

# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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15TH ANNIVERSARY ISSUE

## KHRP Conducts Fact-finding Mission in Border Regions

In November 2007, KHRP sent a fact-finding mission to Kurdistan, Iraq to conduct research on the recent human rights developments in the region and to follow up on the findings from the KHRP mission carried out in January 2007. The mission consisted of KHRP's Executive Director Kerim Yildiz, Legal Officer Catriona Vine, Research Intern Johanna Nykänen, and Tanyel Taysi, who is currently lecturing at the University of Kurdistan-Hewler.

During the 6-day trip, of which one day was committed to NGO training in Sulemanya, the mission delegates travelled extensively around the Kurdistan region meeting with a large number of organizations and individuals. Among them were representatives of the two ruling parties, Patriotic Union of Kurdistan (PUK) and Kurdistan



Johanna Nykanen and Kerim Yildiz in Sersenk district together with the local Mayor. The district was recently affected by Turkish bombardment.

Democratic Party (KDP), intellectuals, lawyers and human rights activists.

The mission also met with villagers of the Sersenk dis-

trict in the border regions who have suffered bombardment by both Turkey and Iran during the past months' tensions.

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## EUTCC Once Again Provides Space for Dialogue at Fourth International Conference on the EU, Turkey and the Kurds

The Fourth International Conference on the EU, Turkey and the Kurds was held on the 3rd and 4th December in the European Parliament, Brussels.

Opening remarks were made by the EUTCC (EU-Turkey Civic Commission) Board Director Ms. Kariane Westrheim and KHRP Executive Director Mr. Kerim Yildiz. The opening

speeches were made by the 1994 Rafto Prize winner Ms. Leyla Zana, Ms. Bianca Jagger, EUTCC Patron and Mr. Francis Wurtz, MEP.

The two-day conference brought together NGOs, politicians, academics and activists from Europe, Turkey, the Kurdish regions and beyond, seeking to openly address the many outstanding ques-

tions surrounding democratisation, conflict resolution, reform and human rights in Turkey and their relevance to the EU-Turkey accession process. The current context of a grave deterioration in the reform and accession process, and the growing risk of internationalisation of the conflict in south-east Turkey, added to

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### Director's Letter



Dear Friends,

As 2007 draws to a close, KHRP can look back not only on a very successful year, but on a decade and a half of tireless work for human rights in the Kurdish regions and beyond. December 2007 sees KHRP turn fifteen and on 12 December we began the first in a series of anniversary celebrations with an exhibition of photographs of Kurdistan from our upcoming anniversary photo book at the Delfina Foundation in London.

Over the past decade and a half the organisation has gone from strength to strength and has made an enormous impact both on the human rights situation in the Kurdish regions and on the continued development of an international human rights culture. Back in 1992 we began as a project working on the use of litigation at the European Court of Human Rights in order to bring Turkey to account for the widespread abuse of human rights there, particularly in the Kurdish regions. From our humble beginnings we have grown into a truly groundbreaking organisation, renowned not only for the success of our litigation programme, but for our regional training, expert analysis and the publication of leading fact-

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**KHRP Conducts Fact-finding Mission in Border Regions**

KHRP is extremely concerned about Turkey and Iran's increasingly aggressive troop build-up on the frontier with Kurdistan, Iraq, particularly following October's motion in the Turkish parliament authorising cross-border operations. The recent bombardments on civilian-inhabited areas have caused serious disruption for local people, including destruction of property, livestock, arable land and woodland. The psychological

effects of such bombardments, particularly on children, are enduring and extremely worrying.

The mission learned that some improvements in the domestic human rights situation have taken place but that many issues are still in need of serious attention. The mission investigated the ongoing practice of unlawful imprisonments and the treatment of detainees and observed that despite some progress, the situation remains acute. Violence against women continues to be among the gravest of human rights violations in the region and as the

mission learned, there is an urgent need to find effective ways to deal with the problem. KHRP is greatly concerned about the enduring practice of honour crimes in Kurdistan. The mission members noted that some, albeit by no means adequate, efforts have been made to tackle the issue.

Freedom of expression, conduct of local NGOs and the operation of legal bodies were also examined. An extensive report on the mission will be published early next year. The report will include information and the analysis from the mis-

sion along with recommendations for the improvement of the human rights situation in Kurdistan, Iraq.

KHRP is very pleased with the outcome of the fact-finding mission and will be working closely with its partners in order to act on the information gathered. KHRP is also delighted to have further cultivated links with local bodies and individuals in the region and is looking forward to working together and fostering cooperation in the future.

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*For a selection of photographs taken during the mission, please turn to page 11.*

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**Director's Letter**

finding and research reports on key human rights developments.

When KHRP started back in 1992 the situation in the Kurdish regions was bleak, characterised by discrimination, violence, oppression, displacement and extrajudicial killings. The work of KHRP has directly contributed to changing this. Thanks to our work detention periods throughout Turkey have been reduced, and with them, the likelihood of torture and ill treatment. Rape is now recognised as a form of torture across all 46 member states of the Council of Europe, while death penalty has become widely recognised as having no legitimate place in modern democratic states. The improved situation in the region today does not bear comparison to those 'dark years'. However, as the events of 2007 demonstrate, the full protection of human rights for all those living in the Kurdish regions is far from being achieved, with the risk of worsening conflict in the region still all too real.

Over the past number of months the most visible issue affecting the Kurdish regions is the enormous increase in tension on the Turkish-Iraqi border, particularly following the Turkish parliament's approval of cross-border military operations in October. KHRP has been closely following developments in this crisis and has consistently voiced its criticism of the militaristic approach of Turkey, Syria and Iran, underlining as it does their lack of interest in the causes behind conflict in the region, and their hostility to Kurdish autonomy in

the north of Iraq. The outbreak of full-scale hostilities in the region would be disastrous for Turkey, Iran, Syria and their neighbours, and would do nothing to bring an end to the conflict between them and Kurdish armed groups.

Indeed, though full-scale conflict has thus far been averted, the ongoing bombardment of villages and countryside across the border by Turkish and Iranian shells has already taken a great toll. In November KHRP saw this first-hand when it conducted a fact-finding mission to the Sersenk district of Kurdistan, Iraq and met with Kurdish and Chaldean villagers whose farms, homes and livestock had been destroyed by Turkish shelling. We also travelled to areas affected by Iranian shelling. Given the success that the Kurdistan Regional Government has had in creating relative stability it would be an appalling step backwards for the region as a whole were a full scale incursion to cause a new mass exodus, further adding to Iraq's crippling internal displacement problem.

The situation in Syria's Kurdish regions also remains tense. In November protests in the town of Qamishli related to Syria's approval of Turkish military operations in Kurdistan, Iraq, turned violent when the Syrian security forces intervened with truncheons, tear-gas and live ammunition. Meanwhile in Turkey, as our recent fact-finding missions have reported, the reform process has slowed to a halt, with a marked regression in media freedom and no progress in the area of cultural and language rights. The continuing obstacles faced by the Kurds of Syria and Turkey

demonstrate that there is much left to do to ensure full human rights in the Kurdish regions.

Despite recent tensions KHRP's work in the regions has been ongoing over the autumn and winter. Along with the above-mentioned fact-finding mission to the region, KHRP has conducted several important training sessions in the Kurdish cities of Van, Şirnak and Sulemanya on topics ranging from taking cases to the European Court of Human Rights and the UN, to the establishment and development of successful NGOs. These training sessions are central to KHRP's aim of supporting human rights practitioners in the regions in forging a real human rights culture.

Throughout the year we have continued to submit new cases to the European Court of Human Rights. We have also been working extensively on cases pending before the Court, most recently taking applicant statements in Baku, Azerbaijan.

Over the past months KHRP has once again served as an essential source of objective and expert analysis for print, radio, television and online media during the border crisis, appearing in the Financial Times, on BBC radio and on al-Jazeera. Our media presence was coupled with our production of quality research publications in both printed and online form. Throughout October and November KHRP published the findings of our summer fact-finding mission on the media in Turkey, our summer trial observations concerning the murder of Hrant Dink and the Şemdinli bombing, our research on internal displacement in Turkey, and

the proceedings of last year's International Conference on the EU, Turkey and the Kurds. December 2007 sees the publication of the twelfth issue of KHRP's Legal Review, which continues to provide unique analysis of human rights-related legislative and policy developments in the Kurdish regions and in Europe. Further, with the launch of our brand new website and online shop in October, the work of KHRP has been more visible than ever.

The year ended with KHRP co-organising the EUTCC's Fourth International Conference on the EU, Turkey and the Kurds, which once again provided a much-needed space for dialogue and debate on how to solve the ongoing conflict in the Kurdish regions, and the central importance of this to Turkey's EU accession bid. Hopefully 2008 will see an easing of tension in the region and the creation of real space within Turkey itself for such important dialogue. Kurdish Human Rights Project will work as hard as ever to make this a reality.

As KHRP enters its sixteenth year of operations much has changed since our establishment, yet much remains the same. Our work is more relevant than ever and we will continue tirelessly to promote justice, equality and the rule of law in the Kurdish regions. KHRP's decade and a half of success would not have been possible without the dedicated backing of our many supporters, funders and volunteers. As we enter 2008 I would like to extend to them all our heartfelt thanks. I wish you all a prosperous New Year.

Kerim Yildiz  
Executive Director.

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**EUTCC Once Again Provides  
Space for Dialogue ...**

the importance and urgency of this year's discussions and deliberations.

