

KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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KHRP holds CEDAW Training and Strategy Meeting in Diyarbakır

KHRP co-hosted a training and strategy meeting with SELİS Women's Consultation Centre in Diyarbakır at Bağlar Municipality Conference Center on 23 and 24 February 2008. The training was attended by 20 women from organisations dealing with women's rights throughout the region. KHRP conducted human rights training seminars in the region in 2005 and 2006 focussing on advocacy and women's rights. It was felt that this previous training had instilled a good basic knowledge of the Convention and established its relevance at the grassroots level. However there was a need for further, more detailed training, specifically on how to use the Convention for the Elimination of Discrimination against Women (CEDAW). Turkey has failed to submit a report outlining its implementation of the obligations contained in CEDAW in January 2007 - this implementation is due for review by the CEDAW committee in 2008.



Participants at the CEDAW training.

In preparation for this review process the training, led by Smita Shah, a barrister from the United Kingdom and Catriona Vine, KHRP Legal Director, provided a refresher for the participants on the human rights principles enshrined in the Convention. The training was cut short as a number of participants received the sad news that the body of a young woman, shot to death by her husband, and been left at the local hospital. The training session was ended as the participants were anxious to determine the circumstances surrounding her death.

During the strategy meeting participants discussed the Turkish Government's implementation of the CEDAW Committee's concluding comments from its review of Turkey's previous report and there was a clear consensus that there are serious shortcomings in such implementation - the government did not appear even to have translated the concluding comments for dissemination as it had been requested to do in 2005 by the committee. It was felt that such lack of implementation poses serious questions about the way

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KHRP Observes Acquittal of Publisher Accused of Disseminating Separatist Propaganda

On 13 February a KHRP mission observed the trial and acquittal of publisher Mr Ahmet Önal, who stood accused of showing demonstrable support of an 'armed terror organisation', for his 2005 publication of *The Diaspora Kurds* by Hejare Şamil.

During proceedings at Istanbul Heavy Criminal Court (No. 11), Mr Önal's lawyers relied on his right to free expression as enshrined in Article 10 of the European Convention on Human Rights. It was asserted that Mr Önal's rights as

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The accused, Mr Ahmet Önal.

Director's Letter



Dear Friends,

Events in 2008 have already underscored the continuing importance of our organisation working specifically on the Kurdish regions. We are very pleased to report on many successes in our litigation, advocacy, training, research and public awareness work already this year. Despite this, a number of disturbing developments in the wider geo-political field have made clear the ongoing failure of authorities to tackle the economic and political root causes of conflict and human rights abuse in the Kurdish regions.

On the litigation front, the first quarter of 2008 has proved to be a prolific period for KHRP, with three of our cases at the European Court of Human Rights receiving important judgments in the areas of torture and ill-treatment, the right to life, the right to a fair trial and the right to freedom of expression (see the Update on Litigation and Advocacy inside for full details). These judgments underscore that whilst a broad range of violations continues to be perpetrated in the regions, KHRP continues to pio-

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Turkey views its obligations under international law and indeed whether it is serious at all about Women's rights. At the end of the strategy meeting the participants agreed to form a platform to write a report focussing specifically on the effect of forced migration on women to be presented to the CEDAW committee during its review of Turkey's implementation of the Convention in 2008. SELIS Women's Con-



- Legal Director Catriona Vine with some training participants.

sultation Centre has agreed to act as the temporary secretariat for the platform until a permanent secretariat can be de-

vised upon at its next meeting in March 2008. The platform has invited KHRP to return in the summer to further assist

with formulating the report.

Conditions for the training and strategy meeting were difficult given the situation in the region, with proceedings continually interrupted by the noise of fighter jets flying overhead to operations in Kurdistan, Iraq. It also emerged during the training that a young boy named Yahya Menekşe was run over and killed by a Panzer army vehicle only a few days earlier in Şırnak during a protest. This tragic event illustrates the dangers posed by the recent escalations in the region to civilian lives.

