

KURDISH HUMAN RIGHTS PROJECT NEWSLINE

NEWSLINE 1, SPRING 2010, ISSUE 49

Sixth EUTCC Conference Calls for Peaceful Solution to Armed Conflict

From 3 to 4 February, 2010, a broad spectrum of human rights advocates, academics, journalists and policymakers gathered at the European Parliament in Brussels for the Sixth International Conference on the EU, Turkey, and the Kurds. Hosted by the EU Turkey Civic Commission (EUTCC), this year's conference, entitled 'Turkey and the Kurdish Conflict: Political Dialogue and Peace-Building', placed particular emphasis on the importance of working towards a peaceful, democratic and long-term solution to address the historic disenfranchisement of Kurds in Turkey, including the ongoing armed conflict. Established in 2004, the EUTCC — of which KHRP is a founding member — aims both to promote the country's bid to join the EU and to help monitor its fulfilment of the accession criteria, particularly with respect to guaranteeing respect for human and minority rights. As with previous conferences, delegates discussed the current human rights environment in Turkey, and the ways in which the EU accession process can be a positive catalyst for change.



Kerim Yıldız speaks at the conference.



Delegates at the conference (photo by Roni Alasor).

The first session of the conference was opened by EUTCC Chair Kariane Westrheim and was chaired by KHRP Patron, Professor Michael Gunter and KHRP Advisor on Environmental Rights, Jean Lambert MEP. It

concentrated primarily on the ongoing Kurdish conflict in Turkey, with discussions centred on recent peace initiatives and the nature of the government's cur-

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Combating Torture Workshop Led By KHRP and Partners

On 15 December 2009, KHRP, along with local partners the Civil Development Organisation (CDO) and the Kurdistan Youth Empowerment Organisation (KYEO), conducted a training on 'Protecting against Torture and

Ill-treatment' in Erbil, northern Iraq. The workshop sought to inform local human rights defenders and officials of the rights afforded to citizens to protect them from torture, as well as the mechanisms and proce-

dures through which redress for abuses may be sought.

Recent KHRP fact-finding missions to Kurdistan, Iraq, have shown that although the institutional structure itself has begun

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Director's Letter



Dear friends,

As always it has been an eventful start to the year, with much to report on KHRP's activities over the last few months.

Developments on-the-ground continue to bring home the importance of KHRP's sustained presence in the Kurdish regions. In Syria, revellers celebrating the Kurdish New Year were met with state violence, leaving one boy dead, more than 40 wounded and many others in detention. The arbitrary arrest, unfair trial, torture, and execution of Kurdish activists in Iran, meanwhile, remain of pressing concern, as highlighted in KHRP's continued urgent action appeals to UN bodies.

In Turkey, it is important to recognise the gains that have been made, particularly in the way the Government deals with Kurdish identity within the media and civil society. That said, recent events, including the closure of the *Demokratik Toplum Partisi* (Democratic Society Party - DTP) and the arrest of Kurdish mayors, human rights defenders and others, have done nothing to convince sceptics on all sides that the state is interested in substantive reform or working towards a durable

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Sixth EUTCC Conference Calls for Peaceful Solution to Armed Conflict

rent security-based approach. Whilst the government's self-termed 'Democratic Initiative' was welcomed, many expressed concern that the Turkish Constitutional Court's decision in December to ban the pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party - DTP), undermines the commitment to resolve the Kurdish conflict through peaceful dialogue. EUTCC patron and 1995 Sakharov Prize winner, Leyla Zana, MEPs Lothar Bisky, Helene Flautre and Jurgen Klüte, and Turkish journalist Hasan Cemal, were among those to deliver speeches.

The following day promoted discussion around progress on EU-Turkey accession, human rights and democratisation. Speakers included Emin Aktar, Chairman of the Diyarbakır Bar Association in Turkey, Richard Howitt, MEP for the UK Socialists and Democrats Group, and Baroness Sarah Ludford, MEP for the Alliance of Liberals and



Lively Q&A from the floor.

Democrats for Europe.

Because of the overseas travel ban imposed against members of the now defunct DTP, the third and final session of the conference — entitled 'Possible Roadmap for the Kurdish Resolution and Role of the EU' — was opened with a written message that was read out by EUTCC board member Mr Hans Branscheidt, on behalf of Diyarbakır Mayor, Osman Baydemir.

KHRP Chief Executive Kerim Yıldız later talked about 'Recognition of the Conflict and Po-

litical Dialogue'. Yıldız outlined how the government's operations since December have further polarised both sides and highlighted the need to consider a variety of mechanisms for justice and reconciliation. He called for the design of appropriate conflict resolution and post-conflict programmes which involve all parties so that all citizens are 'galvanised in the project of peace'. The session concluded with a speech by Mark Muller QC, Honorary Secretary General of the KHRP

and Chairman of the Bar Human Rights Committee of England and Wales. In his speech entitled, 'Kurdish Initiative: Illusion or Reality', Muller conceded that despite their limitations, real gains have been made within Turkish society and set out ten fundamental steps towards creating a platform for a durable peace process.

Final resolutions adopted this year included calling for: the immediate end to all Turkish military operations in Kurdistan, Iraq; political dialogue between the Kurdish people and Turkish state as the sole solution to the conflict; the EU and Turkish government to ensure a space for substantive dialogue; the cessation of the use of anti-terror legislation to harass and detain legitimate representatives of the Kurds; broad and substantive consultation as the basis of the Kurdish Initiative; commitment to free and open celebrations of Newroz; commitment by the EU and international community to facilitate these resolutions and to support dialogue and peace-building throughout the Kurdish regions in general.

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Director's Letter

peace. It is crucial that the government brings communities together to share a vision of a future settlement.

The recent Parliamentary elections in Iraq meanwhile, were an important test for the country's future. The fact that the high-voter turnout in the more stable Kurdistan was mirrored in the face of continued violence from insurgents in central and southern Iraq, is a poignant example of how democracy can emerge from a post-dictatorship country, with Iraq's new system of democratic governance serving as a model for the wider Middle East. Yet the slow transition towards greater peace and democracy needs the support of the international community.

In this vein, KHRP remains eager to share its expertise of international rule of law and related human rights mecha-

nisms with state and non state actors in Kurdistan, Iraq. In addition to its advocacy, training, research and public awareness work, KHRP was pleased to welcome six senior judges visiting from Kurdistan, Iraq. The visit concluded their week-long secondment to the UK, jointly organised by the Foreign & Commonwealth Office and the European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX).

KHRP has also continued to share its know-how and experiences on human rights law through its capacity-building training for lawyers, human rights activists, civil servants and civil society representatives in the Kurdish regions and elsewhere. Over the last quarter, our trainings have encompassed issues of the rights of the child, protecting against torture and ill-treatment, women's rights and how to secure human rights in the face of foreign investment.

Alongside, KHRP's advocacy work seeks to keep the impact of Turkey's actions on the human rights situation in-country and abroad, on the international agenda. As one of the founding members of the EU-Turkey Civic Commission, we co-organised our sixth successful International Conference on the EU, Turkey and the Kurds at the European Parliament. We also kicked-off the first of four planned European Parliament seminars to assess human rights and their implications for the EU, with discussion on the 'Environmental and Humanitarian Impact of Cross-Border Military Operations in northern Iraq'. Beyond Europe, KHRP contributed to the Organisation for Security and Cooperation's (OSCE) annual review of hate crimes in the OSCE Region in 2009, in respect of Turkey.

Closer to home, we led a protest outside of Akbank's London Headquarters, following the recent decisions of

Turkish banks Akbank and Garantibank to support the Ilisu Dam project in south-east Turkey. This was just one in a series of demonstrations that took place in Amsterdam, Frankfurt, Essen and Hannover, in a bid to highlight their support of ill-fated construction plans, which continue to defy international law.

It only remains for me to sign off by wishing you all a very happy Newroz on behalf of everyone at KHRP and once again extending my sincerest thanks to you all. From funders and supporters, to our partners and volunteers, your heartfelt commitment and dedication enables KHRP's work to go from strength to strength, and makes a vital impact on the daily lives of millions of people living across the Kurdish regions.