Speakers represented a wide range of opinion and approach to the obstacles facing Turkish accession to the EU, which led to lively debate and discussion. There were several points of contention amongst both audience members and speakers. While it was generally agreed that the accession process is a vital element of the Turkish democratisation process, opinions differed as to who should be party to future moves towards a resolution of the Kurdish issue.

Kerim Yildiz praised the quality and depth of discussion stating that "the range of views offered and the willingness of people to listen demonstrates the clear desire for the development of democratic platforms within Turkey promoting genuine dialogue on the Kurdish issue and its impact on EU accession". EUTCC Chair Kariane Westrheim similarly praised the openness of the debate stating "this is precisely what is needed when addressing the often fraught



*Kerim Yildiz with Mr Akın Birdal MP (DTP)*

issues of human rights and ongoing conflict in Turkey. Inevitably views will differ on such important topics. What is vital, however, is to provide the space in which all views can

be expressed and debated. The EUTCC is delighted that this week's conference once again provided such a space. It is essential for EU accession, democratisation and the reso-

lution of the Kurdish question that a similar space for debate, discussion and engagement is promoted within Turkey, and that the EU lends its full support to Turkey in this regard."

The final resolutions of the conference have been compiled and finalised by the EUTCC Board and are available on the EUTCC website ([www.eutcc.org](http://www.eutcc.org)). They will also be disseminated on MESOP news service. For a selection of photographs of the conference, please turn to page 10.

The EU- Turkey Civic Commission (EUTCC) was established in November 2004 as the outcome of the First International Conference on the EU, Turkey and the Kurds, held in the European Parliament in Brussels on 22-23 November 2004 and jointly organised by the Bar Human Rights Committee of England and Wales (UK); the Kurdish Human Rights Project (UK); medico international (Germany); and the Rafto Foundation (Norway). The EUTCC aims to both promote and provide suggestions for Turkey's bid for EU accession, and to help guarantee respect for human and minority rights and a peaceful, democratic and long-term solution to the Kurdish situation.

## **Tensions Escalate Over Clashes at the Turkey-Iraq border**

Following an incident in Hakkari province in October in which 12 Turkish soldiers were killed, the Turkish parliament approved a motion authorising the military to fight the PKK across the border in Iraq.

Although incursions across the border have become commonplace in recent years, this bill brought the issue to the attention of the international press, and was condemned by foreign governments, in particular the US.

Dozens of Turkish soldiers have died since October in clashes, and eight were taken hostage, before being released in early November. Under widespread pressure from the country to respond, the government decided to

allow the army to launch raids and shell PKK bases across the border. This bill was accompanied by a marked increase in political rhetoric, with senior figures threatening a full-scale invasion of Kurdistan, Iraq in order to flush out the PKK.

Seeking to avert conflict, an Iraqi delegation travelled to Ankara 26 October. The delegation pledged to close down PKK offices in Iraq. However officials in Ankara further demanded that a list of Kurds be extradited to Turkey.

Alarm was expressed by the US that the situation could potentially spark a wider conflict with the Kurdistan Regional Government (KRG) and destabilize the wider region. Diplomatic measures were

employed in an effort to defuse the conflict. During a visit to Turkey in early November, Condoleezza Rice sought to dissuade a large-scale invasion of Iraq with a package of conciliatory measures. US President George Bush agreed to share intelligence with Turkey in support of actions against the PKK.

On 28 November the Turkish military issued a statement declaring that a military unit had conducted its first attack on PKK members in Kurdistan, Iraq. The military claimed that it had fired on a group of 50 to 60 PKK members inside Iraqi territory, inflicting significant losses. However, Jamal Abdulla, spokesman of KRG President Massoud Barzani,

denied that there had been an incursion by Turkish troops into Kurdistan. Having initially denied the attack the PKK confirmed a bombardment of their bases inside Iraq by Turkey, but claimed that no casualties had been inflicted. In a November fact-finding mission to the region, KHRP witnessed the damage shelling had caused to civilian homes and farmland, and the enormous disruption and trauma it has caused.

Kurdish officials in Iraq continue to voice suspicions that the current escalation of tensions is no more than a pretext for sabre-rattling due to Turkish fears of a strong Kurdish autonomous region on its borders.

# Kurdistan through the Photographers' Lens: KHRP to Launch 15th Anniversary Photo Book

In order to mark the anniversary of 15 years of operations in December 2007, Kurdish Human Rights Project has been working on a photographic book and exhibition.

The book, entitled *Beyond the Art of Resistance: the Kurds & Kurdistan through the Photographers' Lens*, includes the work of ten internationally renowned contemporary photographers who have worked in the Kurdish regions of Turkey, Iran, Iraq, Syria and Armenia, and whose careers span the last thirty years.

Some of these contributors, such as Ed Kashi, Susan Meiselas and Tom Carrigan, were already familiar with KHRP and have been involved in the work of the organisation since its inception.

Many others were approached by the organisation with the aim of gathering together the work of people who for their own different reasons ended up working in such a difficult area of the world. This ranges from photojournalists who covered the war and exodus crises of the 1980s and 1990s to independent photographers who wanted to travel the mountains and meet the people of Kurdistan, discovering the inner beauty of the country.

Zbigniew Kosci, for instance, a Polish photographer based in Amsterdam, visited Kurdistan to collect a representative photographic portrait of the everyday life of the region's people. The dignity of a people often depends on the image given of them. Kurds from all over the world are grateful to him for his work as it shows that "...there is somebody out there that hasn't forgotten Kurdistan. So thanks from the bottom of my heart." (Words of a Kurdish viewer of his work.)

One of the reasons KHRP was so keen on this project was the chance it offered to acknowledge the work of photographers as witnesses of a



ABOVE: 'Wee Boy', Photograph by Tom Carrigan, Zacho, Kurdistan, 1991.

RIGHT: KHRP Chair Mark Muller with Delfina Entrecanales of the Delfina Foundation.

country which is often beyond people's eyes or imagination. Photographers continually make an enormous contribution to the memory of a people who have been struggling for the survival of their identity. The images in the book aim to give a wide overview of their experiences, from war to peace and from suffering to splendour.

This book represents a marriage of art and human rights testimony. For this reason the KHRP photo book project has found an ideal partner in the Delfina Foundation, an independent non-po-

litical organisation promoting cultural exchange between the UK and the Middle East. The Foundation will publish the book along with Trolley Press Ltd.

A pre-launch event for the book was held at the Delfina Foundation on 12 December 2007, at which some of the photographs were exhibited and where sale pledges were accepted. The book will be launched at the beginning of 2008, at which stage KHRP will have entered into its 16th year of operations. KHRP would like to express its gratitude to all the contributors,



especially the photographers, whose donations made this project possible. KHRP would also like to thank Ingrid Tamborin for her work coordinating the project

Pre-order your copy today by sending an email to Anna Irvin at [airvin@khrp.org](mailto:airvin@khrp.org)

# Arat Dink sentenced under article 301

Arat Dink, editor of the Istanbul-based Armenian-Turkish Agos newspaper and son of the paper's assassinated former editor Hrant Dink, was sentenced under article 301 on 17 October. Serkis Seropyan, the paper's owner, was also sentenced under the same article. Both men received a one-year suspended sentence for 'denigrating Turkishness' by reprinting an interview with Hrant Dink, where he recognized the Armenian

Genocide. Arat Dink said "the most absurd and dangerous [thing] is the fact that describing a historical event as 'genocide' is perceived as insulting Turkishness".

The court stated that the Turkish Constitution and the European Court of Human Rights (ECtHR) allow limitation of freedom of expression to "protect national security, territorial unity or public safety, guarantee the law and prevent crimes." It thus concluded that

the accusation of genocide "aimed at destroying the Turkish public order". Pro-Kurdish news agency Bianet highlighted that other newspapers at the time, such as Cumhuriyet, also quoted Hrant Dink's article but have not faced the same charges.

The controversial article 301 of the Turkish Penal code has been used to stifle freedom of expression in Turkey, and has particularly been used to punish intellectuals who ex-

press views of Turkish history and identity which differ from government or nationalist accounts. It has also led to the targeting of academics, writers and journalists by extremist nationalist groups. Hrant Dink was sentenced under article 301 in 2005 and was murdered last January while under investigation. It is widely suggested that his conviction for 'denigrating Turkishness' was a central factor behind his assassination.

## ECtHR Hears Case on Turkish Election Threshold

The case of Yumak and Sadak v. Turkey began being heard on 21 November by the Grand Chamber of the European Court of Human Rights.

In the parliamentary elections of 3 November 2002 the applicants stood as candidates for the political party DEHAP (Democratic People's Party) in the province of Şırnak. As a result of the ballot, DEHAP obtained approximately 45.95 per cent in the province, however their party did not secure 10 per cent of the national vote. The applicants were not elected, in accordance with Turkish electoral law, which states a party must obtain at least 10

per cent of the national vote in parliamentary elections in order to win seats in the National Assembly. Consequently, of the three parliamentary seats allotted to Şırnak province, two were filled by the AKP (Justice and Development Party), which obtained just 14.05 per cent of the provincial vote and the third by an independent candidate who obtained 9.69 per cent of the vote. Relying on Article 3 of Protocol No. 1 to the European Convention on Human Rights (right to free elections), the applicants submitted that setting a threshold of 10 per cent of the vote in parliamentary elections interfered with

the free expression of the opinion of the people in their choice of the legislature.

