



## Torture victims obtain justice: European Court condemns Turkey for torture of 16 human rights defenders

On 13 November 2003, the European Court of Human Rights ruled that Turkish security forces were responsible for the torture, ill-treatment, and unlawful detention of 16 human rights lawyers in 1993, in a case brought to the Court by KHRP (*Elçi and Others v. Turkey*, nos. 231451/93 and 25091/94).

The applicants were all Kurdish lawyers involved in human rights work, based in the Southeast of Turkey. They were taken into custody in November and December

1993 and blindfolded, insulted, assaulted, beaten, stripped naked, hosed with pressurised cold water and deprived of adequate food and drink for up to 25 days.

The Court ruled that there had been violations of the prohibition of torture and ill-treatment (Article 3) in respect of all of the applicants. Four of the applicants had been subjected to both physical and mental violence which was "particularly cruel and severe". The treatment of the five others was nonetheless

sufficiently severe to constitute a violation of Article 3.

The Court held that there had been a violation of the right to liberty and security (Article 5, ECHR) in respect of all the applicants, as all had been unlawfully detained without authorisation by a Public Prosecutor, as required by domestic law.

The Court held that in the case of five of the applicants, the search and seizure of possessions was

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### Director's Letter



Dear friends,

As 2003 draws to a close, we can but reflect on the shifting paradigms which have altered Kurdish regional politics over the past year.

With the demise of the rule of the Ba'ath party in Iraq, the country's Kurdish population faces a new chapter in the political and regional development of its region. For over a century the Kurds have been subjected to the grand schemes of other powers, denied autonomy, and have faced the onslaughts of military assaults, economic embargo, and the destruction of their native regions.

In 2004, KHRP will continue to consider the unanswered question: what is to be the future of the Iraqi Kurdistan that was achieved after the Gulf War in 1992?

It is not only the future of Iraqi Kurdistan that looks uncertain. The war in Iraq has had implications for the stability of all of its neighbours: Turkey, Iran and Syria. KHRP has received an unprecedented level of requests for information over the past year; it is clear that the attention of the international community is focused on the Kurds now more than at any time in the past.

Reflecting on 2003, KHRP is satisfied with the progress it has made. The European

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## US-led plans to bring Ba'athist war criminals to justice



Photos (c) KHRP, August 2003

Recent excavation of a mass grave in Basra, August 2003. See 'After the War: Report of the KHRP Fact-Finding Mission to Iraqi Kurdistan'

### MASS GRAVES UNCOVER 300,000 DEAD

The leading human rights official in Iraq's US-led civilian administration, Sandy Hodgkinson, has reported that mass graves containing the bodies of approximately 300,000 opponents of Saddam Hussein's regime have been uncovered in 263 mass graves located throughout Iraq.

The majority are believed to have been Kurds and Shiites killed after uprisings against Saddam Hussein during the 1980s and after the 1991 Gulf War.

Forensic teams have been examining the sites of suspected graves and have so far confirmed the existence

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**Director's Letter**

**Court has continued to hold Turkey to account in KHRP cases; in 2003, Turkish authorities were found responsible for 'disappearances', unlawful imposition of the death penalty, failure to investigate deaths in custody or extra-judicial killings, torture, unfair trials, village destructions, interference with free elections and other gross human rights violations. New applications, including seminal cases against Armenia and Azerbaijan, have created new space with which to challenge the abuse of human rights.**

**KHRP's submissions to international bodies – including the European Commission, UN Committee Against Torture, the OSCE and OECD – have been assisted by our direct information from the ground; obtained through a series of fact-finding missions, sometimes to otherwise inaccessible parts of Southeast Turkey, Iraqi Kurdistan and Iran. KHRP has observed trials on the ground to monitor the compliance of domestic trials with international standards; including the trials of pro-Kurdish parliamentarians, human rights defenders, censored writers and even the trial of 405 soldiers for the rape of a Kurdish woman in custody.**

**Throughout the year, KHRP has continued to publish and disseminate Newline, as well as preparing 23 reports into specific areas of concern in the English, Armenian, Turkish, Russian and Azeri languages. The reports are available from the KHRP website, which won two awards in 2003 for its design and content.**

**As we reach the end of the year, we should like to thank all those who have assisted KHRP in 2003, including our regional partners, board members, supporters, funders, legal team, interns and staff, to all of whom we owe an enormous debt of gratitude.**

**Kerim Yildiz  
Executive Director  
November 2003**

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of approximately forty containing women and children with bullet holes in their heads.

The experience of Bosnia, where it took over nine years for 8,000 of a believed 30,000 bodies to be uncovered in mass graves, suggests that the investigations in Iraq will continue for years to come. Many also caution that the financial and technical resources necessary to carry out the evacuations will make a full exploration of all of the sites impossible. Moreover whilst Iraqi citizens are being trained in locating and protecting the gravesites, there is deep concern that relatives desperate to find missing loved ones will damage the sites before this process has been completed. During the weeks following the demise of Hussein's regime, Iraqi's civilians used bulldozers to uncover graves and, in the process, destroyed some crucial evidence identifying the deceased.

The mass graves will provide evidence that can be used to build criminal cases against members of the former regime. However, whilst international tribunals were used to prosecute the perpetrators of the murders carried out in the former Yugoslavia and Rwanda, America has stated that any trials investigating the killings will be carried out within the Iraqi legal system and not within the International Criminal Court to which neither America nor Iraq are a party.

On 1 October 2003, Iraq's Governing Council announced that it is preparing to establish a war crimes tribunal to prosecute those accused of atrocities during Saddam Hussein's regime. Council member Samir Shakir Mahmoud stated that the US-appointed group is working on a statute for creating a special court that could be before US administrator Paul Bremer within

weeks. The US currently has in custody dozens of high-ranking officials from their list of most-wanted Iraqi figures – many of whom are being held at the high security prison at the Baghdad International Airport.

KHRP is monitoring the establishment of the court to ensure that it complies with the highest legal standards, both preserving the rights of defendants and taking all necessary measures to ensure justice is done.



A sign near to the mass grave site in Basra reads, "Here lie the graves of our Kurdish brothers and sisters", August 2003

Photos (c) KHRP, August 2003

## Iraq Governing Council and Kurds fear deployment of Turkish troops

Turkish Prime Minister Erdogan is facing stiff public opposition after stating that plans to deploy up to 10,000 Turkish troops in Iraq, while frozen after US intervention, have not been completely ruled out.

The prospect of a Turkish deployment in Iraq has provoked widespread controversy both in Turkey and Iraq. The Iraq Governing Council (IGC) reportedly released a statement of opposition; but was blocked by Paul Bremer, American Civilian Administrator.

Although it is claimed that any Turkish deployment would be in the Sunni areas of central Iraq and not in the northern Kurdish areas, many observers and Iraqi civilians view the prospect of Turkish intervention with great unease. Many Iraqi civilians remember 400-years of Turkish colonial domination and refer to statements made by members of the Turkish Government which lay claims to areas of Iraqi Kurdistan. Moreover, Iraqi Kurds have repeatedly

been subjected to human rights violations during Turkish cross-border incursions. For example, KHRP cases currently pending at the European Court of Human Rights concern the mutilation and killing of seven Kurdish shepherds in Iraqi Kurdistan in 1997 (*Issa v. Turkey*).

Many fear that Turkish deployment would exacerbate ethnic tensions between Kurdish and Turkoman communities in Iraq. Suspicion of Turkish motives intensified as a result of the recent US interceptions of uninvited Turkish commando units within Iraq. Turkish military presence in Iraq could also set a precedent for other regional neighbours which could destabilise the region further.

On 24 October 2003, Turkey froze plans for the possible deployment following reported US intervention. However, the US remains eager to find a way to ease the pressure on its troops in Iraq, following refusals by the governments of Bangladesh, Portugal, India and Pakistan.

# Security concerns in Iraq

On 12 November 2003, a bomb attack on an Italian base in Nasiriya left 22 dead. The attacks followed the bloodiest day since American troops took Baghdad on 27 October 2003, when at least 35 people died and 244 were wounded in near simultaneous bombing attacks on the Headquarters of the International Committee of the Red Cross (ICRC) and three American-backed police stations in Baghdad. Coming only two months after the attack on the UN headquarters that killed UN Special Representative to Iraq Sergio Vieira de Mello, the acceleration of a bombing campaign to undermine humanitarian efforts seems set to continue unabated.

Unfortunately, this attack was only one of many that have seen the murder of the Deputy Mayor of Baghdad in a drive-by shooting, and the bombing of a hotel in which American Deputy Defence Secretary Paul Wolfowitz was staying. On the 28 October there was a further bombing in Fallujah west of Baghdad in which five people were killed.

The continuing attacks have prompted many NGOs and international aid agencies working in Iraq to re-evaluate their positions. As a result of the attacks, both the ICRC and Médecins San Frontières (MSF) have decided to scale back their operations or to close down Baghdad and Basra offices, though remain "committed" to supporting people in Iraq. Such a move in the wake of similar reductions in other organisations had prompted the American Secretary of State Colin Powell to appeal to the ICRC, NGOs and the UN to remain in Iraq, as their withdrawal would constitute a "win" for the terrorists. The UN has since withdrawn its international staff from Baghdad, for "security consultations".

Many believe that the attacks have been carried out by Arab *fedayeen* from outside of Iraq. Unfortunately, intelligence sources based in Iraq currently have not confirmed who is orchestrating the attacks, although the involvement of al-Qaida has been mooted.

# UNHCR negotiations over Kurdish refugee camp

Officials from the UN High Commissioner for Refugees (UNHCR) have met with Turkish authorities to discuss the possible evacuation of the Maxmur camp in Iraq, where up to 10,000 internally displaced Kurds from Turkey have settled. The groups undertook to continue negotiations over the possibility of the refugees being relocated to Turkey.

Meanwhile, Turkish security forces have refused permission for a delegation from the Migrants' Association for Social Co-operation and Culture (Göç-Der) to visit Maxmur refugee camp.

The delegation travelled from Diyarbakir in the direction of the Maxmur camp on 15 November 2003. They were stopped by security forces in Sirnak province and told to return to Diyarbakir.

*Kurdish refugees at a refugee camp near the Turkish border*

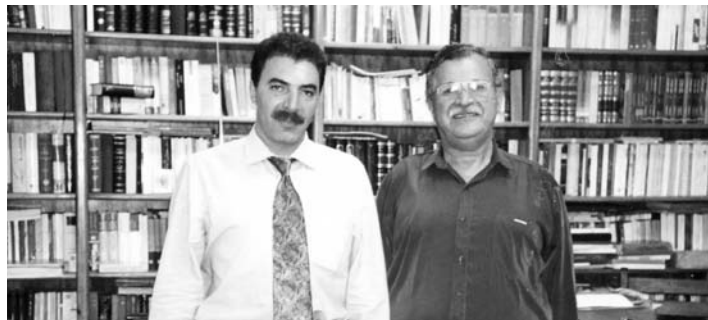


# Iraqi Kurdish leader visits Turkey

Senior Iraqi Kurdish leader and current Chair of Iraq's US-appointed Governing Council, Jalal Talabani, visited Turkey, Iran and Syria in late November 2003 as part of a regional tour intended to improve strained regional relations. He said that the high level visits were aimed at boosting bilateral relations and would touch on security issues.

