



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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Free at last: Leyla Zana and colleagues released



LEFT: DEP parliamentarian Selim Sadak is besieged by crowds of supporters shouting, "The Kurdish people are proud of you!" following his release, June 2004. RIGHT: Leyla Zana releases doves to symbolise freedom and peace following her release from incarceration, June 2004

KHRP applicants to the European Court of Human Rights, Leyla Zana and three other former Democracy Party (DEP) parliamentarians, have been released after a decade's imprisonment, following a decision from the Supreme Court that their retrial had been unfair. The decision followed a complaint from the public prosecutor that their retrial had breached the European Convention on Human Rights.

Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan were elected to parliament in October 1991. In 1993 they joined DEP, a party which, in Zana's words, sought to bring about "reconciliation between Kurds and Turks". During their inauguration as members of

parliament in 1991, Leyla Zana and Hatip Dicle made brief speeches in Kurdish and wore the traditional Kurdish colours of red, yellow and green. This provoked uproar in the parliamentary chamber and legal proceedings were initiated against them, leading to their eventual conviction on the charge of membership of an illegal armed organisation.

International organisations, EU bodies and parliamentarians around the world sent their support to the decision to release the MPs. John Austin MP congratulated KHRP for the assistance given to the parliamentarians in taking their cases to the ECtHR, which ruled in July 2001 that they had not received a fair trial; and in June 2002, that the dissolution of the DEP party

itself had violated the right to fair and free elections. In February 2003, a 'Harmonisation' law was passed aimed at bringing Turkey in line with EU accession standards. The law granted a right to defendants to have a retrial where the European Court has ruled that their original trial was unfair.

The Ankara State Security Court consented to retry the parliamentarians in February 2003 and, on 21 April 2004, decided to confirm the initial verdict which led to the imprisonment of the parliamentarians. The retrial was widely criticised by observers for repeating the same iniquities of the first trials.

In a short speech following her release, Zana referred to her imprisonment as "terribly painful" but "borne with

Director's Letter



Dear friends,

As Newsline went to press, Saddam Hussein and eleven senior members of his government made their first appearance in court, accused of genocide, war crimes and crimes against humanity. After decades of inaction, the international community is obligated to ensure that the perpetrators of the Anfal campaigns are finally brought to justice. There is a moral imperative to ensure that the trials chronicle the full extent of suffering endured by Kurds and others during the Ba'athist regime. Failure to ensure that the trials are fair and open to public scrutiny would only do those victims an additional disservice.

Meanwhile, KHRP has continued its activities in ensuring justice for the victims of human rights violations in the Kurdish regions, and in providing training to ensure the most effective dissemination of its experience. Our activities are now particularly focused on the rights of women in the Kurdish regions and diaspora; further information on these is to be included in Newsline 27.

Finally, we thank those who responded to the questionnaire with the

continued on page 2

continued on page 2

continued from page 1
Director's Letter

last newsletter, and hope that our readers enjoy the new design. As ever, we are grateful for your comments and feedback on all aspects of our work.

Kerim Yildiz

Executive Director

April 2004

continued from page 1
Free at Last

dignity". She emphasised that, "After so many years locked up behind bars, I need to recharge my batteries, to meet people, to listen to them. The world has changed so much these last ten years, and Kurdish society must also have changed a lot. I need to plunge back into it, to renew my links with the people."

The legal proceedings regarding Zana and her colleagues are continuing. On 8 July 2004, the Court of Appeals is due to hand down its ruling on the parliamentarians'

appeal.

KHRP welcomes the release of the parliamentarians as a significant landmark towards ending the decades of intimidation and human rights violations experienced by Kurds and pro-Kurdish politicians, among others. Nonetheless, KHRP is concerned that the public prosecutor in Diyarbakir launched an investigation into the first speech made by Zana following her prison release; and urges observers not to be distracted from less high profile cases.

Key constitutional amendments approved in Turkey

President Sezer has approved a ten article constitutional amendment package aimed at significantly weakening the military's influence in Turkey and improving human rights.

Several of the amendments aim at moving towards a more civilian regime in line with European countries. A significant amendment is the total abolition of the controversial State Security Courts (DGM),

long criticised for failing to secure defendants' rights and, formerly, for the inclusion of a military judge. Greater transparency of the armed forces has been incorporated through the amendment to Article 160, allowing unprecedented scrutiny of the armed forces' expenditure in line with other official bodies. Observers also hope that the removal of the General Staff's representation on the Higher

Education Board (YOK) will liberalise Turkey's education system.

Elsewhere, the constitutional amendments place international human rights law above domestic law for the first time and incorporate a provision that death sentences can no longer be passed. The rights of printing houses have been expanded. Significantly, Article 10 has been expanded to include the stipulation

that, "men and women have equal rights and the state has to ensure equality."