Kerim Yıldız
Chief Executive
March 2010

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Combating Torture Workshop Led By KHRP and Partners

to accommodate and facilitate respect for international human rights norms, the vast majority of citizens and state officials remain unaware of their rights, obligations and means of redress. The prevalence and variety of security forces and private detention facilities operational within the Kurdish regions of northern Iraq, combined with a lack of transparency in the detention process, have meant that alleged abuses concerning torture and ill-treatment are widespread. Subsequently, the day's presentations, led by KHRP Legal Director Catriona Vine, examined the international legal provisions and mechanisms for redress concerning torture and ill-treatment afforded by such instruments as European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights



Catriona Vine at Protecting against Torture seminar.



Catriona Vine leads seminar, Erbil, Iraq.

(ICCPR), and the Convention against Torture (CAT) and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Attendees at the seminar represented a mix of Kurdistan Regional Government (KRG) officials, social workers, and local human rights defenders, and the majority of the afternoon was dedicated to participatory workshops aimed at enhancing local capacity to identify abuses, reduce impunity for perpetrators, and enforce the fulfilment of international human rights obligations. The training represented the latest in a series of similar KHRP workshops aimed at confronting the practice of what constitutes torture and ill-treatment, an issue that has risen to the fore particularly in the context of international counterterrorism operations. KHRP had earlier held similar training sessions in Istanbul and Cizre, in Turkey and in Yerevan, Armenia during 2009.

KHRP Leads London Workshop on Women's Rights

On 11 February, KHRP Legal Team Member, Saadiya Chaudary, led a capacity-building workshop in London on behalf of the international human rights organisation, Liberation. The event, entitled 'Capacity Building: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)', was part of a series focused at increasing the awareness and capacity of women's groups and organisations to

undertake effective activism towards improving the situation of women around the world.

Following an introduction by Claire Short MP and Maggie Bowden of Liberation, Charlotte Gage of the Women's Resource Centre gave a presentation on 'Raising Awareness of the Obligations and Mechanisms for Redress Related to CEDAW'. Saadiya Chaudary then delivered a practical presentation on 'Using CEDAW and other International

Mechanisms', before taking part in a panel chairing a series of interactive workshops. These provided a participatory guide to the processes involved in making an individual complaint, in which KHRP cases were used as examples.

The attendees responded positively to the workshop, and it was noted that although many participants were already aware of CEDAW itself, they had no knowledge of the Optional

Protocol. If ratified by a state, the Optional Protocol obliges a state to recognise the competence of the Committee on the Elimination of Discrimination against Women to receive and consider complaints from individuals or groups within its jurisdiction. This greatly increases the accessibility of the instrument and subsequently helps to ensure that more women are able to seek redress for abuses suffered.

Legal Team Member at 54th Session of UN CSW

Margaret Owen, KHRP's Legal Team member and the Founder and Director of Widows for Peace through Democracy (WPD), attended and took part in various panels during the 54th session of the UN Commission on the Status of Women (CSW) in New York. The event which took place from 1 to 12 March, undertook a fifteen-year assessment of the Beijing Declaration and Platform for Action's implementation and the outcomes of the twenty-third special session of the General Assembly.

KHRP submitted a communication to the CSW detailing its concerns regarding the current status of Kurdish women in Turkey, who suffer double-discrimination on the account of their identities as women, but also as Kurds. Women across the Kurdish region experience a variety of gender-based abuses. Some women are subject to physical and psychological violence in the home, and with a severe shortage of women's shelters and other provisions and protections for victims of abuse, they have little hope of leaving

their situations. Furthermore many women lack adequate access to education, employment and health services. KHRP also found that women are often denied access to, or fair treatment within, the justice system.

Institutional restrictions on Kurdish language education lie at the heart of many of the barriers encountered by Kurdish women in accessing their rights. The inability to speak, read or write in Turkish are common amongst Kurdish women who have not attended school or were forced to leave at an early

age. As a result, these women experience considerable hurdles in all facets of their lives. Furthermore, as highlighted in KHRP's recent trial observation report entitled, 'The Trial of Kerem Çakan: The Turkish Judiciary and Honour Killings', women victims of both domestic and state abuses find that there is often unwillingness both within Kurdish communities and also on the part of the government, including police and judiciary, to effectively tackle gender-based violence.

KHRP and Diyarbakir Bar Host 'Rights of Child' Training

On 5 December 2009, KHRP and the Diyarbakir Bar Association co-hosted a training and litigation support programme on 'The Rights of the Child in International Law'. The seminar in Diyarbakir, Turkey was opened by Eshat Aktaş of the Bar Association and was followed by training workshops overseen by KHRP Legal Team member, Sam Blom-Cooper, of 25 Bedford Row's International Practice Group. The training was attended by a mixture of local lawyers; both experienced practitioners and younger graduate advocates. The main aim of the programme was to provide information and engage in discussion on the principal international instruments and mechanisms available in protecting children's rights in Turkey.

KHRP has learned through several recent visits to Turkey that children are generally not treated as a vulnerable group requiring special protection,



Sam Blom-Cooper leads 'Rights of the Child' training.

and the implementation of international norms concerning children is at best patchy and at worst non-existent. Turkey faces challenges concerning child protection, specifically relating to economic impoverishment, failings in the legal process, discrimination, and issues relating to housing, nutrition, health, education, child labour, street children, juvenile justice and torture or ill-treatment.

During the day's proceed-

ings, the local advocates present expressed a keen desire – both on their part, and on behalf of their young clients – to use international human rights instruments and mechanisms to facilitate their claims against the Turkish state. In particular the attendees were of the opinion that the European Court of Human Rights represented perhaps their best chance for a fair hearing and vindication of their positions. Accordingly,

in both presentations and follow-up discussions, particular attention was given to the role of the European Convention on Human Rights in protecting children's rights.

The seminar also served as a forum for trainees to raise and discuss areas of concern and presented an opportunity for KHRP to monitor the praxis of human rights advocates in the area. Issues raised included the use of charges against children as an intimidation tactic; an apparent lack of impartiality in cases where the prosecutors and judges maintain contact throughout proceedings not afforded to the defence; intentional debilitation of newly enacted child prosecution legislation in practise; insufficient distinction between children and adults; the increasing use of inaccessible secret witnesses; and a failure to ensure the right to education for juvenile detainees.

Board Secretary at Conference on Negotiations and Conflict Resolution

In February, Board Secretary Rajesh Rai spoke on behalf of KHRP at the 'Experiences with Negotiation and Conflict Resolution' Conference hosted by the Democratic Society Congress in Diyarbakir, Turkey. The goal of the conference held on 27 to 28 February was to introduce a new peace model for Turkey and the Middle East by encouraging international delegates to share their experiences and ideas about peace processes, road maps and other related subjects. It was hoped that important lessons could be learned through an exchange of international experiences regarding the creation of dialogue between parties to conflict and peaceful conditions.

The conference began by sharing experiences on 'Methods of Negotiations and Solu-



Delegates at 'Experiences with Negotiation and Conflict Resolution' seminar.

tions' from among other countries, Spain, Britain, and South Africa, before focusing on the Kurdish issue and possible solutions.

During the conference, Rai delivered his remarks on the topic and underscored that

progress towards a durable and deep-rooted peace can only come when everyone acknowledges the severe impact the conflict has had throughout the region on Turks and Kurds alike. He went on to set out ten fundamental steps

that are necessary in order to move towards a durable process and lasting peace in Turkey. Rai remarked that experiences in the UK have shown us that laying the foundation for lasting peace and security in Turkey will be a complex process, and one that is incumbent on involving all parties in the design of conflict resolution and post-conflict programmes. He concluded by stating that the success or failure of the government's 'Democratic Opening,' as with coming to a resolution as a whole, will ultimately be dependent on the level of consultation with civil society, the level of support — both financial and political — given domestically and internationally, and the political will present to implement any the necessary reforms.

European Parliament Seminar on Cross-Border Operations

On 27 January 2010, KHRP and the Greens-European Free Alliance (EFA) co-organised a seminar at the European Parliament in Brussels on the 'Environmental and Humanitarian Impact of Cross-Border Military Operations in northern Iraq'. The seminar served as an important forum for policymakers as well as civil servants to discuss the civilian and environmental impact of the frequent shelling of targets by Turkish and Iranian armed forces, as well as the international response and relevant legal obligations of the parties concerned.