In a judgment of 30 January 2007 the European Court of Human Rights held by 5 votes to 2 that there had been no violation of Article 3 of Protocol No. 1. However, it also noted that it would be desirable for the threshold to be lowered in order to ensure optimal representation, while preserving the objective of achieving stable parliamentary majorities. The case was referred to the Grand Chamber at the applicants' request.

The nearest comparable European electoral thresholds are Poland's Sejm and

Germany's Bundestag at 5 per cent, both also considered to be relatively high. Many countries use proportional representation systems without any threshold, such as Portugal, Finland, the Netherlands, and Ireland. The Turkish threshold is therefore by far the highest in Council of Europe and serves to deny small parties and their supporters the right of representation. In this summer's elections Kurdish candidates stood as independents in order to circumvent the threshold, thus achieving seats in parliament for the first time in over a decade.

## KHRP Mourns the Death of its Dedicated Supporter and Patron Mehmed Uzun

Kurdish Human Rights Project was extremely saddened to learn of the death on 11 October in Diyarbakir of Kurdish writer and cultural figure Mehmed Uzun after a long battle with cancer.

A prolific writer and linguist of the Kurdish language, Uzun lived in exile in Sweden from 1977, where he led successful literary career. He was the writer of Turkey's first modern Kurdish novel, Tu (You, 1985) and edited the first anthology of Kurdish literature which



Mehmed Uzun 1953-2007

included over one hundred writers and poets from across the Kurdish regions. Over the years his work has faced censorship and restrictions in Turkey, but has been lauded internationally and translated into over 20 languages.

Uzun was an outspoken

advocate of Kurdish cultural and linguistic rights and worked tirelessly for the protection, promotion and revival of the Kurdish language both in literature and daily life. Through his work he also became a staunch defender of freedom of expression and was the recipient of numerous awards for his work, including the prestigious Swedish Torgny Segerstedt Freedom of the Pen Award.

On the receipt of the sad news, KHRP Executive Director

Kerim Yildiz stated: "Mehmed Uzun was a close friend and supporter of KHRP and was an honoured member of our board of patrons. The beauty, sincerity and integrity of his work created a democratic and peaceful platform for the assertion and promotion of Kurdish rights. His death is a great loss to us here at KHRP and to all those who struggle for the defence of freedom of expression and cultural-linguistic rights. Mehmed will be sadly missed."

# Iranian Supreme Court Upholds the Death Sentence against Adnan Hassanpour

The Iranian Supreme Court on 23 October upheld the death sentence against Adnan Hassanpour. The death sentence against Hiwa Butimar was overturned the same day because of 'irregularities of procedure'.

Mr. Hassanpour's lawyer Salah Nikhbakht was informed of the Supreme Court's verdict on 5 November. So far there is no information on the date of implementation of the sentence.

Adnan Hassanpour and Hiwa Butimar are Kurdish journalists and activists who were detained in January 2007. They were both sentenced to death by the Revolutionary Court in Mariwan on 17 July. They were initially charged with "acts against national security, spying for western countries and enmity against God".

The two men have been held in a detention centre in Mariwan since their arrest. Despite international pressure and complaints from various sources that the cases against them were severely flawed, the Iranian authorities have so far refused to reduce the sentences or remove charges. Adnan and Hiwa have staged a vocal protest since their arrest. They have held hunger strikes, and led protests in-



*Hiwa Butimar*



*Adnan Hassanpour*

side their detention centre in Mariwan. The Iranian authorities were eventually pushed into allowing a lawyer and a family visit for the men, after they held a hunger strike for 50 days, in which their health was reported to have gravely deteriorated.

The verdict from the Iranian Supreme Court came out just days after an Italian journalistic prize, the 'freedom of media award', was dedicated to the men. The award was presented to their families on 30 November in a ceremony held by the Siena city council in the province of Tuscany. Contrary to the regime's claim, the Italian award commission believes that both Butimar and Hassanpour were arrested in connection with their

journalistic activities.

Stefano Marchi the representative of the award commission said to the Persian radio station Farda "we chose two Kurds for this award because we are against the death sentence. Particularly we are against the death sentence for people who are executed for freedom of expression and freedom of thinking".

He further explained "we are concerned about what is going on in Iran; Iran is the biggest prison for journalists. It seems that persecution of journalists and press had become a prime focus for the Iranian regime. By selecting these two journalists from Iranian Kurdistan we are hoping to express our concern over

this issue, and express our solidarity with the two Kurdish detainees".

The Iranian government has been put under pressure, and been subjected to wide international criticisms over the detention and death sentences against Butimar and Hassanpour. On 30 July KHRP sent an urgent appeal to the UN on behalf of the two men. Further pressure to overturn the verdict came from both Amnesty International and Human Rights Watch.

The UN has yet to issue a declaration or appeal for the Kurdish journalists, despite the fact that Iran's treatment of them violates the International Covenant on Civil and Political Rights (ICCPR), to which Iran is a state party. Article 6(2) of the ICCPR states "in countries which have not abolished the death penalty, sentences to death may be imposed only for the most serious crimes."

The UN Human Rights Committee, an independent body that reviews states' implementation of this treaty stated "the Committee is of the opinion that the expression 'most serious crimes' must be read restrictively to mean that the death penalty should be a quite exceptional measure."

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## Uncertainty Surrounds Kirkuk Referendum

Under Article 140 of the Iraqi constitution a referendum must be held by the end of the year to decide whether Kirkuk should fall under the jurisdiction of the Kurdistan Regional Government. The referendum is a highly controversial issue in Iraq due both to Kirkuk's oil wealth, and the diversity of its population. Kirkuk is not solely the home of Kurds, but also home

to Turkmen, Arabs and Chaldean Christian communities.

However, before the referendum can proceed, the constitution provides that a census must be conducted, and a process of normalization must have been initiated.

Normalisation entails the compensation of Arab settlers who, under Saddam Hussein's Arabisation policy of the 1970s and 1980s, were

settled in Kirkuk; replacing the many thousand expelled Turkmen and Kurds.

On 2 December John Negroponte, US Deputy Secretary of State, stated after talks with Iraqi leaders, that "clearly it's not going to be possible between now and the end of this year to mount a referendum". Negroponte expects that efforts "to get a process going forward that

deals with Article 140 of the constitution and of course the issue of Kirkuk" will begin in the new year.

The issue has implications for neighbouring countries with Kurdish populations, who increasingly appear threatened and defensive at the growing autonomy of the Kurdistan Regional Government.



Serpil Taşkan receiving her KHRP Fellowship Certificate

## KHRP Bids Farewell to its International Fellow

KHRP recently said farewell to its International Fellowship Program participant, Serpil Taşkan. Serpil, a Kurd from Ankara, provided invaluable support to KHRP's work, bringing us her local knowledge and understanding of the situation in Turkey and the Kurdish regions, during her four month stay. Her role at KHRP was to research, advise and report on specific issues of human rights in the Kurdish regions, while gaining experience of working in a London-based NGO. Serpil was also involved in much-valued translations and various other projects, including preparation for an Internally Displaced Persons round-table discussion attended by KHRP in Van.

She concluded her time at KHRP on 14 November with a moving presentation on the work that she had undertaken and her feelings and experiences of her time at KHRP. She explained that the tolerance she experienced in London was refreshing and she described her Kurdish identity as being an advantage for the first time in her life, as this has always been the source of discrimination for Kurds in Turkey – "you enjoy your Kurdishness at KHRP. My identity is not a burden for me here" she said. Serpil's work at KHRP not only provided us with her invaluable knowledge, but truly brought home to KHRP the reality of being Kurdish in Turkey



ABOVE: Morten Thorsted, Resource Development Contractor  
BENEATH: Ingrid Tamborin



today and therefore the importance of the new Fellowship. To mark her departure, Serpil has contributed an article to this issue of Newline.

KHRP also bade farewell this Winter to Morten Thorsted and Ingrid Tamborin, who have been with KHRP for over a year as interns and then, contractors. KHRP is extremely grateful for their contributions to Resource Centre development (Morten) and the anniversary photo book project (Ingrid), and wishes them the very best in their future endeavours.

# Dispatches

## Increased Censorship in Turkey due to Border Conflict

Following of the October attack in Hakkari in which at least 12 Turkish soldiers the Turkish government has issued a ban on coverage of the recent clashes in Turkey's Southeast.

It was reported on 24 October that the government has imposed a broadcasting ban on radio and television institutions covering the PKK attacks in the Dağlica region of Hakkari. A statement from the government justified the ban on grounds that coverage would negatively affect public order and morale by showing a weak image of the security forces. Deniz Baykal, chair of the opposition CHP has directly accused the government of practicing 'censorship'.

## Conference on Peace Process for the Kurds held in Diyarbakır

A conference entitled "Kurds in Turkey: Main Requirements for a Peace Process" was held in in Diyarbakır on 29 September 2007. The conference was co-organised by the Diyarbakır Bar Association and the Heinrich Böll Foundation.

Speakers at the two-day conference included Sezgin Tanrikulu (president of Diyarbakır Bar Association), Ulrike Dufner (Heinrich Böll Foundation), Prof. Dr. Mithat Sancar (Ankara University), Aysel Tuğluk (DTP MP for Diyarbakır), Orhan Miroğlu (DTP) Yurdusev Özsekmenler (mayor of Bağlar), Dr. Dilek Kurban (TESEV), Prof. Baskın Oran (Ankara University), Nebahat Akkoç (Ka-Mer), Prof. Michael M. Gunter (Tennessee Technological University), Clem McCartney, Thomas Jeffrey Miley, Dr. Robert W. Olson and Çengiz Çandar (Istanbul Culture University). Catriona Vine, KHRP Legal Officer, was also in attendance.

