



KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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ECtHR Rules Against Armenia in Landmark Freedom of Expression Case

In a groundbreaking ruling on 17 June, the European Court of Human Rights (ECtHR) found Armenia in breach of Article 10 of the European Convention of Human Rights (ECHR), which protects freedom of expression, in the KHRP-assisted case of Meltex Ltd and Mesrop Movsesyan v. Armenia. Coming in the wake of recent post-election violence and a subsequent crackdown, the ruling could have significant implications for free speech in the country.

Meltex was the company responsible for launching A1+, Armenia's first independent television channel, in the 1990s. The channel gained a reputation for broadcasting high-quality news and analysis but later ran into trouble following changes in media regulations, after which it was repeatedly denied a license

to broadcast. Meltex and its chairman Mesrop Movsesyan objected to the ECtHR that aspects of this process amounted to a violation of the right to freedom of expression as guaranteed in Article 10.

Soon after it first received permission to broadcast, A1+ staff began receiving regular calls from public officials who threatened to take the channel off the air, stating that broadcasting licenses were granted in order to allow media outlets to defend the state and further its interests, not to criticise the authorities. Following legislative changes in 2000 and 2001, a new policy was instituted whereby broadcasting licenses were to be granted on the basis of a call for tenders for a list of available frequencies, with this process to be managed by a new body called the National Television and Radio Commission

(NTRC). Forced to bid for permission to continue broadcasting, A1+ found that its applications were repeatedly turned down, including in favour of less experienced companies. When the case was taken to Armenia's Commercial Court, judges there ruled that the NTRC had no obligation to explain its decisions.

The ECtHR found that by not recognising the applicant company as the winner in calls for tenders, the NTRC had effectively refused its bids for a broadcasting licence, which under the circumstances amounted to interference with the company's freedom to impart information and ideas. The judges found that a licensing procedure whereby the licensing authority gives no reasons for its decisions does not provide adequate protection against arbitrary

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Director's Letter



Dear Friends,

A typically busy spring at KHRP has brought with it a series of successes in every aspect of our work, from our training and litigation activities, through to our undertakings with respect to research, advocacy and public awareness. Meanwhile, developments in the Kurdish regions and beyond have continued to underline the ongoing relevance and importance of our work in all of these areas.

In late March, many people were killed when the Syrian and Turkish security forces reacted with unrestrained violence to celebrations and demonstrations connected with the festival of Newroz. Hundreds more were arrested and evidence pointed to brutality and torture in custody. Just a few weeks later, Turkish police caused the deaths of four refugees by forcing them to leave the country across a fast-flowing stretch of river along the border with Iraq.

KHRP also witnessed ongoing attacks against freedom of expression in Turkey. Amendments to the Penal Code's notorious Article 301 in April fell far short of the much-needed abolishment of the article in its entirety. And we have continued to observe cases like the trial of publisher Ahmet

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KHRP Observes Court Proceedings Against Children's Choir

A KHRP mission was present in Diyarbakir on 19 June to observe a hearing in the trial of three children under the age of 18 who were charged under anti-terror legislation for singing a Kurdish song at a folk music festival in San Francisco.

Prosecutors had filed the charges against the three, who travelled to the United States last October as part of a local children's choir, under Article 7/2 of Turkey's Anti-Terror Law, which governs the production of propaganda for terrorist organisations. They claimed the song in question had been adopted as the official march of the Kurdistan Workers' Party (PKK) and that the children were standing in



Mission member Mary Hughes with children on trial under anti-terror laws

front of PKK flags during their performance.

Though the children were acquitted during the 19 June hear-

ing, mission members noted that the proceedings had already sent a clear message both to them

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KHRP Observes Court Proceedings Against Children's Choir

and to their families. A further six children charged in connection with the same incident but tried separately because they were under the age of 15 were also acquitted on 3 July.

The choir sang songs in eight different languages, including Dutch, English, Hebrew, Russian and Arabic, during their appearance at the San Francisco festival. But Turkish prosecutors were exclusively concerned with their rendition of the Kurdish anthem 'Ey Raqip' (Hey Enemy). Written by the famous Kurdish poet Dildar (1917-1948) while in prison in Iran, the song became the national anthem of the short-lived Kurdish Republic of Mahabad in north-western Iran in 1946. It is now the national anthem of the Kurdistan Regional Governorate in Iraq.

According to the charges, the rendition of the song by the children amounted to a deliberate and premeditated attempt to propagandise on behalf of the PKK. This was in spite of the fact that the children claimed during the trial that it had been sung only after a request from

the audience. The flag that was hung behind the children during their performance is used by the Kurdistan Regional Government in northern Iraq.

After video clips of the festival were broadcasted by TV channels, the Diyarbakir Public Prosecutor's office filed a case against all members of the choir. Though children under the age of 18 are generally tried in juvenile courts, Turkey's revised Anti-Terror Law of 2006 allows for those over the age of 15 to appear before adult courts. Thus the three oldest members of the choir, whose trial KHRP observed, were tried before the Diyarbakir Heavy Crimes Court. Proceedings against the six younger children under the same article of the Anti-Terror Law were handled by the Juvenile Heavy Crimes Court.

KHRP delegates, who were the only international observers present at the proceedings at the Diyarbakir Heavy Crimes Court, noted that the environment was clearly intimidating and wholly inappropriate for a trial involving minors. The majority of other cases before the court involved security charges, including alleged drug-trafficking and weapons-handling. A number of other concerns were registered with

regard to court procedure.

The three children were eventually acquitted after it was ruled that they had played only a limited role in the performance, in spite of some testimony to the contrary. Despite the acquittal, KHRP is deeply concerned that such a trial should have occurred in the first place and that the grounds of acquittal failed to acknowledge the spurious nature of the charges themselves. KHRP was also concerned to learn that the case for the defence rested on the argument that the song originated from the pre-PKK era, rather than invoking the broader issue of Turkey's obligation to comply with Article 10 of the European Convention on Human Rights, which guarantees freedom of expression.

During the course of the proceedings themselves and also during a meeting with some of the children at a local youth centre, KHRP was extremely concerned to note the negative impact that the process was having on their lives. Having been indicted in November 2007, the legal proceedings had been hanging over the children's heads for seven months, a state of affairs that had clearly made the older ones amongst them

apprehensive. Delegates were further concerned that the children apparently had to face the ordeal largely on their own, with no visible support from their parents, social workers or the adult organisers of the trip. The reluctance of some adults to involve themselves in the affair may have stemmed from a fear that this would lead to further problems with the authorities in future.

KHRP believes that this case reflects Turkey's broader failure to develop a culture of respect for children's rights and to distinguish between children and adults within its legal system. KHRP further asserts that such trials are being used to scare and harass individuals and their families in relation to their use of the Kurdish language, and to prevent them from exercising free expression. Earlier this year, KHRP was the only observer at the trial of a publisher who faced a similar charge for publishing a book which included references to the history of the PKK.

An in-depth report on the findings of the trial observation mission will be published by KHRP in due course.

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Director's Letter

Önal and the terrorism trial of members of a children's choir who sang in Kurdish at a San Francisco folk festival.

Meanwhile, a court in Iran confirmed death sentences against two Kurdish journalists accused of spying and threatening national security. And a third journalist, the editor of a Kurdish weekly newspaper, was reportedly put on trial for publishing false information and promoting separatism despite having suffered a stroke in custody in Tehran just days earlier.

In Iraq, recent months have seen ongoing cross-border shelling, air strikes and ground assaults by Turkish and Iranian forces, using intelligence shared with Turkey by the United States. Despite KHRP's advocacy work with governments, these attacks have continued to put civilian populations at

risk and pose a threat to regional security. Meanwhile, an armed attack on a shelter in Sulemanya housing female victims of domestic abuse and 'honour' crimes underlined the challenge of promoting and protecting human rights across the region.

Against this sobering background, however, KHRP has continued to bring about major advances in the human rights situation. At a time of political unrest and further threats to freedom of expression in Armenia, an important precedent was set by the success of a KHRP-assisted case before the European Court of Human Rights (ECtHR) concerning a television station that was taken off the air several years ago and then repeatedly denied permission to broadcast. With many more legal actions in the pipeline, including six newly-submitted cases relating to operations by the Turkish military in northern Iraq, we look

forward to further successes in future.