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Director's Letter

neer effective mechanisms through which these can be addressed.

Unfortunately, in terms of regional stability, 2008 has essentially continued as 2007 left off, with Turkish and Iranian cross-border military activity in northern Iraq threatening to destabilise the region as a whole. This was especially visible in February when Turkey launched a full-scale ground incursion into the border areas of Kurdistan, Iraq. Whilst these developments have attracted considerable media coverage, we have worked tirelessly to bring to public attention the broader geo-political and historical context in which these developments have occurred, namely the palpable hostility shown by Iraq's neighbours over the past decade towards the development of Kurdish autonomy in Iraq. Our follow-up fact-finding mission to Kurdistan, Iraq, in January has further provided an invaluable and independent account of the indiscriminate and disproportionate suffering inflicted on civilian populations during this campaign. KHRP is considering all available mechanisms to bring redress to Kurds and non Kurds in Iraq affected by the recent military action.

Sadly events over the past few months have highlighted the persistence of violent conflict within Turkey's borders. KHRP continues to assert that military measures which fail to take into account the manifold economic and social issues which cause conflict in the Kurdish regions will never yield lasting solutions. For peace, equality and the rule of law to prevail, all countries with an interest in regional stability must rethink their approach to the Kurdish question.

The first quarter of the year has also seen the postponement of the referendum over the final status of the oil-rich and multi-ethnic city Kirkuk until this summer. Resolving this issue in a way which equitably represents the interests of all the city's current and former inhabitants is an essential aspect of the reconciliation process between Iraq's communities. Indeed, KHRP's work in 2008 has already demonstrated that it is precisely such uncertainties in the wider national arena regarding the development of Kurdish autonomy that is undermining the general human rights situation in the region.

In Turkey itself, headlines have been dominated by the head-scarf issue. Though the issue has proved in the past to be exceptionally symbolic

and divisive, the Turkish Parliament was successful in approving two constitutional amendments that will ease the ban on women wearing Islamic headscarves in universities. KHRP welcomes any public discussion or movement toward the advancement of individual freedoms and human rights. However, we urge that such moves not only apply to universities and that the issue be dealt with in a constructive and comprehensive manner. Further, such welcome reform should not serve to conceal the wider human rights issues that need attention in Turkey, chief amongst them minority, cultural and linguistic rights.

The violence witnessed in Syria and Turkey during Newroz also raises concerns regarding the disproportionate use of force employed by state security forces in response to Kurdish cultural events and protests. It is essential that the respective governments launch thorough and impartial investigations into the conduct of their security forces in these incidents. Speaking more broadly, these episodes further highlight the need for governments to address the direct restrictions on Kurdish freedom of expression and cultural rights which continue to fuel the cycle of unrest and violence in the Kurdish regions.

Throughout the beginning of 2008 we have continued to monitor developments in the Kurdish regions of Syria and Iran. In Syria, unrest, arbitrary arrests and killings have persisted, particularly over this Newroz season. Likewise, cases of arbitrary detention, ill-treatment and the continued practice of the death penalty in Iran have been reported to us with disturbing frequency so far this year. We are reminded, then, of the great deal of work that remains to be done in order to secure human rights for all the inhabitants of the Kurdish regions.

On the development front, KHRP is extremely pleased to announce that we have secured a renewal of multi-year funding from the Dutch government. We would like to take this opportunity to thank the Dutch government, and indeed all our funders and supporters for their assistance, without which our many successes would not be possible. We are also highly indebted to all staff, as well as our dedicated pro-bono legal team, interns and volunteers.

Before I sign off I would like on behalf of everyone at KHRP to wish you all a very happy Newroz.