## KHRP attends OSCE Human Dimension Implementation Meeting.

In October, Executive Director Kerim Yildiz and his assistant Charlotte Alfred attended the annual OSCE human dimension implementation meeting in Warsaw, Poland. They attended working sessions on the rule of law, democratic institutions, and freedom of expression. KHRP submitted written statements on several of the sessions, and gave an oral presentation on freedom of expression in Turkey. These are available online on the OSCE website at:

[http://www.osce.org/conferences/hdim\\_2007.html?page=documents&author\\_id=134](http://www.osce.org/conferences/hdim_2007.html?page=documents&author_id=134)

## KHRP Executive Director and Deputy Director Conduct number of Briefings and Interviews in USA

Executive Director Kerim Yildiz travelled to New York in October to meet with the President of the Open Society Institute (OSI), and the director of Open Society Justice Initiative, an operational program of the OSI focused on law reform activities, particularly the protection of human rights, and the development of legal capacity worldwide. He also met with David L. Phillips, who recently authored the National Committee on American Foreign Policy report entitled "Disarming, Demobilizing and Reintegrating the Kurdistan Workers Party". While in New York he was interviewed several times, including by renowned US journalist Amy Goodman on the program 'Democracy Now' shown on the US TV Pacifica Network. Mr Yildiz had further discussions on developments in the Kurdish regions with UN officials from the media body United Nations Television and Video (UNTV) and other journalists.

In November Deputy Director Rachel Bernu travelled to Washington, D.C. where she met with NGO representatives, the State Department and the office of Senator Hillary Clinton, to update them on KHRP's work and on the current situation in the Kurdish regions.

# Dispatches

## SPREADING THE WORD

### KHRP Widely Sought by Media to Comment on Turkey-Iraq Border Crisis

KHRP has once again proven to be the first port of call for reliable and objective information on the Kurdish regions having made several appearances in the press and media this autumn and winter, with several members of KHRP featured in interviews and panel discussions.

Deputy Director, Rachel Bernu, was interviewed on BBC Radio 5 Live on Monday **22nd October** by Phil Williams for a news feature on escalating tensions in Turkey. On Tuesday **23rd October** she was also interviewed by Press TV, an English language international television news channel based in Tehran.



Mark Muller on Al Jazeera, 30 October 2007

Chairman of KHRP, Mark Muller QC, appeared on Al-Jazeera on Tuesday **30th October**, in an edition of the Riz Khan show analysing the relationship between Turkey and the PKK alongside political risk analyst Gül Berna Özcan. The show is available on al-Jazeera's YouTube page: <http://www.youtube.com/watch?v=z3fWpE3F-lg>

A letter by Kerim Yildiz, Executive Director of the KHRP, was published in the Financial Times on Wednesday **31st October**, under the title 'Turkish incursions would worsen Iraq instability' (see the letters section of [www.ft.com](http://www.ft.com)).

Mr Yildiz was also interviewed by Gulan magazine, a weekly political magazine based in Erbil, and the media line ([www.themedialine.org](http://www.themedialine.org)) a non-profit news organisation focusing on the Middle East.

On Thursday **1st November**, KHRP Turkey and Iraq Desk Officer, Mustafa Gündoğdu, took part in a panel discussion for the online channel '18 doughty street.com' on the topic 'The Kurdish Conundrum: Does it mean stability or disorder for the Middle East?'. He featured alongside presenter Alan Mendoza, Henry Jackson Society, and panellists Robert Lowe, Manager of the Middle East Programme at Chatham House and Dr. Onur Çetin, UK Representative of ARI Movement in Turkey.

### KHRP Promotes its Intern Programme at the University of Westminster and SOAS

On **9 October** KHRP's Resources and Communications Coordinator, Walter Jayawardene and Research Intern, Amy Pepper attended an International NGO Working Brunch organised by the Community Volunteering Unit at the University of Westminster in Marylebone.

The working brunch was designed to give potential employers of volunteers the opportunity to speak about their work and the part that volunteers play in their organisations. While the focus of the event was volunteering abroad, KHRP participated as an organisation that recruits a large proportion of its interns and volunteers from abroad or from the international student population in the UK. The brunch gave students the opportunity to network with employers and people interested in voluntary work and to gain more specific information about the benefits of volunteering with particular organisations.

On **13 November** 2007 KHRP Legal interns Sara Capogna and Marina Themistocleous attended the NGO Volunteering Fair organised by the School of Oriental and African Studies (SOAS) Careers Centre.

The fair provided students with the opportunity to meet local and international NGOs and charities and gain information about the benefits of volunteering or undertaking internships with particular organisations. KHRP was very pleased to see that many students were already familiar with the organisation and our work in the field of human rights.

KHRP was pleased with the high level of interest in volunteering with the organisation expressed at both universities.

## Syrian Forces Open Fire on Kurdish Demo Killing Protestor

Syrian forces opened fire on a demonstration held on 2 November in the north-eastern Syrian city of Qamishli, killing at least one and wounding five, according to a Kurdish official.

The demonstration, attended by approximately 200 Kurds, was organised in response to the recent threats of incursions by the Turkish army in Kurdistan, Iraq.

According to the eyewitness reports the protest began peacefully with demonstrators chanting Kurdish songs and slogans, until security forces began to disrupt the gathering. Syrian forces used tear gas and water cannons to disperse the demonstration, eventually firing live rounds into the crowd.

The Syrian forces claim they were responding to rocks hurled at them by Kurdish demonstrators. Kurdish activist Machal Jammo told the international media that protesters threw stones only in response to the attack by the police.

Five demonstrators were injured, and two are still in a grave condition. At least one man, Issa Khalil Hussein, 24, was killed. His body was delivered to Kurdish officials the following day by the Syrian forces. Thousands of Kurds attended Hussein's funeral on 3 November. The funeral passed without incident despite a heavy security presence. There were reports of disturbances in Aleppo, and police quickly halted a number of small protests.

On the day of the demonstration dozens of Kurds were arrested in Syria. So far no information has been given as to the situation of these detainees.

Kurdish Progressive Democrat Party secretary general, Abdul Aziz Dawi, whose party is officially banned in Syria but is tolerated in practice, condemned the Syrian authorities for attacking a peaceful demonstration as "completely unjustifiable."

"The Kurdish parties have called for calm because the situation in the region is very tense," he said.

Syrian President Bashar Al-Assad has been the only Arab leader to openly support Turkey's threats to conduct operations in Kurdistan, Iraq. Since the late nineties Ankara and Damascus have forged an ever-strengthening relationship as the Kurdistan Regional Government in Iraq has developed.

The riots on 2 November rekindled memories of 2004 when 30 Kurds were killed in Qamishli during clashes with security forces which then spread across the Kurdish region of Syria. Qamishli has been the centre of anti-government activities for several years. The state response to this recent demonstration highlights the policy of oppression and denial of Kurdish identity by the Syrian government.

Since the Ba'athist regime took over in Syria in 1969, the Arabization of the country has deprived its one million Kurdish inhabitants of their basic human rights. Tens of thousands of Syrian Kurds remain effectively stateless and as such continue to be denied equal access to social and economic rights. This recent onslaught on Kurdish demonstration in al-Qamishli indicates yet again the measures that the Syrian government will take in order to suppress Kurdish collective identity and human rights.



# EU Releases Annual Progress Report on Turkey

The latest Annual Progress Report on Turkey was published on 6 November by the European Commission on Enlargement. It stated that "no major issue had been addressed and significant problems persist". Serious concern was expressed that the number of new applications to the ECtHR from 1 September 2006 to 31 August 2007 had risen from the same period in the previous year. The report also noted that more than two thirds of these applications referred to the right to a fair trial and the protection of prop-

erty. The Commission also emphasised that a considerable number of ECtHR judgments are still awaiting enforcement, including legal restrictions on freedom of expression.

The severe limitations of freedom of expression in Turkey were acknowledged in the report and the Commission highlighted the climate of self-censorship endemic in Turkey, as a result of the judicial proceedings and threats facing human rights defenders, journalists and academics.

The report did not shy from addressing concerns that re-

ports of torture and ill-treatment in Turkey continue, and also noted the widespread problems of violence against women, honour killings, and early and forced marriages. The report criticized Turkey for lacking an overall national strategy to address the issue of Internally Displaced Persons (IDPs). A complete lack of progress was also reported in the sphere of minority and cultural rights.

The report addressed the situation in the south-east, observing that no effort had been made to develop a com-

prehensive strategy to achieve economic and social development in the region, and to create the conditions required for the Kurdish population to enjoy full rights and freedoms. The Commission also pointed out that the armed forces continue to exercise significant political influence in Turkey, particularly referring to senior members of the armed forces who have stepped up their public comments on domestic and foreign policy questions, including the Kurdish issue.

## Turkish Foreign Minister visits Iran

Turkish Foreign Minister, Ali Babacan, visited Iran on 28 October, to encourage Iran's continued support of military action against the PKK. Turkey claims that it has exhausted peaceful means of solving the problem of the PKK. However Iran urged that further diplomatic measures be taken, before Turkey resorted to military action. The Iranian government's position appears to follow statements by Iraqi Prime Minister Nouri al-Maliki

earlier in October.

While acknowledging the harmful effects of PKK activities on Iranian, Iraqi and Turkish interests, leaders of both Iran and Iraq remain supportive of a peaceful solution to the crisis. Turkish officials are keen to gain support for military measures. Babacan stated that "the Turkish people have lost their patience... we are asking all our friends to support us in this endeavour, our fight against terrorism."

