



# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

NEWSLINE 2 2006, ISSUE 34

## Violence flares in south-east Turkey

The funerals of four Kurdish guerrilla fighters in south-east Turkey provided a flash-point for days of violence between Turkish security forces, police and civilians which led to dozens of fatalities and hundreds injured in days of violence across the south-east.

On 24 March 2006, fourteen PKK militants were killed in the mountains outside Diyarbakir by the Turkish army. The funerals of four of them took place on 28 March. In the intervening period, rumours abounded that the Turkish army had used chemical weapons in the attack. No independent autopsy was performed, but the family and imam who had washed the corpses reported them to be covered in burns but with no visible bullet holes. The government issued a formal denial on 29 March, five days after the attack. Whether or not there is truth to the allegation, the belief that chemical weapons had been used inflamed emotions among the local population.

Thousands of people attended the funerals in a show of solidarity with the relatives

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ABOVE: A six-year-old boy shot dead at the scene of a demonstration, Diyarbakir, south-east Turkey, March 2006

## Şemdinli trials leave questions unanswered

Following the high profile trial of two gendarmerie intelligence officers, a court in Van has sentenced them to over 39 years imprisonment for their involvement in the bombing of a bookshop in November, which resulted in the death of one man.

The incident sent shockwaves throughout Turkey and attracted international condemnation because the three individuals accused

of planting the explosive devices —together with incriminating material— were apprehended by a crowd of civilians at the scene. Two of them were non-commissioned army officers raising the spectre of 'deep state' involvement in the attacks. The trial of the third individual, a former PKK member turned informant, will continue in August.

KHRP continues to have

questions about the nature of the operation which led to the bombing, and is concerned that the investigation into the full circumstances of the incident has not been thorough, impartial and independent. Indeed, the unprecedented speed of the trials raises the suspicion that the investigation was not sufficiently

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## Director's Letter



Dear friends,

Following the escalation of violence in the Southeast of Turkey which has been the worst in recent years, KHRP in conjunction with the Bar Human Rights Committee of England and Wales sent a Fact-Finding Mission to the region. Reports of indiscriminate use of force and arbitrary detention abounded. Most troublesome however, was the mission members' conclusion that the violence was instigated from outside the region by 'unknown sources' and the prevalent fear of those interviewed that 10 years of progress had come undone. As we monitor the current situation, we continue to assist those still suffering from the repercussions.

In addition, KHRP has observed the notorious Şemdinli-bombing trial in Van; continued its litigation, research; and carried out various trainings, including one

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in Yerevan, Armenia.

In Iraq, insurgency and violence continue to threaten the country's stability and long-term prospects. It is hoped that the new government will be able to establish an environment where human rights will be respected. As witnessed by KHRP Board Chair Mark Muller and myself, Iraqi Kurdistan continues to have the potential to advance the democratic development of the region.

Unfortunately, the recent attacks on human rights taking place in Syria and Turkey remind us that without broad-based recognition for human rights across the Kurdish regions, true progress will remain illusory. Although there is some reason for hope in Iran, considering the international communities' confrontational relationship with Iran, optimism must be tempered with realism.

Together with our partners and supporters, we are continuing our work to ensure that the voices of the most disadvantaged groups in the regions are not forgotten in such political and decision-making processes. We are grateful for your continued support.

Kerim Yildiz

Executive Director

July 2006

### **Violence flares in south-east Turkey**

of the deceased, with estimates varying widely from 5,000 to 100,000 funeral goers. Many shops also closed before the funeral, some out of solidarity and others for fear of avoiding damage. The funerals passed peacefully, but trouble flared soon afterwards as some funeral goers threw stones and rocks when passing a police station. The police response was to deploy tear gas, water cannons, batons and firearms, apparently indiscriminately. The security thereafter deteriorated and Special Forces were deployed.

The violence rapidly spread to different parts of the city, and to other Kurdish cities including Siirt, with the situation in Diyarbakir being the most volatile. Shops that had not closed for the funeral came under attack both by funeral goers and reportedly police. An estimated 335 shops and dozens of private homes, cars and public buildings were attacked. The governor appealed for calm, but as the violence continued into the second day, the police and security forces were by then beyond the governor's control. The security forces also intervened and, in so doing, ignored the local administration's calls for peace.

On 29 March, in response to the unrest, the Prime Minister stated in a television interview, "If you cry tomorrow, it will be in vain. The security forces will intervene against the pawns of terrorism, no matter if they are children or women." Opinion differs on whether this was an incitement to indiscriminate violence or merely a miscalculation, but the comments did nothing to

pacify the mounting violence.

Armoured tanks moved into the city. In the violence that ensued, many were killed and hundreds more were injured. The governor's office estimates that 199 police officers were wounded and between 161 and 200 civilians received treatment at hospital. It is feared that dozens, if not hundreds, more civilians were deterred from seeking medical treatment by the presence of security officers around the hospitals.

Between 29 March and 3 April, fourteen civilians lost their lives as a result of the civilian unrest and actions of the security forces, including three children under the age of 10. On 31 March a bomb was thrown at a bus in Istanbul in protest at the events in the Southeast, killing a further 3 bystanders.

Between 400 and 600 people were detained, many illegally. At least one in five was a child or juvenile. According to many of the detainees' families, who witnessed the raids, many of these men faced a real risk of torture or inhuman treatment. Several prominent human rights defenders and lawyers also faced harassment or ill-treatment, including the a tear gas bomb attack on the house of the mayor of Yuksekova, Salih Yildiz, a member of the Democratic People's Party (DTP).

Kurdish Human Rights Project is concerned at the escalating violence and has liaised with the European Commission urging the international community's urgent intervention. A KHRP- BHRC fact-finding mission visited the region to investigate the killings, and will publish its findings shortly.

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## **Turkey: judge's murder 'unjustifiable'**

Judge Mustafa Yücel Özbilgin of the Second Chamber of the Council of State died after a gunman stormed into a chamber of Turkey's highest court on Wednesday 17 May 2006, shooting dead the senior judge and injuring four other judges.

The attack was reportedly an act of reprisal in opposition to the court for upholding a controversial earlier ruling preventing a woman from becoming a headteacher because she wore a headscarf outside of work.

Although KHRP believes that Turkey's headscarf ban contravenes women's right to religious freedom, there is absolutely no justifiable place for violence in the defence of such rights.

The Islamic headscarf has been banned in all universities and public buildings in Turkey since 1997. The ban applies to students and staff at private and state universities, schools in addition to medical staff, civil servants and members of parliament.

Theoretically, the ban is

only applicable in state institutions and businesses but there has been a recent increase in penalties for individuals who wear headscarves in their personal lives.

Formerly, opposition to the ban had been exclusively held by non-violent individuals and civil society groups using constitutional, lawful means to oppose the ban. But, some groups have carried out violent attacks in the name of resistance to the headscarf ban.