Kerim Yildiz
Executive Director
March 2008

KHRP FFM Finds Human Rights Compromised by 'High Security Zones'

On 8 March a KHRP Fact-Finding delegation conducted a week-long mission to investigate the impact of the declaration of 'High Security Zones' in the Kurdish regions of Turkey. Mission members Sara Capogna and Nazmi Gür visited Tunceli, Bingöl, Diyarbakır, Cizre and Şırnak, meeting with human rights lawyers, government and political party officials, and trade union and NGO representatives.

The mission was sent in response to several reports received by KHRP of unlawful detention, disproportionate use of force by authorities at peaceful demonstrations against military activity in the region, and complaints

from rural dwellers about access to their lands and livestock. Its aim was to determine the human rights impact on the day-to-day life of the average citizen living in the Kurdish regions.



Sara Capogna

Unfortunately, the delegation has returned reporting a series of violations that are entirely incompatible with international human rights norms. The mission observed that the most commonly violated rights

were related to the freedoms of expression, thought and association. Worryingly, the mission also noted that there was a general consensus that the situation in these regions had deteriorated over the last two years, although it has not reached the same levels of oppression and human rights violations of the 1990s.

In June 2007, the Turkish Military's General Staff announced that areas in the Şırnak, Hakkari and Siirt provinces would be considered temporary security zones until 9 September 2007. Since then, each official expiry date for temporary security zone status has been extended by three months. These measures

effectively return the affected areas to State of Emergency Rule, which was officially lifted in 2002 in south-east Turkey. Throughout the 1990s Emergency rule resulted in forced evictions, village destruction, killings, restrictions on communication, ill-treatment of civilians, arbitrary detention and food embargos, and a massive internal displacement crisis which persists today. The creation and maintenance of these new 'temporary security zones' is an unwelcome return to the destructive martial law of the 1990s.

A full report of the mission's findings and recommendations will be available in the coming weeks.

Kirkuk – Referendum Postponed

The referendum which was to decide the future of Kirkuk, namely whether or not it will become part of the Kurdistan Regional Governate, was due to be held by 31st December 2007, in accordance with Article 140 of the Iraqi Constitution. However it was officially announced that the decision would be delayed by six months and is now due to take place by June 2008.

Kirkuk has long been an ethnically-mixed city, and is home to Kurds, Turkmen, Sunni Arabs, Shia

Arabs, Assyrians and other Christians. The last reliable census in 1957, before the Baathist regime came to power that the Kirkuk governorate was predominately inhabited by those of Kurdish origin. After 1968 the area was subjected to major demographic alteration. The Baathists instigated a mass exodus of Kurds and Turkmen from Kirkuk, which resulted in 100,000 to 250,000 Kurds and thousands of Turkmen being displaced. Many Kurds have returned to Kirkuk following

the 2003 American led invasion, though many more have not. Before the referendum can proceed, the constitution provides that a census must be conducted, and a process of normalization must be initiated.

Normalisation entails the compensation of Arab settlers who were settled in Kirkuk; displacing the expelled Turkmen and Kurds.

Today tension in Kirkuk is high as it is questionable whether there can be a fair resolution to determine the status of the re-

gion and whether there can be effective control over security to avoid violence and fatalities.

Iraq's neighbours, in particular Iran, Syria and Turkey, have attempted to influence the outcome of the unresolved issues central to Iraq's post-2003 reconciliation process, including the Kirkuk issue. This is regarded as particularly sensitive as the potential transfer of jurisdiction to the KRG would considerably boost the region's economic influence. Arab and Turkmen residents oppose the Kurdish claim to the city.

Turkey Convicts own Soldiers for Treason

Turkey has put eight of its own soldiers on trial after their release in November 2007 from PKK captivity in Dağlica, Hakkari. The soldiers were all prosecuted and convicted for treason for embarrassing the Turkish army and damaging national pride.

Seven of the soldiers were given prison sentences of several years. One of the soldiers is of Kurdish origin, and therefore suspected of being a PKK mole and of not firing on the enemy despite a mass of evidence to the contrary. He has been sentenced to life imprisonment.