Both the President of Iran, Mahmoud Ahmadinejad, and Iraqi Prime Minister Nouri al-Maliki have stressed to Turkey that military action is not the only option. In discussions with Iraqi President Jalal Talabani, Ahmadinejad expressed support for a crackdown on the PKK, but stressed the importance of a peaceful approach to solving the problem.

Whether Iranian opposition to military action is unequivocal

was called into question by subsequent comments by Iranian Foreign Minister Manouchehr Mottaki. Talking about the issue he remarked "there are various ways of going about this. We hope our cooperation will allow us to solve this problem as soon as possible." Iran's true position is particularly uncertain given its ongoing shelling of positions on both sides of the Iran-Iraq border over the past few months.

## KHRP under Consideration for United Nations Consultative Status

The United Nations Committee on Non-Governmental Organisations is to hold a Regular Session in New York in January 2008 during which KHRP's application for consultative status which was submitted in the summer of 2007 shall be discussed.

Non-governmental, non-profit public or voluntary organisations may be admitted into a mutually beneficial working relationship with the United Nations by attaining consultative status with the Economic and Social Council. Currently there are 3051 NGOs in consultative status with the Economic and Social Council (ECOSOC). Qualifying organisations are entitled

to make a contribution to the work programmes and goals of the United Nations by serving as technical experts, advisers and consultants to governments and Secretariat. Sometimes, as advocacy groups, they espouse UN themes, implementing plans of action, programmes and declarations adopted by the United Nations. In concrete terms this entails their participation in ECOSOC and its various subsidiary bodies through attendance at these meetings, and also through oral interventions and written statements on agenda items of those bodies. In addition, organisations, qualifying for General Category consultative status, may propose

new items for consideration by the ECOSOC. Organisations granted status are also invited to attend international conferences called by the UN, General Assembly special sessions, and other intergovernmental bodies.

To be eligible for consultative status, an NGO must have been in existence (officially registered with the appropriate government authorities as an NGO/non-profit) for at least two years, must have an established headquarters, a democratically adopted constitution, authority to speak for its members, a representative structure, appropriate mechanisms of accountability and democratic and

transparent decision-making processes. The basic resources of the organisation must be derived in the main part from contributions of the national affiliates or other components or from individual members. Celebrating our 15 year anniversary at the end of 2007 and remaining the only non-partisan, multi-disciplinary organisation addressing human rights issues in the Kurdish regions, KHRP is more than eligible for consultative status and would bring much expertise to a working relationship with the UN. The outcome of the January session will be reported on the KHRP website.

# Fourth International Conference on the EU, Turkey and the Kurds, European Parliament, Brussels, 3-4 December 2007



*Abdullah Demirbaş, former mayor of Sur district in Diyarbakir.*



*Anoush Begoyan of Article 19.*



*Delfina Entrecanales with Kerim Yildiz during day two of the conference.*



*Estella Schmidt of KNK (centre) engaged in lively discussion during the fourth session.*



*Conference delegates Cengiz Gulec and Susan Breau.*



*Dr. Clem McCartney, an expert on conflict resolution and one of the speakers in the fourth session.*

# KHRP Travels to Kurdistan, Iraq, for Fact-finding and Training, November 2007



At the training session - L-R Olivia Kraus, Johanna Nykanen, Sartep Ali, Taniel Taysi, Janet Benshoof, Kerim Yildiz, Atta Muhammad, Catriona Vine.



Kerim Yildiz and Johanna Nykanen in the Sersenk district. Note area in the background; farmland scorched after Turkish bombardment.



Kerim Yildiz with Dr. Yousif Aziz, KRG Minister for Human Rights.



At the training session - Atta Muhammad (Director General of Civilization Development Organisation, CDO) with Kerim Yildiz.



In Sersenk district with Chaldean Christian victims of Turkish shelling.



Kerim Yildiz with human rights lawyer Ms Xamar Zror Asad and the head of the Kurdish Parliamentary Human Rights Committee.



In Sersenk district with Kurdish Muslim villagers and victims of Turkish bombardment.



At the Union of Kurdish Writers in Dohuk. Left to right - Kerim Yildiz, Johanna Nykanen, Secretary Mr. Mizuri, President Mr. Silevani.

# 2007: A Year of Continued Violations of Kurdish Cultural and Linguistic Rights in Turkey

By Serpil Taşkan,  
KHRP Fellow

Turkey's human rights record is an important issue on the international agenda. Not only did Turkey sign the Universal Declaration of Human Rights in 1949, just a year after its adoption by the United Nations, it is also party to several other conventions, including the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights.

Turkey thus has obligations under international law to protect human rights on an equal basis, regardless of ethnic, religious, linguistic, gender and regional differences. The European Union – which regards human rights in Turkey as an important prerequisite for EU accession – has reported that legislative progress on political reform has been achieved in Turkey. However, the EU also reports the failure of Turkey to broaden these reforms so as to promote fundamental freedoms and the protection of human rights.

The Kurds are among the groups who disproportionately feel the effects of this flawed human rights structure. Restrictions on cultural and linguistic rights are especially harsh in the printed media. This is largely enabled by the new Turkish Penal Law (TCK), passed on 1st April 2005, which attracted much criticism from media organizations and journalists who feel that freedom of press and freedom of expression are being constrained. According to Bianet, 45 journalists and 5 press organizations are currently on trial on different articles of TCK, including articles 301 and 302. Three of these organizations are pro-Kurdish dailies: *Gündem*, *Yaşamda Gündem*

and *Azadiya Welat*. They continue to face either closure or suspension for anything from fifteen days to one month, due to claims that they publish separatist propaganda. The Supreme Commission of Radio and Television closed Istanbul-based radio station *Anadolunun Sesi* (Voice of Anatolia), for example, on charges of 'leading people to violence, ethnic discrimination and hostility'.

Punishment of some of the members of the pro-Kurdish Democratic Society Party (DTP) under several articles of the Turkish Penal Code for describing Abdullah Öcalan as 'esteemed' in their speeches, indicates the limits on freedom of expression for Kurds. Investigations against Kurdish politicians Osman Baydemir, mayor of Diyarbakır City Municipality, and Abdulmelik Fırat, former chairman of *Hak-Par* (another pro-Kurdish political party), and many other DTP members were initiated because of their use of the Kurdish language in celebration cards, posters, and press statements marking Newroz or other cultural events. These, it was claimed, violated the Law on the Acceptance and Application of Turkish Words and the Law of Meetings, Demonstrations and Political Parties.

In June and July this year, violations of the right to freedom of association intensified in order to obstruct the DTP election campaign. Investigations and detention of candidates; forcible intervention in meetings; and pressure on the public not vote for DTP were some of the tactics used. These practices were justified, according to officials, by the Law on the Struggle against Terrorism, as they claimed that such campaigners were assisting

the PKK by using the Kurdish language during meetings.

This is one of the basic claims used to obstruct Kurds' celebrations. According to the Kurdish web site [www.rojciwan.com](http://www.rojciwan.com), over 50 people were arrested during the last Newroz celebrations in fifteen different places. Bianet, however, quotes the far higher figure of 138 arrests.

The claim of propagating and/or helping 'terrorist organizations', has been used to violate the freedom to meet and to demonstrate. The Diyarbakır Office of the Public Prosecutor, for instance, called for fifteen-year imprisonments of 56 DTP municipal mayors because of a letter they sent to the President of Denmark, opposing the ban on *Roj TV*, the Danish-based Kurdish television channel. The authorities claim the mayors were voluntarily and consciously helping a terrorist organization. Another high-profile investigation was started by the Diyarbakır Office of the Public Prosecutor into 54 DTP mayors following a press statement they released about the alleged poisoning of Abdullah Öcalan. The accusations were filed against 107 people who contributed to a press statement in Van on 5 September 2005, in order to condemn attacks against people protesting Öcalan's prison conditions a few days earlier.

There are many more examples of arrests and investigations based on the same official claims, which treat any actions taken by Kurdish organizations and movements as a threat to the unity of the Turkish State. This is especially true when events are organised by Kurdish politicians or parties. However, Kurdish cultural and linguistic rights are frequently

the subject of such difficulties even when organized by non-political cultural organisations. In January 2007, for example, the mayor of Bingöl refused to stage a Kurdish play written by the Diyarbakır-based *Dicle-Fırat Culture Centre*. Another theatre, *Arsen Poladof* in Batman, could not embark on their tour because of operations and army activities in the region and restrictions on the movement imposed by the armed forces.

A more extreme example is the decision of the Administrative District Court of Diyarbakır which, on the basis of an objection by the Diyarbakır Governor, cancelled the decision allowing the display of villages' original Kurdish names in addition to Turkish ones.

Turkey has demonstrated that it is unwilling to take steps to improve legal and social frameworks that would provide an environment favourable to the promotion of human rights. This means that the Kurdish population still suffers from discriminatory legal practices not only in the political and social spheres, but also in that of culture and language. Kurdish MP's presence in Parliament after the July election provides an opportunity for change; however, recent moves by the Turkish government to shut down the DTP suggest that this opportunity will be missed. At this point the efforts of not only Kurdish, but also of Turkish politicians, are important to establish a peaceful social context in which Kurds can have access to their basic human rights. It is of vital importance that the authorities change their perception of Kurdish identity, and embrace the principle of equality.