The talks in Iran are reportedly likely to have focused on Iran's offer to share its oil facilities with Iraq; Tehran pledged credit worth USD 300 million at an international donors' conference in Madrid to help rebuild the war-shattered Iraq. An additional tourism package is expected to bring 1,200,000 Iranian tourists to Iraq each year to visit its cultural and religious sites.

Relations between Iraq's Governing Council and Turkey took a nosedive in October 2003 when the Council objected strongly to plans to deploy up to 10,000 Turkish troops in Iraq. Turkey, a major thoroughfare to Iraq for aid and materials for reconstruction, hopes trade with Iraq could reach USD 1 billion in 2003. Turkish construction companies and manufacturers are already chasing lucrative contracts in the war-torn country.



*KHRP Executive Director Kerim Yildiz and Chair of the Iraq Governing Council Jalal Talabani, Iraqi Kurdistan*

# 'Honour killing' father jailed for life

A 47 year-old Iraqi Kurdish father, Abdalla Younes, has received a life sentence in London following the honour killing of his 16-year old daughter, Heshu. He had slit her throat and stabbed her seventeen times due to his fears that she was becoming too westernised and may have been in a relationship with a Lebanese Christian student.

Marks on Heshu's body indicated that she had desperately tried to prevent the attacks. Following her killing, Mr. Younes had attempted suicide, necessitating hospital treatment for several months. During the trial he had requested the judge to pass the death penalty on him; however the judge was compelled to pass a life sentence.

Heshu was described as a "bubbly" and "fun-loving girl" in court. The jury was read a farewell letter the teenager wrote to her father as she planned to run away. In it she apologised for having been a problem, promised to repay him money she and asked him not to worry about her.

Honour killings are not limited to Kurdish communities. According to Scotland Yard, there have been twelve honour killings in the past year in Britain among both Islamic, Sikh and Christian communities.

# Turkey's progress report on EU accession is published

The European Commission both welcomes Turkish efforts on politically sensitive reform and has concerns over the implementation of reforms, the role of the military in politics and human rights, according to the European Commission's Annual Progress Report on Turkey released on 5 November 2003.

Arguing that the problem of implementation has 'considerably narrowed' the scope of the reforms that Turkey has passed, the report determines that this is not due to a lack of political commitment, but rather the activities of local administrators and judges. This has been confirmed in research by the World Academy for Local Government and Democracy (WALD) which found that over 83 per cent of administrators

had not examined the recent EU-orientated reforms. The research also found that the administrators did not attach much importance to the issues of transparency and participatory administration.

Turkish Prime Minister Erdogan dismissed the criticisms of the implementation of reforms as 'lame excuses'; while Foreign Minister Gul has recognised it as a problematic issue. He also describes the report as 'objective'. Belgian Prime Minister Verhofstadt has deplored Turkey to view the report as a challenge and a roadmap for the coming year, not as a criticism.

The Progress Report makes recommendations pertaining to continuing restrictions on the right to legal redress and to freedom of expression, of association, of peaceful

assembly and of religion. It highlights the situation of the Kurdish population and the failure to implement swiftly and consistently the legal reforms that would allow Kurdish-language education and broadcasting. It also highlights the EU's concern over new restrictions on the rights of parents to give their children Kurdish names. This refers to a September 2003 circular which banned the use of the letters 'q', 'x' and 'w' in names (all letters of the Kurdish, not Turkish, alphabet).

The EU has also noted that, despite the withdrawal of executive powers from the National Security Council, the military are still represented on civilian bodies regulating the higher education and audio-visual sectors. The report reiterates the EU's demands for

greater parliamentary control and oversight of the defence budget, which the armed forces currently prepare and establish with "substantial" autonomy.

The report also highlights EU demands for court trials to be conducted more quickly and for greater religious freedom for the non-Muslim minorities who face discrimination in relation to legal personality, property rights and religious training. The report also stresses concern for the estimated 500 legal cases currently pending against human rights defenders in Turkey.

KHRP welcomes the reforms that have taken place in Turkey in line with EU accession standards. However, it is concerned that failing to address the Kurdish issue explicitly will undermine the reform process.

## KHRP observes two trials of 410 soldiers and police for rape

From 5 and 6 November 2003, a KHRP delegation to Mardin in Southeast Turkey observed the trials of 405 paramilitary soldiers indicted for the repeated rape of a Kurdish woman, Sukran Esen, in 1993 and 1994 and, in a separate case, of five police officers indicted for the rape of a Kurdish woman on 5 March 2002.

Sukran Esen says that during her three detentions she was stripped, subjected to *falaka*, electric shocks, placed in a car tyre and rolled around, blindfolded and repeatedly raped by several men. Following one detention she suffered severe bleeding and required hospital treatment.

All of those indicted worked at the Derik Cayönü and Mazıdagi Gönarköy paramilitary police station; 64 were senior officers. If convicted, the soldiers each face a jail term of up to 15 years.

During the trial on 6 November 2003, Sukran Esen's legal representative drew the court's attention to the European Court's decision in the KHRP case of *Aydin v. Turkey*, which ruled for the first time that rape constitutes a form of

torture contrary to the European Convention on Human Rights. The next hearing in the trial will take place on 24 February 2004. A further 40 gendarmerie were subsequently indicted, bringing the total number of defendants to 445.

The second case concerns the rape by five members of the Anti-Terror branch of the Mardin police of Hamidiye Aslan, a Kurdish 37-year old mother on 5 March 2002. She was detained for 48 hours in the police station where she was blindfolded, subjected to pressurised cold water, verbally abused and anally raped with sticks.

Following her formal complaint, the Mardin prosecutor opened an investigation into the five police officers. During the trial on 5 November 2003, the case was adjourned in order to verify medical reports and to obtain witness statements.

The trial observation delegation met with Gulbahar Gündüz, an executive member of Turkey's largest pro-Kurdish political party, DEHAP, who was abducted and subjected to sexual torture by plainclothes

police officers during an eight-hour ordeal on 14 June 2003 in Istanbul (See *Newsline* 22, Summer 2003). A domestic investigation by the Istanbul Security Directorate into her attack was lifted in October 2003, stating that "no security official is in the position of defendant".

Other meetings were held with a case prosecutor, the mayor of Diyarbakir and representatives of the Teachers' Trade Union Egitem-Sen, Human Rights Association (IHD) Mardin and Diyarbakir branches, DEHAP's Mardin and Diyarbakir branches, the Contemporary Lawyers' Association Diyarbakir

branch, and the Human Rights Foundation of Turkey Diyarbakir branch and Diyarbakir Bar Association. Fact-Finding Mission member Margaret Owen was informed by the Assistant Prosecutor in Mardin that Kurdish women had "ample opportunity" to use the existing domestic remedies in Turkey. "Every problem, however small, can be brought to a court in Turkey... She should not be afraid as the alleged perpetrator is a State official."

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*Ezgi Dursun of the Diyarbakir Women's Branch of DEHAP shows the bruises she received in police detention. "All of us women have been taken into detention and beaten," she told the KHRP delegation.*



# Kurdish politicians jailed for “electoral fraud”

In late October 2003, two Kurdish politicians began 9-month custodial sentences after being convicted of electoral fraud.

Mehmet Abbasoglu, the former head of the pro-Kurdish political party DEHAP, and Nurettin Sonmez, his aide, were convicted of falsifying documents to ensure that DEHAP was eligible to stand in the 3 November 2002 general elections. They recently failed in their efforts to have their conviction overturned in the highest court of appeal in Turkey.

The detention of Abbasoglu and Sonmez marks the near completion of a controversial case that had threatened the results of the elections. The political uncertainty surrounding the case was brought to an end in October

2003 when the Turkish electoral commission ruled that the 2002 results would be upheld. It had been petitioned by Turkish political parties after courts ruled that DEHAP had participated in the election illegally. The parties argued that whilst DEHAP itself did not gain any parliamentary seats due to having undershot the required 10 per cent threshold; it had received nearly 2 million votes, effectively lowering their own results and affecting the distribution of parliamentary seats.

Meanwhile, on 7 November 2003, a 10-month suspended custodial sentence against Güngör Alp, Chair for DEHAP in the Kars Province, was imposed in connection with a speech that he made on 31 May 2003. The trial was brought under Article 8(1) of the Anti-Terror

Law. A 6-month custodial sentence against the former DEHAP Chair of Kars province, Mahmut Boçnak, was imposed on the same day. KHRP is concerned that the rights to freedom of association,

of assembly, to be free of torture or inhuman and degrading treatment and to fair trials are being violated in the case of members of DEHAP, the largest pro-Kurdish political party in Turkey.



Mehmet Abbasoglu, the former head of DEHAP, enters prison in October 2003

## Turkey targets newspapers, publishers and writers

A case against leftist writer Fikret Baskaya and his publishers Özden Bayram and Ismet Erdogan was adjourned on 6 November 2003, pending the results of expert opinions on the case. The next hearing will take place on 17 February 2004.

The author has been prosecuted under Article 159 of the Turkish Penal Code which imposes penalties on those that, “openly insult and deride Turkishness, the Republic, the Grand National Assembly, the moral personality of the Government, the Ministries, the military or security forces of the State or the moral personality of the judiciary.”

The criminal proceedings

concern sections of the book ‘Writings Against the Flow’, in which Baskaya maintains that Turkey is a “republic of torture” and that the 1993 Sivas massacre “was organised by the state as others in the past”.

In July 2003, a delegation from KHRP and the Bar Human Rights Committee (BHRC) observed another trial of the same writer under Article 8 of the Anti-Terror law. The European Court of Human Rights has previously ruled that the author had been subjected to a violation of his right to freedom of expression under Article 10 of the European Convention. (See KHRP report ‘Turkey’s non-implementation of European Court judgments: the

trials of Fikret Baskaya’ (2003) and *Newsline 23*, Autumn 2003.)

Meanwhile, on 11 November 2003, managers of the monthly Dersim magazine in Istanbul stood trial at the Izmir State Security Court under charges of ‘inciting hatred and hostility’. Both the owner, Kemal Mutlu, and the editor-in-chief, Ali Ekber Coskun, face up to three years in prison if found guilty. Judge Hasan Dinc, on 8 May 2003, had ordered the confiscation of the magazine because of five articles published in the second issue. The articles in question relate to the 1937-38 period of the Dersim Revolt, and events that took place during that period. However, the managers have not been fully informed of

the details of the accusations directed against them.

KHRP is also concerned for the welfare of distributors and writers for the pro-Kurdish *Yeniden Özgür Gündem* newspaper, after a distributor in the Siirt province was subjected to threats and intimidation by plainclothes police. In one of several incidents, on 1 November 2003, the distributor Remzi Aygün received a telephone call in which he was threatened with death by persons claiming to be police officers. After making a press statement detailing his ill-treatment, Mr. Aygün was detained by the Siirt police force.



Women’s groups and lawyers of Sukran Esen read a press release in Mardin, 6 November 2003

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**KHRP observes two trials ...**

Meanwhile, in October 2003, a representative of the Turkish Ministry of Justice, Professor Dogan Soyaslan, justified continuation of a controversial law that exonerates rapists from prosecution if they marry the victim after the crime. “Nobody would want to marry a girl who

is not a virgin,” commented the Professor, arguing that victims of rape face a choice between marrying the perpetrator or never marrying. Women’s and human rights groups have protested the statements on the grounds that they indicate a climate of tolerance for perpetrators of sexual offences.