## Intimidation of human rights defender in Turkey



ABOVE: KHRP Countries Coordinator Mustafa Gündoğdu with Jonathan Sugden in 2002. Sugden was safely returned to the UK following his deportation from Turkey in April

A prominent Human Rights Watch researcher was safely returned to the UK following his deportation by Turkey's Interior Ministry in April.

Jonathan Sugden, the long-time researcher on Turkey for HRW's London office, was arrested at his hotel on 12 April, accused of having failed to inform them about the activities he was undertaking in the country. HRW say authorities were manifestly aware of his presence in the country, as he had made requests to meet with officials in advance of his visit. He has since returned to Turkey without problem.

Sugden is a British citizen and had been in Bingol in the Kurdish region of east Turkey to meet with officials, non-governmental organisations and affected communities on the subject of internally displaced people (IDPs). KHRP, BHRC and HRW are currently researching the implementation of Law No. 5233 which purports to give domestic redress to some internally displaced people, although it has faced persistent criticism for its shortcomings.

Kurdish Human Rights Project strongly condemns the decision to arrest and deport the researcher, believing it to send a dangerous signal to all other human rights defenders and organisations in the country.

Kerim Yildiz, executive director, says, "This arrest was intended to intimidate and deter human rights defenders from visiting Turkey. Human Rights Watch enjoys the relative protection of international awareness. Sadly, many human rights defenders in Turkey do not."

## Human rights activists detained in Syria

Twelve activists, intellectuals and human rights defenders have been arrested in Syria in a crackdown linked to the signing of the Beirut-Damascus Declaration of 20 May, appealing for improved and normalised relations between Syria and Lebanon.

Those arrested include prominent writer and pro-democracy activist Michel Kilo, human rights lawyer Anwar al-Bunni and former prisoners of conscience Fateh Jamus and Kamal al-Labwani.

# Dispatches

## LONDON MARATHONER RUNS FOR KHRP

Well done to Helen Sealey who ran the London Marathon on Sunday 23 April 2006, smashing her fundraising target by raising a total of £703 for KHRP.

She completed the marathon in 4 hours, 32 minutes in 52 seconds. All at KHRP wish to thank her for her efforts, and of course, all those who donated so generously.

We are delighted that she chose to run for KHRP, which has never been represented at the London Marathon before. The money will go towards our work to help protect the lives of 30 million people and towards the advancement of human rights on a global level.

If you would like to run the London Marathon or would like ideas about how to support KHRP, please contact us now at [khrp@khrp.org](mailto:khrp@khrp.org) or +44 (0) 207 4053835.

## EMINENT JURISTS BEGIN INQUIRY INTO NEW ANTI-TERROR LAWS

The Eminent Jurists Panel began its national hearing on terrorism, counter-terrorism and human rights in London from 24 to 25 April 2006. The public hearing is part of an independent global inquiry by eight eminent jurists appointed by the International Commission of Jurists (ICJ) to examine the impact of terrorism and counter-terrorism on human rights and the rule of law.

The Panel heard evidence from a wide range of people, including state officials, the independent reviewer of counter-terrorism legislation, leading legal practitioners, national and international human rights organisation or community representatives and members of the public. KHRP attended the hearings, and has since liaised with them about the new anti-terror legislation in Turkey.

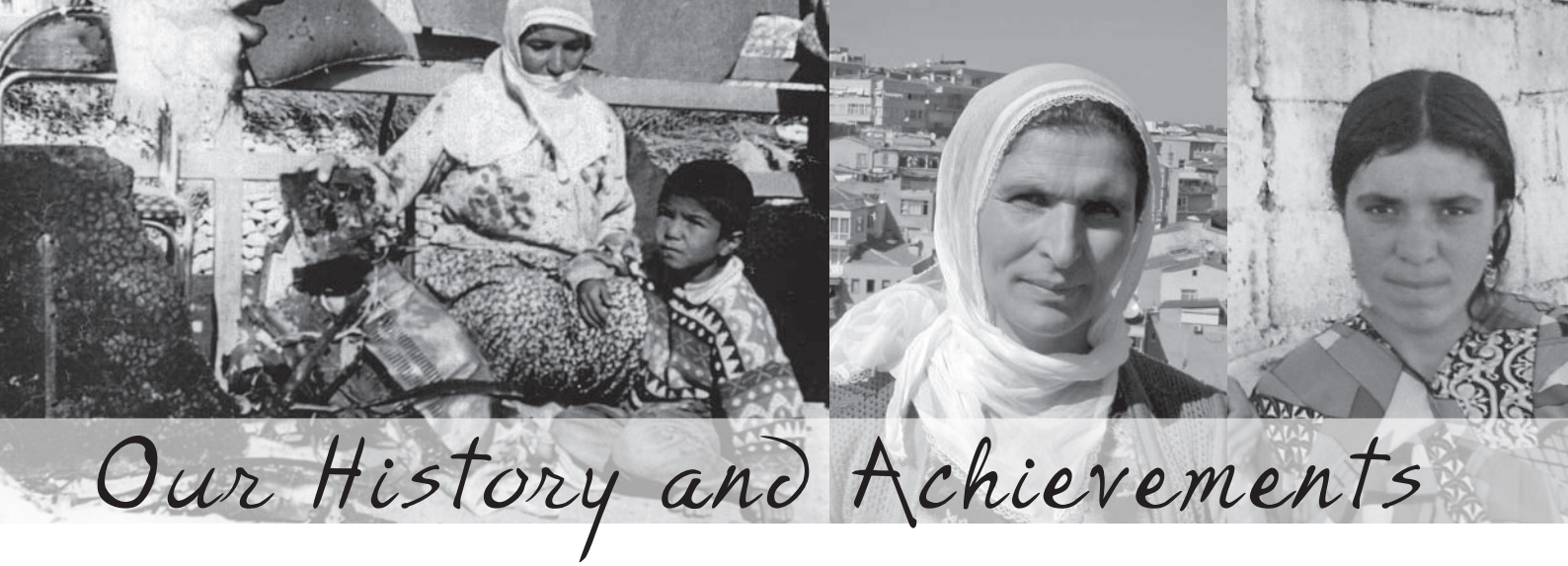
## UK PARLIAMENTARY MEETING ON THE KURDISH QUESTION



KHRP attend meeting at the House of Lords

Lord Rea hosted a parliamentary meeting on 24 May 2006 focused on the deteriorating human rights climate in the Turkey and the need for resolution of the Kurdish question.

Speakers included KHRP Chairman, Mark Muller; Jean Lambert MEP; Ibrahim Bilmez, a member of Abdullah Ocalan's legal team and representatives of International PEN. The meeting also heard from barristers Ajanta Kaza and Michael Ivers who visited the region separately as part of two joint KHRP/ BHRC fact-finding missions in April and May.