# Captured Turkish Soldiers Face Charges Upon Release

Eight Turkish soldiers were captured in an ambush by the PKK close to the Iraqi border on 21 October. Twelve other soldiers were killed during this clash in the Dağlica/Hakkari region of south-east Turkey.

The soldiers were released two weeks later to a delegation of three MPs from the Democratic Society Party (DTP) in Kurdistan, Iraq. After medical check-ups in Erbil, the soldiers landed at Diyarbakir military airport the same day.

Upon arrival in Turkey, the soldiers faced questioning in

Ankara. Rumours circulated that one of the soldiers has links with the PKK. Their release received little press attention or public celebration.

The Van Gendarmerie Public Order Corps Command Military Court charged the soldiers as follows: Sergeant Halis Cağan is charged with "violating the duties of a civil servant", Privates İlhami Demir, İrfan Beyaz, Özhan Şabanoğlu, Fatih Atakul and Mehmet Şenkul are all accused of "insistent disobedience", and Privates Fuat Basoda and Ramazan Yüce

are charged with "insistent disobedience and desertion abroad". The charges also noted "strong suspicion of guilt" and that "military discipline had been greatly weakened". The soldiers will be tried while in detention.

Journalist and writer Mehmet Tanju Akad believes. "the soldiers have been arrested in order to set an example for the others, so that not everyone in a difficult situation becomes a hostage; so that being taken hostage is not considered an option."

The Court put in place a broadcasting and print ban on 12 November, including all written, visual press and media institutions. The ban was decided unanimously in order to "avoid a distortion of the aim of the investigation and misinformation of the public, to avoid giving rise to misunderstandings and in order to safeguard the authority and objectivity of the judiciary." The trials of the soldiers will therefore be carried out in total secrecy and behind closed doors.

## Arrests, Executions and Torture: Human Rights violations in Iran's Kurdish Regions Continue

The plight of Adnan Hasanspour and Hiwa Butimar has rightly been met with international condemnation. However, sadly, their situation is not a unique one. The use of the death sentence, arrests carried out with unclear charges such as 'enmity against God' and 'acts against the state', and the practice of torture, continue to be widespread in Iran, particularly in its Kurdish regions. Below are some of the reported human rights abuses monitored by KHRP over the past number of months.

Early in September authorities raided the village of Dewlani and detained several men. They were imprisoned for a month before finally being charged in early October with "having links with opposition groups". Six were sentenced to one year suspended imprisonment and another imprisoned for four months and given 100 lashes.

A student from Sanandaj was arrested on 10 September and has yet to be charged. His family expressed concern over their son's detention particularly as he suffers from a heart condition. Two more residents of Sanandaj, Shaho Koleabi and Faraedoon Moradie, were arrested on 11 September. Since their arrest no information has been provided as to the charges against them or

their detention conditions. Kurdish human rights organisations in Iran have expressed great concern over the arrest.

On 21 October, Iranian security forces raided the home of Fareedon Sadiqi in Sanandaj, arresting his father Khaliq Sadiqi and his uncle Abdullah Sadiqi. The two men were reportedly taken to an unknown location and the charges against them are not clear. Around 30 October Abdullah Latefe from Sanandaj was arrested by security forces. On 31 October Iranian security officers raided the house of Arash Abdulazadeh in Saqiz. He was handcuffed and transferred to an unknown location. Neither of the men's families has been informed of their location or the charges against them.

Oppression of Kurdish women activists and Kurdish female students also continues. On 4 November security forces in Sanandaj ordered the arrest of 21 year old Hana Abdody, a psychology student who is well known for her campaign 'one million signatures', in which she collected signatures to protest against state discrimination against Kurdish women. The same day the authorities arrested another campaigner and student Roonak Safarzadeh. The two women are currently held

in Sanandaj security office and have still not been charged.

On 11 November, Iranian security officers arrested a man from Qurwa. Sadeq Khaleedean was arrested and charged with having relations with Kurdish political groups. Since his arrest he has not been allowed to see a lawyer nor has his family been allowed to visit him.

In September security forces opened fire on a group of people in Piranshahr, near the border with Iraq. As result Kazem Kalantari, a 15 year old boy, was killed and Mostafa Dardakar, a Kurdish tradesman, was injured.

The rate of executions in the Kurdish regions of Iran has also increased in recent months. On 10 September, Mohammad Reza Shojai Niko was executed in Uromea. He had been accused of taking part in the killing of an Iranian security officer 22 years ago. On 3 November Mohammad Saba Maliki, from Saqqiz, was executed having spent two years in prison on murder charges.

The use of torture and ill-treatment of prisoners is still a grave problem in Iran, and recent months have seen several cases of torture and mistreatment reported. Mohammad Sadiq Kabodwand, a prominent Kurdish figure in

the region, was arrested earlier this year and charged with publishing articles deemed to encourage ethnic and racial dissent in the now banned Payme-Mardoume (message of the people).

His wife told Persian Radio Farda that her husband's health has been deteriorating. The conditions in prison have caused him to suffer from skin problems, kidney problems and he has lost all his hair, she said. Amnesty International has campaigned for his release, and confirmed that he still has not been formally charged, nor allowed to see his lawyer, Nobel Peace Prize winner Shirin Ebadi.

On 6 November Ferzad Kemanger, a Kurdish teacher from Sanandaj, was transferred to Evin prison, from his detention in Sanandaj security office. According to his family, Mr Kemanger has been hospitalised for some time in Sanandaj hospital as a result of torture while in detention. He suffers from a neck injury and a chest injury, and had been in a coma while in hospital. Mr Kemanger was sent to Evin, despite his critical condition, and his family expressed grave concerns over his health, and the conditions of detention in which he has been held.

# KHRP Meets with Lawyers on Forced Displacement of Civilians at Ilisu Dam Site

From 28-30 September the KHRP Legal Team, headed by Legal Officer Catriona Vine, met with numerous lawyers and campaigners regarding the forced displacement around the Ilisu Dam site. Scheduled for construction on the River Tigris, some 65 kilometres from the Syrian border by Germany's largest civil engineering company, Siemens, the dam as planned would flood an area the size of Manchester, submerging or partially submerging some 183 villages and hamlets and the ancient town of Hasankeyf, a site of international archaeological significance and displacing an estimated 78,000 people who are mainly Kurds.

The people of Hasankeyf, an ancient city whose history stretches back over 10,000 years, the surrounding area and their supporters in Europe won an important victory in 2002 when a major campaign forced British company Balfour Beatty and other



*Legal Officer Catriona Vine in Historic Town of Hasankeyf, September 2007.*

European companies to withdraw from the project. Despite this success expropriation of land in Ilisu and Karabayır villages has started. KHRP met with Diren Özkan and Gamze Yalçın of Initiative to Keep Hasankeyf Alive to discuss

the legal challenges being made to the construction of the dam. We also met with lawyers who represent villagers whose land has been expropriated. KHRP was concerned to learn that the compensation that has been offered to these peo-

ple, who have lived off the land for centuries and who will be forced to relocate once the dam is built, is wholly inadequate and for the most part significantly less than the amounts proposed by court-appointed independent experts

## KHRP, Diyarbakır Bar, Van Bar and BHRC Hold Roundtable on Law 5233 in Van

On 23 September, in partnership with Diyarbakır Bar Association, Van Bar Association and the Bar Human Rights Committee of England and Wales, KHRP recently held a strategy meeting in Van to discuss the controversial compensation law for the internally displaced in Turkey, Law 5233.

The Turkish government

defines the purpose of this law as one to compensate those who have incurred losses caused by terrorist actions or by due to the 'struggle against terrorism' and details the principles and procedures to compensation under these circumstances. Recent fact-finding missions and research by KHRP have shown this law to be seriously flawed both

in its design and implementation, despite having been deemed by the European Court of Human Rights to provide an adequate remedy for displacement. While these shortcomings were put forth at the roundtable, the greater focus was to discuss ways in which the legislation could nonetheless be used to acquire adequate compensation for internally

displaced persons at the domestic and European level.

During the same trip KHRP Deputy Director Rachel Bernu took the opportunity to travel to Ankara to liaise with representatives of the Austrian, Dutch, UK, Irish, Belgian, Swiss and Norwegian governments to inform them on the ongoing question of internal displacement in Turkey.

## KHRP Carries Out ECHR Training for Human Rights Defenders in Şırnak

On 29 September KHRP travelled to Cizre, a district in the province of Şırnak, south-east Turkey to conduct the first ever ECHR seminar for members of the Şırnak Bar Association.

In common with other provinces within south-east Turkey, the inhabitants of Şırnak province have suffered a vast number of serious human rights violations during the conflict between Kurdish groups and Turkish state forces. Şırnak was one of the first provinces to be declared under a state of emergency in 1987 and remained in that state until 2002. In 1992 the town of Cizre came to the attention of



*Participants at ECtHR Training, Şırnak, September 2007*

the world with the killing of dozens of civilians during Newroz, the Kurdish New Year celebration. Situated on the Turkish border with Iraq, the region has a

huge population of internally displaced persons, the majority of whom now live in the main cities in impoverished conditions and with little access to

justice or social assistance. The Şırnak Bar Association invited KHRP to deliver the seminar, entitled "How to Bring a Claim to before the European Court of Human Rights" following the success of a similar seminar in Hakkari in May 2007. It was attended by 33 mostly young lawyers (over half of all of the members of the Bar Association) who participated enthusiastically. It is hoped that KHRP will be able to continue this close relationship with the Şırnak Bar Association and provide further seminars as part of its Training and Litigation Support Programme.