KHRP welcomes the constitutional amendments, which it has long argued for as measures to improve human rights in Turkey. However, KHRP is concerned that the rights of defendants should be more positively enshrined, to ensure that the envisaged replacement courts do not repeat the same iniquities of the DGM.

Pro-Kurdish party annuls itself

The pro-Kurdish Democratic People's Party (DEHAP) has chosen to annul itself, in order to obviate the expected outcome of a Constitutional case on its legality currently proceeding through domestic courts. DEHAP retained seats in the regional capital

Diyarbakir and three other cities in the last elections of 28 March 2004, having formed an alliance with the Social Democrat Party (SHP).

DEHAP officials stated that they believed the party had completed its political life already, but could reinvent

itself as a new movement. They have established a new party named the Democratic Society Party (DTP).

Meanwhile, KHRP is concerned at statements from the Nusaybin prosecutor's office indicating that DEHAP head Tuncer Bakirhan

violated Article 81(c) of Law No. 2820 on Political Parties when saying 'goodbye' and 'thank you' in Kurdish at an election rally speech on 26 March 2004. It is not yet clear whether he will stand trial.

KHRP condemns 'honour killing' in Turkey

KHRP has condemned the honour killing of a 14-year-old girl who was strangled to death by her father and brother, following her abduction and forced rape by a stranger.

The girl, Nuran Halitogullari, had been abducted en route to Istanbul and held hostage for four days, during which time she was raped. The perpetrator was arrested. Halitogullari was strangled soon after being returned to her father and brother, who stated in custody that she had 'soiled' the family name.

KHRP welcomes recent Turkish amendments to legislation that had entitled convicted murderers who cited 'honour' as a motive to a reduction in their sentences.

On 18 June 2004, KHRP participated in a London Metropolitan Police Service briefing on honour killings. Speakers included representatives of MPS, Kurdish Women's Action Against Honour Killings, Dr. Aisha Gill and Dr. Salman Asif. KHRP defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. It urges governments in the Kurdish regions to take all appropriate measures to condemn and eliminate violence against women and no custom, tradition or religious consideration should be invoked to avoid this obligation.

Turkey commences state Kurdish broadcasts



ABOVE: The first Turkish state broadcast in the Kurdish language, 2 June 2004

Turkey's state radio and television (TRT) delivered its first Kurdish language broadcast on 2 June 2004, lifting a major barrier to commencing membership talks with the EU.

TRT's chief executive stated that the company's board of directors had, 'unanimously decided to establish the necessary infrastructure for broadcasting programs in languages and dialects reflecting our subculture.' The EU had called on Turkey to allow programs to be aired in Kurdish in advance of its December 2004 summit to consider Turkey's accession.

The broadcasts effectively lift the prohibition on Kurdish broadcasts that has existed in Turkey for generations. Regulations stipulate, however, that the broadcasts must be aimed at an adult audience and content is to be limited to news, music and displays of culture.

Survey in Turkey investigates street children

A new survey has been published showing that poverty, unemployment and migration are the primary reasons behind the rife problem of street children in the Kurdish regions of Eastern Turkey.

The Human Rights Provincial Council survey team interviewed 374 boys and only two girls between the ages of six and eighteen in Van. It found the majority (337) migrated to Van from the surrounding towns and provinces. The survey showed that 257 work because their family need the money, another 32 because their families force them to, and 87 work to earn money for themselves. Half of the children earn less than

2 million TL per day (USD 1.4). None of the children's mothers was employed while 228 of the children's fathers were unemployed.

Organisations involved in the survey pledged support for the street children, promising to contact their parents and to deliver aid baskets to meet immediate needs while more permanent solutions to rural poverty are sought. They expressed concern that there are far more 'hidden' children in worse situations.

KHRP supports efforts to fully document the extent of poverty in the Kurdish regions, as throughout Turkey.

KHRP welcomes the broadcasts as a positive move towards recognition of the specific cultural rights of Kurds. Nonetheless, many have been largely unmoved by the programmes, believing they are motivated solely at securing EU accession and not at winning Kurdish hearts and minds. Many are dismayed at the regulations' characterisation of the Kurdish language as 'local Turkish dialects'; while the restrictions in place effectively preclude Kurdish language cartoons or education. It is believed that few Kurdish viewers will be detracted from the 24-hour Kurdish language broadcasts available from international satellite stations in order to watch the state-sanctioned programmes; which are only permitted to last 35-minutes in total per week.

Meanwhile, KHRP continues to be concerned at the failure of Turkish authorities to recognise the Kurdish language in other fora. In May 2004, an elementary school in Batman exiled a teacher to a village school when he had his students learn a Kurdish poem. In the same month, an Istanbul court rejected requests from two prominent human rights defenders to allow them to adopt Kurdish names. A media company in Turkey also placed adverts in the national press to highlight the 'inclination towards not broadcasting Kurdish video clips', following the failure of more than ten national television channels to broadcast the video of Kurdish folklore song 'Mirkut'.