KHRP has also continued to support human rights defenders on the ground, holding successful training seminars in late June for lawyers and human rights defenders in Hakkari and Şırnak in south-eastern Turkey, which have been badly affected by a recent upsurge in insecurity in the region. Meanwhile, KHRP staff in London held a series of meetings with members of Kurdish organisations to lay the groundwork for further capacity-building work within the diaspora community. Our Legal Director also travelled to Norway in late March to share our expertise with lawyers there on submitting cases to the ECtHR.

Besides sending representatives to observe a number of trials mentioned above, KHRP has also organised missions to research the situation of Kurdish children across Turkey and human rights developments in northern Iraq since 2003.

And in addition to our usual output of press releases, briefing papers and reports based on trial monitoring and fact-finding missions, we have also launched our annual Impact Report covering 2007 and the latest edition of our Legal Review dealing with legislative and policy developments in the Kurdish regions and related proceedings within the European and British court systems.

As always, it hardly needs saying that none of this important and unique work would be possible without the generous and dedicated backing of our many supporters, funders and volunteers. As we look forward to a productive summer, I would like to extend to them our warmest thanks.

Kerim Yıldız
Executive Director
July 2008

KHRP Mission Investigates the Situation of Kurdish Children in Turkey

A KHRP fact-finding mission travelled to Istanbul and the Kurdish regions of Turkey in June in order to conduct research into the conditions and problems faced by Kurdish children there.

KHRP delegates undertook the field mission after desk research highlighted a number of key areas within which it was extremely difficult to obtain information pertaining specifically to Kurdish children living in Turkey because of the failure of the Turkish authorities to disaggregate official information by ethnicity. Such areas included education, housing, health and the juvenile justice system. In the course of the mission, such issues were made the focus of a series of interviews with officials and civil society representatives in Diyarbakır, Cizre and Istanbul.

The mission found that Kurdish children growing up in Turkey face a range of difficulties relating to their ethnicity. One key problem is that public education is only available in Turkish, meaning that Kurdish children have to spend the first years of their school-



KHRP representatives Josee Filion (left) and Julianne Stevenson (second from right) with Sırnak Bar Association members İlknur Yokuş Tanış (right) and Rojhat Dilsiz

ing learning the language and are therefore disadvantaged from a very early age in comparison with their Turkish counterparts. This problem affected children in all areas of the country where the mission conducted interviews.

It was also found that the conflict between the Turkish security forces and pro-Kurdish armed groups has a range of repercussions for Kurdish children. An increasing number of children are involved in demonstrations and rallies, where they both witness and are the victims of violence. Police and security forces do not discriminate between children and

adults in their use of force to respond to such incidents. The mission obtained information about a number of specific cases in which Kurdish children are alleged to have faced ill-treatment at the hands of state officials in detention.

Tensions between the Turkish authorities and the country's Kurdish population were also found to have severe knock-on effects in many other aspects of life, both in the Kurdish regions and in Istanbul. One example of this is that Kurdish children were reported to face bureaucratic obstacles when trying to obtain important documents

such as Green Cards, which are required in order to access basic healthcare.

The mission noted that the ongoing conflict and unresolved questions surrounding the status of Turkey's Kurdish population presented one obvious obstacle to addressing the kinds of problems outlined above and improving the situation of Kurdish children. More generally, however, it was also concluded that Turkey lacks a comprehensive policy for improving the situation of children of all ethnicities. Although legislation has been enacted which should in theory protect the rights and interests of children, the mission found that such legislation was often very far from being effectively implemented. This gap was most evident in the Kurdish regions and in relation to internally displaced persons residing in Istanbul.

An in-depth report detailing the findings and recommendations of the fact-finding mission, as well as the desk research that preceded it, will be published by KHRP in August.

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European Court of Human Rights Rules Against Armenia in Landmark Freedom of Expression Case

interferences by a public authority with the fundamental right to freedom of expression. A1+ was awarded 20,000 euros in respect of non-pecuniary damages and 10,000 euros for costs and expenses.

The case represents a growing recognition of rights under Article 10 and has the potential to play a significant role in changing the situation of freedom of expression in Armenia. Although the ECtHR cannot strike down laws di-

rectly, this is a clear example of an instance in which the state concerned will have to amend existing legislation in order to prevent further violations of the ECHR.

Ara Ghazaryan of the Forum Law Centre noted that, 'Besides its legal impact, the political impact of this decision is huge.' The judges' findings gave fresh confidence to opposition political activists in Armenia and sparked debate about how the authorities would rectify the situation.

A previous complaint by Meltex Ltd concerning its treatment by the Armenian authorities had been rejected by the ECtHR earlier in June, with a key sticking point being that the case partly concerned events that took place

before the ECHR came into force in Armenia on 26 April 2002.

The latest ruling comes in the wake of violence following presidential elections in Armenia in February, which led to a wave of arrests and a state of emergency being declared between 1 and 21 March. Council of Europe Commissioner for Human Rights Thomas Hammarberg, who visited Armenia on a special mission during this period, called for the state of emergency to be lifted. He also urged that proposed changes to legislation that would impact on freedom of expression and freedom of assembly should be approved only to the extent that they are consistent with the ECHR. He further called on the au-

thorities to establish an enquiry into the events of 1 March, investigate allegations of excessive use of force, ensure proper treatment for all detainees and release those held without charge.

KHRP is currently involved in numerous outstanding cases before the ECtHR in relation to applicants who were detained following elections in Armenia in 2003. One applicant in particular, who has remained an active member of the opposition, recently received death threats against himself and his family in connection with his involvement in a Constitutional Court case relating to this year's elections.

KHRP Holds Training for Lawyers in Şırnak and Hakkari

KHRP co-hosted training events in the provinces of Şırnak and Hakkari in south-eastern Turkey on 28 and 29 June focusing on effective investigation of violations of Articles 2 and 3 of the European Convention on Human Rights (ECHR), which cover the right to life and prohibition of torture.

The training sessions were organised with the cooperation of the Şırnak and Hakkari Bar Associations and followed on from previous KHRP training sessions in these provinces last year. The seminars included information about Turkey's international obligations and procedures for effectively investigating substantive and procedural violations of the



Participants at the training seminar in Şırnak

relevant articles of the ECHR.

The inhabitants of Şırnak and Hakkari provinces, in common with other provinces in south-eastern Turkey, have suffered extensive human

rights violations at the height of the conflict between Kurdish groups and state forces in the 1990s and today. The aftermath of the bombing of a bookshop in Hakkari province

in November 2005 raised serious questions about the independence of the prosecution and judiciary, and the ability of the authorities to conduct thorough and prompt investigations into such incidents. The situation in the region has deteriorated markedly in recent months amid ongoing military operations against the Kurdistan Workers' Party (PKK), with Hakkari, Şırnak and the neighbouring province of Siirt declared high security zones.

KHRP will continue to support the work of the Şırnak and Hakkari Bar Associations by holding further training events in future.

Newroz Celebrations and Protests Spark Violent Crackdown in Turkey and Syria

KHRP condemns the violent reactions of security forces in Turkey and Syria to celebrations and demonstrations that took place in March in connection with the Kurdish festival of Newroz.

On 20 March several protesters were killed in the Syrian town of Qamishli when security forces opened fire with live ammunition on crowds celebrating the Newroz festival. Hundreds more were

arbitrarily detained and KHRP received several reports that at least some had suffered torture and ill treatment at the hands of their captors.

The violent suppression of Newroz celebrations by local security forces in Turkey led to further clashes, protests and unrest. Videos and photographs widely circulated in the media showed riot police baton-charging unarmed Kurdish civilians, many of whom

were elderly. Another widely-circulated video showed a Turkish police officer deliberately breaking the arm of a 15-year-old Kurdish child in the town of Colemerg, south-eastern Turkey, despite the fact that the child had already been restrained. KHRP also received a report that a young man died after being shot and beaten by riot police in Van in late March.

'KHRP condemns the use

of such extreme and indiscriminate force on unarmed civilians exercising their right to assembly,' said Executive Director Kerim Yıldız. 'The use of such lethal force not only is a grave violation of human rights and an unacceptable abuse of state authority. Such force also serves to perpetuate conflict and hostility in the region.'