# Our History and Achievements

1992	1993	1994
<p>KHRP, the first non-partisan organisation dedicated to the human rights of all people in the Kurdish regions, is established.</p> <p><i>“KHRP opened the gate to Strasbourg for Turkey and the Kurds”</i></p> <p>Former Head of the Istanbul Bar Association</p>	<p>Fact-finding missions investigate human rights abuses by Iran, Iraq and Turkish authorities including alleged use of napalm.</p> <p>KHRP observes trials of first Kurdish-language newspaper <i>Ozgur Gundem</i> and of several human rights lawyers.</p> <p>Urgent action appeals and submissions made to European Commission on Human Rights, OSCE and several UN mechanisms</p> <p><i>“I believe that the role played by KHRP is not confined solely towards convicting Turkey for violations of human rights, but that their work is also an important and useful tool as far as the improvement of legislation and human rights practice in Turkey.”</i></p> <p>Koray Düzgören, Exiled Turkish journalist</p>	<p>KHRP hosts truly historic international conference on conflict in south-east Turkey, aiming to give a democratic platform to both Turkish and Kurdish groups.</p> <p>Turkey tops the league of countries with the most human rights allegations against it at the ECtHR; a direct result of KHRP’s case-load of applications</p> <p>Charity Commission accepts KHRP’s argument that ‘procurement of the abolition of torture by all lawful means’ is a legitimate charitable objective for the first time. KHRP becomes a registered charity.</p> <p><i>“The work of KHRP is invaluable. The information it provides is both regular and reliable. Without it the task of campaigning for human rights would be much more difficult.”</i></p> <p>Bruce Kent, peace campaigner</p>

ABOVE (left to right): In the KHRP case *Akdivar v. Turkey*, the ECtHR ruled for the first time that Turkish authorities had destroyed a village inhabited by Kurds deliberately. Pictured: Villagers surrounded by the wreckage of their former homes; KHRP applicant Nuriye Akman, whose 22-year old son was fatally shot by Turkish security forces; Sukran Aydin was 19-years-old when she was blindfolded, beaten, stripped naked, placed in a tyre and hosed with pressurised water while in custody. She was then raped by a member of the security forces. KHRP fought her case at the ECtHR, which in 1998 ruled for the first time that rape constituted a form of torture contrary to the European Convention on Human Rights





1995	1996	1997
<p>Publication of research on the Kurdish safe haven in Northern Iraq provokes public debate.</p> <p>Fact-finding and trial observation visits to Iraq and Turkey focus on violations of freedom of expression and association.</p> <p>More cases submitted to European Commission on Human Rights.</p> <p><i>“Every single day we receive a petition from Kurdish people who have been forcibly removed from their land, whose relatives have disappeared or have been killed, or who have been tortured. We in turn approach the Kurdish Human Rights Project, and ask them to evaluate the information and decide whether the legal mechanisms exist to highlight the issue and provide redress for the victim.”</i></p> <p>IHD Bingöl</p>	<p>Strasbourg mechanisms give first binding consideration to Kurdish cases. All KHRP cases declared admissible.</p> <p>Judgment in KHRP case <i>Aksoy v. Turkey</i> becomes a landmark in prohibition of torture: the first time a state is found guilty of individual torture in Europe. Detention periods reduced throughout Turkey as consequence.</p> <p>KHRP Founder and Director Kerim Yildiz receives Lawyers Committee for Human Rights award for services to promote rule of law and protect human rights</p> <p><i>“The Akdivar judgment validated the Kurdish villagers’ claims that they were being forced out of their homes by the most brutal methods. It put the program of village destruction on the agenda in Turkey as well as abroad. It showed that the poorest displaced peasant could find international justice.”</i></p> <p>Human Rights Watch, ‘Displaced and Disregarded: Turkey’s Failing Village Return Programme’ 2002</p>	<p>KHRP case <i>Aydin v. Turkey</i> revolutionises the status of rape in international law. Until this judgment, rape was merely a criminal act in most countries, despite its common use as a systematic method of warfare in times of conflict. Together with a judgment from the ICTY, this judgment classifies rape by or with the acquiescence of state actors as ‘torture’. The case encourages other survivors of sexual violence to come forward</p> <p>KHRP attends UN Commission on Human Rights</p> <p>Council of Europe invites KHRP to deliver training in Ukraine and Albania on ECHR</p> <p>KHRP represents survivors of rights violations in 14 ECtHR fact-finding hearings.</p>

ABOVE (left to right): KHRP applicant Unsal Öztürk reviewing his case file with Executive Director Kerim Yildiz; intellectual and writer Fikret Baskaya, who has been prosecuted in Turkey on numerous occasions for his opinions, addresses the press outside the courtroom. KHRP observed the trial to ensure adherence to international standards, 2005; writer Ragıp Zarakolu, who was indicted after expressing his non-violent opinion about Kurdish rights and self-determination. KHRP observed his trial in March 2005



# Our History and Achievements

1998	1999	2000
<p>Five years of work culminates when ECtHR judgments uphold Turkish state's responsibility for burning villages, inhuman &amp; degrading treatment, &amp; failures to investigate allegations of ill-treatment by security forces, in 8 separate KHRP cases.</p> <p>Judgment in <i>Selcuk &amp; Asker v. Turkey</i> determines for the first time, that the burning of homes before the applicant's eyes amounts to a breach of the prohibition of torture or ill-treatment as well as a breach of property rights.</p> <p>KHRP publishes research on minorities in Turkey, Armenia and Azerbaijan and observes trial of 10 human rights defenders</p>	<p>Committee of Ministers calls upon Turkey to make fundamental changes to bring an end to human rights abuses in Kurdish regions. Its unprecedented resolution cites 13 cases as evidence of human rights abuse – 12 of them brought by KHRP.</p> <p>KHRP and partner groups launch sustained campaign against controversial Ilisu Dam, generating widespread public opposition and media coverage.</p> <p><i>"KHRP has been the most effective force for bringing the human rights violations of the Turkish government to the Bar at Strasbourg, and to the court of public opinion throughout Europe. Its work in combining legal challenge &amp; the raising of public awareness is unique."</i></p> <p>Professor Laurence Lustgarten, currently visiting professor at Kings College London and Commissioner at the Independence Police Complaints Commission</p>	<p>KHRP prompts Strasbourg mechanisms to set precedent that a series of incremental events – not only one event - could constitute a human rights violation.</p> <p>In a case of critical importance for non-state media in general, KHRP case <i>Ozgur Gundem v. Turkey</i> for the first time places a <i>positive</i> obligation on states to protect free expression. Case establishes that Turkey had violated rights of first Kurdish-language newspaper.</p> <p><i>"The continuous stream of cases against Turkey would simply not be there without the help of the KHRP. The mere fact that many of these cases result in judgements in favour of the applicant provides conclusive proof of the immense importance of KHRP's work."</i></p> <p>Ties Prakken, Professor of Law</p>

ABOVE (left to right): Professor Noam Chomsky delivers the keynote speech to 2000 assembled supporters at KHRP's 10th Anniversary Lecture, St Paul's Cathedral, London, 2001; Executive Director Kerim Yildiz with the applicant in the landmark *Tahsin Acar v. Turkey* case, outside the European Court of Human Rights, Strasbourg