Moreover, on 7 June 2004, Turkish police raided Dicle News Agency in Istanbul and arrested all staff. The Director of the agency has been arrested and sent to prison while other staff have been released. On the same day, the office of the Kurdish publication *Ozgur Halk* was raided by police. The editor Baris Gullu was also arrested and imprisoned.



The survey found that rural poverty is what drives most of these children to the streets in Van. ABOVE: Street children in Van, Turkey

Human rights defender's son shot dead by police



ABOVE: Siyar Perincek following his shooting outside the Adana branch of the Human Rights Association (IHD), May 2004

Şiar Perinçek, son of Mehdi Perinçek, a member of the Human Rights Association (IHD) board of directors and the representative for Eastern and Southeastern Anatolia, was injured during an operation conducted by the anti-terror branch of the

Adana Security Directorate in Adana on 28 May 2004. He was transferred to the Adana State Hospital where he died on 30 May 2004.

Eyewitness testimony reports that the incident occurred opposite the Adana branch office of IHD. Police

officers in a car approached a motorcycle carrying two passengers, including Perinçek. The officers opened the car door causing the motorcycle to fall. One passenger began to run; Siyar Perinçek fell to the ground. A plain-clothes officer stepped

on his back and then shot him on the right side of his back. KHRP is urging Turkish authorities to investigate the case thoroughly in compliance with the right to life.

Iraq: UN Resolution receives mixed welcome from Kurds

A week after the formation of an interim government of Iraq, the UN Security Council on 8 June 2004 unanimously adopted a resolution welcoming the end of the occupation of Iraq by 30 June and the dissolution of the US-led Coalition Provisional Authority (CPA) at that time, enabling Iraq to 'reassert its full sovereignty'.

Kurdish politicians protested the omission of any reference to the interim constitution, the Transitional Administrative Law (TAL), in the resolution. The interim constitution granted Kurdish districts in the north federal status and the right to veto any constitution proposed by the elected assembly in 2005. It also recognised Kurdish as an official language; allowed the provinces to retain control of their local security forces; and undertook that Kurds forced to leave their homes by the Ba'athist regime would be returned. These rights gave the Kurds reassurance that they would not face a total loss of political power against the Shi'ite Muslims. Such a loss would effectively strip Kurdish provinces of the relative stability in which they have prospered since the establishment of the 'safe haven' in 1991.

The omission came at the insistence of the Shi'ite cleric

Grand Ayatollah Sistani. While many agree that the Kurds should not pin their constitutional rights to a document written by occupying powers, most see Sistani's position as a political manoeuvring.

Before the Resolution was circulated, Kurdish leaders Jalal Talabani and Masoud Barzani sent a letter to President Bush threatening to boycott the national elections in January if the UN did not recognise the interim constitution. The letter accused the US of pandering to the powerful and forgetting commitments made to the faithful. Such a move would seriously destabilise the entire region as Kurdish populations in Turkey, Syria and Iran would most likely support the move. Once the resolution was issued, however, the Kurdish Parliament tentatively welcomed the resolution, citing the references to federalism and pledges by President Ghazi Al-Yawar to work towards a federal state.

KHRP strongly urges the UN and the US-led coalition to ensure that a compromise is reached between Kurds and Shi'ite Muslims and that the Iraqi government clearly and unequivocally affirms Kurdish rights in the upcoming constitution.

Iraq announces interim government

The line-up for Iraq's interim government that will take over the daily running of the country from the CPA was announced 1 June 2004. The position of prime minister went to Iyad Allawi and the more ceremonial presidential post went to Sheikh Ghazi al-Yawar. The Kurds are represented by deputy prime minister Barham Saleh and Roj Nuri Shawis, one of two vice presidents. Kurds



Interim Iraqi deputy prime minister Barham Saleh

also hold the ministries of foreign affairs, displacement and migration, human rights and public works and the minister of state for women. The government will have the power over international affairs and will control oil reserves and natural resources, as well as responsibility for running of the country. Multinational troops will remain in Iraq for an as of yet unspecified amount of time.

Many protested the line-up due to the exclusion of a Kurd from one of top posts, saying that as Arabs and Kurds are the main ethnicities in Iraq, Kurds should be represented at the highest level.

The interim government's first task is to negotiate its relationship with foreign troops in Iraq after 28 June when the US-led Coalition handed over power to the Iraqi government.

Kurdish lessons opened in Kirkuk

Schools across Kirkuk have begun teaching Kurdish language to pupils. The schools now teaching Kurdish lessons are reporting high levels of interest and enthusiasm but also problems with adjustment. During Saddam Hussein's era, Arabic had been the only language of instruction and consequently the majority of teachers and older students are illiterate in their mother tongue. There is a concerted effort now to educate the teachers. On the other hand, many children who speak Kurdish at home but were forced to speak Arabic at school are now flourishing.