KHRP’s trial observation report is forthcoming.

# Suicide bombers target Istanbul



British consul General Roger Short was killed in the terrorist attacks

On 17 November 2003, 27 people were killed and up to 450 wounded following an attack by suicide bombers in Istanbul.

The two attacks targeted London-based bank HSBC and the British consulate. Of those killed, 14 have been identified as British staff at the Istanbul consul, including British consul General Roger Short.

The suicide attacks followed car bombings on 15 November 2003 outside the Nev Shalom and Beth Israel synagogues. The Nev Shalom synagogue is the city's largest and most important spiritual centre for the 25,000-member Jewish community

of Istanbul. The Beth Israel synagogue sits just 3-miles away in the district of Sisli, where the city's smallest Jewish, Armenian and Greek communities live. The explosions killed Jews inside the synagogue during the morning Sabbath prayers along with Muslim bystanders. Up to 23 people were reportedly killed and more than 140 wounded.

An unidentified caller to Turkish news agency Anatolia attributed the attacks to al-Qaida and a small Turkish militant group, the Islamic Great Eastern Raiders' Front (IBDA-C)

KHRP condemns these terrorist attacks in the strongest possible terms and urges the Turkish Government to pursue open, swift and effective investigations.



The aftermath of the Istanbul bombings, November 2003

# Iranian Kurdish refugees at risk in Turkey

On 1 November 2003, Turkish police and security forces arrested over 50 Iranian Kurdish refugees, including eight women. The refugees were detained for two days, during which they were reported to have been subjected to ill-treatment and denied food.

Following a court hearing on 3 November 2003, relatives of the detainees were informed that they would be released pending approval by the Turkish Interior Minister. However, on 4 November 2003, the relatives were told that the detainees would be detained until a further court hearing on 12 November 2003.

In a separate incident on 5 November 2003, refugees that had been waiting in a park near the police station in Van were reportedly attacked by members of the police force. Nine were subsequently arrested and reported being beaten and ill-treated in detention. They were released later that day, but reported that the refugees who had been detained on 1 November 2003 were experiencing the same ill-treatment and feared that they would be deported to Iran, where they could face detention, torture and possibly execution.

KHRP is concerned for the welfare of approximately 1,500 Iranian Kurdish refugees in Van, following the Turkish authorities' decision to return sixteen refugees who were registered with the UN High Commission for Refugees (UNHCR) to Iran on 8 September 2003. (See *Newsline 23*, Autumn 2003)

# Torture and ill-treatment of children

Primary school children, aged between 10 and 11 years, detained in prisons in Istanbul and Buca on 30 October and 5 November 2003 have reported being subjected to torture and ill-treatment, including beatings, verbal abuse, the withholding of food and clean water.

One group of children was detained in the Yenibosna quarter of Istanbul and report that, in addition to beatings and verbal abuse, the only water available to them was from taps in the toilet.

On 5 November 2003, there was reportedly a revolt led by children in a ward at Buca prison to protest against their beatings and ill-treatment. Several children required hospital treatment following a fire during the revolt. A request for an independent medical assessment of the children was rejected.

An investigation by the Parliamentary Human Rights Commission concluded that there were no grounds for the children's claims. However, the Izmir Bar Association has responded that torture and ill-treatment are systematic in Buca prison and that the children would be unable to talk freely for fear of recriminations

# Iranian judiciary continue to repress freedom of the press

On 20 October 2003, the Sanandaj Revolutionary Court in the Kurdistan province banned the Kurdish newspaper *Avay-e-Kurdistan* without justification.

This latest restriction on press freedom comes in the wake of the continuing Iranian policy of closed door trials. According to information received by

KHRP, the Iranian Judiciary has confirmed that three journalists arrested on 14 July 2003 are serving prison terms. However the Iranian Judiciary has declined to confirm why Taghi Rahmani of *Omid-è-Zangan* and Reza Alijani and Hoda Saber both of *Iran-e-Farda* were arrested, or when and where

their trials would be.

The men are being held in solitary confinement and have begun a hunger strike in protest against their treatment. Both their families and their lawyers have been denied access.

The families of the journalists, together with the family of detained journalist

Abbas Abdi, have conducted a sit-in protest outside the UN office in Tehran which began on 16 November 2003.

KHRP is concerned about the imprisonment of the journalists and urges the international community to take action in this case.

# Nobel Peace Prize for Iranian human rights activist

A lawyer, former Judge, university lecturer, activist and author, Ms Ebadi was the first female judge in Iran. She served as President in the Tehran City Court from 1975 until the establishment of the Islamic Republic in 1979, when she was forced to resign from her position on the grounds that women were unsuitable for the position of judge. Since then Ms. Ebadi has been an outspoken campaigner within Iran, focusing particularly on the rights of women and children, and has through her own legal practice taken on a variety of politically sensitive cases. She has recently taken on the case of Zahra Kazemi, the Iranian-Canadian journalist who died in custody on 11 July 2003. (For further information, see *Newsline 23*, Autumn 2003)

As a key reformist figure in Iran, Ms Ebadi's championship of the belief in the compatibility of human rights and the tenets of Islam, and advocacy of the fundamental place of democracy as the foundation of political power in a community, have brought her into conflict with Iran's Conservative Clerics. She has also been held in solitary confinement and suffered personal harassment. Yet whilst she acknowledges the fear of death, which she states that anyone, "who pursues human rights in Iran, must face," she refuses to be swayed from her cause and says that such fear no longer has any power over her. It is understood that Ms Ebadi will use her USD 1.3 million (approximately GBP 780,000)



Shirin Ebadi

prize money to support the NGO Center for Defenders of Human Rights that she recently launched.

In the peace prize citation, the Norwegian Nobel Committee, paid tribute to Ms Ebadi's courage and asserted its hope that, "the Prize will be an inspiration for all those who struggle for human rights and democracy... [I]n all countries where the fight for human rights needs inspiration and support."

KHRP would like to extend its warmest congratulations to Ms. Ebadi for achievement and hopes that the prize will indeed help to expand the political space for human rights activists in Iran and everywhere.

## Fear of torture and ill-treatment for Syrian Kurd

The brother of a Kurdish man who was tortured to death in August 2003 is now being held incommunicado by Iranian authorities, according to information received by KHRP.

Khalil Mustapha was found dead two days after his arrest. His nose was broken, hands and legs were broken in several places, eye was gauged out and genitals had been cut off. (See *Newsline 23*, Autumn 2003)

His brother, Hasan Mustapha, was detained on 18 October 2003 following investigations of the deceased's relatives by Political Security officers. His current location is unknown and whilst neither he nor his brothers are known to have had any political affiliations, his detention is unfortunately not unusual. Many Syrian Kurds are known to have been arrested and detained for the peaceful expression of grievances.

## DISPATCHES



KHRP Executive Director Kerim Yildiz making an oral presentation to delegates of the Organisation for Security and Co-operation in Europe in Warsaw, October 2003

### KHRP ATTENDS 2003 OSCE HUMAN DIMENSIONS IMPLEMENTATION MEETING

From 6 to 13 October 2003, KHRP made oral presentations at the Organisation for Security and Co-operation's (OSCE) Human Dimensions Implementation Meeting (HDIM) in Warsaw, Poland.

The HDIM is a forum for the presentation of national concerns to a multilateral audience. This year it was attended by 365 government representatives from 53 of the 55 participating states together with human rights activists and international experts as well as the Mediterranean Partners for Co-operation and the Partners for Co-operation from Asia.

The HDIM – the OSCE's most important human rights event – scrutinises the human rights record of all participating states and develops recommendations on measures that governments can take to improve their compliance with OSCE standards. The meeting reviewed the implementation of the whole range of human dimension commitments, including democracy, fundamental freedoms, tolerance and non-discrimination, legislative transparency, independence of the judiciary, right to a fair trial, the abolition of capital punishment, prevention of torture, trafficking and international humanitarian law. In response to the current global concerns about security and anti-terrorism measures, particular focus was given to how states react to the threat of terrorism and whether these responses are in line with OSCE commitments. Attention was also given to anti-Semitism, freedom of religion and belief, discrimination, racism, national minorities and migrant workers.

KHRP attended the meeting to monitor the progress of OSCE human dimension projects, to continue developing relations and collaborating with the OSCE to address human rights issues and to intervene on human rights issues of concern. This year, KHRP focused in the situation of the internally displaced Kurds in Turkey, deficiencies in the Turkish legal system which deny defendants the right to a fair trial and the prevalence of torture. The Turkish Government used its right to reply to comment on KHRP's interventions at both presentations; prompting the Director of the IDHIR to intervene and state that KHRP was a well-respected and accredited NGO that had been part of the OSCE meetings for a number of years.



KHRP Executive Director Kerim Yildiz and Deputy Director Susannah Keeling at the OSCE Human Dimensions Implementation Meeting in Warsaw, October 2003

# DISPATCHES



*KHRP Executive Director Kerim Yildiz speaking at the Italian Senate in Rome, October 2003*

## KHRP MEETS ITALIAN GOVERNMENT REGARDING BTC PIPELINE

On 1 October 2003, KHRP participated in the launch of a book on the BTC pipeline project at the Italian Senate in Rome. The book 'E noi italiani?' has been published by Campagna per la Riforma della Banca Mondiale, a member of the Baku-Ceyhan Campaign. After giving a presentation assessing the impact of the pipeline project on human rights in the Kurdish regions, KHRP then met with the Italian export credit agency (SACE) which has been approached for funding for the project. KHRP highlighted concerns raised in the Kurdish regions regarding the project. Finally, KHRP alongside other NGOs made a presentation to a civil society meeting.



*KHRP Human Rights and Environmental Officer Suzanne Dowse, Luisa Morgantini MEP, Kerim Yildiz and DEHAP representative Ferhat Kaya in Rome*



*KHRP participates in panel discussion about the human rights impacts of the BTC pipeline with civil society organisations, Rome*

## Iran's weapons program under spotlight

On 24 November, 2003, France, Germany and Britain circulated a third draft of a U.N nuclear resolution condemning Iran's 18-year concealment of parts of its atomic programme, with the hopes of bringing Iran into "constructive engagement". However, US diplomats are calling for a stronger clause that would specifically warn Iran that, in the case of further withheld information, it would be reported to the UN Security Council for possible sanctions.

The International U.N. Atomic Energy Agency (IAEA) set a deadline of 31 October 2003 for Iran to prove it has no secret atomic weapons program. Tehran's Chief Delegate, Ali Akbar Salehi, warned that further deadlines and strong language would only lead to aggravate tensions and that Iranian official's should consider "a deep review" of cooperation with the agency. Iran, a signatory to the Nuclear Non-proliferation Treaty, has insisted that its nuclear program is strictly for generating electricity.

The IAEA board is still reviewing a report from the agency's director general, Mohamed El Baradei, that covers 18-years of supposed hidden nuclear activities by Iran, including the making of small amounts of plutonium and enriched uranium. However, El Baradei said the IAEA had no evidence that Iran is actually developing nuclear weapons.

## EU resumes human rights dialogue with Iran

The EU resumed its human rights dialogue with Iran on 13 October 2003. It has conditioned such relations on practical progress being made.