2001	2002	2003
<p>The controversial Ilisu Dam project in south-east Turkey, which threatened to displace up to 78,000 people in Kurdish communities, was brought to a standstill. Its primary financial backers withdraw following a highly effective campaign by KHRP and local and partner groups</p> <p>ECtHR ruling in KHRP case <i>Akman v. Turkey</i> is at very forefront of debate over controversial reform of the Court itself</p> <p>KHRP lodges new cases about killings of Kurdish conscripts in Turkish army.</p> <p>KHRP mourns passing of one of its founders, Michael Feeney, a longstanding supporter of Kurdish rights</p> <p>Comedian Mark Thomas completes a national tour of his show 'Dambusters', focused on the Ilisu Dam and Kurdish issue. It raises unprecedented support and awareness for KHRP</p>	<p>Noam Chomsky, Harold Pinter, Michael Mansfield QC, Baroness Helena Kennedy QC &amp; 2000 other supporters attend KHRP Tenth Anniversary celebration at St Pauls Cathedral, London.</p> <p>KHRP Executive Director nominated for Redwood Award for Best Environmental Campaign of the year for his work with the Ilisu Dam Campaign.</p> <p>AMEC withdraws from controversial Yusufeli dam project 24-hours before launch of an Ilisu dam-inspired campaign by KHRP and partner groups.</p> <p>KHRP Legal Director nominated for Liberty/ Justice/ Law Society Young Human Rights Lawyer of Year award.</p> <p>KHRP lodges some of first cases against newly-acceded state Armenia.</p> <p>By 2002, KHRP has represented in over 90% of all fact-finding hearings in ECtHR's history, against any country</p> <p>KHRP fact-finding missions in Turkey, Iraq and Syria highlight the risk of 'water wars'.</p> <p>KHRP and partner organisations launch a campaign against BP's planned Baku-Tbilisi-Ceyhan oil pipeline</p>	<p>Grand Chamber delivers landmark decision in KHRP case <i>Acar v. Turkey</i>: the strongest legal challenge yet to the inappropriate use of 'strike out' procedure, an issue closely allied to the ECHR's planned reforms.</p> <p>ECtHR accepts KHRP's arguments &amp; delivers strongest statements yet in condemning recourse to the death penalty in <i>Ocalan v. Turkey</i>. Judgment represents a landmark in the advancement towards abolition of capital punishment, with global implications.</p> <p>KHRP is inundated with requests for information concerning the crisis in Iraq, following the launch of war in March</p> <p>KHRP Executive Director Kerim Yildiz publishes "The Kurds: Culture and Linguistic Rights" (KHRP, London)</p>

ABOVE (left to right): Campaigners protest outside Balfour Beatty at its Annual General Meeting, in protest at the Ilisu dam project, 2001; Nobel peace prize-winner and member of KHRP's board of patrons, Harold Pinter, opened the organisation's 10th Anniversary Lecture at St. Paul's Cathedral, 2001; internally displaced children in Diyarbakir, Turkey, 2005





# Our History and Achievements

2004	2005
<p>KHRP short-listed for the Liberty/ Justice/ Law Society Human Rights Awards.</p> <p>KHRP Executive Director publishes ‘The Kurds in Iraq: Past, Present and Future’ (Pluto Press, UK and Ann Arbor, MI, USA)</p> <p>Independent feasibility study concludes evaluation of KHRP’s expansion &amp; recommends plan for organisational restructure.</p> <p>A successful KHRP challenge to the ECtHR contributed to the early release of Leyla Zana and other Kurdish former MPs in Turkey are released after 10 years incarceration</p> <p>ECtHR ruling in <i>Issa &amp; Others v. Turkey</i> is of major significance for the interpretation &amp; application of the ECHR, particularly surrounding the issue of extra-territorial jurisdiction.</p> <p>KHRP case <i>Ipek v. Turkey</i> compels ECtHR to make one of its strongest condemnations yet against actions of Turkish security forces</p> <p><i>“The Kurdish Human Rights Project has consistently taken the many questions that surround the Kurdish nation and its diaspora and answered with hard evidence, documentation and results. A voice for justice that will not be drowned out.”</i></p> <p style="text-align: right;">William Archer, theatre producer</p>	<p>Director Kerim Yildiz &amp; KHRP are awarded Sigrd Rausing Trust award for Outstanding Leadership in Minority and Indigenous Rights.</p> <p>Several ECtHR judgments signal it may be willing to reconsider its approach in Kurdish discrimination cases.</p> <p>KHRP prompts the Grand Chamber of the ECtHR to confirm the Court’s strongest ever condemnation of the death penalty in <i>Öcalan v. Turkey</i>.</p> <p>KHRP expands its work in the Caucasus, taking on several cases to combat political repression in Armenia as well as organising human rights training in the region.</p> <p>KHRP Executive Director publishes ‘The Kurds in Syria: The Forgotten People’ and ‘The Kurds in Turkey: EU Accession and Human Rights’, featuring an introduction by Professor Noam Chomsky (both Pluto Press, UK and Ann Arbor, MI, USA)</p> <p><i>“We are so happy for you that KHRP got the award. It is a world wide recognition of the work that you do. We appreciate your work also and are always amazed about your struggle for the Kurds who are suffering because their rights are not respected.”</i></p> <p style="text-align: right;">Dutch religious, community-based organisation CIBO</p>

ABOVE (left to right): Kurdish former MPs Selim Sadak, Leyla Zana and Orhan Dogan photographed following their early release from incarceration, 2004; children protest at the extra-judicial killing of 12-year old Kurdish boy Uğur Kaymaz and his father, Kiziltepe, south-east Turkey, 2004; the ancient Kurdish city of Hasankeyf would be threatened by development of the Ilisu dam



## Iraqi Parliament approves new government

After five months of negotiations following December's general elections, the Iraqi Parliament approved a new government on 20 May 2006, including members of the main Shia, Kurd and Sunni parties.

Mr. Nouri al-Maliki (Shia Arab) was appointed prime minister and acting interior minister. Two deputy prime ministers were also appointed: Mr. Barham Salih, a Sunni Kurd and an official of the Patriotic Union of Kurdistan party since 1988, and Mr. Salam Zaubai, a Sunni Arab from the

main coalition, the Iraqi Accordance Front. However, three crucial ministries - national security, interior and defence - were not agreed until 8 June, ending the three-week stalemate among sectarian parties. No women were named to posts of equivalent rank.

These appointments follow the election of the Presidency Council on 22 April 2006, when Mr. Jalal Talabani was elected president of Iraq, with Mr. Adel Abdul Mahdi and Mr. Tareq al-Hashemi as vice-presidents.