DISPATCHES

KHRP has continued to attend a wide range of conferences, seminars, public lectures and special events, posting presentations on the website. The following are some of the events in which KHRP has participated recently:

- Bar Human Rights Committee's biannual lecture, 'Why Africa?', at St. Paul's Cathedral given by Sir Bob Geldof, 20 April 2004. Other speakers included Philip Iya of Uganda and Sami Chakrabarti, Director of Liberty



Sir Bob Geldof with Kerim Yildiz, Executive Director of KHRP



KHRP legal team member and barrister Parosha Chandran with actress Gillian Anderson

- Parliamentary public meeting, 'The EU, Turkey and the Kurdish question', talk delivered by KHRP Chair Mark Muller. Other speakers included John Austin MP, Lord Rea, Hywel Williams MP, Margaret Owen, Dr. Vassilis Fouskas, and representatives of the Cornerhouse Baku-Ceyhan Campaign, the Kurdistan National Congress and DEHAP, 4 May 2004
- Royal Institute of Philosophy annual lecture, 'Simple Truths', given by Professor Noam Chomsky, 19 May 2004
- Public lecture, 'Human Rights and Humanitarian Law in Occupied Iraq: Current Problems and Future Prospects', in association with the International Committee of the Red Cross and LSE. Speakers included Professor Christopher Greenwood QC, Professor Françoise Hampson, Professor Philippe Sands QC and Professor Ruth Wedgwood, 25 May 2004

Torture of detainees at Abu Ghraib

The photographs showing the torture and inhuman and degrading treatment of Iraqis in the US military prison Abu Ghraib have haunted the front pages of newspapers around the world. The incidents include the punching and kicking of detainees; jumping on their naked feet; forcibly arranging detainees in various sexually explicit positions for photographing; positioning a naked detainee on a box with a sandbag on his head and attaching wires to his fingers, toes and penis to simulate electric torture; and placing a dog chain or strap around a naked detainee's neck.

The disgrace of these incidents has rocked the US military establishment and provoked calls for the resignation and prosecution of leading figures including US Secretary of Defense Donald Rumsfeld. Rumsfeld had set up a 'special-access program' (SAP), approved by President Bush and Condoleezza Rice, giving the establishment blanket advance approval to interrogate, capture or kill terror suspects the Bush administration deemed 'high value targets'.

Rumsfeld and Stephen Cambone, the Under Secretary of Defense for Intelligence, assembled a group of civilian contractors and mili-

tary personnel under the SAP to conduct the interrogations on detainees. The contractors, including CIA officers, interpreters and interrogation specialists, were from CACI International, a company hired by the US Department of the Interior. It is alleged that military intelligence units empowered the personnel to 'facilitate interrogation', implying, according to the individuals on trial, that the use of torture and inhuman and degrading treatment was acceptable.

KHRP views the abuses in the Abu Ghraib facility as war crimes and calls on the administrations to fully investigate them to ensure that there is no impunity for anyone found responsible irrespective of position or rank. KHRP urges the administrations to immediately end incommunicado detention and grant access to independent human rights monitors. Moreover, KHRP is concerned that the investigation headed by Major General Antonio Taguba, which found "systematic and illegal abuse of detainees" in Abu Ghraib, was not intended for public release, and that the administration's current response only came once the report and photographic evidence became public.

Crackdown on protestors in Iran

According to information received by KHRP, Iranian officials subjected protestors to beatings in late May 2004, following protests over the killing of one man and beating of another by officials.

The protests were reportedly peaceful until the officials' intervention and took place in Kamyaran, situated between the Kermanshah and Sanandaj provinces in the Kurdish regions. The demonstrations were against the killing on 19 May 2004 of Ighbal Rahmanyar and wounding of Burhan Kamangar following disputes over their smuggling activities. The widespread poverty in the Kurdish regions of Iran has forced smuggling to become rife.

Meanwhile, according to reports, the Iranian regime's Guardian Council passed a law banning the use of torture against detainees on 6 May 2004. KHRP welcomes the introduction of the law and hopes that it will lead to the abolition of practices including stoning and flogging.

Censorship of Kurdish newspaper

The director of an Iranian Kurdish weekly paper arrested for publishing articles deemed to encourage ethnic and religious dissent has been freed on bail. Mohammad Sadigh Kaboudvand had attracted the attention of Iranian authorities following his publication of articles concerning the jailed Kurdish leader Abdullah Öcalan and a historical pro-independence figure Ghazi Mohammad.

The newspaper, the 'People's Message', is published in both Kurdish and Farsi and was launched in early 2004. It has now been closed down.

The official news agency IRNA reported that he was allowed out of jail pending trial after posting bail of 70 million rials (USD 8,100).

Iranian authorities have closed down over a hundred publications in recent years; most of which were close to the pro-reformist government. At least a dozen journalists currently remain in jail.