On 17 October 2003 the Council of the EU reported that recent meetings on 8 and 9 October 2003 had focused specifically on issues of freedom of opinion and expression and the right to development. It also noted that despite reports of progress, serious violations of human rights continue. The Council noted the arbitrary arrest and detention of students and journalists in recent student demonstrations undermined both Iran's commitment to human rights and the credibility of the forthcoming elections. The Council further called for the release of all those detained for exercising their right to freedom of expression and articulated support for an independent and impartial investigation into the death of photojournalist Zahra Kazemi (for further information, see Newsline 23 Autumn 2003).

The Council was concerned about the continuation of the use of the death penalty, public executions and the practice of execution by stoning. Deep concern was also expressed over the high incidence of torture and other forms of cruel, inhuman and degrading punishment. It noted with regret that the Guardians' Council had rejected the Majlis' revised draft bill prohibiting torture and the draft bill permitting Iran to accede to the UN Convention against Torture and the UN Convention on the Elimination of all forms of Discrimination against Women.

## ASYLUM SEEKERS AT RISK

Under the 1951 Geneva Convention relating to the Status of Refugees, it is the unequivocal duty of governments to take in people who are fleeing persecution.

The UK Government's proposal to persuade asylum seekers whose cases have been rejected either to accept an involuntary return to their country of origin or to have their children taken into care is neither legally nor morally acceptable. The Government has also proposed to restrict legal aid for asylum seekers. This would deny asylum seekers the opportunity to obtain correct legal advice, often regarding complex matters.

KHRP is concerned at the proposals, which clearly contradict the Government's national and international obligations under the International Convention on the Rights of the Child, the Children's Act and the right to respect for a private and family life under the Human Rights Act 1998 and European Convention on Human Rights.



## Regional tensions converge in Syria

International attention focused on Syria on 5 October 2003 as Israeli raids struck at its heart. The day was the 41st anniversary of the 1962 Hasaka Census in which approximately 150,000 Kurds in North-East Syria were stripped of Syrian citizenship. It is estimated that they now number as much as 300,000. They were registered as 'foreign' (*ajnabi*) or simply remained unregistered (*maktoum*) and their land was expropriated. To this day, they continue to be denied the right to own property, land or businesses; cannot use state healthcare; have only a restricted state education; cannot have a legally recognised marriage; have no right to legal representation; do not hold Syrian identity documents or a passport; and are forbidden from leaving the country.

On 5 October 2003, between 150 and 200 Kurds gathered in front of the Syrian Parliament in Damascus, demanding the return of citizenship to Kurds to whom it is still denied. Three activists met with the Syrian Prime Minister, Naji al-'Utari, and presented him a communiqué. The protest concluded without conflict between the protestors and security personnel.

Reportedly, Mr. al-'Utari

had assured the delegation that the problem would be resolved soon. However, members of parliament have previously failed to keep such assurances in the past. In one case on 12 December 2002, two representatives of the Kurdish Yekiti Party of Syria were arrested on arrival in Damascus; despite having been invited to discuss the rights of Syrian Kurds in parliament.

On 26 October 2003, the Supreme State Security Court (SSSC) upheld a charge against the men for "separatist" activities. The case was adjourned until 7 December 2003. The defence has been refused permission to communicate with the two defendants or to visit them in 'Adra prison where they are currently held.

Likewise, on 30 November 2003, a hearing took place in Aleppo military court against fourteen democracy activists. They were arrested on 23 August 2003 after attending a meeting marking the fortieth anniversary of the declaration of the state of emergency in Syria. The state of emergency, which denies Syrian citizens of fundamental civil and human rights, could be considered to represent the permanent legal framework in Syria.

## Syrian Kurdish political prisoners at risk of torture

Eight Syrian Kurds have been moved to the political wing of the 'Adra prison near Damascus, where it is believed that they are being held in solitary confinement and subject to inhumane treatment. Prior to their transfer it is understood that Mohammed Mustafa, Khaled Ahmed, Sherif Ramadhan, 'Amr Mourad, Salar Saleh, Hosam Muhammed Amin, Hussayn Ramadhan and Mas'oud Hamid suffered 23 days of torture whilst in detention at the security branch of the Mezze police station in Damascus.

It is reported that the eight men had, in the last few months, been brought before Syria's Supreme State Security Court. The men were blindfolded during the hearing and denied legal representation. The Supreme State Security Court has been condemned on numerous occasions by international human rights organisations as its decisions cannot be appealed against, and it has rejected even the most credible allegations of torture.



Executive Director Kerim Yildiz and applicant Sanar Yurdatapan at KHRP's London office, 15 October 2003

## KHRP APPLICANT WINS HUMAN RIGHTS AWARD

On 16 October 2003, KHRP applicant and prominent human rights activist Sanar Yurdatapan was honoured by Human Rights Watch for his tireless efforts to challenge official repression in Turkey and to promote a society where people can voice opinions without fear of persecution. "Sanar Yurdatapan stands for the principles of tolerance and free expression, which are fundamental to respect for all human rights," said Kenneth Roth, executive director of Human Rights Watch.

## CONCERNS OVER TURKISH PRESS BILL

The Turkish Government has proposed a Press Bill which could significantly undermine its efforts to meet EU standards of human rights and democracy.

The Bill would allow Turkish authorities to confiscate or close temporarily television and radio stations. The Turkish Government maintains that the new law would reduce the restrictions on the circulation on publications and the fines levied on media organisations for violations of press law, and extend rights associated with the anonymity of sources.

KHRP will continue to monitor discussions about the Bill's compliance with the right to freedom of expression under Article 10 of the European Convention on Human Rights.

## PRISON SENTENCE FOR HUMAN RIGHTS DEFENDER

Özkan Hoşanlı, the former Chair of the Malatya branch of the Organisation of Human Rights and Solidarity for Oppressed People (Mazlum Der) has been sentenced to 15 months' imprisonment for his participation in demonstration in 1999.

Thousands of people attended the march, concerning the ban on headscarves in Inonu University in East Turkey. The police and gendarmerie had attacked and arrested protestors. Of the 161 protestors arrested, eleven were finally sentenced with between 15 months and 45 months of imprisonment.

# USA installs sanctions regime against Syria

In October 2003, the US House of Representatives passed the Syria Accountability and Lebanon Sovereignty Act (SALSA). It is expected to pass through the Senate and the president's office in the coming weeks without opposition. The lifting of presidential obstructions that have prevented the bill from being passed since April 2003 has marked a significant change in US policy towards Syria. While previously pursuing a policy

of 'constructive engagement', the US declared public support of Israel's bombing raids into Syrian territory on 5 October 2003, and has begun to characterise the Syrian presence in Lebanon as an 'occupation.'

Whilst the appointment of a new US ambassador to Syria, Margaret Scooby, signals that the US is still committed to dialogue with Syria, the passing of SALSA will install a sanctions regime against Syria. The Act will establish 'behaviour

measurements' related to Syria's alleged support of terrorist groups, development of weapons of mass destruction and obstruction of US operations in Iraq and, indirectly, to conformity with international law and human rights standards.

In response, Syria emphasised the provocative nature of the US presence in Iraq and the controlling influence that Syria has over groups such as Hizbullah. Such

external pressure on Syria, contrary to the US rhetoric of promoting democracy in the region, will go far to support and entrench the hard-liners in the Ba'athist regime which have crushed and continue to arrest members of the democracy and civil society movement (the Damascus Spring) that emerged in the year 2000 following the death of Hafiz al-Asad.

## DISPATCHES

### KERIM YILDIZ JOINS GATEWAY TRUST BOARD

KHRP Executive Director Kerim Yildiz has recently been appointed trustee of the Gateway Trust. The primary objective of the Gateway Trust is to identify leading new voices around the world, and facilitate the dissemination of their message by tackling funding and publication issues. They search for extraordinary individuals: grassroots activists who have developed original approaches to dealing with local or national issues of international significance. Similarly, they are identifying voices in foreign languages, especially Arabic, that need the English speaking world to understand their debates.

Gateway has just initiated the Gateways to Islam translation series. The programme involves the selection and translation into English of ten seminal works by contemporary, progressive Muslims, and the dissemination of their work through publication in book form, serialisation, public discussion through a seminar series, and media engagement. The programme will be conducted in collaboration with Pluto Press, which will publish the translations, and academic and other interested organisations.

Director Tanya Murphy is keen that word about the Gateway Trust, and its bursaries to exceptional new writers, is spread as wide as possible. If there are individuals or organisations with whom she should be in contact or if she could provide further information, please register to Gateway's mailing list on [www.gatewaytrust.org](http://www.gatewaytrust.org).

### KHRP AT LAWYERS' SEMINAR ON THE RIGHT TO LIFE

On 20 November 2003, KHRP made a presentation concerning the right to life under the European Convention on Human Rights at the seminar 'Investigating the State – Life and Death after Amin'. The lawyers' seminar took place at Doughty Street Chambers, the Chambers of Geoffrey Robertson QC in London. Panellists in the seminar included Patrick O'Conner QC of Doughty Street Chambers, Jane Winter, the Director of British Irish Rights Watch, Virginia McVea of the Northern Ireland Human Rights Commission and KHRP Legal Officer Dr. Anke Stock.

## Training: KHRP legal team in Azerbaijan

From 9 to 12 November 2003, KHRP and BHRC in conjunction with the Helsinki Citizen's Assembly held a training seminar in Baku, Azerbaijan. KHRP Executive Director Kerim Yildiz and barrister Ajanta Kaza delivered a seminar on the reforms to the European Court of Human Rights which are due to take place in May 2004. Lawyers representing approximately fifteen NGOs participated in the seminar together with human rights activists and other individual lawyers.

While in Baku, the KHRP legal team also met with NGOs, a large number of internally displaced persons (IDPs) and representatives of the Kurdish community. He also liaised with lawyers and applicants concerning current and future applications to the European Court.



ABOVE: Members of the KHRP and BHRC legal teams and participants in the human rights training sessions in Azerbaijan, November 2003



BELOW: Kerim Yildiz met with lawyers and applicants to the European Court of Human Rights to discuss current and future cases concerning IDPs, November 2003



# Protestors detained after Azerbaijani elections

The Chairman-in-Office of the Organisation for Security and Co-operation in Europe (OSCE) and the Chairman of the Committee of the Council of Europe have described Azerbaijan's recent election campaign as "fraudulent" in a BBC interview on 24 November 2003.

The statements follow further condemnations by the Director of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) Ambassador Christian Strohal, who stated that a surge of arrests of opposition party officials and activists have followed the widely disputed presidential elections which took place on 15 October 2003.

In particular Ambassador Strohal expressed concern over the detention of election officials that refused to certify

results in their polling stations or districts. Stating that "a post-election period should not be the occasion for a general crackdown on the opposition," Ambassador Strohal argued that these people should be released immediately.

The presidential elections which saw the appointment of Ilham Aliyev, son of former President Heidar Aliyev, were criticised by the OSCE for failing to meet OSCE standards and commitments. "The international observers noted a number of irregularities in the counting and tabulation," stated the OSCE's International Election Observation Mission, although it did note some positive aspects of the process.