## KHRP attends NGO Strategy Seminar

KHRP Legal Officer Ca-triona Vine participated in an information and strategy meeting on human rights and public finance on 12 and 13 November organised by Canadian NGO Halifax Initiative. The meeting, which was held at Friends Meeting House in London, was attended by representatives from a number of NGOs including Corner House, Bretton Woods Project, Indian Law Resource Center, Center for Political Ecology, Forest Peoples Programme, WEED, Sigrid Rausing Trust, Amnesty International and Halifax Initiative. The meetings' objectives were to share knowledge and experience, establish links

between organisations and evaluate strategic options in relation to human rights and public finance.

Ms Vine made presentations on using the United Nations Human Rights Mechanisms and taking a case to the European Court of Human Rights. During her presentations she presented an analysis of legal challenges surrounding the construction of the Baku Tbilisi Ceyhan pipeline (BTC Project) and the Ilisu Dam Project.

Other topics discussed during the meeting included the Inter-American Court of Human Rights and domestic legal action.

## Scenes from the Kurdish Regions



*Kurdistan umbrella in Erbil market.*



*The landscape near Dohuk, November 2007.*

# KHRP Visits ECtHR Applicants in Baku

On 22 September Catriona Vine, KHRP's Legal Officer travelled to Baku, Azerbaijan to monitor the situation of and take additional statements from applicants in cases pending against Armenia before the European Court of Human Rights. The Kurdish Human Rights Project is representing seven Azerbaijani Kurds who were forced to leave their homes in the town of Lachin when it was captured by Armenian Forces on 18 May 1992.

The applicants have been unable to return to their homes since that time. The applicants and their families live together with an estimated 154,000 persons displaced by the conflict in Baku. The Nagorno-Karabakh conflict has resulted in the displacement of an estimated 528,000 Azerbaijani



*Legal Officer Catriona visits Applicants in Baku, Azerbaijan, September 2007*

janis from Armenian occupied territories including Nagorno-Karabakh, while 220,000 Azeris, 18,000 Kurds and 3,500 Russians fled from Armenia to Azerbaijan from 1988 to 1989. The Applicants have sub-

mitted that Article 8, Article 13, Article 14 and Article 1, Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms have been violated by the Republic of Armenia. The

case has been communicated to the Government of Armenia. Ms. Vine also met with the Ministry of Justice and discussed the 2005 detention and subsequent deportation of KHRP Executive Director Kerim Yildiz.

## KHRP delivers Training Seminar in City of Van

KHRP visited the city of Van in south-east Turkey on 6 and 7 October to deliver a training seminar on "Taking a Case to the European Court of Human Rights: Freedom of Expression". The session was co-hosted by Van Bar Association and İHD, Van Branch. In his

opening remarks, lawyer Cüneyt Caniç, Head of İHD Van Branch, referred to the worsening situation with regards to freedom of expression in the region and expressed the hope that this training seminar would strengthen the capacity of the lawyers in attendance

to represent clients whose rights have been violated. The seminar was run for two days and was well attended. The participants listened to a number of lectures and took part in workshops designed to test their understanding of the topics concerned. The

participants expressed a desire for KHRP to return in the future to run a training seminar on accessing the UN mechanisms for the protection and promotion of human rights.



## CALL FOR NEW BOARD MEMBERS

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



*Free copies of the report may be accessed and downloaded on KHRP's website ([www.khrp.org](http://www.khrp.org)). Printed copies are available for £10.00 + P&P through our brand new online shop. Please note: to download or purchase publications from KHRP's website you must be registered to our site. Registration is easy and free: sign up today at [www.khrp.org](http://www.khrp.org)*



### **Legal Review 12**

*December 2007*

This is the latest issue of KHRP's biannual Legal Review, the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus.

This edition covers the period from May to December 2007. The Review features news and updates from the Kurdish regions, and summaries and analysis of the most significant decisions of the ECtHR, ECJ, ICJ, UN and UK Courts. Uniquely, the 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. Articles in this issue address the murder of Hrant Dink, the Kurdish conflict in international law, media freedom in Turkey, human rights indicators and Islamic headscarves in European case law.

The journal is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria and the Caucasus.

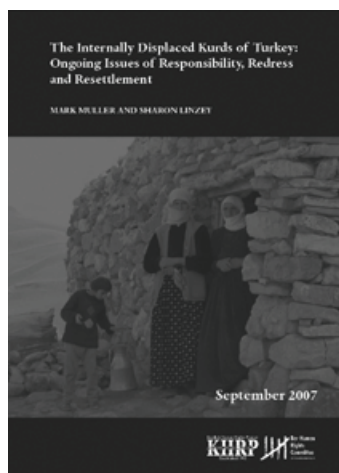
### **Reform and Regression: Freedom of the Media in Turkey Fact-Finding Mission Report**

*October 2007*

ISBN: 9781905592142

In July 2007, the Kurdish Human Rights Project (KHRP) carried out a joint fact-finding mission to Turkey to investigate the current situation for freedom of the media. The mission was co-organised with Article 19, Index on Censorship, the Bar Human Rights Committee of England and Wales (BHRC) and the Centre for European Studies, Limerick, Ireland in response to reports of rapidly increasing violations of the right to freedom of expression.

The mission found that today's retrogressive legislation, rising harassment on the ground and the increased powers that have been conferred to the police, have led many to regard the situation for freedom of the media to have become reminiscent of the 'dark years'. The report thus provides a background to the 1980s and 1990s and the backdrop against which media freedom has substantially deteriorated since the reforms of 2003 to 2004. It looks at Turkey's legal obligations with respect to the international human rights instruments to which it is party; outlines recent amendments to its domestic legislation; and highlights the frequent accounts of violations of the right to freedom of expression experienced increasingly by the opposition, mainly pro-Kurdish media.



### **The Internally Displaced Kurds of Turkey: Ongoing issues of Responsibility, Redress and Resettlement Mark Muller and Sharon Linzey**

*September 2007*

ISBN 978-1-905592-12-8

Becoming a candidate for accession to the European Union (EU) in 1999, Turkey has received a greater level of attention from the international community, particularly in relation to its progress towards meeting the standards required for EU membership, including various human rights standards. However, comparatively little attention has been given to the specific issue of the vast number of Internally Displaced Persons (IDPs) in Turkey. The Turkish Government has purported to resolve the situation of internally displaced people in Turkey through monetary compensation arrangements and limited programmes for return. These measures have been plagued with legal and practical deficiencies, yet there has been no intergovernmental financial or other support structure designated to assist Turkey in better addressing this massive humanitarian catastrophe.

This report provides an overview and critique of the Turkish Government's programmes for return, resettlement and redress. It also addresses the issue of responsibility, both in the context of the EU and the international community more generally. It further provides a survey of the current and continuing difficulties facing IDPs in Turkey. The issue of internal displacement remains a critical one for the Kurds in south-east Turkey, the Turkish state, the European Union and the region overall. This report and its recommendations will be essential to all those working for significant change to the benefit of IDPs.

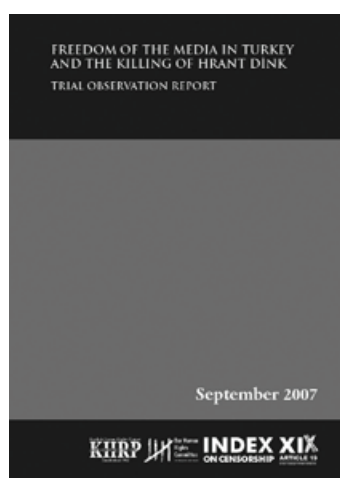
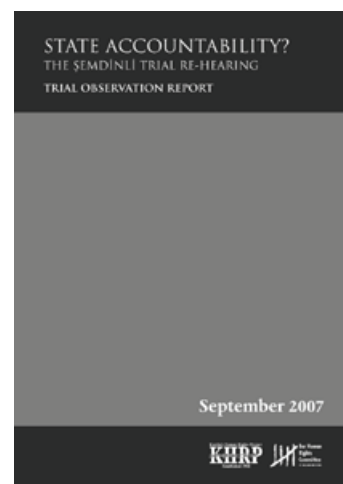
### State Accountability? The Şemdinli Trial Re-Hearing Trial Observation Report

September 2007

ISBN 978-1-905592-13-5

On 11 July 2007 KHRP sent a mission to observe the opening of the Şemdinli bombing trial re-hearing at Van 3rd Heavy Penal Court. The November 2005 bombing of the Kurdish-owned Umut bookstore in the town of Şemdinli in south-east Turkey killed one man and injured two others. The incident sent shock waves throughout Turkey and internationally because the three individuals accused of planting the explosives were apprehended by a crowd of civilians at the scene. Two of the men were non-commissioned army officers, raising the spectre of 'deep state' involvement in the attacks. The trial of the two officers, Ali Kaya and Özcan İldeniz, began in May 2006 and was observed reported by KHRP in 2006's Promoting Conflict – The Şemdinli Bombing. On 19 June 2006 both men were sentenced to 39 years imprisonment each for "forming a criminal organisation, killing people, attempting to kill people and causing injury". However, on 16 May 2007 the Court of Appeal overturned the verdict, ordering the case to be re-heard.

In State Accountability? The Şemdinli Trial Re-Hearing, the mission who observed the re-hearing on 11 July 2007 upholds the concerns of the 2006 mission. Indeed, in light of the events surrounding the ruling of the Court of Appeal and the subsequent handing over of military jurisdiction, concerns regarding State impunity the independence of the judiciary have been greatly amplified.