US imposes sanctions on Syria

On 11 May 2004 President Bush issued an executive order declaring sanctions on Syria. The sanctions include the export and re-export of Syria of all goods excluding food, medicine and airplane parts and the prohibition of commercial airline service between the US and Syria. They also require US financial institutions to sever relations with the state-owned Commercial Bank of Syria and the Syrian Lebanese Commercial Bank and to freeze assets and property of individuals deemed to have terrorist connections in Syria.

Bush ordered the sanctions after months of diplomatic strategy failed to convince the Syrian government to stop the flow of weapons from Syria to Iraq, to end its occupation of Lebanon, to stop pursuing WMD and missile programs, and to

take actions to stop terrorists operating in Syria.

The US Senate and House of Representatives passed the Syrian Accountability Act, which called for the sanctions, five months ago but the President held off issuing them, fearing the tension they would add to the situation in the Middle East.

With the prospect of imposed isolation from both the US and the EU, Syrian officials began to tell international but not domestic media that they were concerned about the effects of the sanctions.

Syria: Kurdish youths released but were tortured

Syrian authorities tortured Kurdish teenagers with electric shocks and ripped out their toenails after arresting them over ethnic riots in northern Syria, a Kurdish political party has stated.

The Yekiti party confirmed an official doctor's report that 35 youths, all under 18, had been tortured since being taken into custody in March, on charges ranging from inciting riots to holding the president in contempt. The youths displayed evidence of torture including visible cable marks from beatings, skin scarred from electric shocks, ripped out toenails, crushed ears and broken noses.

The teenagers were detained in March in a wave of arrests after bloody clashes between Syrian Kurds and the police in northern cities. Hundreds of Kurds were later released, but many more are believed to remain in incommunicado detention. A group of Syrian civil society organisations and opposition parties held a demonstration in the centre of Damascus on the Day of Syrian Political Prisoners on 21 June 2004. The date marks the initial imprisonment of the oldest prisoner held in detention without charge in Syria, 'Imad Shiha, who remains in prison after 29 years.



Syrian authorities launched a crackdown against Kurds following a wave of protests and riots which ensued over the killings of Kurds by Syrian authorities and pro-Saddam supporters at a football stadium in Qamishlo, Northeast Syria. ABOVE: Men waving banners shortly before the outbreak of violence at the football stadium in Qamishlo, 12 March 2004

Syrian Government promises to return citizenship to Kurds

In June 2004, President Bashar al-Assad of Syria stated his intention to return national identity cards to 20,000 Kurds. Identity cards were taken from an estimated 200,000 Syrian Kurds after a census in 1962, with concomitant restrictions on their civil and political rights. The statement is being seen as the most significant step towards recognition of the Kurds in Syria in over four decades. President al-Assad stated in an interview with *al-Jazeera* that, "The Kurds are Syrian citizens who live among us, and Kurdish nationalism is part of Syria's history."

KHRP welcomes the Syrian Government's acknowledgement of its citizens but stresses that the government returned identity cards to under 7 per cent of the total number of Kurds affected by the loss of citizenship.

DISPATCHES

continued from page 5

- Parliamentary public meeting, 'The Kurds in Syria', talk delivered by KHRP Executive Director Kerim Yildiz. Other speakers included Lord Rea, Jeremy Corbyn MP, Moustafa Rechid, a writer from Syria and the Vice-President of Kurdish PEN, Aziz Othman of the Kurdish Cultural Association of Syria, Ghaleb Semo and Bachar al Issa, Richard McKane of the Writers in Prison Committee of International PEN, Hywel Williams MP and Hugh Charlton, Chair of the Green Party, 18 May 2004



KHRP Executive Director Kerim Yildiz participates in a parliamentary public meeting concerning the Kurdish situation in Syria, May 2004

- Roundtable briefing with UK Foreign & Commonwealth Office, regarding human rights in Turkey and Turkey's accession plans, 25 May 2004
- Parliamentary public meeting to launch the Refugee Project. Speakers included John McDonnell MP, Jean Lambert MEP (Green Party), Sarah Ludford MEP (Liberal Democrats), Institute of Race Relations, Campaign Against the Arms Trade, Friends of the Earth, Kurdish Federation in UK (FED-BIR), Cornerhouse and Defenders of the Environment and Ecology of Panjab, 16 June 2004. KHRP and partner organisations initiated the project, which aims to place besieged refugee communities from around the world at the centre of its work, in 2002. Drawing on its experience from the Kurdish regions, the Project seeks to reach out to other communities to share perspectives on why people are forced to leave their countries, and the responsibility of host countries to accept refugees and asylum seekers. The Project has published a book, '*Listen to the Refugees Story: How UK Foreign Investment Creates Refugees and Asylum Seekers*'. For further information see www.therefugeeproject.org

DISPATCHES

COUNCIL OF EUROPE INVESTIGATES KURDISH CULTURE IN TURKEY

From 8 to 12 June 2004, Lord Russell-Johnston visited cultural centres in Diyarbakir, Mardin and Hakkari and a Kurdish language centre in Van in order to prepare a report on the cultural situation of the Kurds. The report is being prepared on behalf of the Council of Europe Parliamentary Assembly's (COEPA) Committee on Culture, Science and Education.