Gun Attack on Women's Shelter in Northern Iraq

Unidentified gunmen opened fire on the Asuda women's shelter in Sulaymanya, Kurdistan, Iraq on 11 May, seriously injuring a mother of three who was staying there.

The injured woman had been admitted to the shelter, one of only a handful operating in the country, in March after being accused by her husband of adultery. Fearing abuse or even 'honour killing', she fled her home and was

referred to the project by the Sulaymanya police force's Department of Violence against Women.

The Asuda organisation has provided protection to over 470 women since its establishment in 2000 and the opening of its women's shelter in 2002. Asuda had previously been subject to numerous threats because of its protection of victims of domestic violence and 'honour'-related crimes,

though this was the first time that the shelter had come under direct attack.

Abuse and violence against women, including 'honour'-related crimes, are widespread in Kurdistan, Iraq. Local cultural and traditional factors, along with a lack of laws and regulations in place to combat such violence and abuse, make protection of women particularly challenging. In this context, the work of organisations

such as Asuda is of enormous importance.

KHRP believes that it is the responsibility of the Kurdish authorities to ensure that NGOs and civil society organisations are allowed to operate in an environment free from violence and intimidation. KHRP calls on the authorities to conduct a full and prompt investigation into this appalling attack and bring the perpetrators to justice.

KHRP Holds Women's Rights Advocacy Training

KHRP convened a training session for female Kurdish human rights defenders in its London office on 25 June as part of ongoing work to promote implementation of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora.

The training session – entitled 'Gender and Human Rights: Enforcing the Charter' – focused on introducing members of the Kurdish Women's Project (KWP) to international mechanisms for protecting human rights, including the European Convention on Human Rights (ECHR), the International Covenant on



Participants at the women's rights training session

Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Charter for the Rights and Freedoms of Women in

the Kurdish Regions and Diaspora was itself inspired by such international treaties as CEDAW, the ECHR and the ICCPR, but is specifically tailored towards addressing the particular needs of women

in the Kurdish regions. It was launched as a joint project by KHRP and KWP in the British House of Lords and the Kurdish Regional Parliament in Iraq in 2004.

Issues raised by participants in the latest training session included the challenge of reconciling Iran's Islamist political framework with women's rights, and the mechanisms that exist to protect the rights of Kurdish women living in Britain. The group also discussed the need for education and awareness-raising to help end violence against women, and ways of undertaking this work.

Governments and Activists Increase Pressure on Financial Backers of Ilisu Dam Project

Criticism of the controversial Ilisu Dam project in south-eastern Turkey has continued to gather pace in recent months.

The Turkish pop star Tarkan, one of the country's most popular singers, has joined the campaign 'Stop Ilisu Dam, Save Hasankeyf', which was launched by the Turkish nature organisation Doğa Derneği in order to convince local and international institutions to recognise the region as a World Cultural and Natural Heritage site. Should plans for the Ilisu dam go ahead, the 9,000-year-old town of Hasankeyf – where Tarkan opened a Doğa Derneği office on 14 May – would be submerged, leading to the displacement of some 55,000 people in the surrounding area.

In another development, a meeting was held on 20 June between a number of export credit agencies (ECAs) which have pledged funding for the €1.2bn project, the Committee of Experts responsible for evaluating the extent to which the Terms of Reference of the initial finance agreement have been met, and NGOs. The



The historic town of Hasankeyf, threatened by the Ilisu dam

meeting was supposed to address concerns that both Turkey and the project's financial backers continue to disregard overwhelming evidence pertaining to the negative environmental impact the dam is set to have on the region's inhabitants. Besides effects within Turkey itself, this would also include a reduction of Iraq's access to the water of the Tigris river. Because of such concerns, the finance ministers of Germany, Austria and Switzerland threatened earlier in 2008 to oppose previously approved credit guarantees for the construction of the dam.

According to reports from NGOs who attended the June meeting, the dialogue only served to reinforce concerns

that almost none of the Terms of Reference have been met, yet plans to push ahead with the project in the near future are being pursued. Generally, the NGOs were concerned with the alleged lack of transparency shown by the ECAs in their negotiations with Turkey. More specifically, it emerged that there remains no coherent and long-term plan for the resettlement of those set to be displaced by the dam, for the project's environmental cost and for its impact on the region's cultural and architectural heritage.

Elsewhere, a recent European Parliament resolution on the European Commission's 2007 progress report on Turkish accession included two articles of relevance to the Ilisu

campaign. Article 15 reiterates earlier calls for the Turkish government to come up with a comprehensive master plan to boost the socio-economic and cultural development of south-eastern Turkey. Further, the resolution says this master plan should also address the social, ecological, cultural and geopolitical problems stemming from the Southeast Anatolia Dams (GAP) Project. In stronger language, Article 37 calls on the Turkish government to apply European standards to projects with far-reaching effects, with the construction of the Ilisu dam given as a specific example.

In 2002, a campaign by KHRP and its partner organisations successfully caused the collapse of an earlier round of financial backing for the Ilisu dam project. Today, at yet another critical juncture in the dam's development, KHRP urges governments to hold Turkey and the ECAs to account for their full obligations under international law, and to encourage Turkey to develop a sustainable plan for the development of the south-eastern regions.

Dispatches

KHRP Nominated For International Human Rights Award

KHRP is honoured to have been nominated for this year's Rafto Prize, given out annually by the Thorolf Rafto Foundation for Human Rights in Norway in recognition of efforts to further spiritual, political and economic freedoms.

The foundation was established in 1986 in memory of Professor Thorolf Rafto, a human rights activist and professor in economic history at the Norwegian School of Economics and Business Administration in Bergen. Founded in the humanistic tradition of the Helsinki Accord, it describes its aim as the promotion of 'the three fundamental human rights of intellectual freedom, political freedom and free enterprise.'

Nominees for its annual prize must be active participants in the struggle for the ideals and principles underlying the Human Rights Charter, or an embodying symbol of these. Previous recipients have hailed from as far afield as India, Vietnam, Chechnya and China.

KHRP Welcomes New Staff Member



Walter Jayawardene (left) and Michael Farquhar



KHRP would like to extend our warmest thanks to outgoing Resources and Communications Co-ordinator Walter Jayawardene, who had been with the organisation since 2006. In his place we welcome Michael Farquhar, who took over the role in June.

Intern Awards



KHRP interns Robin Miller and Hugo Foster



Robin Miller, a research intern with KHRP, has been awarded the Carter Academic Service Entrepreneur Grant, a £1,000 prize given out each year to a student at the London School of Economics who is able to apply his or her studies to a local volunteer opportunity. Robin, who is an MSc Human Rights candidate at LSE,

applied for the grant to facilitate KHRP's work with the Kurdish community in London. The money will be used to help KHRP to coordinate constructive dialogue between community members and leaders, immigration and asylum experts, and other human rights activists and lawyers, in an effort to better address the needs and challenges of Kurds both in the Diaspora and in the Kurdish regions.

In May, KHRP resources and communications intern Hugo Foster collected an 'Outstanding Volunteers' award at a volunteering event at London's School of Oriental and African Studies, where he completed an MA in Near and Middle Eastern Studies in 2007. Hugo gave a presentation about his work producing KHRP publications and also collected an award on behalf of the organisation.

London and Dublin Events Mark Launch of Latest Book by KHRP's Executive Director and Chairman



Kerim Yildiz and Mark Muller sign copies of their book at the GLA preview event

A series of events have been held in London and Dublin to promote the launch of the latest book by KHRP Executive Director Kerim Yildiz and Chair Mark Muller QC, titled *The European Union and Turkish Accession: Human Rights and the Kurds*.

The book, which has a foreword by Prof Noam Chomsky, was published by Pluto Press on 1 May after a preview event at the Greater London Authority (GLA) on 15 April. Following its publication, a launch party took place at Europe's largest academic bookstore, Waterstones on Gower Street in London, on 8 May. A further event was held at one of Dublin's oldest bookshops, Connolly Bookshop, on 3 June. A large crowd turned out to hear Yildiz discuss the book and his recent work with KHRP, after which he signed copies.