Green Party MEP Jean Lambert, long-time human rights activist and KHRP Advisor on Environmental Rights, opened the seminar by outlining the relevance of the situation to European Institutions. KHRP Chief Executive Kerim Yildiz followed



Kerim Yildiz and Jean Lambert MEP at European Parliament seminar.



Delegates at European Parliament Seminar.

by providing background information on the bombardments and then proceeded to describe the environmental and humani-

tarian tolls of the attacks, before outlining the particular legal obligations which Turkey and Iran have violated in carrying out such actions. Following his talk, Yildiz answered a series of questions from the attendees on such issues as extra-territorial jurisdiction, relations between the Kurdistan Regional Government and the central authorities, and the nature of ordinances used in the bombardments.

The seminar is the first of four planned for this year, which will highlight issues related to human rights, the environment and regional security in the Kurdish regions and their implications for the EU, with a number of key members of the European Parliament. A second seminar is planned in June to discuss the situation of Internally Displaced Persons.

KHRP Remembers Victims of Anfal and Halabja

On 25 January 2010, Ali Hassan al-Majid, infamously known as 'Chemical Ali', was executed following a conviction for 'crimes against humanity'. While KHRP welcomed his conviction for his part in the 1988 chemical gassing of Halabja in northern Iraq, KHRP remains strongly opposed to the use of the death penalty as an infringement of fundamental human rights standards. The verdict was al-Majid's fourth death sentence following prior judgements in June 2007 (for his role in the 1988 Anfal campaign against ethnic Kurds), December 2008 (for his part in suppressing the Shia uprising that followed the 1991 Gulf War) and in March 2009 (for his role in the deaths and displacement of Shia Muslims in 1999).

Al-Majid, a cousin of Saddam Hussein, was a former Ba'athist Defense Minister, Interior Minister, Chief of the Iraqi Intelligence Service, and a Military Commander. Between 1986 and 1988, he headed the brutal al-Anfal Campaign against peshmerga insurgents and the largely Kurdish civilian population of northern Iraq. During



Monument commemorating those killed in the Halabja chemical attack in 1988.

this series of attacks, it is estimated that 50,000 to 100,000 non-combatant civilians were killed, and that around 4,000 (of a total 4,655) villages in Kurdistan, Iraq were destroyed. Moreover, chemical weapons were deployed over around 250 towns and villages in the area. During this campaign, the town of Halabja was subjected to the largest-scale chemical weapons attack against a civilian target in history. For around five hours, Iraqi aircraft sprayed the town with a mix of mustard gas and the nerve agents Tabun, Sarin and VX. As a result, up to 5,000

inhabitants are thought to have died instantly, whilst another 7,000 to 10,000 were injured.

The sentencing and execution of al-Majid in January of this year marked the end of official proceedings in the Anfal trial, formally opened in 2006. Despite the initial judgement labelling the assault on Halabja as 'crimes against humanity' subsequent appeals have succeeded in gaining recognition from the Iraqi High Criminal Court that the attack explicitly constituted an act of genocide against ethnic Kurds.

Whilst thousands more have

since died, many of the survivors and their descendents continue to experience horrific medical and psychological problems as a result of further health complications, disease and birth-defects linked to the agents used in the attack. Others suffer from the effects of mass displacement and the destruction of economic and social infrastructure that resulted from the Halabja attacks and wider Anfal campaign. One way KHRP continues to support the development of Halabja is through its support of the Halabja Community Playground Project led by photographer Tom Carrigan. The project is aimed at rejuvenating the social fabric of the town and providing its children with a safe, enjoyable environment in which to play. At present the project is able to run play-sessions twice weekly and, thanks to its UK-based support team, is carrying out considerable expansion in 2010, including the construction of a children's centre and the training of new local staff.

Dispatches

Presentation to UK's Big Lottery Fund



Rachel Bernu delivers presentation to BIG.

On 29 January, KHRP travelled to Birmingham to present an assessment of KHRP's three-year Human Rights Advocacy and Awareness Project, supported by the Big Lottery Fund (BIG) during 2006 to 2009. During the presentation KHRP reviewed its impact on the human rights environment in the project countries, Turkey, Armenia and Azerbaijan over the last few years. As well as providing a detailed outline of the plight of the Kurds and KHRP as an organisation, the team presented their conclusions on the positive steps taken by KHRP in such areas as enabling access to justice, promoting participation, local capacity-building, protecting human rights defenders, facilitating networking and collaboration, and seeking redress for victims of human rights abuses.

Legal Team Member at 45th session of CEDAW Committee

On January 29, KHRP Legal Team member, Brenda Campbell represented the International Women's Rights Action Watch Asia Pacific (IWRAP-Asia Pacific) at the 45th session of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in Geneva.

During the session, IWRAP-Asia Pacific, the International Network for Economic, Social and Cultural Rights (ESCR-Net), and the Centre on Housing Rights and Evictions (COHRE) released a primer on women's economic, social and cultural rights (ESCR).

The launch was accompanied by a thematic briefing with the CEDAW Committee members on the importance of highlighting these rights in concluding observations and general comments, and the Committee's role in advancing lives.

The thematic briefing sought to inform the Committee members that despite increasing recognition and work on advancing women's ESCR at the national level by many women's groups internationally, there is still a problem of under-implementation of women's ESCR. It was attended by 11 CEDAW Committee members and several key points of intervention were identified for follow up, including continuing to support the production of resources on women's ESCR and dialogue between various UN bodies mandated to address particular aspects of women's ESCR.

As a result of the meeting, further work with the CEDAW Committee on women's ESCR Rights is planned, including a one-day training with the Committee members.

KHRP Signs Joint NGO Appeal about ECtHR Reform

In February, KHRP joined 155 other NGOs — including Amnesty International, the AIRE Centre, the European Human Rights Advocacy Centre (EHRAC), Human Rights Watch, Interights, the International Commission of Jurists (ICJ), Justice, Liberty and REDRESS — in signing a petition expressing concerns about proposed reforms to the European Court of Human Rights (ECtHR). The joint NGO appeal was submitted to representatives of Council of Europe (CoE) member states during a high-level conference to discuss the future of the Court in Interlaken, Switzerland from 18 to 19 February.

According to the Court's statements, its ever-increasing workload in the last ten years — caused by a massive influx of individual applications from both old and new CoE member states — had begun to pose a significant threat to its ability to fulfil its essential functions. In January of this year, some 110,000 cases were pending before the Court. Over the past 50 years, more than 90 per cent of the applications filed with the Court have been found to be inadmissible and half of the remaining cases concern 'repetitive' violations. In order to help guarantee the Court's long-term efficiency, Protocol No. 14 to the European Convention on Human Rights (ECHR) was opened for signature in May 2004. Its stated purpose is to optimise the screening and processing of the numerous applications. Yet conversely, some of the proposed reforms could undermine the very mechanism that enables ordinary individuals to hold European states to account for committing abuses of their most fundamental human rights.

With its co-signatories to the appeal, KHRP calls on the ECtHR to remain strong, accessible and reasoned, and for it be sufficiently resourced so that lack of funds do not become an obstacle to preventing victims from seeking redress before the Court. KHRP is also publishing its own analysis of the proposed changes, which will be available on its website (www.khrp.org) in late April.

KHRP supports proposals to strengthen the ability of the Committee of Ministers (CoM) to ensure judgements are implemented, to introduce short-term measures to address the current case backlog, and to better inform potential applicants of admissibility criteria. However, it specifically opposes proposals that would: undermine accessibility to the Court (by charging applicants fees or by adding more restrictive admissibility criteria); give the Court discretion to decide on which admissible cases it renders judgement; and reduce the powers of the CoM and the Department of Execution of Judgements to supervise the implementation of Court judgements. Furthermore, KHRP urges all CoE member states to enhance their respect for and acquiescence to the Convention. If states complied with the ECHR's clearly established obligations or provided improved domestic remedies, the number of applications to the Court would be considerably reduced.

During the conference, Russia finally joined the other 46 CoE member states in ratifying Protocol No. 14 to the ECHR, which will enable it to enter into force on 1 June 2010.

ECtHR Report Shows Damning Human Rights Record



KHRP at European Court hearing room June 2004.

Released this January, the European Court of Human Rights' (ECtHR) 2009 Annual Report serves as a damning indictment of the country's still abysmal human rights record. It found that over the Court's 50-year history spanning the period between 1959 and 2009, Turkey received the highest number of violation judgements against it of all 47 signatory states of the European Convention on Human Rights (ECHR).