DISMAY AS TRIAL OF SOLDIERS FOR E-TYPE PRISON DEATHS ADJOURNED

The trial against 72 Turkish officers for their role in the deaths of eleven prisoners at Diyarbakir E-Type closed prison that occurred in 1996 has been adjourned again. The defendants did not attend the hearing held in Diyarbakir in May 2004. The 35 soldiers, 29 policemen and eight guards face charges of 'abusing duty' and 'intentionally committing murder'. The case has been submitted to the European Court of Human Rights for the inadequacy of the court procedure in bringing the perpetrators to justice.

IRAQ TO RESTORE DEATH PENALTY

Minister of Justice Malik Dohan al-Hassan has confirmed that Iraq will restore the death penalty once the interim government has taken power on 30 June 2004. Capital punishment was suspended by the then US Central Command Chief Tommy Franks in April 2003.

Under Saddam Hussein's regime, there were 120 crimes punishable by death, including car theft, but the new government plans to use it only for serious offences such as mass murder and the theft of oil wealth.

The most obvious target for the death penalty will be Saddam Hussein. The Minister of Justice said in his first week that the former dictator deserved capital punishment. The US Coalition has requested that the interim government reconsider its position.

KHRP AND KWP LAUNCH KURDISH WOMEN'S CHARTER

Prominent human rights barrister Baroness Helena Kennedy QC delivered a keynote speech on 22 June 2004, at an event to mark the publication of a *Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora*. Kurdish Women's Project and KHRP have published the Charter in English, Kurmanji, Sorani and Arabic languages. Further information about the event will be featured in KHRP's *Newsline 27*.

Turkey: Ferhat Kaya ill-treated in detention

A prominent human rights defender has been detained and subjected to ill-treatment following his work to mitigate the impacts of the Baku-Ceyhan (BTC) pipeline in Turkey. Kaya was detained on 6 May 2004 following his attendance at meetings with those affected by the pipeline and later with trade unionists in Ardahan. He states that he was humiliated and very badly beaten up during his detention. An officer pointed a gun at his head and verbally abused him and his family. Kaya was pushed to the ground and kicked repeatedly. Witnesses and relatives observed blood on his clothes and deep cuts on his arms and elsewhere. A medical report is consistent with allegations of torture or ill-treatment. He was also derided as a 'terrorist' by the court prosecutor, although he was not attendant at the court hearing.

KHRP and its partner organisations have sent alerts to a large number of international organisations, press and broadcast media, human rights and environmental groups and individuals. In addition targeted letters were sent to the many organisations with a direct involvement in the pipeline or in the human rights situation in Turkey, including the UK Foreign and Commonwealth Office, the Secretary of State for the Environment, Department for International Development, Trade and Industry Committee, Environmental Audit Committee, Department for Trade and Industry (ECGD), European Bank for Reconstruction and Development (EBRD) and World Bank.



Ferhat Kaya was detained on 5 May 2004 and not released until 21 May 2004 after payment of £2000 in bail

New protocol adopted: final chapter in ECHR reform

On 12 May 2004, the Council of Europe's Committee of Ministers (CoM) adopted Protocol 14 to the European Convention on Human Rights. The Protocol addresses concerns that the ever-growing number of new cases submitted to the European Court jeopardises its efficiency and effectiveness. Until now, nearly 96 per cent of applications submitted have not met the admissibility criteria.

KHRP was instrumental in initiating an NGO coalition that advocated concerns and made recommendations concerning the reform proposals, most recently in April 2004 (see *KHRP Legal Review 5 - Updated Joint Response to Proposals to Ensure the Future Effectiveness of the European Court of Human Rights*). The Updated Joint Response was supported by 114 NGOs and bodies throughout Europe.

An amendment has been adopted stipulating that the Court can now declare inadmissible the case of an applicant who has not suffered a 'significant disadvantage' due to a human rights violation. Despite qualifications in its final adopted form, KHRP opposes the amendment, believing that it may send a message to states that certain types of human rights violation are acceptable.

One amendment provides that admissibility will no longer be established by a committee of three judges, but rather by a single judge, providing that the application does not require further examination. Further, committees of three judges have been empowered to make simultaneous decisions on both the admissibility and merits of applications, rather than the original protocol requiring two separate judgments.

KHRP broadly welcomes the amendments, but reserves concern over several issues. The amendment mandating a committee of three judges to decide on the admissibility and merits of a case includes language that allows for

the substitution of the national judge in the committee, raising questions about the Court's independence and/or appearance of independence. KHRP is also concerned with the empowerment of a single judge to make final decisions.