'This book explains the crucial human rights dimension of Turkey's accession process, which is under particular scrutiny due to Turkey's recent incursions into Northern Iraq,' said Yildiz. 'We also analyse the effect this process is having on

Turkey's minority groups, including the 15 million-strong Kurdish population.'

The EU accession process will shape Turkey's future and particularly its potential to become a pluralist, democratic state with respect for international human rights standards. The European Union and Turkish Accession explains and analyses this process, focusing primarily on human rights obligations and the extent of their implementation in Turkey, and addresses the variety of groups in Turkey affected by the accession negotiations. The authors also provide a detailed examination of the background of the Kurdish people and their relationship with the Turkish republic. They conclude the book with a discussion of the implications of the accession process both for Turkey itself and for the international community.

Further details about a Turkish-language edition of *The European Union and Turkish Accession* are to be found in the section of this edition of *Newsline* covering new and upcoming KHRP publications.

Turkish and Iranian Cross-Border Attacks Continue

KHRP is deeply concerned at ongoing attacks purportedly against the Kurdistan Workers' Party (PKK) in Kurdistan, Iraq by Turkish and Iranian forces, which stand to put local civilian populations in jeopardy and risk destabilising the region further.

In the previous edition of Newslines, KHRP reported on an eight-day ground incursion by Turkish forces into northern Iraq which took place in late February. There has been no indication of an end to cross-border military operations in the months since, with air strikes by Turkish forces occurring routinely.

On 10 June, for example, Iraqi security sources said Turkish warplanes bombed five villages up to nine miles inside Iraqi territory. On 2 May, around 30 Turkish warplanes reportedly launched intensive bombing raids in the Qandil region over a period of some three hours. In other instances, air strikes deep inside Iraqi territory have been accompanied by cross-border artillery bombardments and troop deployments.

As with previous campaigns, Turkish acknowledgement of the operations has been limited to ambiguous statements giving the numbers of PKK fighters allegedly killed and the military objectives apparently achieved. These reports tend to be disputed by PKK and Kurdish media sources, which generally attest to the failure of such attacks to reduce the PKK's operational capability and highlight their alleged impact on local civilian populations.

Cross-border attacks by Iranian forces have also continued, particularly in border areas in Sulaymaniyah province.

On 7 June, villagers in Kokaz and Khandoura in the Bashdar region came under heavy artillery shelling. According to the mayor of Bashdar, some 20 villages had also been affected by shelling in the previous month, causing 120 families to leave for safer areas.

It even appears to be the case that Turkey and Iran are coordinating their military activities in northern Iraq. In the first public acknowledgement of intelligence-sharing of this kind, the commander of the Turkish army, General İlker Başbuğ, was quoted in June 2008 as saying, 'When they [Iran] start an operation, we do, too. They carry out an operation from the Iranian side of the border, we from the Turkish side.'

Both Turkey and Iran justify cross-border attacks by citing the need to guarantee their own security, whilst arguing that they only target military locations. However, these claims are repeatedly contradicted by reports from the regions themselves, which attest to the impact the operations have on local civilians.

In late 2007 and early 2008, KHRP fact-finding missions visited a number of areas in northern Iraq that had been affected by shelling and air strikes, including villages in the Sersenk district of Dahuk and the Ranya area of Sulaymaniyah. The flagrant disregard for civilian lives, livelihoods and human rights which KHRP observed during these visits reflects the underlying hostility amongst Iraq's neighbours towards the development of Kurdish autonomy in northern Iraq and their desire to impede this by undermining the region's stability.

Dispatches

Staff Retreat



KHRP staff with board member Raj Kumar Rai

KHRP staff benefited from a two-day retreat in Worcestershire from 27 to 28 June, including yoga sessions and walking in the Malvern hills. We would very much like to thank board member Rajesh Kumar Rai, his wife Divya and their family for taking us into their home for the weekend and going to such great lengths to make our stay so enjoyable and reinvigorating.

Follow-Up on Diyarbakır CEDAW Training

KHRP representatives met with members of SELİS Women's Consultation Centre in Diyarbakır in June to follow up on training provided to local organisations earlier in the year on uses of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to promote women's rights.

The training, which took place on 23 and 24 February, focused on providing information about the situation of women's rights in Turkey to the UN committee responsible for overseeing implementation of CEDAW.

SELİS confirmed that they would like KHRP to return to the region this summer to provide further assistance with using information that has been gathered since to compile a shadow report to the CEDAW committee when Turkey submits its own country report. Turkey's implementation of CEDAW is due to come up for review by the committee later this year.

Change to Fellowship Application Process

Following a review of the KHRP Fellowship Application Process, from the 30 April 2008 applications will be accepted all year round. Applications that are received during a period when the position is already filled will be kept on file and considered when the next vacancy arises. More information about the fellowship, including eligibility criteria, is available on the KHRP website at www.khrp.org.

Dispatches

Halabja Playground Plans



Nariman Ali (left) and Tom Carrigan at the site where the playground will be built

Photographer Tom Carrigan, with support from Spring Studios and KHRP, is moving ahead with plans to build a children's playground in Halabja in Kurdistan, Iraq.

Carrigan first visited Halabja in 2005 to make a documentary film, 'The Widows of Anfal' about the effects of Saddam Hussein's military campaigns designed to wipe out the Kurdish population in the 1980s. The town was subject to the infamous chemical gas attacks which killed over 5,000 civilians and affected more than 10,000 on 16 March 1988.

Returning to Halabja earlier this year to photo-document the 20th anniversary of the massacre, Carrigan tried to find out how people were coping two decades after the attack and investigate the support available to them for rebuilding their lives. During his first visit, he noticed the lack of community facilities in the town, particularly for children and young people. After consulting with residents, Carrigan and community representative Nariman Ali developed the idea for building a playground for children on waste land in the town.

In June this year, after gaining support and offers of help from several organisations and individuals, including KHRP, Carrigan returned for a third visit to carry out a feasibility study for the project. The mayors of Halabja and the municipality are fully behind the project and have provided the land and planning permission to begin work. Design, Build and Play will be providing consultation for the playground, which will be designed and built by the local children under the supervision of qualified builders and safety officers.

If you would like to find out more about the project or offer your support, please contact Tom Carrigan at tomcarriganphoto@hotmail.com

KHRP Provides Human Rights Training for Norwegian Lawyers

KHRP Legal Director Catriona Vine delivered a training seminar for 60 lawyers from a variety of practice areas in Oslo, Norway, on 28 March focusing on 'Litigation Strategies before the European Court of Human Rights'.

The session, which consisted of a series of lectures and workshops throughout the day, was coordinated by Advokat Foreningen of the Norwegian Bar Association as part of the latter organisation's professional development curriculum.

In his opening remarks,

Norwegian Bar Association President Arild Humlen, who is also a member of the KHRP legal team, highlighted the importance of developing a solid understanding of the court's procedures.

Following the success of the seminar KHRP was asked to return to Oslo in the autumn to provide further training on Articles 3 and 8 of the European Convention on Human Rights, which focus on the prohibition of torture and the right to respect for private and family life.

Refugees Killed During Illegal Expulsion from Turkey

Turkey was severely criticised following the deaths of four refugees on 23 April as they were forcibly expelled across the border to Iraq by Turkish police, in breach of the country's international obligations.

According to a witness, the four men were amongst 60 people who the Turkish authorities attempted to forcibly deport to Iraq at an official border crossing on 23 April. The Iraqi border authorities allowed 42 Iraqis to enter the country but refused to admit 18 Iranian and Syrian nationals. According to reports, the four then drowned after Turkish police took this group to an unpatrolled stretch of the border and forced them to swim across a fast-flowing river between the two countries. The 18 who were forced to cross the river reportedly included five Iranians who had been granted refugee status by the United Nations High Commissioner for Refugees (UNHCR).

A report published by KHRP

in February 2007, Refusing Refuge, noted that Turkey only recognises its obligations under the 1951 Convention Relating to the Status of Refugees in cases involving refugees from Europe. Non-European asylum seekers and refugees in Turkey face numerous problems with healthcare and housing, and are often left in administrative and legal limbo, with their status in the country unclear.

The forcible herding of refugees across a dangerous border not only violates the principle of non-refoulement central to the Refugee Convention, but also contravenes a slew of articles of the European Convention of Human Rights. Chief amongst them is the right to life, which is applicable to all people in Turkey, refugee or otherwise.