### Freedom of the Media in Turkey and the Killing of Hrant Dink Trial Observation Report

September 2007

ISBN 978-1-905592-11-1

This trial observation report illustrates how the failure of the State to safeguard the right to freedom of expression and the media led to the death of one of Turkey's most prominent journalists, Hrant Dink.

In July 2007 KHRP organised a joint mission with BHRC, Index on Censorship and Article 19 to observe the opening of the trial of Dink's alleged assassins. This report attempts to outline the background to the killing of Hrant Dink and examines the indictment against the alleged perpetrators as well as claims of State complicity in the murder.

The mission noted, inter alia, that the proceedings raised numerous concerns with regard to substantive issues, namely the scope of the investigation and the possible participation of the police, gendarmerie and intelligence services as evidence suggests that these were aware of the assassination plot and failed to take any action. More broadly however, the report highlights the restrictive legislation which encroaches on the right to free speech and provides support for the argument that '301 killed Hrant Dink'.

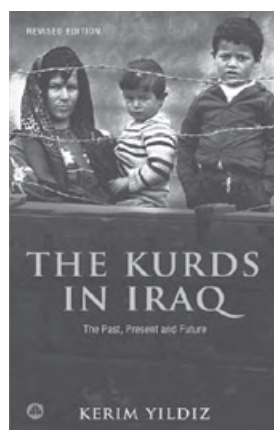
### The Kurds in Iraq - The Past, Present and Future, Revised Edition, by Kerim Yildiz (in association with Pluto Press)

This new edition of *The Kurds in Iraq* brings the book fully up-to-date in the light of recent events in Iraq, and the civil war that threatens to engulf the region.

Yildiz explores the impact of occupation and escalating violence. There is an entirely new chapter on Kirkuk, which continues to be of major strategic interest to the various powers in the region. There is also a new chapter on insurgency and sectarianism that examines the motivations behind the insurgency, and tactics that are used, and outlines possible ways to deal with it.

The book is a unique account of the problems that all political groups face in bringing stability to the country, as well as exploring Kurdish links and international relations in the broader sense. It should be required reading for policy-makers and anyone interested in the current position of Kurds in Iraq.

Publication available for 25 GBP from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 405 3835 - Hardback ISBN 978 0 7453 2663



### The Kurds in Iran - The Past, Present and Future by Kerim Yildiz and Tanyel B. Taysi

This book offers a historical overview of Iran's development since the First World War through to the revolution of 1979, the war with Iraq, and the emergent state policy towards its Kurdish population. It provides a thorough critique of Iran's human rights record, especially for minorities and women. Yildiz and Taysi address Iran's relationship with its neighbours and the West, the implications of Ahmadinejad's rise to power and the impact of the Islamic state on human rights. They analyse Iran's prospects for the future and how the resolution of the Kurdish issue in Iran affects the future of the region as a whole as well as Iran's international policy and relations.

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## Third International Conference on the EU, Turkey and the Kurds European Parliament, Brussels 16th-17th October 2006

September 2007

ISBN: 9781905592159

This report covers the key proceedings of the Third Annual EU-Turkey Civic Commission (EUTCC) Conference, which was held on 16-17 October 2006 at the European Parliament in Brussels. Themed Time for Justice, Dialogue and Solution, the event was hosted by the founders of the EUTCC, namely the Bar Human Rights Committee (UK); the Kurdish Human Rights Project (UK); medico international (Germany); and the Rafto Foundation (Norway), and was supported by members of the European Parliament.

The 2006 Conference focused on implementing a solution to the Kurdish Problem—the most difficult issue for Turkey in its bid to develop democracy. The Conference also focused on the need for fundamental changes to the judiciary; on the situation of internally displaced people; on continued violations of human rights; and on suggestions for compliance with the Copenhagen Criteria, specifically the obligation to respect and promote the rights of minority groups. The Conference concluded with the adoption of new resolutions.

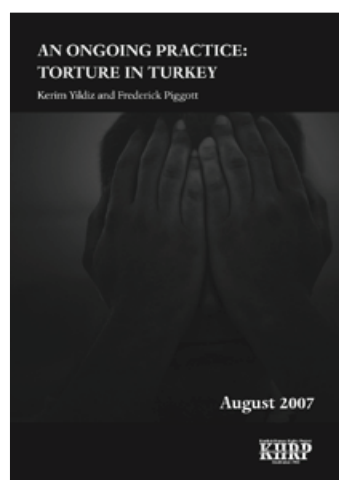
## European Parliament Project: The Increase in Kurdish Women Committing Suicide, Final Report

Having combined the observations of its January fact-finding mission to the Kurdish regions with several months of desk research, KHRP submitted its full commissioned report on suicide amongst women in the Kurdish regions of Iraq and Turkey to the European Parliament in April. The 120 page report gives a snapshot of the situation of women in the Kurdish regions, and discusses the possible reasons for the comparatively high female suicide rate there, linking this to issues of conflict, widowhood, education, health and patriarchal society.

The report has been published in both English and French on the European Parliament website and can be accessed free of charge.

Please go to:

<http://www.europarl.europa.eu/activities/expert/eStudies/download.do?file=17573#search=%20Kurdish%20>



## An Ongoing Practice: Torture in Turkey

August 2007

ISBN 978-1-905592-10-4

This report, which is an update of KHRP's 2004 book *Torture in Turkey the Ongoing Practice of Torture and Ill-Treatment*, addresses the continuing practice throughout Turkey of the torture and ill-treatment of detainees in light of the reforms of the early 2000s. While the government has made significant progress toward reform, inadequate implementation, legislative loop-holes and a surviving mentality conducive to the practice, see the torture, cruel, inhuman and degrading treatment of detainees persist as systematic.

In light of reform having slowed, the report looks at the approach of the EU and the influence of geo-political strategic concerns that see a 'margin of latitude' afforded to Turkey in meeting accession criteria. Assessing the impact of the reforms carried out in the early 2000s, this report identifies firstly a shift from flagrant to more subtle forms of ill-treatment, leaving few traces or physical signs, as well as an increase in incidences of ill-treatment outside official detention centres. Secondly, an increasingly 'two tier' criminal justice system is evident, with increased procedural and custodial safeguards for those detained for 'regular' offences and the simultaneous erosion of custodial safeguards for those held under anti-terror legislation.

## The European Union and Turkish Accession: Human Rights and the Kurds by Kerim Yildiz and Mark Muller

This book explains and analyses the EU accession process focusing primarily on human rights obligations and the extent of their implementation in Turkey. Yildiz and Muller address the variety of groups in Turkey affected by accession negotiations. Central to this evaluation is a detailed examination of the background of the Kurdish people and their relationship to the Turkish republic. Due for publication by Pluto Press in April, 2008

## Human Rights Development in Kurdistan, Iraq: Fact-Finding Mission Report

A full report of the findings of KHRP's fact-finding mission to Kurdistan, Iraq in November 2007. Due for publication in February 2008.

## Legal Review, Sorani Edition

A selection from 2007's issues of *Legal Review* (#11 and #12) translated into Sorani Kurdish. Due for publication in spring 2008.

## The Kurds in Turkey: EU Accession and Human Rights (Turkish translation)

This brand new Turkish translation Kerim Yildiz's celebrated 2005 book will be published in early 2008.

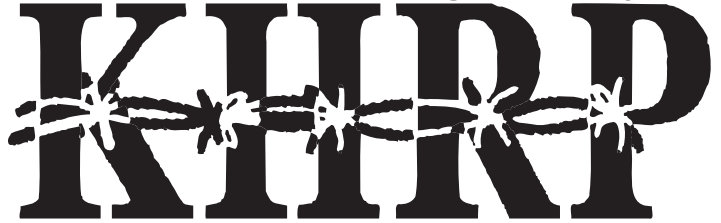
## Taking Human Rights Complaints to UN Mechanisms: A Manual (Sorani and Russian translation)

Intended to inform Sorani and Russian-speaking practitioners and interested individuals on the practical usage of the UN Special Procedures.

## Beyond the Art of Resistance: The Kurds & Kurdistan Through the Photographers' Lens

A photo book celebrating KHRP's 15th Anniversary. Due for launch early in 2008.

# Kurdish Human Rights Project



Celebrating 15 Years 1992-2007

## Project Information

### THE ORGANISATION

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

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

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

### Aims

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

### Methods

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

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

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

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Email: khrp@khrp.org

## Calendar of Events

### January – March 2008:

- Launch of *Beyond the Art of Resistance: The Kurds & Kurdistan Through the Photographers' Lens*, a photo book celebrating KHRP's 15th Anniversary
- On 16 January 2008 KHRP is co-organising the launch of *Uprising, Suppression, Retribution: the Kurdish Struggle in Turkey in the Twentieth Century*, the first work by renowned Kurdish journalist Ahmet Kahraman to be published in English. The event will feature prominent figures from the human rights sphere, and Kurdish community, and will be hosted by the Bar Human Rights Committee.
- Launch by Pluto Press of new book by KHRP Executive Director Kerim Yildiz and KHRP Chair Mark Muller entitled *The EU and Turkish Accession: Human Rights and the Kurds*
- KHRP to conduct fact-finding missions to Turkey to investigate extra-judicial killings and trade union freedoms
- KHRP to conduct training in Oslo on taking cases to the European Court of Human Rights
- Cross-Border training to be held in Kurdistan, Iraq

### Later in 2008

- KHRP to organise Kurdish Diaspora conference in London