The army commanders re-

sponsible for the loss of the soldiers several months ago have been dismissed, but the government has given no statement about this matter. Instead, KHRP believes the soldiers themselves have been made scapegoats for the army's failures. In the aftermath of their capture, the Justice Minister issued a statement saying that he was not happy that the prisoners were still alive, that they should have died rather than being taken captive by a terrorist organisation, and that they had damaged national pride.

Suicide bomb hits Mosul

Iraq's third largest city, Mosul, 240 miles (390km) north of Baghdad, was targeted by a suicide bomber on 24 January. The attacker was dressed as a police officer when he detonated his device. Mosul's Chief of Police, Brigadier Salih Mohammad Hassan, his bodyguards and onlookers were killed in the blast. The Chief of Police was the second provincial police chief to be killed in less than two months. The Chief was touring the site of an explosion the previous day, which was said to have killed 34 people, injured at least 224 and destroyed nearby homes.

Officials in the Iraqi military held the Iraqi branch of al-Qaeda responsible for both attacks. They stated that the initial explosion

occurred when Iraqi soldiers attempted to enter a block of flats that may have had weapons and explosives inside.

In the past year there has been an increase in violence in Mosul. This is said to have been a result of the offensive by US-led forces in and around Baghdad, which has led to armed groups to seek new targets. Iraq's minority Christian population was also targeted by a series of attacks on Epiphany Sunday, an important date for Eastern Christians. Three churches and a monastery were targeted wounding four people. Mosul is traditionally religiously mixed as well as ethnically mixed, but many Christians have fled for fear of persecution.

'Ergenekon' Deep State Group arrested in Turkey

Thirty-three suspects have been arrested in connection with an ultranationalist organisation, which calls itself the 'Ergenekon', after an investigation in late January led to hand grenades being found in a slum house in Ümraniye, Istanbul.

Suspicious have long been held in Turkey regarding the existence of a 'deep state', a term used to describe renegade members of the security forces said to act outside the law in what they judge to be in Turkey's best interest. Members of the group are said to include prominent names from within the military, parliament, judiciary and academia, including retired Brigadier General Veli Küçük. The 'Ergenekon' is also said to include lawyer Kemal Kerinçsiz, famous for his involvement in prosecuting writers such as

Orhan Pamuk and Hrant Dink under Article 301 of the Turkish Penal Code.

The 'Ergenekon' has allegedly been linked by evidence to plans to kill Kurdish politicians, intellectuals such as Nobel Laureate Orhan Pamuk, and media columnist Fehmi Koru. It was reported that Orhan Pamuk was the primary target, along with Kurdish politicians Ahmet Türk and Osman Baydemir. Moreover, some Turkish newspapers have also reported that the group is linked to recent attacks against Christians and the murder of Hrant Dink, although this has not been officially confirmed. The group is said to believe that such actions are in the best interest of Turkey. They contend that Turkey is under threat from the EU accession process, allegations raised on the Arme-

nian genocide, and any moves towards a solution to conflict in the Kurdish regions.

For many, suspicions of the existence of a 'deep state' were confirmed by the Susurluk scandal in 1997. This involved a car accident in which the former Deputy Chief of Istanbul Police Hüseyin Kocadağ, leader of the ultranationalist Grey Wolves organisation Abdullah Çatlı, and a member of parliament were injured. At the time, Mr Çatlı was wanted for fraud, trafficking and murder. This allegedly exposed the relations between state officials and those operating outside the law, as further investigation into the accident exposed connections between the Istanbul Police, the Grey Wolves and politicians. The investigation was abruptly stopped at a time when much speculation existed that it was touching

upon highly sensitive issues.

However, Prime Minister Recep Tayyip Erdoğan has responded harshly to such suspicions saying, "[t]hese gangs are not new in our country. Our aim is to get rid of them. We see gangs in the most important institutions. People who once worked in these institutions join these organisations". Further, the Prime Minister claimed that "there is a deep Turkey working against the 'deep state'". Some see this apparent crack-down on the 'deep state' as another stage in the continuing struggle, between a government led by moderate Islamists and a staunchly secular military. For many, the Ergenekon case will be a major test of the Government's will to dig deep and expose illicit ties between gangs and the state, if they do exist.