KHRP continues to call for a full investigation into this incident and for Turkey to bring its refugee policies into line with accepted international standards.

KHRP Highlights Importance of Women's Rights in the Kurdish Regions

KHRP Deputy Director Rachel Bernu joined an expert panel at a seminar at Garden Court Chambers in London on 24 May to explore the role of women in conflict resolution, dialogue and reconstruction in the Kurdish regions.

In a speech to seminar participants, Rachel highlighted the skills and experiences that women in the region can apply to efforts to change the human rights situation there. She also detailed KHRP's own experience of working on women's rights in the Kurdish regions. This has included strategic use of international mechanisms, supported by monitoring and public awareness initiatives, in order to help facilitate the participation of women in overcoming discrimination and promoting



Layla Zana and Rachel Bernu at Garden Court Chambers

rights for all.

Other speakers at the event included the Kurdish politician Leyla Zana, Dr Susan Breau, Reader in International Law at the University of Surrey, and Margaret Owen, Director of Widows for Peace and Democracy. The seminar was moderated by Hannah Rought-Brooks, vice-chair of the Haldane Society of Socialist Lawyers.

New Pro-Kurdish Party Founded in Turkey

A new pro-Kurdish political faction called the Peace and Democracy Party has announced itself in Turkey with a statement submitted to the Interior Ministry, signed by its president, lawyer Mustafa Ayzit, and over 40 other founding members. The list included Cezayir Serin, the former mayor of Diyarbakır Sur District, Cabbar Leygara, the former mayor of Diyarbakır Bağlar District, and Mahmut Tanzi, a lawyer associated with the pro-Kurdish Democratic Society Party (DTP).

Some commentators think the new party has been set up to replace the DTP, should on-

going moves to bring about its closure prove successful. The outbreak of hostilities last November between Turkish troops and the Kurdistan Workers' Party (PKK) led to the opening of legal proceedings against the DTP, which is accused of having ties with the armed movement.

Attempts to ban parties are not unusual in Turkey. The prosecutor involved in the case against the DTP is also currently engaged in efforts to shut down the ruling Justice and Development Party (AKP), which is accused of threatening Turkey's secular political framework.

Dispatches

Condolences

Louiza Kaka Hama Amin Attar

KHRP was deeply saddened to learn of the passing on 21 May of Louiza Kaka Hama Amin Attar, who was one of the founders of the Kurdish Museum in London. Louiza had a longstanding commitment to the preservation of Kurdish cultural heritage and personally contributed a part of the collection held at the museum.

Born in 1936, Louiza grew up in Sulemanya, Iraq, before moving to Baghdad to complete her university studies. She pursued a successful career in teaching before her marriage to Kamal Sheikh Ghareeb (1934 - 2004), who was one of the first Iraqi police officers to join General Mustafa Barzani in the Eylül Revolution of 1961. The couple were committed supporters of Kurdish culture throughout their lives.

Ferhad Zen-Aloush

KHRP was deeply saddened to learn of the passing on 18 May of Ferhad Zen-Aloush in Oxford, England. Ferhad was one of the founders of the Western Kurdistan Association and a member of the organisation's management committee. A very active member of the Kurdish community in Britain, Ferhad committed his life to serving his people.

KHRP Attends Water and Sustainability Expo



KHRP Development and Outreach Officer Anna Irvin answers journalists' questions at the Zaragoza Expo

KHRP was invited by the New Water Culture Foundation and Foro Mundial to present the case of mass displacement caused by the Ilisu Dam project at the Zaragoza Expo, which had the theme 'Water and Sustainability'.

Development and Outreach Officer Anna Irvin took part in a civil society pavilion 'El Faro' (www.elfaro2008.org) on 3 and 4 July, in which the New Water Culture Foundation and other organisations working on issues relating to water, sustainability and human rights held an exhibition based on 45 case studies illustrating destructive water policies around the world.

Dispatches

Anna also spoke at a parallel event organised by Foro Mundial, which focused on subjects such as mass displacement and the alternatives to building dams. The platform was shared by speakers including: Professor Kader Asmal, former Minister of Water Affairs and Forestry in South Africa and former Chairman of the World Commission on Dams (1997-2001); Patrick McCully, Executive Director of the International Rivers Network; and Robert Eppele, President of the European Rivers Network.

SPREADING THE WORD

In recent months KHRP has continued to play a leading role in informing political, media and academic analysis of developments in the Kurdish regions.

On 19 March DEM TV, an Alevi TV station based in the UK, visited KHRP's London office to interview Executive Director Kerim Yıldız about his work in relation to the Kurdish regions.

During a trip to the US on behalf of KHRP later in March, Kerim was invited to deliver lectures at events organised by a number of high profile organisations. On 24 March he gave a talk at City University in New York entitled 'The Kurds in Turkey and Iraq: Human Rights, Conflict, and the International Community'. The event was chaired by Meline Toumani, a freelance journalist who recently wrote about Kurdish issues for The New York Times Sunday Magazine.

On 26 March Kerim spoke at the Brookings Institution in Washington DC, as part of a seminar entitled 'Kurdish Displacement: Challenging Injustice'. The event was organised by the Brookings Bern Project on Internal Displacement and also included Nabil Al-Tikriti of the US Institute of Peace, journalist and author Aliza Marcus, and Steven Cook of the Council of Foreign Relations.

The following day Kerim delivered a seminar at the Institute for Policy Studies, also in Washington DC, on 'Policies of the US and the International Community on Turkey and the Kurds'.

Following the publication of his book *The European Union and Turkish Accession: Human Rights and the Kurds*, Kerim was interviewed by Nadim Mahjoub for Middle East Panorama. The interview was broadcast on Resonance FM Radio on 9 April and can be heard online at <http://ourmedia.org/node/394770>.

On 19 May Kerim spoke about his recent visits to the Kurdish regions during a public meeting at the House of Commons on Turkey, the Kurds and the EU. The event was attended by prominent Kurdish politician Leyla Zana, who was visiting the UK at the time.

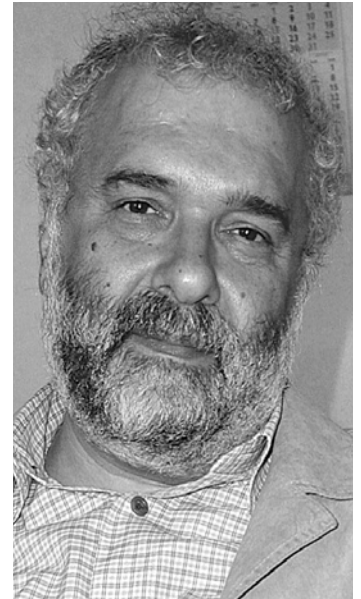
The volume of media enquiries and invitations to speaking engagements received by KHRP during this period continues to demonstrate how highly the organisation's expertise is valued by journalists, academics and other members of the public.

IPA's Freedom to Publish Prize Awarded to Ragıp Zarakolu

Ragıp Zarakolu, a former client of KHRP and the organisation's current publisher in Turkey, has received the International Publishers Association (IPA) Freedom to Publish Prize 2008 for his exemplary courage in upholding freedom to publish.

IPA board members selected Zarakolu from a list of highly commendable candidates during a meeting in Seoul, South Korea, according to an announcement by the organisation's president Ana María Cabanellas in May.

Zarakolu, who is chairperson of the Freedom to Publish Committee of the Turkish Publishers Association, has long faced harassment by the Turkish authorities for publishing books on minorities and human rights. A number of legal charges have been filed against both him and his wife, resulting in prison terms, heavy fines, and confiscation and destruction of books. This harassment has at times endangered the survival of Zarakolu's publishing house.



Ragıp Zarakolu

IPA established the Freedom to Publish Prize to honour individuals who make an important contribution to the defence and promotion of freedom to publish anywhere in the world. This year's award will be formally presented to Zarakolu during the opening ceremony of an international seminar on neo-censorship in Amsterdam on 18 September. KHRP extends its warmest congratulations to a deserving winner.

KHRP Hosts Roundtable With Syrian Kurds in London

Members of the Syrian Kurdish community in London took part in a roundtable meeting convened by KHRP on 17 June to discuss recent escalations in the repression of the Kurdish population in Syria and ways of working together to improve the situation there.