According to the statistics, in 88 per cent of all 2,295 admissible cases brought against Turkey during this time, the Court upheld at least one or more of the plaintiff's human rights complaints against the government. What's more, the same is true in 96 per cent of all admissible cases against Turkey in 2009 alone, when Turkey again topped the list of respondent states which received the highest number of violation judgements against it, accounting for just over a fifth of the Court's 1,625 rulings. Meanwhile, as of 1 January 2010, of the 119,300 applications that were pending before a decision body, Turkey ranked second behind only Russia, in terms of the respondent state with the highest number of such complaints against it.

In terms of the nature of abuses, the statistics revealed that out of the 341 violation judgements delivered against Turkey in 2009, the most common human rights abuses it was found guilty of per-

petrating concerned: the Right to a Fair Trial: Article 6 (65 per cent); the Right to Liberty and Security: Article 5 (26 per cent); the Protection of Property: Protocol 1, Article 1 (25 per cent) and the Prohibition of Torture: Article 3 (16 per cent).

The report also revealed that the volume of petitions against Turkey in recent years has increased. While this may be attributable to a net increase in human rights violations within the country, it is also likely to be the result of a growing understanding of the rights afforded to victims of abuses and the mechanisms through which to challenge these. With regards to the latter, KHRP's casework, regional training sessions and research and public awareness activities continue to work in tandem and have been instrumental in raising awareness of one's human rights and how to seek redress before the ECtHR.

As a potential EU-member state, KHRP believes that concerted efforts must be made in strengthening the institutional framework on human rights in Turkey, by for example, establishing an independent human rights institution and ombudsman. Furthermore, a holistic and consistent approach is imperative to helping alter the wider political, cultural and socio-economic environment which may currently facilitate or encourage still-widespread abuses in the longer-term.

Dispatches

KHRP Joins Hrant Dink Memorial Events

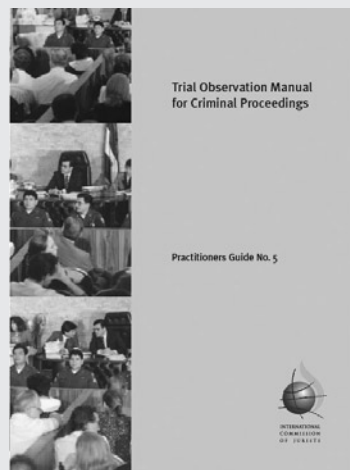


Hrant Dink Memorial Event at House of Lords.

On 19 December 2009, three years since the assassination of the prominent journalist, editor and human and minority rights campaigner Hrant Dink, KHRP staff attended memorial events held at the House of Commons, House of Lords, and the Armenian Institute in London.

Commemorations at the Commons and Lords included speeches and discussions concerning the contemporary situation of minority and 'other' groups in Turkey. Speakers included Ragıp Zarakolu, founder of the Turkish Human Rights Association and a publisher prosecuted over 40 times by Turkish authorities.

Legal Team Member Co-Publishes Trial Observation Manual



Trial Observation Manual for Criminal Proceedings.

Last December, the International Commission of Jurists published a manual entitled 'Trial Observation Manual for Criminal Proceedings' co-authored by KHRP Legal Team member Paul Richmond.

The manual represents a practical guide to undertaking and writing-up a trial observation. Furthermore, it provides a synthesis of the relevant applicable legal standards, and is the

first such manual to include analysis of international standards on combating impunity and the right to remedy of victims of human rights violations.

Richmond has won international acclaim for his work in trial observation and human rights monitoring, and continues to work with KHRP on legal complaints pending before the European Court of Human Rights.

KHRP Spreading the Word

During recent months, KHRP has been attending a variety of engagements in the UK and across Europe to brief policymakers and civil society representatives about that the latest developments in the Kurdish regions and to learn more about their respective human rights work.

On 4 December, KHRP met with its **Advisor on Environmental Rights and Green Party MEP, Jean Lambert** to discuss the regional importance of human rights issues facing the Kurds and the European Parliament's importance in helping to ameliorate them.

On 22 December, KHRP had the opportunity to talk to individuals from the Documentation Division of the **Danish Immigration Service** about the deteriorating position for Kurds in Syria. Denmark has experienced a recent influx of Kurdish immigrants from Syria, and the immigration authorities are keen to establish a clear picture of the countries' human rights situation with respect to its Kurdish population.

Also that month, KHRP held fruitful meetings with representatives from the **Kurdistan Regional Government's (KRG) Ministries of Water and Justice, the UN Assistance Mission to Iraq (UNAMI), the Institute for War and Peace Reporting, and the Christian Peacemakers Team**. The appointments were a chance to share information on our activities and to identify areas where joint work could be considered to better promote and protect human rights needs on-the-ground.

In February, the organisation was in Dublin to talk about KHRP's work and the latest human rights situation in its project countries with the **Department of Foreign Affairs, Ireland and executives from its international development arm, Irish Aid**, a recent KHRP funder.

KHRP has also travelled to Oslo, Stockholm, The Hague and Helsinki. During these visits it met with the **Ministry of Foreign Affairs for Norway, Sweden, the Netherlands and Finland**, as well as the International Program Department at **Norwegian People's Aid**, the **former Swedish MEP, Marianne Eriksson**, and **KIOS, the Finnish NGO Foundation for Human Rights**. KHRP was able to discuss ongoing issues of concern in the Kurdish regions and possible remedies for them.

In addition, throughout this period KHRP has participated in a series of events hosted by the UK Foreign & Commonwealth Office (FCO). In December, KHRP contributed to the review of human rights progress in Iraq over the past year and helped to identify future priorities during the **FCO's 'Forum for Human Rights Support in Iraq'**. More recently, it took part in discussions on the issues facing women in Iraq during the **FCO 'Women's Working Group on Iraq'** in March. Both events were chaired by the Rt Hon Ann Clwyd MP, the Prime Ministers Special Envoy on Human Rights in Iraq. The following week, KHRP also attended the **FCO's bi-annual meeting on the Kurds in Syria** and the **launch of the FCO's Annual Report on Human Rights**.

KHRP Condemns Syrian State Violence against Newroz Revellers

KHRP condemns the indiscriminate killing of 14-year old child, Muhamad Umer Haydar, and the injury of more than 41 civilians after Syrian security forces were alleged to have opened fire on crowds celebrating the Newroz festival in Syria.

In the evening of 21 March, revellers went to celebrate the Kurdish New Year in al-Raqqa. A reported fifteen minutes into the festivities Ba'ath Party members arrived waving Syrian flags and photos of the President. Other members of the security forces were said to be on stand-by near the area.

Some of the news initially released by local media outlets was incorrect after confusion as to the exact numbers and identities of those killed, injured, or detained by the Syrian authorities. Later reports however, confirmed that Haydar was shot by Syrian Intelligence officials who fired live ammunition rounds and sprayed tear gas at unarmed civilians. Among the injured was Mohammed Khalil, who was taken to al-Razi hospital in Aleppo after being critically wounded. Eyewitnesses also reported that many of the injured were arbitrarily detained. Others who were seriously wounded were treated in their own homes for fear of being arrested in the local state hospitals where there was a strong security presence. Family members too were said to be facing arrest upon visiting their loved ones, with Mohammed Khalil's parents among those allegedly detained.

The total number of people who were detained remains unknown. Three juveniles were thought to be

kept in custody. Two people were allegedly detained by the Branch of Political Security in the city of Qamishlo. Seven people who were detained in al-Hassaka, two of which were juveniles, were reportedly tried in front of a military judge.

According to reports 24 people, four of which were juveniles, were due to appear in front of a tribunal and 17 people were released awaiting trial, including a 15-year-old girl called Sherin M. Othman. It is alleged that the respective heads of the State Security Branch, General Khalid al-Halabi, and the Ba'ath Party Branch, Abdul Razzak al-Jassim in al-Raqqa, had one-week earlier attended a meeting where they decided that Ba'ath Party members would go to the Newroz celebrations in a deliberate bid to provoke attendees.

