uk> for more details.

### November/ December

- KHRP to conduct fact-finding mission on trade unions in Turkey
- KHRP to conduct a seminar on women's rights in Turkey
- The Fifth London Kurdish Film Festival will be held from 30 November to 6 December 2007 at Rio Cinema, 107 Kingsland High Street E8, Tel: 020 7241 9410. For more information, visit [www.lkff.co.uk](http://www.lkff.co.uk).
- KHRP to conduct second annual Cross-Border Training in Kurdistan, Iraq
- KHRP to hold extensive celebrations in December to mark its 15th anniversary. Please consult our website 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.

### Aims

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

### Methods

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

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

- Using reports to promote awareness of the plight of the Kurds on the part of the committees established under human rights treaties to monitor the compliance of states.
- Using the reports to promote awareness of the plight of the Kurds on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, the national parliamentary bodies and inter-governmental organisations including the United Nations.
- Liaising with other independent human rights organisations working in the same field, and co-operating with lawyers, journalists and others concerned with human rights.
- Offering assistance to indigenous human rights groups and lawyers in the form of advice, training and seminars in international human rights mechanisms.
- Assisting individuals in the bringing of human rights cases before the European Court of Human Rights.

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