KHRP representatives took this opportunity to provide participants with more information about the ways in which the organisation works,

including through the use of international mechanisms and awareness-raising amongst governments and inter-governmental bodies. Participants also exchanged ideas about how best to assist the Kurdish community in Syria, including exploring the possibility of establishing a mechanism for consistent information-sharing and awareness-raising. It was agreed to pool resources in order to better highlight the plight of Kurds in Syria.

Legal Team Meeting Tackles Extra-Territorial Jurisdiction

The latest meeting of members of the KHRP legal team at London's Brick Court Chambers on 17 June featured a discussion of the complexities surrounding extra-territorial jurisdiction, an issue which has been brought into particular focus in recent months amid a series of cross-border operations by Turkish forces in Northern Iraq.

Keir Starmer QC, a member of KHRP's legal team, gave a presentation on the theme 'Pushing the Boundaries of Extra-Territorial Jurisdiction'. Recent cases at the European



KHRP legal team meeting

Court of Human Rights have established that the Court has jurisdiction over state agents operating outside a state's territory under certain circum-

stances, in particular when the state in question has 'effective control' over the area in which its agents are operating. But despite this recognition of

extra-territorial jurisdiction in principle, in practice it remains challenging for applicants to prove that the necessary conditions apply.

In addition to Starmer's presentation, the meeting featured opening remarks by KHRP Chairman Mark Muller QC and an overview of the organisation from Deputy Director Rachel Bernu. Legal Director Catriona Vine and Executive Director Kerim Yıldız spoke about the recent and upcoming work of the legal team and the legal department.

KHRP Hosts Meeting of Kurdish Diaspora Representatives

As part of a new drive to foster dialogue within the Kurdish diaspora, KHRP invited dozens of Kurdish community representatives to an introductory meeting at its London office on 26 June.

Earlier research conducted by KHRP had revealed a need for greater communication and coordination amongst Kurdish diaspora organisations, and the meeting was intended to help to identify and begin to address the problems faced by such groups. Attend-

ees included representatives from the Kurdish Women's Project, Kurdish media organisations and the Kurdish Cultural Centre of London.

Several of those present spoke about divisions between Iraqi, Iranian, Syrian and Turkish Kurds, and noted that greater integration would strengthen efforts to raise awareness in Britain of the problems faced by Kurds in the region. The meeting also addressed the difficulties faced by Kurdish organisations

in securing funding, especially when they seek to work on narrow causes or compete with one another to carry out similar projects.

Emphasis was placed on the importance of avoiding duplication of work and pooling resources, with suggested routes of collaboration including promoting Kurdish studies in universities and addressing the current difficulty in accessing information about Kurdish issues. KHRP pledged to support such efforts by sharing its

legal expertise and promoting access to its Feeney Centre for Research and Dialogue. Currently in development, the Feeney Centre will eventually allow readers to search KHRP's extensive resources archive online.

It was agreed that further diaspora meetings should be held in future, and that efforts should be made to expand the range of organisations taking part.

European Parliament Adopts Turkey's 2007 Progress Report

The European Parliament voted to adopt its latest progress report on Turkey on 21 May. The report, which covers developments in 2007, called for the Turkish government to make tangible improvements in the cultural, economic and social opportunities available to citizens of Kurdish origin in order to

establish a lasting settlement on the Kurdish issue.

It urged constructive engagement of all political parties in Turkey in this settlement, explicitly criticising numerous court cases filed against elected mayors and politicians such as Leyla Zana for using the Kurdish language or expressing opinions on

Kurdish issues. It labelled the possible banning of the pro-Kurdish Democratic Society Party (DTP) 'counterproductive to a political solution'.

The report also called on the Turkish government to address social, ecological, cultural and geopolitical problems stemming from the South-Eastern Anatolia Project, which

includes the construction of a series of hydroelectric dams. It further called on Turkey to develop a national strategy to address the issue of internal displacement, including providing financial and other support needed in order to properly tackle the return and compensation of displaced persons.



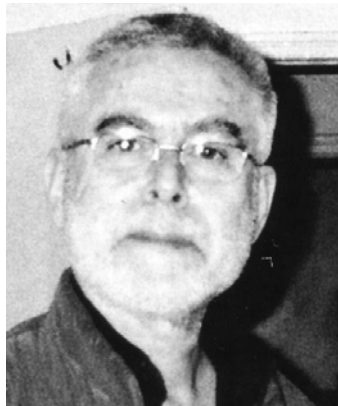
CALL FOR NEW BOARD MEMBERS

KHRP are currently looking to increase their Board, and are looking in particular for people with experience in finance, communications, fundraising and medicine. For more information about KHRP's activities or on how to become a Board member, please contact Anna Irvin at airvin@khrp.org

Turkish Supreme Court Confirms Acquittal of Government Human Rights Advisors after Four-Year Ordeal

Turkey's Supreme Court of Appeal has upheld the acquittal of two government advisors who were accused of 'inciting hatred and hostility among people' and 'denigrating Turkishness' for proposing the concept of *Türkiyelilik* in 2004. *Türkiyelilik*, which translates roughly as 'being from Turkey', was seen in nationalist circles as an unacceptable departure from the more established concept of Turkishness, which has strong ethnic connotations.

Prof Dr İbrahim Kaboğlu, the former head of the Human Rights Advisory Board of the Prime Ministry, and Prof Dr Baskın Oran, the head of a subcommittee of the same



Prof. Baskın Oran, photographed during a KHRP mission to monitor the trial in February 2006

board, penned the term in a report on minority and cultural rights. On 10 May 2006 Ankara's 28th Criminal Court dropped charges against the

two men under the notorious Article 301 of the Turkish penal code, which at the time criminalised 'denigration of Turkishness' but has since been amended to instead cover denigration of 'the Turkish Nation'. The defendants were also acquitted of charges under Article 216, covering the crime of 'inciting hatred and hostility among people'. After years of legal wrangling, the Court of Appeal's Plenary Penal Committee finally confirmed the acquittal under Article 216 during a meeting on 28 April this year, thereby bringing the case to a close.

Kaboğlu described the outcome as a significant gain for freedom of expression in

Turkey, which would set an important precedent for the future. KHRP, which monitored part of the trial proceedings, also welcomes the decision to bring to an end four years of injustice. This outcome should be seen as an incentive for the government to improve its record regarding the protection of freedom of expression and to annul Article 301.

Concerns remain, however, for the safety of both men. In recent months Oran received a threat by email warning him that he could expect to meet the same fate as Hrant Dink, the Turkish-Armenian journalist who was assassinated in Istanbul in January last year.

Amendments to Article 301 but Abolishment Should Be Goal

Turkey's government has voted to amend the notorious Article 301 of the country's penal code, which has in the past been used to restrict freedom of expression and convict leading writers such as Nobel Laureate Orhan Pamuk and leading journalist Hrant Dink, who was murdered last year.

The clause, which previously criminalised 'Denigration of Turkishness, the Republic, the institutions and organs of the State', was amended on 30 April following all-night deliberations by MPs. They eventually agreed to substitute 'Turkish Nation' for 'Turkishness' and 'The State of Turkish Republic' for 'Turkish Republic'. The maximum sanction was

also reduced from three to two years' imprisonment, with the possibility of a suspended sentence for first-time offenders. Further, the new wording requires the permission of the justice minister for prosecutions to go ahead.

The EU has previously underlined the importance of easing restrictions on free speech as a sign of Turkey's commitment to political reform, as Ankara seeks to advance slow-moving membership talks which began in 2005. According to the Independent Communication Network (BİA) 186 people, including 71 journalists, appeared before courts in the first quarter of 2008 on charges relating

to their exercising of freedom of expression. Some were facing trial in more than one case and 42 were charged under Article 301.

EU Enlargement Commissioner Olli Rehn welcomed the latest amendment of Article 301, calling it 'a step forward'. Joost Lagendijk, co-chairman of the Turkey-EU Joint Parliamentary Commission, said it was an acceptable compromise in the face of fierce polarisation on this issue. However, Lagendijk made it clear that he was in favour of the abolition of Article 301 once and for all. He also underlined his concern that other articles of the Turkish penal code might be used to restrict freedom of

expression in its place.