Using its human rights advocacy before international mechanisms, including the UN Special Rapporteurs and Working Groups, KHRP asks that an independent authority conduct an immediate and thorough investigation into the Syrian State's extreme and indiscriminate use of force against unarmed civilians, in flagrant disregard of international norms. It also calls for any persons who were responsible for the death of Muhamad Umer Haydar and the wounding of other civilians to be identified, tried and appropriately punished; for the immediate release of any persons still arbitrarily detained; and for the Syrian authorities to ensure that everyone has the right to access appropriate medical treatment.

End of Fellowship Presentation on Kurds in Syria

On 25 March, KHRP's International Fellow, Jiyan Rojin gave a presentation of her research findings on the 'Kurds in Syria' at KHRP. During the presentation — as a part of the public speaking component of the Programme — Rojin gave a brief overview of the Kurdish population, the language spoken and the status of religion in Kurdish society in Syria. She went onto detail information about Syria's Ba'thist regime, the legal status of Kurdish people and the nature of the daily discrimination faced by Kurds in Syria.

Jiyan Rojin is a Kurd from Germany where she qualified as a lawyer before completing an LLM in Brussels, and is now taking the Common Professional Examination (Law Conversion Course) at the London Metropolitan University. She spent four months working in KHRP's London office from No-



Rachel Bernu (left) and Catriona Vine (right) present Fellow Jiyan Rojin with her Certificate of Completion.

vember 2009 to February 2010 as part of KHRP's International Fellowship Programme. At the end of her speech, Rojin was presented with a certificate from KHRP Managing Director, Rachel Bernu and Legal Director, Catriona Vine to mark the completion of her fellowship

programme.

The Programme offers an excellent opportunity to selected advocates from the Kurdish regions or candidates of Kurdish origin who have a demonstrated commitment to working on human rights issues within the regions, to

gain experience of international legal processes. During her Fellowship, Rojin has assisted with KHRP's active cases at the European Court of Human Rights and complaints to UN and other international human rights mechanisms. She has also contributed to KHRP's manual on Taking Human Rights Complaints to the OSCE, European Parliament and Council of Europe, and is co-author of a forthcoming article entitled, 'Positive Obligations under the European Convention on Human Rights', which is due to be published in the June issue of KHRP's bi-annual journal, the *Legal Review*. Rojin's placement also included a visit to the European Parliament in Brussels to attend the EU Turkey Civic Commission's Sixth International Conference on the EU, Turkey, and the Kurds in February.

FCO Releases Annual Report on Human Rights 2009

In March, the Foreign & Commonwealth Office (FCO) released its 'Annual Report on Human Rights 2009'. The report provided a round-up of the UK government's activities and policies to address the principal human rights challenges that it identified from around the world, including those in KHRP's project countries, Turkey, Iraq, Iran, Syria and the Caucasus.

KHRP largely welcomes the report, which reiterates a variety of the concerns that it continues to address across the Kurdish regions. In particular, it was pleased to see that KHRP's concerns about the rights of Syria's estimated 1.7 million Kurds who suffer ongoing discrimination, lack of political representation, and repression of their identities, was given a detailed appraisal. KHRP also joins the FCO in applauding the Turkish government's self-termed 'Demo-

cratic Opening,' (though it has concerns about how open and transparent this initiative is). KHRP is however uneasy about the degree to which the continued pervasiveness of human rights violations in the Kurdish regions of Turkey and Iran were not fully reflected.

Given that the human rights situation in Turkey — a potential EU country — has on many levels deteriorated markedly in the last three years, most acutely in the Kurdish region, it was surprising that the FCO's portrayal failed to truly include the situation of the country's estimated 15 million Kurds. For example, no mention was given to the Turkish Parliament's vote last October to extend the Turkish military's cross-border mandate in northern Iraq; the continued imposition of security zones in parts of the Kurdish region; or the Turkish Constitutional Court's closure of the *Demokratik To-*

plum Partisi (Democratic Society Party, DTP). KHRP was also disappointed that increasing reports of torture and ill-treatment, an alarming rise in the pre-trial detention of Kurdish children, and that the common usage of anti-terror legislation to criminalise children and others, were absent.

Meanwhile given that Iran is designated as one of the FCO's 6 countries of concern, it was disconcerting that their more detailed analysis, unlike that provided for Syria, stopped short by simply alluding to minorities in the Kurdistan region, without actually reflecting on the situation of Kurds; Iran's second largest minority group. All in Iran are vulnerable to the considerable deterioration in the rule of law and related human rights abuses outlined by the FCO, including torture and violations of the right to life, to a fair trial, to free expression, and to free-

dom of assembly. Yet in the case of Iran's estimated 7 to 9 million Kurds, this vulnerability is heightened by the authority's longstanding tendency to conflate assertions of Kurdish identity with a potential threat to the unity and stability of the Iranian state.

KHRP welcomes the UK government's report and its commitment to monitoring and raising awareness of the human rights situation in these regions. However, it also urges the FCO to take particular care to not overlook how all citizens in the countries under review are affected by ongoing human rights abuses, especially those who are often those most vulnerable, including Kurds and members of other cultural, ethnic, linguistic and religious minorities.

Senior Judges from Kurdistan, Iraq Visit KHRP

On Friday 26 March, KHRP received six senior judges visiting from Kurdistan, Iraq in conclusion to a week-long Work Experience Secondment (WES) jointly organised by the UK Foreign & Commonwealth Office and the European Union Integrated Rule of Law Mission for Iraq (EUJUST LEX) to the UK. The objective of the programme was to introduce the judges — including the Vice President of the Kurdistan Region Cassation Court, the President of the Criminal Court of Sulaimaniya and four senior investigative judges from different areas in the Kurdistan region — to the UK criminal justice system and to provide an insight into modern EU standards in criminal investigation and court proceedings.



Catriona Vine (bottom right), Mark Muller QC & Rachel Bernu (top right), welcome the visiting judges.

During the visit, Mark Muller QC, KHRP Honorary Secretary General, introduced the guests to the KHRP, Rachel Bernu, Man-

aging Director, talked about the work of the organisation and Legal Director, Catriona Vine, detailed how KHRP's strategic

litigation programme operates and the successful impact that it continues to have on the human rights environment not just in the Kurdish regions, but internationally. Judges Ramiz Namiq, Qasim Rafu, Seror Rashid, Nawzad Abdulrahman, Sedqi Noaman, Dadya Karwan, interpreter Dylan Sorani, Valerie Wahls of EUJUST LEX and Genevieve McCarthy, the FCO's Human Rights & Rule of Law Desk Officer for Iraq were also given a tour of the KHRP offices. According to the feedback relayed by McCarthy, 'it was... a great way to end the week' with the judges extremely appreciative of the work that KHRP carries out and very proud to speak with the organisation.

KHRP and Partners Host Foreign Investments Seminar in Iraq

On 16 December 2009, KHRP, together with international partners The Corner House and Platform, and local partner NGOs, CDO and KYEO, conducted a training on 'Practical Approaches to Monitoring the Impacts of Foreign Investment on Human Rights, Public Interest and the Environment'.

The seminar held in Erbil, Kurdistan, Iraq was intended to educate individuals from the public and private sector, on how best to ensure that foreign direct investment is in the best interests of the local population, and does not have a negative impact on the environment or human rights situation.

KHRP Legal Director, Catriona Vine, delivered the opening speech on the 'Principles of Human Rights and their Application to Foreign Investment'. This was followed by



Delegates at investments seminar, Erbil, Iraq.

presentations from Greg Mutitt — of social and ecological campaigning group, Platform — who placed focus on the oil industry, and Nicholas Hildyard — of environmental and social justice charity, The Corner House — who discussed a relevant case study in the Ilisu Dam project. KHRP is part of a coalition of local and international NGOs campaigning against the adverse impacts of

the ill-conceived construction plans for the dam in south-east Turkey. The case study provided a fitting example of how investment in major infrastructural projects — as consistently highlighted by KHRP's fact-finding mission and research reports — can result in human rights abuses and environmental degradation, and also of how the restricted volume of water that

would flow downriver in the Tigris as a result of its construction, would have direct consequences for Iraq.

The afternoon sessions were primarily dedicated to practical workshops on formulating and implementing strategies to best ensure that investments remain in the public interest. Attendees included Kurdistan Regional Government representatives as well as individuals from local NGOs and human rights defenders. More widely, the workshop served to ensure respect for the environment and human rights norms when courting potentially disruptive but much-needed foreign investment and is part of KHRP's ongoing work on investment and human rights. KHRP's cross-border training in Diyarbakir, Turkey in October 2009, held a session on this topic.