## Trial of Saddam Hussein continues

The trial of Saddam Hussein at the Iraqi Higher Criminal Court (formerly the Iraqi Special Tribunal) has been continuing in Baghdad, after a series of delays and difficulties, with a new judge now in charge of proceedings. The initial head of the Tribunal, Rizgar Amin, resigned following accusations from government officials that he was too lenient towards the defendants. The trial is now presided over by a new judge, Raouf Abdul Rahman.

Although established under basic principles of international law, the trial procedure deviates from past war crimes or crimes against humanity tribunals on some key points, including that the court operates under a national jurisdiction and that Hussein faces the death penalty. The international human rights community has expressed some concern over the legitimacy and ambit of the tribunal, including the application of the death penalty; whether the Court is

able to provide a fair trial - since guilt does not have to be proved beyond reasonable doubt but instead the tribunal has to be "satisfied" of guilt -; and the tribunal's establishment during occupation by foreign powers.

Hussein and his associates currently face several charges. On 4 April 2006, the tribunal announced fresh charges against him and six others for the killing and displacement of tens of thousands of Iraqi Kurds during the Anfal campaign in 1988. The notorious chemical weapon attack on Halabja is expected to be dealt with in separate charges. The Court is also believed to be preparing cases that include the 1991 Shia and Kurdish uprisings, the launching of the 1980-1988 Iran-Iraq war and the 1990 invasion of Kuwait. It is not yet clear whether Hussein and his co-defendants will face execution if found guilty in the Dujail cases before the Anfal and other trials conclude.

## KHRP visit Iraqi Kurdistan



ABOVE: KHRP Executive Director Kerim Yildiz and Chairman Mark Muller in Iraq in June

KHRP Executive Director, Kerim Yildiz and KHRP Chairman, Mark Muller travelled to Iraq in June to assess the human rights situation in the region.

KHRP will send a Fact Finding Mission to Iraqi Kurdistan in the upcoming months to assess the development of civil society structure and concept of individual and minority rights with the newly established federal framework of the country.

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### **Şemdinli trials leave questions unanswered**

vigorous, given the gravity of the allegations.

The three defendants were initially charged with "undertaking activities aimed at destroying the unity of the state and territorial integrity of the country" (Article 302 of the Turkish Penal Code), which carries a maximum penalty of life imprisonment and "forming a gang to do this" (Article 316). At the second hearing of the case on 1 June, the prosecution requested that the charges be changed to "setting up a criminal organisation" (Article 220), which carries a lesser sentence. The two intelligence agents were convicted on this charge as well as on charges of murder and attempted murder and wounding. The new charge precluded any investigation of higher level official involvement, instead categorising the crime as the work of a local organised criminal gang acting independently.

There has been a high degree of political interference in the Şemdinli investigation by the government, state officials and senior military personnel. The public prosecutor who opened the original indictment against the defendants was subsequently dismissed from his post.

Seferi Yilmaz, a key eyewitness and the owner of the 'Umut' book shop which was subject to the attack, was arrested on 20 June and transferred to a local prison on allegations of involvement with the Kurdistan Workers Party (PKK).

The court's verdict is being appealed.

# KHRP delivers human rights training in Armenia

KHRP Legal Officer, Lucy Claridge visited Yerevan in Armenia on 15 – 19 June to provide training and advice to lawyers, potential applicants, NGOs and human rights activists in relation to 'Implementing the European Convention on Human Rights at the domestic level: learning from the UK experience'.

The training was attended by 15 male and female participants, with varying levels of experience of taking cases to the European Court of Human Rights (ECtHR) and built on prior trainings by dissecting case

studies on Articles 5 & 6 of the ECHR. During the visit Lucy Claridge also met with members of the Kurdish community in Armenia, including existing and potential ECtHR applicants in order to gather more information on specific cases and also the current state of human rights abuses in Armenia.

Discussing the current human rights situation, Ms. Claridge also met with the recently appointed Human Rights Ombudsman of Armenia and KHRP partner organisation Forum Law Centre.



ABOVE: 15 lawyers, potential ECtHR applicants, NGO representatives and human rights defenders attended the training.

## Iranian Kurds at forefront of united movement

Although it is still early days, it appears that a new era of cooperation between the varied ethnic minority groups in Iran is occurring.

Kurds, Arabs, Baluchis, Turkmen and Azeris combined make up at least fifty per cent of the population of Iran, and have all historically experienced discrimination at the hand of an Iranian state that denies them their basic political, cultural and economic rights. Although these groups have experienced unrest for decades, the past few years have born witness to a new nationalist movement occurring among all of the Iranian nationalities, which is arising from the grassroots, and manifesting itself in widespread popular protests demanding the fulfilment of their human rights.

The Iranian regime has responded to the geographi-

cally isolated uprisings resulting from this national awakening with a heavy handed manner, utilizing overwhelming force, and prosecuting activists of these opposition groups with separatist offences. Recently, it appears that the various ethnic minority opposition forces are realising that it is in their best interest to try to overcome their geographic isolation, and work together in their often common purposes, as the state would have a far more difficult time employing overpowering force against the minorities if they present a united front. The Kurds have been at the forefront of this drive for unity, not only coming together to create a united front in Kurdistan, but also actively participating in a broad democratic coalition of Iranian opposition groups.



ABOVE: Barrister Ajanta Kaza delivers training on Article 2 of the ECHR

## Turkey: training on right to life in Diyarbakır

Over twenty-five human rights defenders attended a training seminar focusing on the right to life in Diyarbakır, south-east Turkey on 6 May, delivered by Kurdish Human Rights Project in conjunction with Diyarbakır Bar Association.

Turkey has the worst established track record for

breaches of the right to life (Article 2 of the European Convention on Human Rights) out of all member states to the Council of Europe. Those attending the training included both men and women, young and senior lawyers and law students.



# Turkey's Ilisu dam: what responsibility for the EU?



ABOVE LEFT: Kerim Yildiz, KHRP executive director, speaks about the history of the controversial Ilisu dam project in Southeast Turkey. ABOVE RIGHT: Participants in the conference. From left: Nick Hildyard, The Cornerhouse; Heike Drillisch, WEED; Judith Neyer, FERN; Joanna Hunt, KHRP; Christine Eberlein, BERN Declaration; Ercan Ayboga, Initiative to Keep Hasankeyf Alive

The controversial Ilisu dam project was the subject of debate in a European Parliament workshop jointly hosted by Green MEP's Jean Lambert and Rebecca Harms along with Louise Morgantini MEP (PES) on 12 May 2006. The workshop focused on the implications of the project in the context of Turkey's process of accession to the EU. Participants included Kerim Yildiz (KHRP), Osman Baydemir (Mayor of Diyarbakir), Çağlayan Ayhan (Union of South-east Anatolia Municipalities), Ercan Ayboğa (Initiative to Keep Hasankeyf Alive), Nicholas Hildyard (Corner House), Claude Weinber (Director of the Boell Foundation Regional Office Brussels) and Claude Rouam (head of the unit for the Director General on the Environment of the European Commission)

The planned dam achieved international infamy when it was first considered by European companies from 2000 and 2002 because of the serious economic, social, environmental and cultural concerns which ultimately led to the collapse of the business consortium in 2002. Now the Ilisu dam is back on the agenda. In late 2005 three European export credit agencies (ECAs), of Austria, Germany and Switzerland, received formal applications for export credit insurance from companies with contracts for the

planned dam. Their decision is still pending.