The amendments to Article 301 are a welcome sign of at least some level of commitment to reform within the Turkish government. However, KHRP and many other activists fighting to protect free speech in Turkey have noted that the new text still represents an illegitimate restriction on freedom of expression, as guaranteed under international law. KHRP continues to call for Article 301 to be repealed in full. Free and open criticism of the state and its organs is central to democracy and the criminalisation of such criticism cannot be justified.

Turkey Fails to Adopt Historic Cluster Bombs Treaty

Over 100 countries have adopted a landmark treaty banning the use, stockpiling and transfer of current designs of cluster munitions, notorious for their impact on civilian populations. Turkey, which is known to be involved in the production and stockpiling of such weapons, is not amongst them.

The Convention On Cluster

Munitions was formally adopted by 111 states at the Dublin Diplomatic Conference on 30 May following two weeks of intense negotiations. The treaty will be signed in December this year and will enter into force once it has been ratified by 30 countries.

Turkey attended the conference as an observer but was unable to vote on decisions or

sign up to the treaty because of its failure to sign the Wellington Declaration which laid the groundwork for the agreement earlier this year. Iraq also attended the conference as an observer but did not adopt the treaty. Other states with large Kurdish populations – including Iran, Syria and Azerbaijan – were not represented.

The treaty gives signa-

tory countries eight years to destroy stockpiles of cluster munitions. They will also be responsible for clearing and destroying the remnants of cluster bombs in areas under their control or jurisdiction. In the case of the United Kingdom, which has committed to the agreement, this will involve clearing munitions used by British forces during the 2003 invasion of Iraq.

New Cases Submitted to the European Court of Human Rights Focus on Military Incursions in Iraq

KHRP has made seven new applications to the European Court of Human Rights (ECtHR) in recent months concerning alleged human rights violations, six of which relate to operations by the Turkish military in northern Iraq.

Cross-border operations by Turkish forces, purportedly targeting the Kurdistan Workers' Party (PKK), have included indiscriminate bombings of

civilian settlements inhabited by Chaldean Christians and Kurds, even in cases where the settlements in question had no ties with the PKK. The wife of one applicant was killed and another applicant lost her leg. Other applicants lost all of their possessions as a result of the military operations, including hundreds of livestock and months' worth of food supplies. None of them have received compensation.

In a further case submitted on 6 February, KHRP asserted that the Turkish authorities violated the European Convention on Human Rights (ECHR) by failing to conduct an investigation into allegations of physical and psychological torture of a community leader by state police. The individual on behalf of whom the application was made was elected Muhtar of the village of Dayılar on 28 March 2004. Later that

year, he was abducted by two police officers and driven to a desolate area 500 metres from the city centre, where he was blindfolded and ordered to lie down. The officers covered the applicant with a blanket and tied his wrists together with a chain, before beating and interrogating him over a period of what he believed to be around a four hours.

KHRP Requests Urgent Action over Iran Death Sentences

On 3 June 2008, KHRP submitted new requests for urgent action in response to death sentences handed down to two Kurdish journalists in Iran. KHRP has been following the progress of these cases since 2007, when the organisation first submitted urgent action appeals. The letters were sent to six UN bodies, including the Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

The applicants, Hiwa Butimar and Adnan Hassanpour, were arrested in Marivan by Iranian

intelligence officers in December 2006 and January 2007. They were charged with 'acts against national security and spying for western countries'.

Butimar's trial provides a clear illustration of the summary and arbitrary nature of executions in Iran. After overturning the applicant's death sentence for procedural irregularities, the Supreme Court of Iran sent the case back to the same court that originally heard the case.

For more than four months, Butimar has waited in solitary confinement for his case to be re-

examined. While imprisoned, he has been subject to psychological and physical torture. Numerous requests for medical assistance made by KHRP and Butimar's family members have been to no avail. On 8 April he was sentenced to death by the same judge who handed down his first sentence.

KHRP has urged the UN to intervene with the Iranian government on issues including the unlawfulness of the arrest and detention in this case, allegations of torture, procedural irregularities and the arbitrary execution of both Butimar and Hassanpour.

Pipeline Project Under Scrutiny

KHRP and the London-based NGO Platform have together submitted a memorandum to the Environmental Audit Committee (EAC) – tasked with examining the environmental impact of the activities of UK government departments and other public bodies – on the involvement of the Export Credits Guarantee Department (ECGD) in the Baku-Tbilisi-Ceyhan pipeline project.

The submission was made in response to an EAC inquiry into the extent to which environmental and social concerns are taken into account during decision-making by the ECGD, whose role is to support UK firms in winning business and completing work overseas.

The ECGD has committed

to ensuring that the pipeline project, which KHRP and Platform have been monitoring jointly since 2002, is carried out in line with World Bank standards and that it will meet the standards laid out in the project's own Environmental and Social Action Plan. But a fact-finding mission conducted by Platform along the Turkish section of the pipeline route in May and June 2007 raised many concerns.

The fact-finding mission heard widespread complaints that residents of a series of villages in the area who had been affected by the pipeline project had still not received sufficient, or in some cases any, compensation. There were also serious concerns about a system whereby local

people who had land temporarily taken from them in the course of the project were supposed to later sign paperwork to confirm that this land had been reinstated. Some villagers were apparently never asked to sign off on the reinstatement of land, while others were allegedly tricked into signing. Some who refused to sign because of concerns about the process had reportedly heard nothing since.

KHRP, which has also conducted field research in the area in recent years, believes that extensive violations of the European Convention on Human Rights have continued to arise from the construction and operation of the pipeline.

Iranian Journalist Faces Trial Amid Health Concerns

Trial proceedings began against the Iranian journalist Mohammad Sadiq Kabudvand on 25 May, according to International PEN, despite the fact that he reportedly suffered a stroke in Evin prison just days earlier.

Kabudvand has been held in custody since his arrest in July 2007. While no reason has been given for his detention, International PEN suspects that it is connected with a previous conviction for 'spreading lies with the intention of upsetting public opinion' and 'disseminating tribal issues and publishing provocative articles'. The charges related to his involvement as editor of the Kurdish and Persian weekly newspaper Payam-e Mardom-e Kurdistan, which the Iranian government banned in 2004 for 'disseminating separatist ideas and publishing false reports'. He was reportedly summoned to begin a one-year prison sentence in September 2006 but remained free pending a Supreme Court ruling on his appeal.

Kabudvand has reportedly been ill-treated in custody, held without contact with his family, and denied access to adequate medical care.

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Please note: to download or purchase publications from KHRP's website you must be registered to our site. Registration is easy and free: sign up today at www.khrp.org



KHRP Impact Report 2007

The KHRP Impact Report 2007 offers a unique insight into KHRP's work in relation to environmental justice and human rights in Turkey, Iraq, Iran, Syria and the Caucasus in the course of the year. This includes litigation, advocacy, training, trial observations, fact-finding missions, research and public awareness initiatives. The report should be viewed as a primary resource for those interested in the human rights situation in the Kurdish regions.

KHRP Legal Review 13

June 2008

Covering the period from December 2007 to June 2008, the latest issue of the KHRP Legal Review features news and analysis relating to legal developments in the Kurdish regions and recent relevant proceedings before the European Court of Human Rights, the European Court of Justice and the British courts.

This latest edition includes articles addressing the implications of oil contracts in the Kurdistan region of Iraq, the related issues of women's rights and religious freedom, the experiences of internally displaced women in urban areas in Western Turkey, and legal questions stemming from recent incursions by Turkish forces into Northern Iraq.

The KHRP Legal Review is the only

existing legal journal covering legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus. It is essential reading for anyone with an interest in the legal situation in these countries.

Persecuting Publishers, Stifling Debate: Freedom of Expression in Turkey

Trial Observation Report

May 2008

ISBN 978-1-905592-18-0

This trial observation report chronicles the final stages of proceedings against the Kurdish publisher Ahmet Önal in Istanbul in February 2008. Önal was arrested in connection with references in a book that he wrote to the role of the PKK amongst Kurds in the former



Soviet Union. The Turkish authorities argued that his comments amounted to support for a terrorist organization. Although Önal was acquitted, the mission sent by KHRP to monitor his trial found that that the proceedings against him were representative of broader efforts to repress local media outlets and stifle debate around key issues. Freedom of expression remains a critical area where a great deal of reform will be needed if Turkey is to become a member of the EU.