Upcoming Children's Rights Workshop

On 10 March, KHRP will co-host with the local Branch of *İnsan Hakları Derneği* (The Human Rights Association of Turkey, İHD), a training for local lawyers and members of civil society in Mardin, Turkey. The workshop entitled, 'Children, Torture and Detention', was or-

ganised in response to KHRP and its local partners' concerns about increasing reports of children being detained by Turkish authorities and being tortured and ill-treated while in detention and within the judicial system.

The training will address the

continued challenges faced by Turkey in meeting international standards of child protection, particularly with regard to juvenile justice. It will look at the relevant international human rights standards regarding the detention and prosecution of children, and will look at how to

best to improve these standards by using corresponding international mechanisms, which bring to light abuses against children and bring perpetrators to account.

The next issue of *Newsline* will give a full report on the training.

Ilisu Dam Protest outside Akbank's London HQ

On the afternoon of Monday 15 March, protesters gathered outside of Akbank's London Headquarters for KHRP's action against the proposed Ilisu hydro-electric Dam project in south-east Turkey. The protest was one of a series of demonstrations that took place in front of the European branches of Turkish banks Akbank and Garantibank in Amsterdam, Frankfurt, Essen and Hannover. Following the 'International Day of Action for Rivers' a day earlier, the protests sought to highlight the banks recent decisions to pledge financial support for the dam's construction along the Tigris River, although the project continues to severely flout international law.

Green Party MEP and KHRP's Advisor on Environmental Rights, Jean Lambert, Bengi Yıldız a local MP for Batman, Turkey, and KHRP Board Secretary Rajesh Rai, were among several speakers to draw attention to the potentially devastating impact of the dam if current plans continue unrevised. During the demonstration however, Akbank refused to accept a letter of protest undersigned by KHRP, The Corner House, Bengi Yıldız, and Jean Lambert, MEP, urging



Protestors outside Akbank's London Headquarters.



Jean Lambert MEP addresses protestors.

the bank to consider the consequences of the proposed dam and calling for them to withdraw their support.

As long-highlighted by KHRP and its international partners

in the Ilisu dam campaign, the project looks set to result in a huge cultural, social and environmental catastrophe. The ancient town Hasankeyf is not the only site of archaeological inter-



Bengi Yıldız, MP for Batman addresses protestors.

est to be lost in the flood. The area has yet to be thoroughly surveyed by archaeologists whom believe discoveries from the area could lead to connections between Neanderthals and modern man. In addition, the flooding caused by the dam will wipe out recent cultural heritage and will devastate the lives of thousands of people whose homes will become submerged underwater. A staggering 55,000 people, mostly Kurds are threatened with displacement. The dam will also devastate the environment upstream and downstream and with it the Tigris River's richly diverse ecosystems, and has the potential to exacerbate conflict in the region by severely reducing water flow to the downstream states of Iraq and Syria.

The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms – Kerim Yıldız and Susan Breau

In the early summer of 2010, 'The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms' will be published by Routledge.

This book is written by KHRP Chief Executive Kerim Yıldız and Dr Susan Breau, Professor of International Law at Flinders University in Adelaide, Australia, who specialises in the law of armed conflict and international human rights law.

It is highly topical considering the ongoing conflict in the Kurdish region of Turkey, and the continued incursions into northern Iraq by the Turkish army and security forces, and Turkey's EU accession negotiations. Turkey has become an increasingly important player in Middle Eastern geopolitics. More than two decades of seri-



Kerim Yıldız and Dr Susan Breau when they signed the contract for their new book.

ous conflict in Turkey are proving to be a barrier to improved relations between Turkey and the EU. This presents the first study to fully address the legal and political dimensions of the conflict, and their impact on mechanisms for conflict reso-

lution in the region, offering a scholarly exploration of a debate that is often politically and emotionally highly charged.

The book looks at the practical application of the law of armed conflicts to the ongoing situation in Turkey and north-

ern Iraq. The application of the law in this region also means addressing larger questions in international law, global politics and conflict resolution. Examples include belligerency in international law, whether the 'war on terror' has resulted in changes to the law of armed conflict and terrorism and conflict resolution.

The Kurdish Conflict explores the practical possibilities of conflict resolution in the region, examining the political dynamics of the region, and suggesting where lessons can be drawn from other peace processes, such as in Northern Ireland.

This book will be of great value to policy-makers, regional experts, and others interested in international humanitarian law and conflict resolution.

Student's Conviction for Pro-Kurdish Campaigns under Scrutiny

Last December, KHRP lodged a new complaint against Turkey to the European Court of Human Rights (ECtHR), on behalf of a then university student convicted for 'membership of an illegal organisation'. This followed the applicant's involvement in the youth commission of a pro-Kurdish Party. The applicant was also convicted under the Anti-Terror Law for supporting pro-Kurdish language campaigns.

The applicant who held no previous criminal convictions was charged just days later, having been denied access to a lawyer. The indictments relied on linking both the political party and the Kurdish language campaign to the PKK.

The applicant never denied being involved in the pro-Kurdish party in question (which was still a legal body at the time), and throughout maintained that any activity remained strictly within the

law and for the party alone. Despite being released from detention, the applicant was eventually sentenced to more than six years imprisonment.

KHRP submits that the arrest, detention, trial, conviction and sentencing of the applicant raises serious concerns relating to multiple articles of the European Convention on Human Rights. Specifically, it is submitted that the Republic of Turkey has acted in violation of Article 6 (the right to fair trial),

10 (right to freedom of expression), 11 (right to freedom of assembly) and 14 (prohibition of discrimination).

The findings of the ECtHR in this case may be of particular significance to former members of the recently banned pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party - DTP), given that the authorities may seek to affix the same PKK links to the DTP as has been done in this case.

KHRP Replies to Turkish Government in Öcalan Case

In March, KHRP submitted a communication to the European Court of Human Rights in response to the submissions made by the Turkish Government on 25 January, regarding the detention of the leader of the Kurdistan Workers' Party (PKK), Abdullah Öcalan.

The government's submissions seek a dismissal of Öcalan's legal complaints following recent adjustments made to the detention facility at İmralı Island, where the applicant has

been held since 1999. However, far from remedying his poor conditions of detention, these modifications add weight to the complaints made thus far by KHRP. Furthermore, KHRP believes there are a number of matters of ongoing concern which warrant the Court's consideration.

As outlined by KHRP, alterations to detention conditions at İmralı, including the transfer of 5 prisoners to the island, demonstrate that it has always been

possible for the Government to make such changes. This undercuts the basis on which the authorities justified the restrictive measures imposed on Öcalan from 1999 to 2010. The transfer of detainees to the island also runs contrary to the national security footing on which Öcalan's isolation was defended.

Considering that the practical nature of the changes has yet to be assessed, KHRP submits that it would be premature for the Court to rule in favour of

a dismissal. This is particularly pertinent in light of the repeated findings of the Committee for the Prevention of Torture (CPT) that Öcalan's prior conditions violated the prohibition on inhuman and degrading punishment. Furthermore, even if the alterations were to be deemed adequate, KHRP believes it would be wrong in principle to dismiss a claim of violation of rights due to changes made since the original application was filed.

Opposition Party-Armenian Republic Property Dispute Contested

In February, KHRP filed a case to the European Court on behalf of one of Armenia's opposition parties against the Republic of Armenia. The case relates to a leasehold property in the country's capital.

It was brought after the State's Property Management Department wrote to the applicants, requesting a variation of their lease and setting a strict time limit by which they were to respond. The letter however was incorrectly addressed, and in the time it took for

it to be delivered and responded to by the applicant, the Armenian authorities had already applied for a court order to alter the lease. The right to variation of the lease was subsequently granted in the absence of the applicants.

The applicants submit that the actions of the Republic of Armenia constitute violations of Article 6 (right to a fair trial), Article 1 of Protocol 1 (right to peaceful enjoyment of possessions), and Article 14 (prohibition of discrimination).

KHRP Lodges Azerbaijani Woman's Land Dispute Case

A land dispute case was lodged at the European Court of Human Rights against Azerbaijan by KHRP, on 8 January 2010.