KHRP welcomes the empowerment of the Council of Europe's Commissioner for Human Rights to intervene in cases; and the empowerment of the Court to investigate cases at any stage in the application process. The Court has also been empowered to help facilitate friendly settlement agreements, which are to be included in the Court's decision. The CoM has been empowered to ask the Court for clarification on decisions and to ask the Court whether a State has faithfully implemented a judgment.



KHRP legal team members Tim Otty, Sydney Kentridge QC and Mark Muller at a Grand Chamber hearing of the European Court of Human Rights

Extra-judicial killing case declared admissible

On 23 March 2004 the European Court declared admissible the KHRP case of *Mentesse & Others v. Turkey* (No. 36217/97). The case concerned the destruction of the applicants' village on 13 May 1994 by soldiers. The soldiers took away one applicant's son together with three other villagers. The

applicant heard no further news about his son despite his inquiries to the Lice prosecutor. The corpse of the applicant's son was found five days later. The European Court declared the application under Articles 2, 3, 5, 6, 8, 13, 14 and 18 of and Article 1 of Protocol No. 1 to the Convention.

New fair trial case lodged

On 13 May 2004, KHRP lodged a new application to the European Court (*Salih Ozturk v. Turkey*). The application concerns the dismissal of the applicant from his position as research assistant at a university. The case raises issues

concerning Articles 6 (right to a fair trial), Article 9 (freedom of thought, conscience and religion) and Article 1 of Protocol No. 1 (right to respect for property) to the Convention.

Decision awaited on *Issa* jurisdiction

The Chamber of the Second Section of the European Court of Human Rights indicated its intention to relinquish jurisdiction in favour of the Grand Chamber in the KHRP test case of *Issa v. Turkey* (No. 31821/96) in February 2004. Alongside *Öcalan v. Turkey* and *Bankovic a.o. v. Belgium a.o.*, the case is the most important determinant to date of the Convention obligations of signatories when intervening in the territory of a third state not party to the Convention. A final decision in the case is being eagerly anticipated by the international community, wishing to clarify controversial issues of international law such as the human rights obligations of British troops while serving in Iraq.

The case concerns seven shepherds who were massacred in Iraqi Kurdistan, close to the Turkish border, nine years ago. According to the seven applicants in the case – the widows of six of the shepherds and the mother of one – the shepherds were taken away by Turkish officers on 2 April 1995 during military operations. Three days later, the shepherds' mutilated corpses were found, with ears, tongues and genitals missing. KHRP took a case to the European Court on 2 October 1995 on behalf of the relatives of the deceased, alleging violations of Articles 2, 3, 5, 8, 13, 14 and 18 of the Convention. The Court declared all of the applicants' admissible on 30 May 2000.

The Chamber of the Second Section's indication of its intention to relinquish jurisdiction was announced under Article 30 ECHR. In March 2004, the respondent Government made

objections. The Applicants contend that the Government's objection was not "duly reasoned" and therefore did not meet the requirements of Rule 72(2) of the Rules of Court. The Court's decision is awaited.



A Turkish soldier's hat, found near the mutilated corpses of seven Kurdish shepherds in Iraqi Kurdistan.

New application against Armenia

In April 2004, KHRP submitted a new application concerning the detention and administrative penalty imposed on the applicant following his alleged participation in a demonstration during the 2003 presidential elections in Armenia (*Kirakosyan v. Armenia*). The applicant complains under Articles 3, 5, 6, 8 and 14 that he was unlawfully and arbitrarily arrested, denied a fair trial and free legal

representation, detained inhumanely, and denied access to his family whilst imprisoned. He also complains under Articles 10 and 11 and Article 3 of Protocol No.1 to the Convention that he was denied his rights to freedom of expression and peaceful assembly. Further, he submits that he was denied an effective remedy in violation of Article 13.

Grand Chamber hears *Öcalan* case

On 9 June 2004 the European Court held a Grand Chamber hearing on the merits of the landmark case *Öcalan v. Turkey* (No. 46221/99).

The applicant complains that the imposition and/or implementation of the death penalty was or would be in violation of Articles 2 (right to life), 3 (prohibition of ill-treatment) and 14 (prohibition of discrimination) of the Convention; and that the conditions in which he was transferred from Kenya to Turkey and detained on the island of İmralı amounted to

inhuman treatment in breach of Article 3.

He also complains that he was not brought promptly before a judge and did not have access to proceedings to challenge the lawfulness of his detention, in breach of Article 5 §§ 1, 3 and 4 (right to liberty and security).

Under Article 6 § 1 (right to a fair trial) he complains that he was denied a fair trial, in that he was not tried by an independent and impartial tribunal, as one of the judges of the State Security Court was a military judge, the

judges were influenced by hostile media reports and his lawyers were not given sufficient access to the court file to enable them to prepare his defence properly.