Ilisu protest on International Day of Action for Rivers

In marking the International Day of Action for Rivers 2008, German activists gathered on 14 March in Berlin to protest against the funding by European Export Credit Agencies (ECAs) of Turkey's controversial Ilisu Dam project. Organised by World Economy, Ecology and Development (WEED), a joint declaration was presented to the Turkish government demanding that it replace the project with a "truly participatory sustainable development plan for the region." A 'dam wall' was also constructed as a

visual protest. In 2002, alongside WEED and several other organisations, KHRP participated in an exemplary campaign that resulted in the collapse of financial backing for the project. Unfortunately, the plan was revived in 2007 after the German, Swiss and Austrian governments approved export credit guarantees for the project. This was in spite of overwhelming evidence pointing to the negative environmental and human impact the dam is set to have on the surrounding part of south-



Protesters at WEED's action in Berlin

east Turkey, as well as the reduction in the access of Iraq, Turkey's downstream neighbour, to the water of the Tigris river. The timely protest came

ahead of further negotiations in Ankara between Turkey and the ECAs regarding the scheduling of the project.

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a publisher encompassed the right to "receive and impart information and ideas without interference by public authority".

While the trial judge expressed "concern" about the

publication during the hearing, in his judgment he concluded that the book consisted of wide-ranging research which contained no intent to propagandise. Mr Önal was acquitted of the charge and awarded 1100 New Turkish Lira in state compensation.

As the head of Peri Publishing, which has released some 270 titles, Mr Önal has already served two prison terms in

relation to similar charges. Mr Önal and his supporters strongly felt that the presence of international observers in this instance, in the form of the KHRP mission, encouraged the judge to uphold the defendant's right to freedom of expression.

A report on the trial observation will be released by KHRP shortly.



The book in question - The Diaspora Kurds.

Remembering Halabja: 20 years on

March 16 marked the 20th anniversary of the atrocities committed at Halabja in Kurdistan, Iraq.

On 16 March 1988, Iraqi military planes dropped chemical agents on the town of Halabja in Kurdistan, Iraq, killing some 5,000 civilians. This attack was only part of a systematic six-and-a-half month 'Anfal' campaign, in which 180,000 people "disappeared" and some 4,000 villages were destroyed. The legacy of Halabja lives on today, as direct survivors and their descendents continue to suffer from medical, psychological, social and economic problems caused by the attacks and the massive displacement they have inflicted.

Despite the many governmental and intergovernmental organisations professing a commitment to human



Residents of Halabja photographed on the 20th anniversary of the attacks, 16 March 2008 (Photo - Tom Carrigan)

rights, full and appropriate acknowledgement by the international community of the tragedies at Halabja and of Anfal has been long overdue.

Bringing the perpetrators of these crimes to justice constitutes an essential step towards the achievement of recognition of the atrocities themselves. However, this process in itself will not provide adequate redress for the victims of these campaigns. In this regard, measures by the Kurdistan Regional Gov-

ernment and central Iraqi government to reconstruct the areas affected have so far proved insufficient. Moreover, the executions of Saddam Hussein and other former officials have already denied the possibility of these individuals facing trial for their crimes at Halabja and during the Anfal campaign. This year the potential execution of 'Chemical' Ali Hassan al-Majid for his role in the Anfal campaign likewise threatens to prevent him from being

brought to justice for the full extent of his involvement in the Halabja attack.

As KHRP Executive Director Kerim Yildiz stated to mark the anniversary: "Recognising the crimes of the past and providing effective measures to address them is a vital component of the reconciliation process between Iraq's various communities. This recognition must extend to the knock-on and lifelong effects victims of those attacks endured. Unfortunately, human rights abuse and regional instability continue to be very much a feature of the present, and thus undermine this process. The Iraqi authorities, regional governments and international community must take responsibility for providing a stable and peaceful environment to facilitate the development of this region, as it is vital to the development of Iraq and the region as a whole."