Violence erupted in downtown Baku as protestors clashed with police almost immediately after the polls

closed on 15 October 2003. At least 700 protestors, including 190 opposition leaders, were arrested and there were seven deaths. The OSCE and ODIHR have collated lists of over 100 names of those detained, who were apparently not involved in the protests and ensuing violence, but believe that the actual number is far higher.

Opposition leaders that have not been detained are experiencing a restriction on their freedom of movement and difficulty in communicating with media outlets. However Azerbaijani Interior Minister Ramil Usubov reasoned that this action was justified in a media interview on 17 October 2003 when he stated that investigations had determined that the disturbances were organised by members of opposition parties.



KHRP legal interns from the Kurdish regions visit European Court of Human Rights in Strasbourg, October 2003

## KHRP legal interns visit European Court

From 6 to 8 October 2003, lawyers from Turkey, Armenia and Azerbaijan participated in hearings at the European Court of Human Rights as part of KHRP's internship programme.

KHRP Public Relations Officer and advocate Rochelle Harris accompanied the legal interns Narine Gasparyan, a lawyer with the American Bar Association of Armenia, Farhad Sattarov, a lawyer with the Helsinki Citizen's Assembly in Azerbaijan and Saniye Karakas, a human rights and criminal lawyer from Diyarbakir, Turkey. The visit provided the lawyers with the opportunity to participate in the proceedings at the European Court and to visit the European Parliament for the first time. KHRP has found that such visits complements interns' London-based training about bringing cases to the Court and enhances their understanding of the Strasbourg mechanisms.

## Training: KHRP legal team in Armenia



Ara Ghazaryan, KHRP Legal Officer Dr. Anke Stock and Narine Gasparyan deliver human rights training in Yerevan, 9 November 2003



Almost half of the participants in the training seminar were women

In continuation of its ongoing training programme in Armenia, the KHRP and Bar Human Rights Committee (BHRC) legal teams and its partners the International Union of Advocates delivered training seminars about the reforms of the European Court of Human Rights on 8 and 9 November 2003. The first sign of a marked change in the Court's approach occurred in the KHRP case of *Akman v. Turkey* in 2001, placing KHRP in an authoritative position to train about the implications of the reforms. The reforms are due to occur in May 2004. The seminar was attended by 25 people, half of which were women. While in Yerevan, KHRP's Legal Officer Dr. Anke Stock also met with representatives of domestic NGOs and applicants in cases to the European Court of Human Rights.

## UPDATE ON KHRP ENVIRONMENTAL WORK

### Decision to approve funding for Baku-Ceyhan pipeline will lead to human rights abuses

KHRP, Corner House, Friends of the Earth and other environmental groups have responded with dismay to the decision on 4 November 2003 by Hilary Benn, the new UK Secretary of State for International Development, to back a USD 200 million

World Bank loan for BP's controversial Baku-Tbilisi-Ceyhan (BTC) oil pipeline.

The Bank's loan followed intense lobbying by BP, which is leading the consortium to build the BTC project. The

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# DISPATCHES

## STRATEGY MEETINGS FOR 2004



As 2003 draws to a close, KHRP has been assessing its achievements and impacts over the year and planning strategies for the year ahead. (Above: KHRP staff attend strategy day on 24 October 2003. Right: The KHRP Legal Team together with the barristers of 10-11 Gray's Inn Square assess legal strategies in their case-law to the European Court of Human Rights, 18 November 2003.)



## KHRP ATTENDS INTERNATIONAL RIVERS FOR LIFE MEETING IN THAILAND

From 28 November to 3 December 2003, KHRP and the Corner House are to attend the conference 'Rivers for Life: Second International Meeting of Dam-Affected People and their Allies'. KHRP will be raising concerns about the impact on Kurdish villagers of the Southeast Anatolia Project (GAP) scheme of dams in Turkey, including the Ilisu, Yusufeli and Munzur dams. The meeting will provide KHRP the opportunity to share its experience and to develop strategies for increasing the participation of civil society in dam planning and construction.

## RAISING AWARENESS OF CASPIAN PIPELINE

On 26 September 2003, KHRP participated in an action to raise awareness of the human rights impacts of the Baku-Ceyhan pipeline outside the European Bank for Reconstruction and Development (EBRD), urging it not to fund the pipeline. KHRP and other environmental groups presented the legal testimonies of 34 people affected by the pipeline who have joined a legal challenge to the project through the European Commission. The European Commission has announced that it would investigate human rights abuses arising from the pipeline project following a complaint submitted by KHRP (see Newsline 23, Autumn 2003). KHRP participated in a further awareness-raising action outside the Department of International Development (DfID) on 11 November 2003, regarding DfID Minister Hilary Benn's decision to approve the World Bank's multi-million dollar loan for the BTC pipeline project.



KHRP Executive Director Kerim Yildiz with Jean Lambert MEP outside the EBRD, 26 September 2003

# Caspian project breaks World Bank rules on 173 counts

In October 2003, KHRP in collaboration with fifteen partner groups in ten countries carried out a detailed study of the Environmental Impact Assessment (EIA) for the Turkish section of the Baku-Ceyhan pipeline project. The resulting 220-page dossier provided conclusive evidence supporting the ongoing concerns raised by KHRP, Friends of the Earth, Corner House and other NGOs regarding the pipeline.

Of the 173 violations uncovered, no less than 6 key World Bank guidelines were found to be violated on 83 separate counts. Moreover, the analysis corroborated KHRP's concern that consultation for the project has been wholly inadequate, by confirming that only a paltry 2 per cent of affected villagers were consulted in person. Turkey has also further undermined the consultation process by invoking emergency powers to accelerate land acquisition process in order to comply with construction timetables: a move which also violates World Bank Operational Directive 4.30 on Involuntary Resettlement.

Under World Bank policy guidelines, any project funded by the Bank should either not alter, or preferably improve, the situation of those affected. It has been proven that this project violates this provision as in practice, many Kurdish villagers are already talking of

having to leave their lands due to insufficient compensation.

The EIA also documents the refusal of the BP-led consortium to apply World Bank guidelines that specifically provide for the protection of ethnic minorities (World Bank Operational Directive 4.20, Indigenous Peoples). Given that the Kurds meet the prerequisite criteria for the application of the policy, the rationale for such refusal is unjustifiable and means that Kurdish communities have been left unnecessarily vulnerable to socio-political difficulties as a result of the project.

World Bank standards form part of the legal regime for the project as mandated in the Host Government Agreements and the Lump Sum Turnkey Agreement. The findings of the analysis also reveal that the BTC project potentially constitutes a violation of host country law. The legal framework itself is in potential breach of Turkey's obligations under international and environmental law.

Were an analysis of the EIAs from Azerbaijan and Georgia to be conducted, it is certain that more violations would be uncovered.

Unfortunately, the International Finance Corporation, the Department for International Development and the European Bank for Reconstruction and Development have agreed to fund the pipeline.

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**Decision to approve funding ...**

Bank touts the project as a "milestone" which "breaks new ground on local economic benefit". NGOs rebutted that it could lead to severe economic hardship and the destabilisation of the entire Caspian region, as well as to further human rights abuses and worsening climate change.

KHRP and its partner

organisations pledge to continue monitoring the project and to ensuring that the rights of affected villagers are fully observed. KHRP has dozens of signed witness statements from people in the region claiming their rights have already been violated. They are now seriously considering using all available national and international legal mechanisms to remedy these violations.

## “I am a Kurd: kill me”

### Interview with KHRP applicant in landmark *Aksoy v. Turkey* case

In November 1992 Mehmet Serif Aksoy's son, Zeki, was detained and tortured. KHRP applied to the European Court on his behalf in May 1993. Zeki was intimidated for deciding to take the case but was determined not to withdraw. In April 1994 he was shot dead by plainclothes policemen. Serif Aksoy continued the case on his son's behalf and, in 1996, obtained a legal landmark when the ECtHR ruled that Zeki had been tortured; in the first case of individual torture to be established by the Court anywhere in Europe. Nonetheless a KHRP delegation including Public Relations Officer Rochelle Harris and Fact-Finding Mission member Michael Goldhaber in July 2003 found that Mehmet Serif Aksoy, now 63-years old, continues to be subjected to torture and prosecution. In July 2003, a KHRP delegation met with the applicant to monitor the implementation of the European Court's judgment and to give his account of the events.

“I was born in 1930 in Elmabahçe. I had no daughters but six sons; five are still alive.

Soon after 1980 I was arrested. From then on I was continuously arrested. Each time I was tortured and I still have the effect from that. On the first time I still had some hope in the state. But when I was heavily tortured by the state, this was the turning point and I decided to be the enemy. Especially since my son was killed I have openly been an enemy of the state.

My four sons and I were arrested many times before. Three [of the sons] were set free but Zeki was heavily tortured so he had to be taken to hospital after two months. Two months after he was out of hospital he was killed.

#### **ZEKI'S CASE TO THE EUROPEAN COURT AND KILLING**

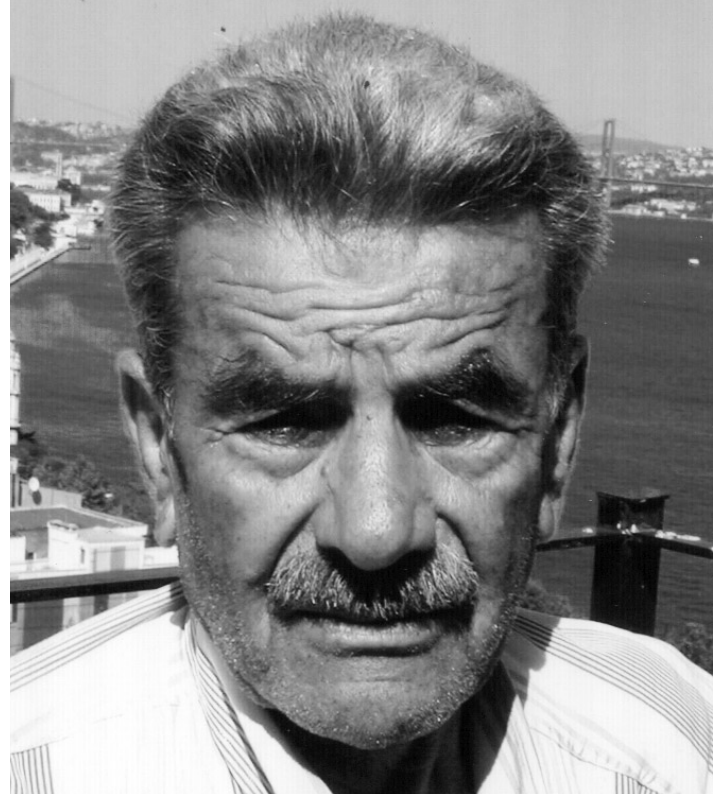
Zeki learned that there was such a way to claim your rights [using the European Court of Human Rights]. Also he was

partly paralysed to the point we had to feed him. He hoped that taking a case would help him get medical treatment in Europe.

He wasn't openly threatened but he was followed many many times, all day. Police followed me all the time. He didn't consider withdrawing the case to the European Court. Neither he nor we were afraid. We thought, okay, there may be troubles but not to the extent that he would be killed.

Zeki was in the shop and it was about 4pm. On that day, two plainclothes police parked their car opposite the shop and called Zeki to come to the car. Zeki went. The plainclothes police drove 300-400 metres further up the road and then shot him there. After the first shooting, Zeki ran and tried to take refuge behind a truck. They caught him and executed him there. At the same time a woman was making bread and she saw everything. She was too scared to testify.