Return to a State of Emergency? Protecting Human Rights in South-East Turkey

Fact-Finding Mission Report

June 2008

ISBN 978-1-905592-19-7

From 10 to 16 March 2007 KHRP organised a mission to the east and south-east Kurdish regions of Turkey to gather information on the situation there following recent military operations – including cross-border incursions and aerial bombardments



– against the pro-Kurdish armed group the Kurdistan Workers' Party (PKK). At that time the provinces of Şırnak, Hakkari and Siirt had been declared high security zones and check-

points had been set up in neighbouring regions. There were reports of the use of chemical weapons and the mutilation of the bodies of PKK members by state security forces, as well as killings of civilians during PKK attacks. Civil society groups were also said to be facing difficulties carrying out their work amid the increased tensions and security measures.

Mission members met with representatives of political parties, state officials and members of civil society groups, as well as people living in the high security zones and local administrators in the region. They noted a general consensus that the situation in these regions had deteriorated over the last two years, although it had not reached the same levels of oppression and human rights violations seen in the 1990s.

Return to a State of Emergency? Protecting Human Rights in South-East Turkey documents the finding of the mission that the human rights most affected by the conflict were freedom of expression, thought and association, though torture, ill-treatment and extra-judicial killings were also occurring. The mission concluded that a true resolution of the conflict would require recognition of the multicultural make-up of Turkey and respect for the rights of all citizens.

The report includes an overview of the political background in Turkey, as well as domestic, regional and international legislative provisions relevant to the conflict. It also deals with the economic, social and political consequences of the fighting in the South-

East and places all of this in the context of Turkey's accession to the EU.

A Fact-Finding Mission to Kurdistan, Iraq: Gaps in the Human Rights Infrastructure

This new publication is based on the results of several visits by KHRP representatives to Kurdistan, Iraq, in 2007 and 2008 to assess the development of the region's human rights infrastructure since 2003. On the basis of extensive interviews with government officials, civil society representatives, lawyers and community and religious leaders, KHRP found that there was substantial desire in the region for the implementation of human rights norms, accountability and the rule of law. But this was yet to be translated into meaningful progress in these areas. The report details the ways in which this situation affects the lives of women, minorities, internally displaced persons, detainees and other inhabitants of the region. Further, the report analyses the underlying factors perpetuating these issues, ranging from regional war and instability, to a pervasive lack of long-term, coherent planning for the development of the region. The report raises wider issues of responsibility, addressing the obligations of the Kurdistan Regional Government, Iraq's neighbours and the international community under international human rights standards and international law. It also provides a timely analysis of key issues surrounding Turkey's recent cross-border attacks in northern Iraq, as well as moves to resolve the constitutional status of Kirkuk and other 'disputed areas'. The report is essential reading for anyone interested in emerging human rights issues and the Kurdish question in Iraq.

The European Union and Turkish Accession: Human Rights and the Kurds (Turkish Edition) by Kerim Yıldız and Mark Muller QC

KHRP is pleased to announce the publication of a Turkish-language edition of *The European Union and Turkish Accession: Human Rights and the Kurds*, which was published in English

in the United Kingdom by Pluto Press on 1 May this year. The EU accession



process will shape Turkey's future and particularly its potential to become a pluralist, democratic state with respect for international human rights standards. This book explains and analyses this process, focusing primarily on

human rights obligations and the extent of their implementation in Turkey, and addresses the variety of groups in Turkey affected by the accession negotiations. The authors also provide a detailed examination of the background of the Kurdish people and their relationship with the Turkish republic. They conclude the book with a discussion of the implications of the accession process both for Turkey itself and for the international community. The Turkish-language version of *The European Union and Turkish Accession: Human Rights and the Kurds* is published in Turkey by Belge International Publishing.

The Role of Kurdish Women in Dialogue, Conflict resolution and Reconstruction, and in Their Struggle for Human Rights and Democracy

May 2008

In this paper, KHRP presents its efforts over the past fifteen years to promote recognition and protection of women's rights in the regions where it works, including successes and challenges experienced along the way. In recent years, Turkey has declared the equality of spouses, the Iraq Kurdistan National Assembly has instituted a 25 per cent female quota, and the International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has continued to grow in strength and recognition. KHRP has played an instrumental role in assisting the Kurdish Women's Project in the development of a Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora, which was launched in the British House of Lords and in the Kurdistan Regional Parliament in 2004. However, full respect of women's rights will only

be achieved through public awareness, monitoring and enforcement of adherence to legal mechanisms, along with a culture of respect for the equality of women. The full report is available at www.khrp.org.

UPCOMING KHRP PUBLICATIONS

Fact-Finding Mission on Kurdish Children's Rights in Turkey and Trial Observation of Proceedings Against Members of the Yenisehir Council Children's Choir

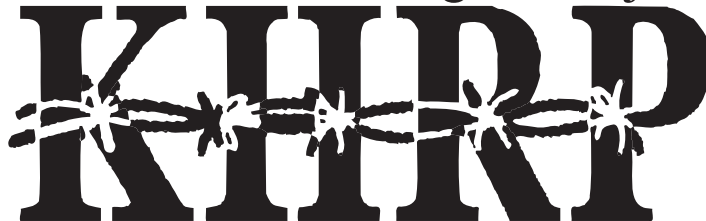
KHRP looks forward to the upcoming publication of two reports based on a visit to Istanbul and the Kurdish regions of Turkey by representatives of the organisation in June. During the visit, the mission observed the trial of members of a children's choir who were indicted under anti-terror legislation for singing a Kurdish folk song at a world music festival in San Francisco in 2007. The Turkish authorities alleged that the song was closely associated with the Kurdistan Workers' Party. The mission also researched the situation of Kurdish children throughout Turkey, through interviews with human rights defenders, activists, and lawyers. Separate reports on both aspects of the mission's research will be published by KHRP in the coming months.

Taking Human Rights Complaints to UN Mechanisms: A Manual (Sorani Edition)

ISBN 978-1-905592-17-3

This publication provides Sorani-language readers with an overview of the different UN mechanisms through which it is possible to seek redress for human rights violations, including treaty bodies set up to monitor the implementation of international human rights agreements, and charter bodies such as the special rapporteurs. It includes practical instructions for submitting complaints to these mechanisms, along with sample complaint forms and up-to-date key texts. *Taking Human Rights Complaints to UN Mechanisms: A Manual* is also available in English, Turkish and Russian.

Kurdish Human Rights Project



Celebrating 15 Years of Advocacy

Project Information

THE ORGANISATION

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

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

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

Aims

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

Methods

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

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

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

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Calendar Of Events

July

- KHRP follow-up training in Diyarbakir, Turkey on producing a shadow report to the CEDAW committee

August

- Advisory Board of the European Union and Turkey Civic Commission to meet at KHRP office in London

September

- KHRP training in Yerevan, Armenia: 'Implementing the decision in Meltex Ltd and Mesrop Movsesyan v. Armenia'
- KHRP annual cross-border training sessions in Kurdistan, Iraq: 'Incorporating human rights principles into investment agreements, a training for civil servants'; 'Incorporating human rights principles into investment agreements, a training for civil society organisations'
- KHRP Executive Director Kerim Yildiz to attend World Congress of International PEN in Bogota, Colombia on behalf of Kurdish PEN (17 to 22 September)
- KHRP to attend OSCE Human Dimension Implementation meeting (29 September to 10 October)

October

- Series of KHRP training sessions in Kurdistan, Iraq: 'Applying the principles of fundamental human rights, a training for civil servants'; 'Applying the principles of fundamental human rights, a training for civil society leaders'; 'How to build an effective NGO, a training for civil society organisations'
- KHRP to attend European Court of Human Rights Seminar in Strasbourg, France: 'The European Protection of Freedom of Expression: Reflexions on Some Recent Restrictive Trends' (10 October)
- Meeting between representatives of NGOs, International Bar Associations and European Court of Human Rights judges and staff in Strasbourg, France (13 October)
- KHRP training in Oslo, Norway: 'Developments in European Charter on Human Rights Jurisprudence in Immigration Matters: Applying Articles 3 and 8' (17 October)

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