Following a fire that destroyed the applicant's previous residence, the applicant built a new house on land awarded by the local District's Office. This subsequently became the subject of a lawsuit brought by a state official claiming land rights against the applicant, which were

later upheld by the local district court.

KHRP believes that the applicant's rights to peaceful enjoyment of possessions — as guaranteed by Article 1 of Protocol 1 of the European Convention on Human Rights (ECHR) — has been violated by the rulings. Furthermore, it is submitted that the civil proceedings constituted a violation of the applicant's right to a fair trial under Article 6 of the ECHR.

KHRP Submission for OSCE Hate Crimes Review

In March, KHRP submitted an assessment of hate crimes committed last year in Turkey, to the Organisation for Security and Cooperation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR).

The communication was intended for inclusion in the upcoming annual review, 'Hate Crimes in the OSCE Region: Incidents and Responses, Annual Report for 2009'. It is based on submissions made by a range of stakeholders, primarily OSCE participating States, inter-governmental institutions, and civil society organisations.

KHRP's submission outlined why the Turkish government's responses to prevalent hate crimes in the country have re-

mained inadequate. The report was broken down according to the basis of crime: due to sexual orientation, ethnicity and religion. Whilst homosexuality is no longer a crime in Turkey, individuals from the Lesbian, Gay, Bisexual, Transvestite, and Transsexual (LGBT) community face discrimination and come under frequent attack. KHRP believes that ambiguous criminal code prohibitions on 'public exhibitionism' and 'offences against public morality' are used by many as a basis for harassment of the LGBT community, whilst the extent of sexuality-related 'honour killings' remains ambiguous. Turkish lawyer, Senem Dođanođlu, has claimed that a hate crime against the LGBT community occurs every three

days, and a murder every 15 days. Despite these occurrences, KHRP submits that the Government continues to fall short of its international obligations to put in place measures to address hate crimes.

Attacks on members of ethnic minorities, particularly those of Kurdish and Roma origin, were also highlighted by KHRP. KHRP receives numerous reports of ethnically-motivated attacks, often stoked by Turkish nationalism. Police are commonly said to refrain from investigating reports of an attack until the victim files a complaint, yet fear of reprisals prevents many victims from filing such complaints in the first instance. Those investigations which are carried out remain

vastly inadequate, with authorities often neglecting to pursue promising avenues of investigation or prosecution of alleged offenders. Religious beliefs also remain a basis for harassment in Turkey, in no small part due to institutional disparities in provisions for Muslim and non-Muslim minorities. Legal recognition of non-Muslim minorities in Turkey continues to rely on the narrow definition set-out in the 1923 Treaty of Lausanne, being therefore limited to Greeks, Armenians and Jews. Though the EU accession process may force Turkey to address this, the current distinctions continue to result in a failure to ensure adequate protection for all religious minorities in the country.

UN Urged to Act against Abuses in Iran and Syria

In the early months of 2010, KHRP sent a series of urgent action appeals to the UN Working Group on Arbitrary Detention and a number of UN Special Rapporteurs, expressing grave concern over recent developments in Iran and Syria.

On 1 March, KHRP urged the UN to raise concerns with the Syrian Government regarding the death of a Kurdish individual in January. He had served nearly four months at Aleppo Central prison before being admitted to hospital, where he died four days later, after reportedly being severely tortured in detention.

Earlier in January, KHRP also sent urgent appeals to UN

Special Rapporteurs concerning the possible execution of three Kurdish prisoners in Iran, all of whom were sentenced to death for the offence of 'enmity against God'. One of the prisoners, a Kurdish activist detained in 2008, was transferred to a solitary confinement cell last November. Such transfers are a common practice in Iran when an execution is imminent.

KHRP also learned that in January, a second individual, a 27-year-old law student, was transferred to solitary confinement in Sanandaj prison. He has been held since 2007, and has reportedly suffered internal bleeding and head injuries as a result of torture. In a closed trial at which

neither his family nor lawyer were permitted to attend, he was convicted for membership of a banned armed group and was sentenced to death by the Sanadaj Revolutionary Court in July 2008.

The third individual that KHRP has brought to the UN Special Rapporteurs' attention was arrested in Kermanshah in Spring 2008. Last November, in a brief trial without any lawyers present, she was sentenced to death for allegedly associating with banned Kurdish political parties. She is currently on death row in Sanandaj prison.

All three cases follow the recent executions in Iran of two Kurdish activists, Ehsan Fattia-

han and Fasih Yasamani, in November 2009 and January 2010 respectively.

Human rights violations against activists in Iran and Syria, including arbitrary arrests, unfair trials, torture, and executions, are of grave concern to KHRP. KHRP is opposed to the use of the death penalty in all circumstances and stresses that Iran and Syria should abide by international human rights standards, such as those embodied in the International Covenant on Civil and Political Rights (ICCPR), when dealing with all individuals suspected of criminal offences, including those related to national security.

Challenge to Infantryman's Conviction under Anti-Terror Laws

On 18 December 2009, KHRP submitted a complaint to the European Court on behalf of an imprisoned soldier. This follows the applicant's conviction by a Military Court under Turkish Anti-Terror Laws for 'making propaganda for an illegal organisation', and a pending trial before the High Criminal Courts under the Turkish Penal Code. The conviction was based on

the applicant's private journal notes — which were alleged to glorify the PKK and degrade Turkishness and the Republic — whilst undertaking compulsory military service.

The applicant has a history of psychological problems. However despite a brief examination recognising him as possessing an 'anti-social personality', the applicant was declared

to be 'mentally competent' and the Military Court subsequently applied the upper limits of the sentence.

An appeal by the applicant's lawyer was dismissed. This had included the opinion of the Chief Prosecutor at the Military Court that the judgement be overruled due to insufficient legal reasoning and the lawyer's belief that the conviction was

unlawful without a full medical examination.

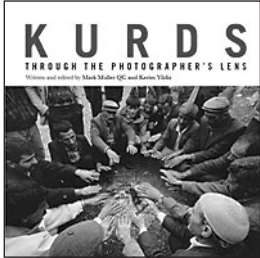
KHRP submits that the applicant's detention is unlawful in that Turkey has violated Articles 5 (right to liberty and security), 6 (right to fair trial), 10 (freedom of expression), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention on Human Rights.

Free copies of KHRP's own reports may be accessed and downloaded on KHRP's website (www.khrp.org). Printed copies are available for £10.00 + P&P through our brand new online shop.

Kurds: Through the Photographer's Lens

ISBN 978-1-904563-86-0

A unique collection of photographs, poetry and writing commissioned by the Delfina Foundation to mark 15



years of the Kurdish Human Rights Project, this book represents an initiative to present a vivid visual history of the life

and times of the Kurds over the past decade and a half. It brings together the work of some of the most prominent photojournalists and photographers who have worked across the Kurdish regions in that period – including Susan Meiselas, Jan Grarup, Ed Kashi, and Patrick Robert – with the writings of Noam Chomsky, Harold Pinter, Jon Snow and poet Choman Hardi.

The Situation of Kurdish Children in Turkey: Fact-finding Mission and Research Report

ISBN 978-1-905592-29-6

Based on in-depth desk research



and fact-finding missions which met with state officials, people working with children at risk, teachers, lawyers and families, this report seeks to provide a comprehensive account of the hardship faced by Kurdish children in Turkey.

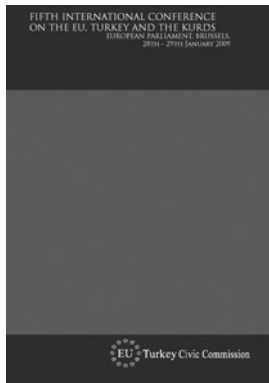
Investigations revealed that Kurdish children face considerable barriers and disadvantages relative to their Turkish counterparts. Although rightfully, much international attention has

focused on the disproportionate use of anti-terror laws against Kurdish children, this report aims to shed a light on the array of problems all Kurdish children face and assist both the people of Turkey and their government in better complying with international obligations concerning children's rights. Crucially, the report found that the lack of official use of Kurdish, especially in regards to mother tongue education, is a repeated and consistent barrier for far too many Kurdish children.