Non-governmental organisations in Turkey and Europe say that the project design of the Ilisu dam utterly fails to meet EU standards with regard to environment, human rights and cultural heritage and that various EU laws and policies, including the accession agreement between Turkey and the EU, are being violated.

A human rights 'break clause' within the Accession Agreement compels the Commission to suspend all negotiations. If invoked as a result of the Ilisu dam's failure to respect the human rights of those affected, member states that provide public finance to the dam through their ECAs would have to accept at least partial responsibility for the breakdown of accession negotiations.

Rouam stated that the project most probably fails to comply with EU and international standards on consultation, and falls short of international obligations regarding trans-boundary consultations on the use of water resources. He stated that although not yet bound by the standards of the EU *acquis communautaire*, Turkey will not receive any funding unless it can attain these standards.

## UK FCO response re: torture of human rights defender

The UK FCO's Turkey Team has responded to submissions made by KHRP concerning the welfare of human rights defender Ferhat Kaya, who has faced intimidation and harassment in Turkey as a result of his work to mitigate the impact of the controversial BTC pipeline. His

complaints concerning his ill-treatment are now pending before the European Court of Human Rights.

The FCO indicated that the British Embassy in Ankara had been following the case of Mr Kaya and had raised the issue with the Turkish authorities.

# BTC pipeline: 18 months late, \$1 billion overruns

BP has admitted that its flagship pipeline through Azerbaijan, Georgia and Turkey is facing cost overruns of \$1 billion - an astonishing 32 per cent over budget. However, it denies information - obtained by the Baku Ceyhan Campaign - revealing that it obscured delays to completion of the pipeline by filling the first tanker with oil previously pumped through a *different* pipeline and shipped in to Ceyhan.

The cost overruns were revealed at a BTC Company Board of Directors meeting in Baku on 13 April 2006. BP has described the additional cost overruns as "incidental". Whistleblowers and monitoring non-governmental organisations, including KHRP, lay the responsibility elsewhere: citing a mountain of construction failures, inappropriate use of materials and lack of environmental safeguards.

With such major delays and additional costs, BTC Co. partner companies are issuing conflicting statements over who is at fault for the widespread construction failures. The Azeri State Oil Fund blamed Turkish sub-contractor BOTAŞ for working slowly. BOTAŞ demanded an additional \$400 million payment, complaining of additional requirements imposed from above. BP attempted to down-play talk of construction failures, focusing instead on "extra safety testing".

However, statements from whistle-blowers working for BOTAŞ as early as 2004 indicated that BTC construction in Turkey was out of control, with consistent failures to implement minimum standards and no oversight by BP.



ABOVE: BP's Baku-Tbilisi-Ceyhan oil pipeline, photographed during a fact-finding mission to Turkey and Georgia, 2006

After numerous delays, BP and the BTC consortium scheduled the first tanker pick-up from Ceyhan terminal for May 2006. Natiq Aliev, Azerbaijan's Minister of Energy, stated that the first tanker to lift crude from the BTC pipeline would depart from Ceyhan on May 27 2006. However, BTC oil has not reached Ceyhan in time for the scheduled pick-up due to repeated delays, most likely caused by construction failures, inappropriate use of materials and lack of environmental safeguards.

BP decided in any case to go ahead with the 27 May launch, using oil previously shipped *in* to the Ceyhan terminal on tankers, unloaded and stored ready to be shipped *out* again.

## UPDATE ON LITIGATION AND ADVOCACY

### Another victory for freedom of expression in Turkey at the ECtHR

On 27 April, the European Court of Human Rights reached judgment on the KHRP-assisted case of nine members and sympathisers of HADEP (the People's Democracy Party) (*Varlı and Others v. Turkey*).

In 1996, the applicants wrote a declaration entitled "peace and fraternity" to focus public attention on the Kurdish problem in Turkey, citing verses from the Koran. The Turkish state prosecuted them for allegedly distribut-

ing propaganda against the state, inciting people to discriminate on the basis of race and belonging to a region, and claiming the existence of a Kurdish nation within Turkey.

The Court ruled that Turkey had breached the applicants' right to fair trial and the right to freedom of expression, violating Articles 6 and 10 of the European Convention on Human Rights.

### New torture & ill-treatment case against Turkey declared admissible at the ECtHR

The ECtHR declared admissible the case of *Ercan Ayaz* on 21 March 2006, concerning allegations of violations of the prohibition of torture and ill-treatment and the right to an effective remedy (Articles 3 and 13 of the European Convention on Human Rights).

The applicant brought the case after he was arrested at Atatürk Airport in Istanbul en route to Iraq. After his arrest, he was moved to the anti-terrorism section of the security

directorate of Gayrettepe where he was sustained several serious injuries and was threatened and insulted. He was then released and later went to the local office of the Human Rights Foundation in Istanbul to complain about his ill-treatment. The applicant commenced domestic proceedings against the police officers involved. However, the Administrative Court of Istanbul handed down a decision of non-prosecution against the police officers.



# Strasbourg condemns torture in Turkey

On 11 April 2006, the ECtHR reached judgment in the KHRP case of *Uçar v. Turkey*. The case was brought by Seydo Uçar after his son Cemal was abducted and detained in October and November 1999. Cemal was tortured in detention sustaining several injuries; he was also forced to sign a statement that he was involved in terrorist activities in the city of Diyarbakir in Southeast Turkey, which he later vigorously denied in court.

He was transferred to Diyarbakir E-type prison, where he died on 24 November 1999. An investigation found that Cemal had committed suicide.

KHRP brought a case on

behalf of Seydo Uçar complaining of violations of the right to life, liberty and security, a fair trial, respect for private and family life, to an effective remedy and of the prohibitions of torture and ill-treatment and discrimination (Articles 2, 3, 5, 6, 8, 13 and 14). The Court upheld the complaints of violations of the right to life, to liberty and security, to respect for private and family life and the right to an effective remedy in respect of the applicant's own suffering, restrictions on family contact, length of the detention of the applicant's son in police custody and to the failure to respect the right to compensation in domestic courts.

## Mass killing in Kars: seventeen dead following demonstration

Kurdish Human Rights Project has submitted a new case to the European Court of Human Rights concerning the killing and injuring of seventeen men by security forces during a demonstration in Digor, in the province of Kars, in 1993.

The demonstration was intended to be peaceful and non-violent, urging support for the recognition of Kurds' democratic rights. Demonstrators included

women and children and travelled by foot or by car or tractor. As the procession approached the centre of Kars, Turkish Special Forces opened fire, killing seventeen and injuring at least 163 people. The bodies of some of those shot were later dragged behind armoured panzer vehicles.