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*continued from front page*

#### **Torture victims obtain justice: European Court condemns Turkey for torture of 16 human rights defenders ...**

implemented without proper authorisation or safeguards, amounting to a violation of the right to respect for privacy (Article 8, ECHR).

The Court has reaffirmed the central role of the legal profession in the administration of justice and the maintenance of the rule of law. The persecution and harassment of members of the legal profession thus strikes at the very heart of the Convention system. KHRP is concerned that, in spite of these fundamental principles of the Convention, the persecution of human rights defenders is a systematic practice that continues to occur in Turkey.



*Kurdish lawyers in the Elci v. Turkey case attend training seminars at KHRP's London office*

## DISPATCHES

### ASSESSING THE NEEDS OF THE KURDISH COMMUNITY

KHRP is continuing its feasibility study to provide an assessment of the needs of the Kurdish community. It will also identify appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole. Meetings are continuing with members of the board, key staff members of KHRP and Expert Consultant James Mahone, former Head of Research and Senior Manager of INDICT, working to bring justice to Iraqi war criminals.

### KHRP ATTENDS STOCKTAKING CONFERENCE ON MIDDLE EAST PEACE AND SECURITY

On 12 September 2003, KHRP's Human Rights and Environmental Officer Suzanne Dowse participated in a stocktaking conference on Middle East peace and security at Chatham House. Speakers included Ann Clwyd MP, Chair of the Parliamentary Human Rights Group, Dr. Gareth Stansfield, a respected expert on Kurdish issues and Dr. Isam al-Khafaji, a member of the Coalition Provisional Authority and Iraq Reconstruction and Development Council until his resignation in July 2003.

### NORWEGIAN DIRECTORATE OF IMMIGRATION VISITS KHRP

On 16 October 2003, the Middle East Asylum Section of the Norwegian Directorate of Immigration (NDI) travelled to London in order to be informed about the current situation in the Kurdish regions. Twelve representatives of the organisation, covering Turkey, Iraq, Iran and Syria, attended the meeting with KHRP Executive Director Kerim Yildiz and Public Relations Officer Rochelle Harris.

*continued from page 11*  
**"I am a Kurd..."**

The funeral was on the same day in the night. We wanted it to be as soon as possible. If we postponed it then more people would come and there would be a demonstration. We were scared of being attacked by the security forces in the night. I think there were about 2000 people. Security forces with water cannons surrounded us. I stayed five minutes longer on the grave because this is my tradition. The undercover police came to me and said, "You are Kurdish, therefore this is what you will get." I replied, "Okay I am ready to have this; but I am still Kurdish." You can arrest me as much as you want but I cannot forget my ethnic origin. If I respected what they said [and denied my ethnicity] I would consider it treason against my mother.

Zeki's grave during the funeral was just dirt, no stone, no wood and no marker. Later I planted an olive tree there but police in civilian clothes removed it.

The state has done so much to me. Three months after the killing of my son, in about July 1994, the State Security Chief told me I should leave the area. I was taken from my house and they didn't allow me to take my goods. So I left and went to Diyarbakir. [After

the village was destroyed by security forces] My cousin accepted and signed documents [...] blaming the PKK for the village destruction in 1992. I am angry with him. Then he made a pilgrimage to Mecca to be forgiven by God for what he did. Many villages belonging to different tribes are in the same situation. This is still going on at the moment.

### MEHMET SERIF AKSOY'S CASE TO THE EUROPEAN COURT OF HUMAN RIGHTS

In the beginning I was not very decided about whether to apply to the Court or not. I was very scared of the recrimination; and secondly I was not very optimistic about the conclusion. Of course I was very happy with the way the lawyers handled the case.

### MEHMET SERIF AKSOY'S TORTURE

Between 1990 and 1992 I was arrested many times before Zeki's arrest along with being sent to the State Security Court. They electrocuted and tortured me and directed pressurised water at me, then they set me free.

The repression was so intensive. Each time I was tortured I was questioned, "What kind of ethnic origin are

you?" I was kept under custody for 2 weeks and couldn't apply to see a lawyer.

In about 2001 was the detention in which the castration episode happened. This was one of the only two times of all my thirty tortures that was documented because I went to the Human Rights Foundation of Turkey (TIHV). Once when I was castrated and once when I was almost killed. They hung me upside down by my wrists, behind my back, and they shocked me at the same time. They also hung me in the cross-position and released me when they saw I was about to die. The most recent time was just before Ramadan in 2002. This was just average, it was only three days. Each evening they stripped me and applied pressurised water and cold air on me.

### "I AM A KURD; KILL ME"

I feel the killers, the criminals, are not these persons who shot their pistol to my son, Servat. The killer is the state itself: the prime minister, the governor of Mardin, the local authorities. The police or soldiers were only servants of the state. Today I still think the same thing. I am not afraid of torture anymore. They tell me I am not a Kurd. I tell them, "I am a Kurd; kill me."

## KHRP submits Armenian detention cases

In October 2003, KHRP lodged eight new cases with the European Court of Human Rights concerning the detention of several people following the 2003 presidential elections in Armenia. The cases represent some of the first cases ever to be lodged against the recently-acceded Council of Europe member state.

In February and March 2003, several people were convicted and sentenced to between 10 and 15 days' administrative detention following allegations of taking part in an unlicensed rally and a public demonstration on 3 February 2003 following the first round of the Presidential elections in Armenia on 19 February 2003. The demonstration was reportedly against the unlawful actions that took place during the Presidential election and in anticipation of further

violations during the upcoming Parliamentary elections and the Referendum of May 2003. Several of the applicants submit that they were arrested and detained in order to silence

their political opposition which was expressed by them during the demonstrations. Another applicant did not attend the

*continued on page 19*



KHRP Legal Officer Dr. Anke Stock with applicant and lawyer Ara Ghazarayan, Yerevan November 2003

# Continuing concerns over retrial of Leyla Zana and former DEP parliamentarians

DEP parliamentarians Leyla Zana, Hatip Dicle, Selim Sadak and Orhan Dogan have published an article in the Turkish *Hurriyet* newspaper indicating that the domestic retrial which is ongoing in Turkey is in violation of the European Convention on Human Rights.

"We were condemned in an unjust trial to a heavy 15-year prison sentence that was determined personally by the political actors of the period. We did not give up but carried on a legal struggle with patience and determination. Ultimately, following the decision of the European Court of Human Rights (ECHR) that the process of law had been violated, a new trial process was started. However, in the proceedings that have been ongoing for the last nine months, not only have we not received fair judgment in accordance with the decisions of the ECHR, we have in fact experienced, and are continuing to experience, a trial which is no different to that of 1994," the parliamentarians write.

The article continues that DGMs are linked to the centres of power and not to the law. They highlighted a statement made by Minister of Justice Mr. Cemil Çiçek that he has the authority to intervene in the case if necessary.

The parliamentarians restated their commitment to a peaceful solution to the Kurdish question: "Turkey is at a crossroads and, aware of our responsibilities, we invite authorised government members in particular, to abandon attitudes that conflict with the rules of political ethics, and to take steps toward the establishment of democracy and internal peace, which should be Turkey's real agenda. We would remind them that only a permanent and honourable peace with the Kurds will open the way for progress, and that internal peace will guarantee the protection of the territorial integrity of Turkey and fraternity of our people; and taking this declaration as an opportunity, we reaffirm our attachment to democracy, to peace and to our people."



Imprisoned Kurdish parliamentarian Leyla Zana is guarded by security forces on her way to court, September 2003

## KHRP applicant censored in Turkey

A KHRP applicant to the European Court of Human Rights and director of the Belge Publishing House has been accused of criticising the Turkish regime. The applicant, Ragip Zarakolu, faces a potential 3-year prison sentence.

The subject of the prosecution is his publication of the book 'The September 12th regime in the dock'. The book reports on the finding of an international citizen's tribunal of the Turkish Government for the detention



KHRP applicant Ragip Zarakolu

and arrest of over 600,000 persons, further incidences of extrajudicial killing or disappearance, and violations of freedom of expression. Mr. Zarakolu is accused of inciting the population to hatred and hostility contrary to Article 312 of the Turkish Penal Code. The case was adjourned to 3 December 2003.

On 11 December 2002, the European Court declared admissible the KHRP case of *Belge U.Y. and Others v. Turkey* (26971/95, 37933/97, formerly cited as *Zarakolu v. Turkey*) concerning the prohibition of a book in 1994 and the applicant's subsequent imprisonment and fine. The applicant's complaints of a violation of her right to a fair trial (Article 6), to freedom of expression (Article 10) and to a fair and swift trial and remedy (Article 13) were declared admissible by the Court. Following Ayse Zarakolu's death in 2001, her husband Ragip Zarakolu and two sons continued the case.

## Reform of the European Court

The Committee of Ministers of the Council of Europe's Steering Committee on Human Rights (CDDH) is continuing to draft an Amending Protocol to the European Convention on Human Rights. This protocol is being drafted in order to give effect to proposals to ensure the future effectiveness of the European Court of Human Rights (the Court) endorsed by the Committee of Ministers in May 2003.

The CDDM met in Strasbourg from 18 to 21 November 2003 and are expected to have adopted a preliminary report for the Committee of Ministers and possibly a preliminary draft text of the amending Protocol.

On 1 October 2003, the Council of Europe Commissioner for Human Rights also published details of its proposals to amend the Convention so as to authorise the Commissioner to lodge applications with the Court. It is argued that this would concentrate most of the Court's efforts on important issues of respect for human rights, while preserving the unique right to lodge individual

applications; and would also assist certain cases of serious or mass violations of rights and freedoms, where individuals can face difficulty lodging applications with the Court. It is proposed that referral by the Commissioner would make it possible for the Court to address a shortcoming resulting in many individual applications as an overall structural problem from the outset.

KHRP is continuing to raise its concerns about the reform process, first highlighted by the KHRP case of *Akman v. Turkey* in 2001 and as defined by the *Joint Response to Proposals to Ensure the Future Effectiveness of the European Court of Human Rights*. The Joint Response was prepared by KHRP and a group of other NGOs and was signed by 74 international and local NGOs based in Council of Europe member states before being submitted to the Committee of Ministers in advance of its 112th session.

In particular, KHRP shares the concern of some of the judges of the Court, members of the

*continued on page 16*

# DISPATCHES

## IRAQI JUDGE VISITS KHRP

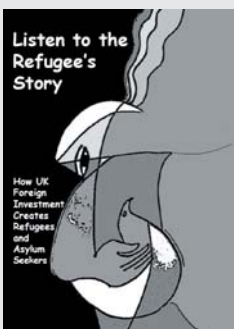
In October 2003, Dr. Nada Hakki and Judge Zakia Hakki visited KHRP in its London office to liaise over future work. Judge Hakki, who worked as a lawyer and judge in Baghdad for many years, is now advisor to the Ministry of Justice of the Iraqi Reconstruction Development Council, a US-funded panel of Iraqi-Americans. She is overseeing the process of selecting new judges and staff in the ministry; and is involved in the preparation of a new Constitution for Iraq. Dr. Nada Hakki is the Director of Hope Medical Enterprises. They met with KHRP in order to discuss the current situation in Iraq, especially pertaining to Iraqi Kurds and to women.