Ground incursion closely follows KHRP follow-up fact-finding mission to KRG

Since October last year, cross-border military activities in the Kurdistan Regional Government have continued to escalate. From 16 December 2007, cross-border artillery bombardments and troop deployments have been supplemented by air strikes whilst 100,000 Turkish troops had amassed on the border with Iraq.

Responding to the commencement of air strikes in the region, KHRP conducted a follow-up fact-finding mission on 10 January 2008. This mission compliments the findings of our November 2007 mission to the Dohuk governorate (see cover story, Newline 40). It was carried out near the Iranian Border, in the Rania region, Sulemanya Governorate. This area had been the subject of Iranian artillery strikes last August, September and early December, and was the victim of Turkish air strikes on the



KHRP Mission member Tanyel Taysi.

morning of 16 December.

On this morning, a total of 34 villages were targeted by missiles and cluster bombs, affecting schools, homes, mosques, farmland and livestock. At least one woman was killed, and another lost her leg from shrapnel-related wounds. Officials informed KHRP that around 600 families have been displaced in the wider Qandil area as a result of the attacks. The vast major-

ity of the internally displaced remain in fear of returning to their villages. Accustomed to living self-sufficiently off their lands, and with their crops and livelihoods now destroyed, they now face an uncertain future.

KHRP is currently preparing a report on its investigations in the regions, which will be released shortly. A briefing paper on the subject, with a full timeline of attacks, is currently available on the KHRP website.

Ground offensive

Between 22 and 29 February, Ankara carried out a major ground offensive in Kurdistan, Iraq, deploying 10,000 troops in what it claims was aimed at punishing attacks on Turkish soldiers. Heavy fighting has been reported in both the rebel stronghold of Zap as well as the Zagros regions,

with claims of dozens killed on both sides.

Officials within the Kurdistan Regional Government view Ankara's claim of self defence with suspicion, insisting that the infiltration masks plans to undermine the region's stability. In consequence, KRG officials called for an immediate end to hostilities. Baghdad has also insisted on Turkish withdrawal due to Iraq's already fragile national security. However, despite additional concern from Washington, the US State Department has so far stopped short of condemnation. Instead, US Defence Secretary Robert Gates urged restraint whilst articulating the Bush administration's wishes that the incursion be over as soon as possible.

The ground incursion was ended on 29 February, however the KHRP is profoundly concerned that such moves could further endanger civilian life and worsen the humanitarian crisis that Turkish operations in the region have already precipitated.

Turkey moves to ban Democratic Society Party (DTP)

The chief public prosecutor of Turkey's Supreme Court of Appeals has continued its efforts since November 2007 to close the Democratic Society Party (DTP).

The DTP is the first pro-Kurdish party to be represented in the Turkish Parliament in over a decade and is often criticised for not recognising the PKK as a terrorist organisation as Turkey, the EU, and the United States have. Specifically, the prosecutor is calling for the party to be banned from political activity, participating in any elections as members of the DTP or any other party for five years, and registering new members during this period. The DTP requested a three-month extension in order to prepare its defence of the case, but was only granted one month. It submitted its defence on 10 February 2008.

At a later stage the prosecutor will make a verbal statement while DTP members will be asked to defend the party verbally. After this process, a rapporteur will prepare a report based on the collected documents and information. After the distribution of the report to the 11 members of the Constitutional Court, its president, Haşim Kılıç will identify a meeting date during which the members will begin to examine whether the party should be closed. At least seven votes are needed for the closure of the DTP.