The case raises issues concerning Articles 2, 3, 6, 10, 11, 13 and 14 of the Convention.

## Council of Europe hearing discusses Kurdish culture

The Parliamentary Assembly of the Council of Europe's Committee on Culture, Science and Education has delivered its first report on the cultural situation of the Kurds.

The committee is made up of representatives from Council of Europe member states and the rapporteur is Lord Russell-Johnston of the Alliance of Liberals and Democrats for Europe who carried out a study visit to Turkey in June 2004 and participated in conference on the Kurds held in Brussels later that same year. In January 2006 a Council of Europe hearing recorded statements from representatives of Kurdish organisations and individuals from Iraq, Iran, Syria and the diaspora. KHRP public relations officer Rochelle Harris delivered a submission concerning Kurdish culture in the UK.

In April 2006, a draft report was presented and the Turkish members of the Committee were asked to comment on it. The final report was published on 7 July 2006.

The report aims to highlight the cultural situation of the Kurds, recognising them as one of the largest "stateless nations" in the

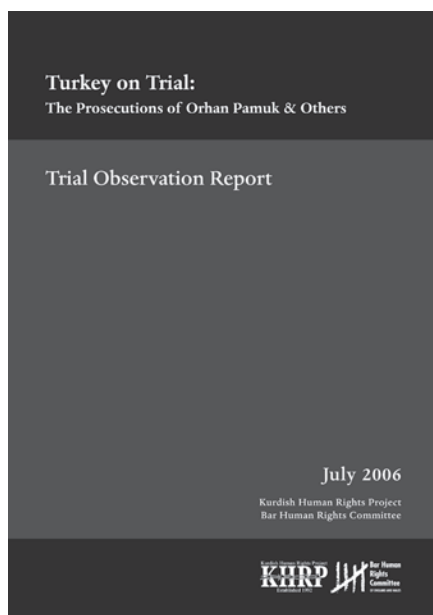
world and praises cultural and linguistic diversity for enriching and reinforcing European heritage and identity.

The Assembly recommends, *inter alia*, that the competent Turkish authorities take measures to ensure the protection of the main Kurdish languages by signing, ratifying and implementing the European Charter for Regional and Minority languages with reference to the Kurdish language spoken in Turkey; to ensure the possibility of education in the mother tongue, in addition to the official language, in particular through teacher training; and to inform Kurdish parents of the different linguistic possibilities and issue instructions on how to apply for what is available. It also urges the governments of Iran, Iraq and Syria to acknowledge that Kurdish language and culture are part of the heritage of their own country, that they are richness worth being preserved and not a threat to be combated and asks them to take the necessary measures in the light of the present resolution, and in particular in the field of language.

## UN Special Rapporteur on Violence Against Women visits Turkey

The UN Special Rapporteur on violence against women, Ms. Yakin Ertürk, conducted an official mission to Turkey from 22 to 29 May 2006 in her capacity as Special Rapporteur and at the invitation of the Turkish government. Her visit focused on the issue of suicides of women and girls

in south-eastern Turkey, especially in Batman, Van and Urfa, and the root causes. In the course of her mission, Ms Ertürk consulted with national and local authorities and civil society in Ankara, Batman, Van and Urfa and with KHRP. Her preliminary findings have been made public.



## Turkey on Trial: The Prosecutions of Orhan Pamuk & Other Writers – Trial Observation Report

The Turkish government continues to deny the extent of the human rights violations and genocide committed against Kurds and Armenians in Turkey during the twentieth century. The renowned Turkish novelist Orhan Pamuk referred to this in a media interview in Switzerland in February 2005. His comments attracted the attention of a Turkish prosecutor, who brought an indictment against Pamuk for 'publicly insulting Turkish national identity' under Article 301 of the Turkish Penal Code. The prosecution became a flashpoint of concern over Turkey's protection of freedom of expression, and a litmus test for its suitability for accession to the EU.

KHRP and the BHRC sent a mission to observe his trial and to interview others facing similar charges. Charges against Pamuk were subsequently dropped, but the question remains: why was the prosecution originally brought? And what will happen/ has happened to other lesser-known writers, editors, publishers and journalists facing similar prosecutions in Turkey?

*KHRP & BHRC: 2006 – Publication available for 10 GBP from [khrp@khrp.org](mailto:khrp@khrp.org) or +44 (0) 2074053835 or to download at [www.khrp.org](http://www.khrp.org)*

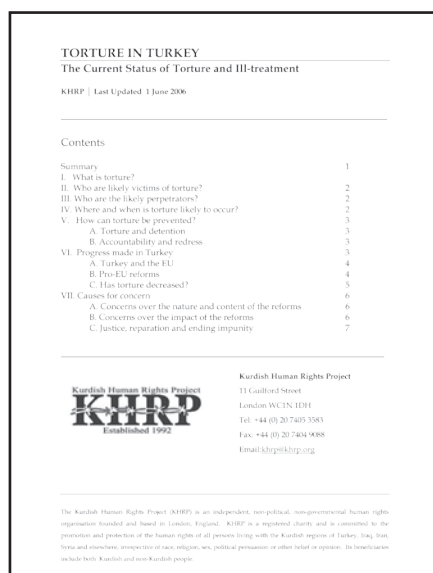
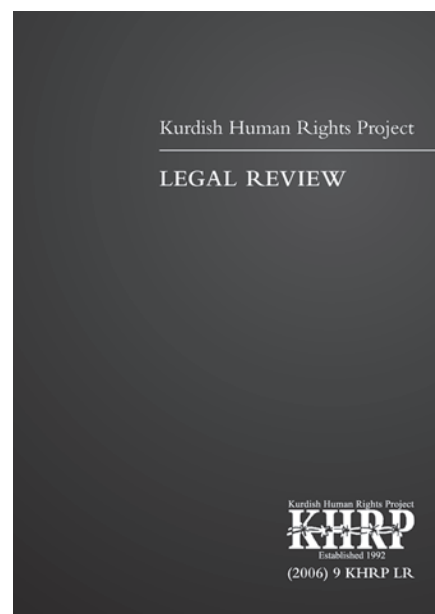
## KHRP Legal Review 9 (2006)

This is the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, this edition covers the period from January to June 2006, including summaries and analysis of the most significant decisions of the ECtHR.

Uniquely, this journal covers new cases that have not yet reached any judicial decision, but nonetheless provide invaluable updates of the most recent allegations of human rights violations to be submitted to international courts and mechanisms.

This edition features news and updates on all the Kurdish regions, as well as three newly communicated cases, seven admissibility decisions and 38 judgments of the ECtHR and the UN. The journal is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan.