KHRP Legal Officer Dr. Anke Stock, Executive Director Kerim Yildiz and Judge Zakia Hakki with Dr. Nada Hakki, October 2003

## LISTEN TO THE REFUGEES' STORY: HOW UK FOREIGN INVESTMENT CREATES REFUGEES AND ASYLUM SEEKERS

KHRP has made a joint contribution to a new anthology published by the Ilisu Dam Campaign Refugees Project, the Corner House and Peace in Kurdistan. The anthology, 'Listen to the Refugees' Story', includes stories, poems and art by refugees and asylum seekers from, among others, Colombia, Somalia, Turkey, Iraq, Sri Lanka and Burma. It also includes analysis of the global events currently affecting refugees and asylum seekers, including the War on Terrorism and globalisation. KHRP was instrumental in the establishment of the Project considering the relationship between UK foreign investment, displacement and the creation of refugees and asylum seekers (see *Newsline* 21, Spring 2003 and [www.thecornerhouse.org.uk](http://www.thecornerhouse.org.uk)).



*continued from page 15*

### Reform of the European Court ...

Registry and some governments about the proposal to amend the admissibility criteria. The proposal is to amend Article 35 to allow the Court to declare inadmissible cases, "if the applicant has not suffered a significant disadvantage and if the case neither raises a serious question affecting the interpretation of application of the Convention or the protocols thereto, nor a serious issue of general importance". KHRP believes the introduction of new admissibility criteria in this manner will curtail the right of individual petition by granting the Court the power to decline to examine the merits of cases which it would have to examine under the current admissibility criteria.

## Extra-judicial killing case declared admissible

**Kaya and Others v. Turkey**  
(33420/96 and 36206/97)

The applicants are Turkish nationals of Kurdish origin and are the relatives of eleven men who were killed on 15 January 1996.

On 12 January 1996 six of the men were arrested by police in Sirmak, Gümüşyazi and Koçyurdu and placed into custody. On 15 January 1996 the applicants were transferred to the police station in Güçlükonak, driving in a van and followed by a Sergeant and a village guard. The same day, villagers heard shots and saw smoke and a helicopter flying over the village. A group of villagers and village guards went to the place where the incident had occurred. They found the van and the burned bodies of the applicants' relatives. The body of Besir Nas, who had been shot dead, was found on the border of the road.

The six persons held in detention were killed in the office of the police forces. A witness saw the van a few hours before the incident and noticed that some passengers were lying down and others were blindfolded.

KHRP submitted complaints on behalf of the applicants

under Articles 2 and 3 of the Convention alleging that their relatives had been victims of extrajudicial killings committed by State agents and that they themselves had suffered psychological anguish following their deaths. Under Article 5 in conjunction with Article 14 of the Convention, the applicants complained that the five men had been subjected to arbitrary arrest; that they had not been informed of the reasons for their arrest and had not been brought before a judicial authority. Relying on Article 6 in conjunction with Articles 13 and 14 of the Convention, they complained that there was no international tribunal. Under Article 8 of the Convention, the applicants alleged that they could not perform the funeral rites in accordance with their customs. Under Article 18 the applicants denounced the absence of effective controls relating to police actions in Southeast Turkey.

The Court decided to join the applications. With the exception of Ibrahim Kaya's application, which was held to be inadmissible, all of the applicants' complaints were declared admissible.

## Update on the International Criminal Court

The International Criminal Court (ICC) is now a functioning institution with all the Judges, Prosecutor and Registrar in place. On 9 September 2003, Mr. Serge Brammertz from Belgium was elected Deputy Prosecutor for Investigations for the International Criminal Court. Previously, Mr. Brammertz worked on matters of cross-border cooperation between prosecutors and police forces and was appointed Federal Prosecutor of Belgium in May 2002.

The ICC's Presidency is currently drafting the Regulations of the Court which will enable the Court and its chambers to hear its first case. The ICC judges are wishing to obtain "the benefit of all expertise available and [to] consult with civil society and the wider public" before the adoption of the Regulations. To ensure transparency and wider input, issues concerning victims and defence are open to consultation via the ICC's website.

In 2004, the ICC is expected to investigate three cases. The first investigation team should be operational from January 2004. KHRP is a member of the network of NGOs advocating for an effective, just and independent ICC. To participate in the consultation process, please visit the ICC's website [www.icc.cpi.int](http://www.icc.cpi.int).



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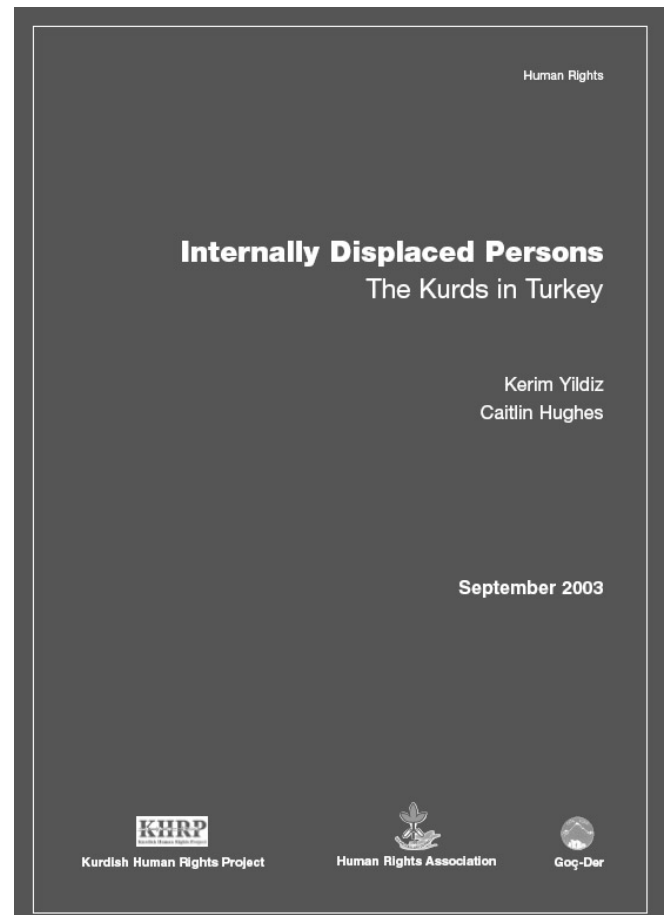
# New and Upcoming KHRP Reports

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## Internally Displaced Persons: the Kurds of Turkey

This report concerns the plight of the estimated 3 million people forced to flee their homes during a policy of village destruction and evacuation that peaked in severity during the mid-1990s. The European Court of Human Rights has condemned the Turkish Government for violating the rights of villagers in a series of cases brought by KHRP; yet the problem of villagers now wishing to return to their homes bulks large in Turkish domestic politics. The report assesses Turkey's current programmes for return and resettlement of the displaced, the current status of IDPs, and the question of Turkey's accession to the EU. The report was written by KHRP Executive Director Kerim Yildiz with the assistance of Caitlin Hughes.

ISBN 1 900 175 65 7



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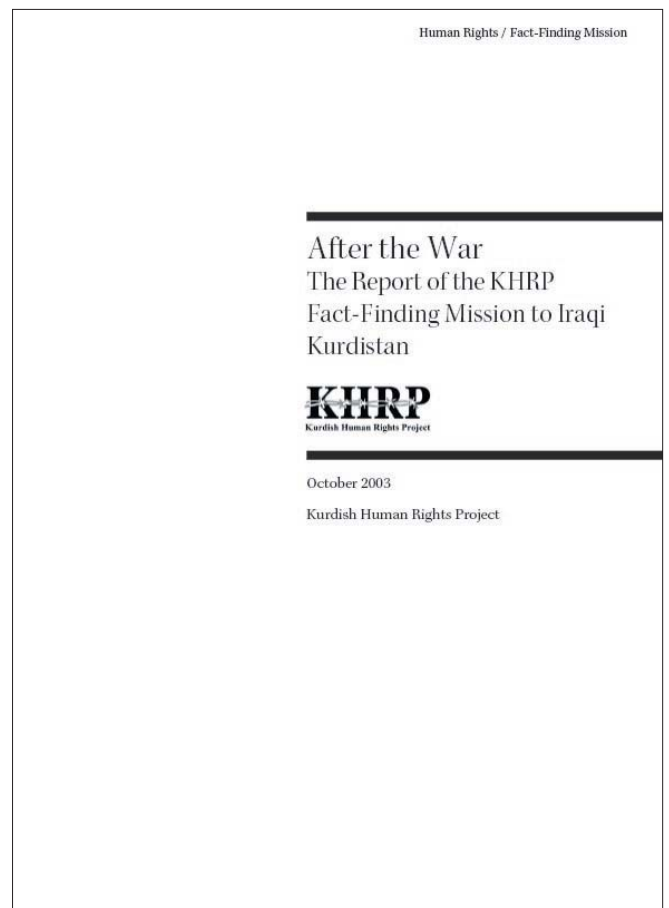
## After the War: Report of the KHRP Fact-Finding Mission to Iraqi Kurdistan

This report provides the findings of a KHRP fact-finding mission undertaken to examine the past, present and future human rights situation of the Kurdish population in Iraqi Kurdistan. With a broad remit, this fact-finding mission aimed to collect evidence relating to the political, social and security situation in Iraq since the end of Saddam Hussein's regime, and to review the plight of Internally Displaced Persons (IDPs), the future of the Oil-for-Food Programme, the state of the economy, women's issues, and current human rights awareness.

The report provides a brief historical and political account of the Kurds, from the end of the World War 1 to the aftermath of the 1990 Gulf War. It then assesses the current humanitarian situation and the subsequent NGO activities in the region. The circumstances of Iraq's IDPs were assessed by visits to the UN-HABITAT Housing Project, Takiyeh Camp, Anfal resettlement complex and Chamchamal. Issues such as the legacy of the Anfal campaign and the responsibilities of the occupying power under international law are analysed.

Finally, this fact finding report offers recommendations to the United Nations, the Kurdish regional authorities and to the occupying powers. These are based on both preliminary research undertaken in London, and on the findings of the fact-finding mission in Iraqi Kurdistan.