He also complains, under Article 34 (right of individual application), that his legal representatives in Amsterdam were prevented from contacting him after his arrest and/or that the Turkish Government failed to reply to a request by the European Court for information. The applicant further relies on Articles 7, 8, 9, 10, 13, 14 and

18 of the Convention.

In its Chamber judgment of 12 March 2003, the European Court held that there had been a violation of Article 5 §§ 3 and 4, Article 6 §§ 1 and 3 (b) and (c), and also of Article 3 on account of the fact that the death penalty had been imposed after an unfair trial.

KHRP attended the European Court's Grand Chamber hearing in the case, during which the applicant and respondent state's complaints were given, on 9 June 2004.

New and Upcoming KHRP Reports

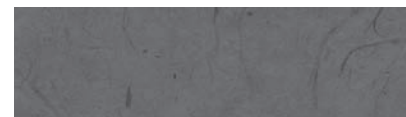
Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

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

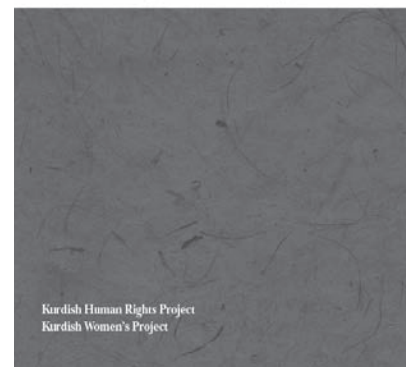
Against this backdrop, Kurdish women have been pushing hard to achieve the enforcement of human rights. *The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora* has been continually developed to ensure that it appropriately identifies the needs and wishes of women in the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

KHRP/ Kurdish Women's Project
Available from KHRP (£1 + P&P) or online at www.khrp.org

ISBN 1 900175 71 1



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



Kurdish Human Rights Project
Kurdish Women's Project



KHRP Legal Review 5

The *KHRP Legal Review* is the only existing legal journal considering significant legal developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders by providing clear guidance, updates and analysis of issues relevant to the regions. This edition provides analysis of the law and practice of judicial appointments to the European Court; the retrial of Leyla Zana and other Kurdish former parliamentarians; trials of human rights defenders in Turkey; and recent developments before the UK Immigration Appeal Tribunal involving Kurds from Turkey seeking political asylum. It also includes a breakdown of Article 3 and Article 6 ECHR cases against Turkey in recent months. Finally, it includes European Court admissibility decisions and judgments from December 2003 to June 2004.

KHRP
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Kurdish Cultural and Linguistic Rights (Turkish language)

This report assesses the situation of the Kurds and to what extent their minority culture(s) is treated under the laws in place in Iran, Iraq, Syria and Turkey. What emerges is a picture of a group that has been the victim of a prolonged campaign of cultural suppression in all four countries. Various tactics have been employed ranging from outright prohibition on the private use of Kurdish to more subtle forms of oppression via anti-terrorist laws. The report considers the national systems in place in each country and their compliance with international law standards, together with the status of Kurdish language, media and education in each country.

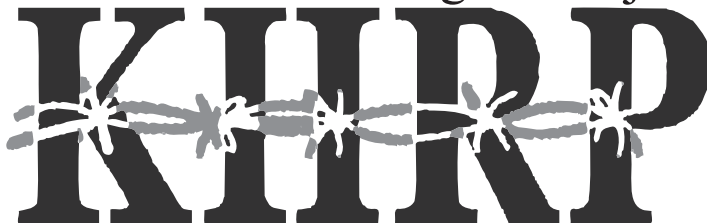
Available only in Turkey or online at www.khrp.org/Turkish/hometurkish.htm



Upcoming Publications:

- The Kurds in Syria
- Kurdish Linguistic and Cultural Rights
 - Fact-Finding Mission Report
- Baku-Ceyhan Litigation Fact-Finding Mission
 - Trial Observation Report

Kurdish Human Rights Project



Established 1992

Project Information

THE ORGANISATION

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

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

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

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

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

Aims

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

Methods

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

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Calendar of Events

5-23 July	UN International Law Seminar Geneva
5 July 2004- 23 July 2004	International Summer School in Forced Migration, Oxford, UK
7-18 July	Human Rights and Religion Conference, University for Peace, San Jose, Costa Rica
11 July	World Population Day
21-30 July	Human Rights and International Litigation Conference, Human Rights Centre Ius Gentium Conimbrigae Faculty of Law University of Coimbra, Coimbra - Portugal
7 August	Transgender International Rights and Education Day
9 August	International Day of Indigenous People
12 August	International Youth Day
8-12 August 2004	Keeping Justice Systems Just and Accountable: A Principled Approach in Challenging Times - 18th International Conference Conference, International Society for the Reform of Criminal Law, Montreal, Canada