*ISSN 1748-0639 £8.00+ £2.00 (P+P) or available [www.khrp.org](http://www.khrp.org)  
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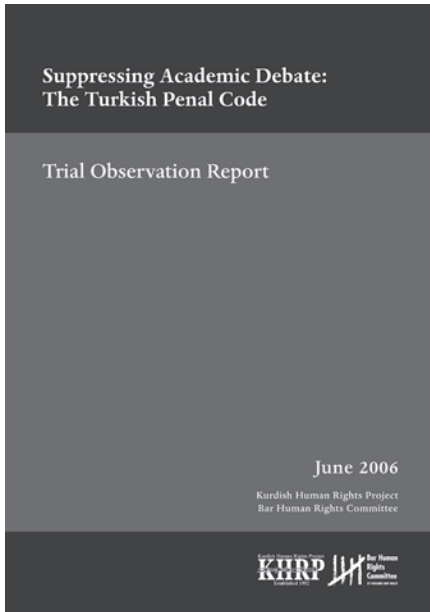
## Briefing Paper: Torture in Turkey

Turkey's efforts to align its legislation and policy with EU standards have been positive, yet implementation on the ground has been uneven. An area of particular concern is the continuing practice of torture or ill-treatment. Perpetrators are usually law enforcement officials, gendarmerie and security forces and in recent years there has been a marked increase in more sophisticated torture methods that do not leave visible marks and ill-treatment outside of places of detention.

This report addresses the issue of torture and ill-treatment of individuals in detention and police custody in Turkey, and the most effective means of prevention.

*Available freely from [khrp@khrp.org](mailto:khrp@khrp.org) or +44 (0) 2074053835*





## Suppressing Academic Debate: The Turkish Penal Code – Trial Observation Report

The indictment of two professors following their observations in a government-sponsored report on human rights highlights the ongoing censorship faced by academics in Turkey today, according to the findings of a trial observation delegation by KHRP and the Bar Human Rights Committee of England and Wales. The court later ruled that the authors were not guilty of ‘inciting hatred and enmity’ when they said Turkey should grant more rights to Kurds and other minorities. The report examines Turkey’s record of protecting the right to a fair trial in this case; together with the censorship of non-violence opinions also experienced by dozens of others journalists, publishers, writers and artists. The report concludes that Turkey is in breach of several international human rights obligations.

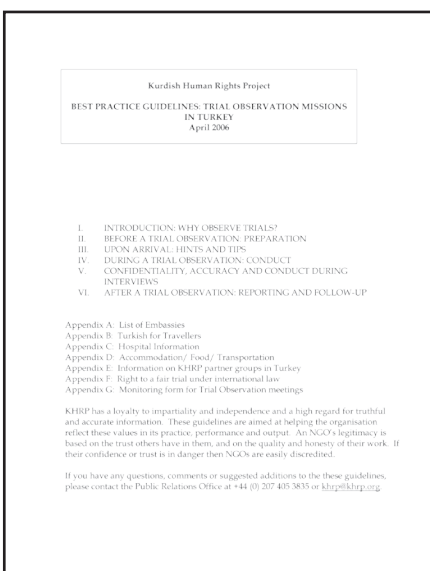
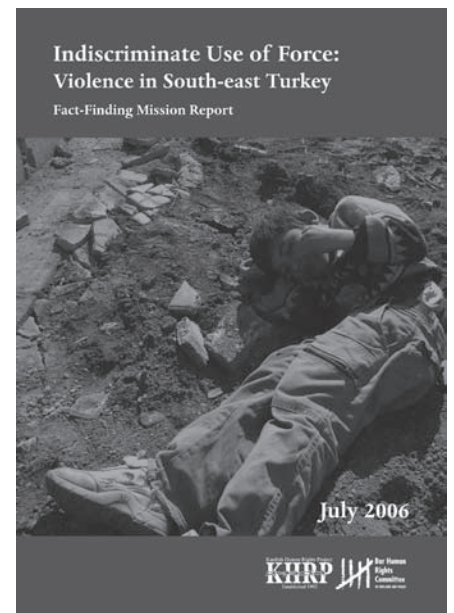
Publication available for 10 GBP from [khrg@khrg.org](mailto:khrg@khrg.org) or +44 (0) 2074053835  
ISBN 1 900175975

## Indiscriminate Use of Force: Violence in South-east Turkey

On 24 March 2006, fourteen Kurdistan Workers’ Party (PKK) guerrillas were killed in the mountains outside Diyarbakir by the Turkish army. Thousands of people attended the funerals. Although they passed peacefully, some funeral goers threw stones and rocks when passing a police station. The police responded with tear gas, water cannons, batons and firearms, apparently indiscriminately. The security thereafter deteriorated and Special Forces were deployed. The violence rapidly spread to other Kurdish cities; many were killed, including children, and hundreds more were injured. Three people were killed when a bomb was thrown at a bus in Istanbul in protest at the violence in the Southeast. Between 400 and 600 people were detained, many of them illegally, many of them children or juveniles, facing a real risk of torture or inhuman treatment.

KHRP mission members, Michael Ivers and Brenda Campbell, visited the region between 19 and 24 April in order to monitor and document the situation on the ground. They spoke with witnesses of the violence and local human rights organisations. This report documents the mission’s findings.

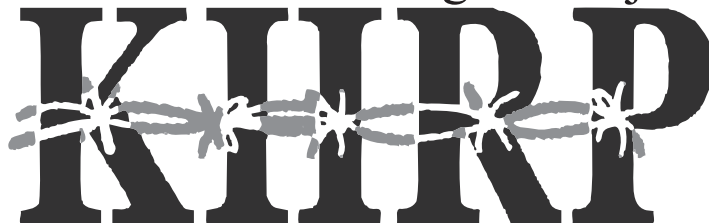
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ISBN 1 900175983



## Best Practice Guidelines on Training, Fact-Finding and Delivering Training

KHRP makes itself accountable to stakeholders by publishing information about its methodologies and procedures and inviting feedback. Its best practice guidelines on trial observations, undertaking fact-finding missions and delivering training are available by contacting KHRP at +44 (0) 2074053835 or [khrg@khrg.org](mailto:khrg@khrg.org).

# Kurdish Human Rights Project



Established 1992

## Project Information

### THE ORGANISATION

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

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

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

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

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

### Aims

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

### Methods

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

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KHRP  
Kurdish Human Rights Project (KHRP)  
11 Guilford Street  
London WC1N 1DH  
Tel: +44 (0)207 405-3835  
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## Calendar of Events

10 to 28 July	Human Rights Committee (HRC), 87th session, Geneva
13 July	Official Opening of the BTC Pipeline
24 to 28 July	Working Group on Enforced or Involuntary Disappearances, 79th session, Geneva
31 July to 18 August	Committee on the Elimination of Racial Discrimination (CERD), 69th session, Geneva
7 to 25 August	Committee on the Elimination of Discrimination Against Women (CEDAW), 36th session, New York
3 to 8 August	Sixth Biennial Conference on Iranian Studies, SOAS, London
21 to 27 August	World Water Week