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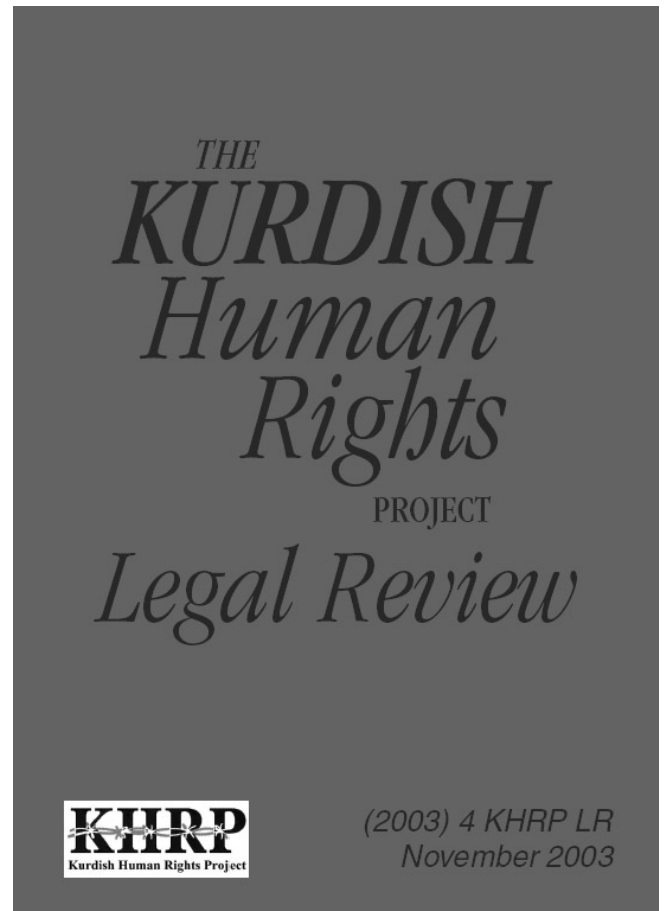
# New and Upcoming KHRP Reports

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## KHRP Legal Review 4 (November 2003)

The fourth issue of KHRP's Legal Review considers significant legal developments within or affecting the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus in the second half of 2003. The Review thus examines, amongst other issues, Keir Starmer QC's opinion on case law affecting the reform of the European Court of Human Rights and the reversal of the Court's decision to strike out the KHRP disappearance case of *Tahsin Acar v. Turkey*, Turkey's execution of European Court judgments and the retrial of Leyla Zana and four other Kurdish former parliamentarians, the relationship between hate speech and freedom of expression, and Armenia's compliance to the standards of the Council of Europe. It also includes an interview with Mr. Luzius Wildhaber, the President of the European Court of Human Rights. This edition covers updates on UN mechanisms and European Court communicated cases, admissibility decisions, fact-finding hearings and judgments from June 2003 to November 2003.

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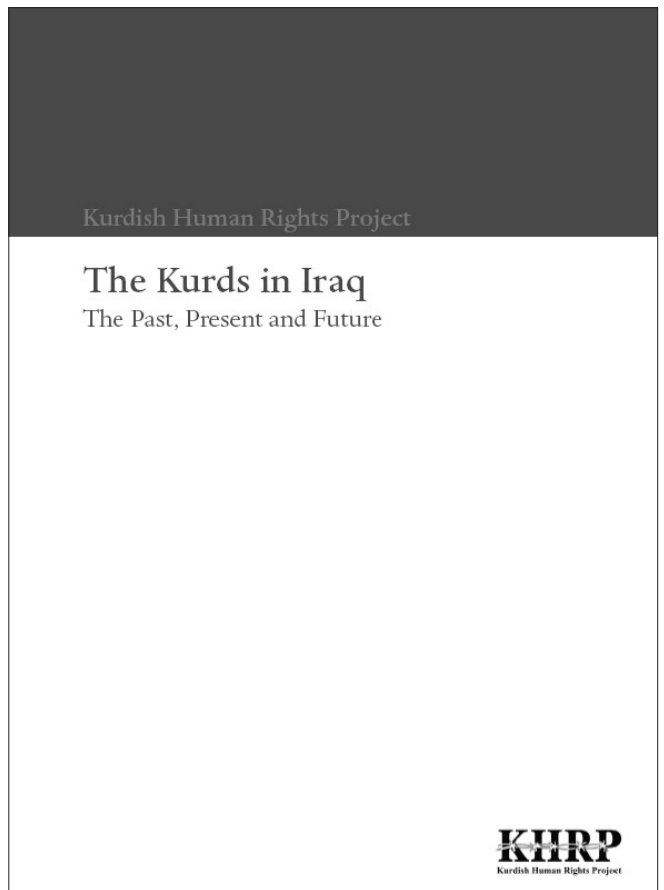
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## The Kurds in Iraq: the past, present and future

Since the end of Saddam Hussein's regime and despite the apparent stability and competence of the governing administrations, the future of Iraqi Kurdistan is critically conjoined to that of the rest of the country. Until now, no firm timetable has been set for the establishment of a fully functioning and independent Iraqi government. Unfortunately the UN and coalition forces continue to remain in dispute as to the role that multilateral institutions ought to play in Iraq's political and physical reconstruction.

For decades the Kurds of Iraq have been victims of the manipulation of their neighbours and nations further afield. The Kurds are now in a stronger position than they have ever been in their history. This report is intended to provide an outline of some of the issues affecting the Kurds of Iraq. It provides a brief exploration of the past's effect on the present and of how both the Kurds and the international community must avoid repeating past mistakes and instead to lay the foundations for an autonomous region committed to pluralistic democracy and human rights.

This report provides a scholarly analysis of the urgent and as yet unanswered questions regarding the future of the Iraqi Kurdistan that was achieved after the Gulf War in 1992.



# Forthcoming Reports

- Rape and sexual torture of Kurdish women in Turkey: trial observation report
- KHRP Annual Report 2003
- The Kurds in Syria
- Kurdish language rights throughout the Kurdish regions
- Torture in Turkey
- Taking human rights complaints to UN mechanisms – A Manual – Russian language

*continued from page 14*

## **"KHRP submits Armenian detention cases..."**

demonstration as alleged; but was the proxy of the main opposition candidate Karen Demirchyan in the Presidential elections.

The cases complain of violations of the prohibition of torture or inhuman and degrading treatment (Article 3), to liberty and security (Article 5), to a fair trial (Article 6), to respect for privacy (Article 8), to freedom of expression (Article 10), to an effective domestic remedy (Article 13), to be free of discrimination (Article 14) and Article 3 of Protocol No. 1 to the Convention.

As some of the first cases ever to be lodged against Armenia, which only acceded to the Council of Europe in 2001, the cases have potential to give significant direction to domestic lawyers in bringing further cases. They also have the potential to establish precedents that concretely improve the human rights situation on the ground.

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



## DISPATCHES

### **PRISONERS ILL-TREATED FOR KURDISH LANGUAGE**

Prisoners in the Bayrampasa Special-Type prison in Turkey have been beaten and subjected to ill-treatment for using the Kurdish language, according to information received by KHRP.

Mustafa Orhan, Sami Dündar and Orhan Kaya, imprisoned on charges of participating in a demonstration in the Esenler district of Istanbul, report having had food withheld and being prevented from using the toilet. Both the prisoners and their families state that they were forcibly prevented from speaking Kurdish and that prison officials had alleged that a circular had been released banning the use of Kurdish. The prisoners' families were also told that prison visits would be forbidden if the Kurdish language continued to be used.

An official complaint has been made with the public prosecutor in Bursa.

### **KHRP HOSTS INFORMATION EXCHANGE WITH THAI CAMPAIGNERS**

On 16 October 2003, KHRP hosted campaigners from Thailand who are working to highlight the social and environmental impacts of the Thai Malaysian Gas pipeline, a project strongly opposed by affected villagers. The Thai organisation, Alternative Energy Programme for Sustainable Development, met with UK-based groups concerned about the comparable implications of the Baku-Ceyhan pipeline, including KHRP, the Corner House, Friends of the Earth, PLATFORM and the Baku-Ceyhan Campaign. The meeting provided an opportunity to discuss the ways in which issues of human rights violations and the environmental and cultural impacts of large-scale infrastructure projects can most effectively be researched and highlighted.



The Kurdish regions of Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan have transformed over the last decade. For those working to improve human rights in the regions, there have been both gratifying achievements and enduring struggles. Kurdish Human Rights Project remains convinced of the need to continue its mandate to promote and protect the human rights of all persons living in the Kurdish regions, regardless of race, colour, religion, sex, political persuasion or other beliefs or opinions. As an independent, non-political human rights organisation founded in London in 1992, KHRP remains at the forefront of human rights protection throughout the Kurdish regions.

Continuous political and military activity has consistently marginalised and repressed the Kurdish people. Since the fall of Saddam Hussein in 2003, the future of Iraq remains uncertain, with concomitant implications for neighbouring populations of Syria, Iran and Turkey. Turkey also faces a critical crossroads in 2004 when the European Union will reconsider its application for EU membership. In all senses, the attention of the international community is focused on the Kurdish regions now more than at any time in history. Likewise, there has never been such opportunity to ensure that human rights are guaranteed.

For eleven years, KHRP has been promoting and protecting the human rights of all persons in the Kurdish regions. It has assisted over 500 applicants in bringing cases to the European Court of Human Rights: establishing legal precedents which bring real changes to furthering the interpretation of human rights law across the Council of Europe.

**We need your support to continue this vital work and fight for justice and change in the Kurdish regions.**

*"You have been successful in my case against the cruellest of cruelties. I don't see this case as only my individual problem. This case is part of the justified struggle of a nation against cruelties. I would like to thank all the people at KHRP who spent their efforts on this case. I have witnessed their devotion to law and human rights and the principle of equality. I wish you success in your work."*

*KHRP applicant Celalettin Yöyler, August 2003*

**"For 10 years the KHRP has compiled a stellar record in promoting and significantly advancing the cause of human rights in this tortured part of the world. In the coming years, its tasks will be even greater, and its concerns will reach well beyond the Kurds, severe as their problems are."**

**Noam Chomsky**

*"KHRP's work in bringing cases to the European Court of Human Rights, seeking justice for the victims of human rights violations including torture and extra-judicial killings, has been groundbreaking... Amnesty International salutes the work of this organisation over the last 10 years in defending human rights."*

*Kate Allen – Director, Amnesty International UK*

**Through our Christmas Appeal, KHRP can continue its work to force Governments to be more cognisant of their human rights obligations thus helping to make necessary changes to law and practice on the ground. Furthermore, the KHRP affords access to justice to victims of human rights violations, and helps raise awareness of the Kurdish regions.**

**Your gift will help KHRP continue this vital work. Please find a Christmas appeal donations form enclosed. If you should like further information about how to support the work of the organisation, please contact:**

**Kurdish Human Rights Project, 2 New Burlington Place, London, W1S 2HP, England  
Tel: +44 020 7287 2772  
Fax: +44 020 7734 4927  
khrp@khrp.demon.co.uk  
www.khrp.org**

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

£500 \_\_\_\_\_ £250 \_\_\_\_\_ £100 \_\_\_\_\_ £50 \_\_\_\_\_

£20 \_\_\_\_\_ £10 \_\_\_\_\_ £ \_\_\_\_\_ Other \_\_\_\_\_

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

ALL DONATIONS ARE WELCOME

Cheques should be made payable to:  
Kurdish Human Rights Project

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Name .....

Address .....

..... Postcode .....

Tel. .... Fax .....

Please return to:  
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(off Regent Street)  
LONDON W1S 3HP  
Tel: 020 7287 2772  
Fax: 020 7734 4927  
Email: khrp@khrp.demon.co.uk

## Calendar of Events

1 December 2003	World AIDS Day
10 December 2003	International Human Rights Day
10-17 December 2003	World Conference on Human Rights & Peace 2003, Pakistan
11 December 2003	First Meeting of the States Parties to the International Convention on the Right for all Migrant Workers and Members of Their Families, New York
15-19 December 2003	Committee on Non-Governmental Organizations, resumed session, New York
16-21 January 2004	World Social Forum, Mumbai, India
25 February 2004	NGO consultation meeting regarding the proposed reforms to the European Court of Human Rights.
8 March 2004	United Nations Day for Women's Rights and International Peace

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