Fifth International Conference on the EU, Turkey and the Kurds

ISBN 978-1-905592-28-9

This report contains details of key



proceedings from the Fifth International Conference on the EU, Turkey and the Kurds, organised by the EU-Turkey Civic Commission (EUTCC). The conference, which was held at the

European Parliament in Brussels from 28 to 29 January 2009, was hosted by EUTCC founders the Bar Human Rights Committee of England and Wales, Medico International, The Thorolf Rafto Foundation, and the Kurdish Human Rights Project, and was supported by members of the European Parliament. The 2009 conference was dedicated to the memory of writer, activist and member of the KHRP Board of Patrons, Harold Pinter, who passed away on 24 December 2008.

Proceedings were opened with a speech by KHRP Chief Executive, Kerim Yildiz, a copy of which is available both in the full report and as a separate downloadable transcript from the

KHRP website. Throughout the duration of the event, particular emphasis was placed on the need to resolve the ongoing conflict with the PKK in both northern Iraq and south-east Turkey. The EU was urged to reject the security-centric approach adopted by Turkey in favour of a resolution of the conflict through dialogue and diplomacy.

The Trial of Kerem Çakan: The Turkish Judiciary and Honour Killings: Trial Observation Report

ISBN 978-1-905592-27-2

This report presents the findings



of a KHRP delegation that travelled to Van, south-east Turkey in August 2009. The delegation was despatched to observe the trial of a man accused of killing his pregnant

17-year-old wife, Eylem Pesen. According to prosecutors, the defendant Kerem Çakan allegedly stabbed her to death, before running her over with his car. The apparent motive was the defendant's suspicion that she was involved in a sexual relationship with his brother, although Çakan subsequently stated that she had reported having been twice raped by his older brother. The mission observed how the court after hearing Çakan's evidence, failed to further investigate the case as a possible honour crime.

Violence against women is pervasive in Turkey. The report's findings point not only to Turkey's ongoing breaches of regional and international human rights law, but also to the failure of the authorities to protect women from honour killings and to facilitate their access to justice, particularly in the Van

region. While this case may have set a precedent for future prosecutions for honour killings, the author highlights that significant changes are needed to address the poor response of investigating police forces and the general lack of faith women in Turkey have in the judicial system.

Besides monitoring trial proceedings in this case, mission members also interviewed the prosecutor, the defendant's lawyer, relatives of the victim and local human rights defenders.

Taking Human Rights Complaints to the OSCE, European Parliament and Council of Europe: A Manual

ISBN 978-1-905592-30-2



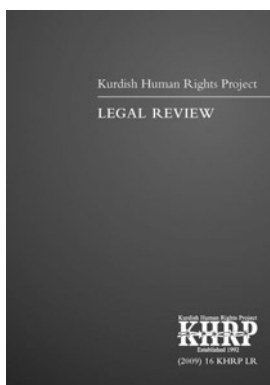
KHRP is a forerunner in its use of strategic litigation via the full range of international human rights mechanisms in order to bring perpetrators

of human rights abuse to justice. This manual reflects the expertise and experience amassed by the organisation during this time.

This manual constitutes the third in a series of KHRP manuals concerned with the use of international mechanisms as a launch pad for human rights complaints. By providing information on a previously uncharted subject, this manual represents a very useful and exciting extension of KHRP's assistance to human rights victims and their defenders, interested individuals, legal and academic persons alike. As well as a comprehensive guide to the relevant legislation and organisational structures and procedures, the manual provides instruction in making and submitting complaints, as well as noting some relevant examples.

Legal Review 16

ISSN1748-0639



Covers the period from June to December 2009 and features news and updates relevant to the Kurdish regions, as well as summaries and analysis of relevant

decisions of international, UK and US courts. Articles in this edition cover the procedural aspects of convention rights, the failings and threat of Turkey's Anti-Terror laws regarding human rights standards, an overview of the lesser-known Council of Europe's powers in respect of human rights, the factors to be considered for the enhancement of democracy and justice regarding the Kurdish issue, as well as the deficiencies of the regime of Refugee Status Determination (RSD) and its impact on the status of Kurdish asylum seekers and Iraqi refugees.

This is the only existing legal journal covering legislation and policy pertinent to the Kurdish regions and is essential reading for those interested in legal developments related to Turkey, Iraq, Iran, Syria and the Caucasus.

UPCOMING PUBLICATIONS

Human Rights Defenders in Turkey

Turkey has a vibrant and dynamic human rights movement which has defied the odds to form an effective force for bringing the Turkish government to account for breaches of human rights. It is of crucial importance to Turkey's democratisation effort that Turkey acknowledges the validity of Human Rights Defenders (HRDs) activities and respects their rights. HRDs not only play a valuable role to the process of democratic renewal, but provide a gauge of a government's true commitment to genuine democratisation.

Because of their tendency to expose and criticise state actions violating human rights and to seek to impose government accountability, HRDs frequently themselves become primary targets of repressive state practices in breach of human rights. HRDs' messages are silenced; they are denied access to victims of human rights abuses, and frequently face arbitrary detention, torture, ill-treatment and even 'disappearance'.

KHRP has been instrumental in documenting abuses committed against HRDs, through pressing for improvements in their treatment and using international mechanisms to achieve justice for HRDs whose rights have been violated. This report in conjunction with Protection International is an update to a publication which was first researched and drafted in September 2005. The aim of the report is to contribute to analysis and debate on the reform process as part of the EU accession by examining how far is progressing in the direction of European standards in its treatment of HRDs.

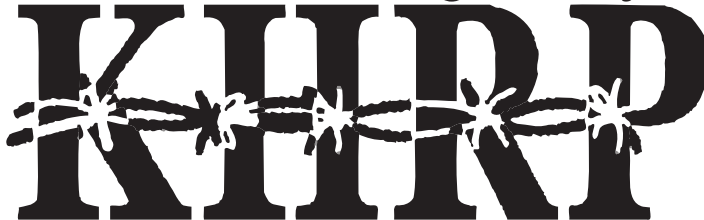
Impact Report 2009

In addition to providing an overview of the human rights situation in the Kurdish regions of Turkey, Iraq, Syria and the Caucasus, this annual publication details KHRP's activities throughout the year, including our human rights litigation and advocacy, training and fellowship programmes, fact-finding missions and trial observations, research and publications, and public awareness strategies.

The report also reviews the impact of KHRP's work in 2009 in promoting greater protection of human rights in the Kurdish regions, with a particular focus on political and judicial systems, torture and ill-treatment, freedom of expression and association, cultural and linguistic rights, environmental justice, gender equality, the right to life, and war and instability.

The report should be viewed as a primary resource for anyone interested in the human rights situation in the Kurdish regions.

Kurdish Human Rights Project



Established 1992

Project Information

THE ORGANISATION

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

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

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

Aims

- Raise awareness of the human rights situation in the Kurdish regions of Iran, Iraq, Syria, Turkey and the Caucasus.
- Bring an end to the violation of the rights of everybody who lives in the Kurdish regions.
- Promote the protection of the rights of Kurdish people wherever they may live.
- Eradicate torture both in the Kurdish regions and across the globe.

Methods

- Monitoring legislation and its application.
- Conducting investigations and producing reports on the human rights situation in

the Kurdish regions by sending trial observers and fact-finding missions.

- Using reports to promote awareness of the human rights situation in the Kurdish regions on the part of the committees established under human rights treaties to monitor the compliance of states.
- Using reports to promote awareness of the human rights situation in the Kurdish regions on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, 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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Email: khrp@khrp.org

Calendar Of Events

April

- KHRP and İHD, Mardin Branch training on 'Rights of the Child' in Mardin, Turkey, 10 April
- Week-long series of KHRP events on the topic of Human Rights Defenders and Freedom of Expression in London, to coincide with the visit from Turkey of İHD Diyarbakır Branch board member, Rehşan Bataray Saman, 19 to 25 April

May

- KHRP Legal Team Meeting (keynote speech on Freedom of Expression), 11 May at 6.00pm, at Simons Muirhead & Burton, 8-9 Frith Street, London, W1D 3JB
- KHRP training on 'Rights of the Child' in Turkey

June

- Two KHRP fact-finding missions in Kurdistan, Iraq
- KHRP Freedom of Expression training in Turkey
- KHRP Women's Rights training in Turkey
- KHRP and Civil Development Organisation's Women's Rights training in Kurdistan, Iraq
- KHRP seminar on internally displaced persons at European Parliament, Brussels