The DTP is considered by many to be a party which de-radicalises Kurdish nationalists by bringing them



Kerim Yildiz with DTP MP and human rights defender Mr Akın Birdal, Brussels, December 2007

into the democratic process rather than resorting to acts of violence. If banned, the DTP would join a long list of pro-Kurdish political parties banned by the Turkish authorities, including the Party for Freedom and Democracy (ÖZDEP), the Party of Democracy (DEP), and the People's Democracy Party (HADEP). Currently, DTP MPs are protected from prosecution under parliamentary immunity,

but several DTP MPs are already facing court for going to Kurdistan, Iraq to receive Turkish hostages from the PKK. However, the ruling Justice and Development Party (AKP) has pledged not to strip them of their parliamentary immunity from prosecution (for further information, a KHRP briefing paper is being prepared on the subject of parliamentary immunity).

The Turkish Prime Minister

Recep Tayyip Erdoğan has expressed his opposition to its closure by saying, "[w]e cannot employ anti-democratic measures against deputies, who were elected to parliament by tens and hundreds of thousands of our citizens". The European Union has expressed its opposition to the closure of the DTP as well, indicating that it would likely harm EU-Turkish relations further.

Car Bomb goes off in Diyarbakır

On 3 January a bomb exploded in south-east Turkey near a shopping mall in Diyarbakır, killing six and wounding another 68 people.

A 23-year-old man from Diyarbakır's Kulp district, Erdal Polat, was detained in con-

nection with the attack. It was alleged that during a police interrogation Mr Polat confessed to his role in the bombing. Seven other suspects have been arrested, mostly relatives and friends of Erdal Polat. According to media reports, Mr

Polat confessed that a military vehicle was the target of the attack.

About 100 individuals and representatives from non-governmental organisations in Diyarbakır have marched through the city, in a silent

protest against the bombing. Further reaction came from Kurdish politicians who argued that the Turkish government's legitimisation of policies of violence has led to the use of violence by others.

Head Scarf Ban in Universities Eased

The Turkish Parliament has approved two constitutional amendments that will ease the ban on women wearing Islamic headscarves in universities. Parliament voted 403 to 107 in favour of the first amendment, which will insert a paragraph into the Turkish Constitution stating that everyone has the right to equal treatment from state institutions. The second amendment was backed by 403 to 108 votes by MPs. The amendment states, "no-one can be deprived of [his or her] right to higher education". The changes state that only traditional scarves will be permitted in universities, tied loosely under the chin. Headscarves that cover the neck are still banned, as is the chador and the all-enveloping burka.

The previously strict ban on head scarves was based on a ruling made by the Turkish Constitutional Court in 1989. However, it had only been vigorously enforced during the clamp-down on political Islam that followed the 1997 military-led expulsion of an Islamist party from power. Many say the ban was unjust.

However, the easing of the ban has met with mixed reactions, a reflection of the fact that the headscarf is a hugely divisive issue. Supporters of the move by the Government argue

that the ban prevents access to education. As Turkey's population is predominantly Muslim, two-thirds of all Turkish women cover their heads, meaning thousands have been missing out on the opportunity to attend college. Many Turks argue that this is unfair, and there has been widespread public support for the move. Those who wear the scarf argue that the ban was a violation of their right to express their religious beliefs. The ruling Justice and Development Party (AKP), which has its roots in political Islam, has been under intense pressure from conservative supporters to abolish the ban since it first came to power in 2002. It struck a deal with a right-wing nationalist party over the issue to enable the constitutional amendments. Previously, the move would have been vetoed by the President. However, last year former AKP foreign minister Abdullah Gül was elected as President, and he seems certain to support the move.

The easing of the ban has been met with dismay by others who support Kemalist secularism. Opposition parties said in advance of the vote that they would challenge the changes in the Constitutional Court if they were passed.

Kurdish sociologist's study nominated for Nobel Prize

Research by Kurdish sociologist Aslan Ozdemir, who is currently working at a private company in Diyarbakir, has been nominated for a Nobel Prize.

Ozdemir told the media that his study was mainly focused on the role of traditions in sexual abuse of children and he introduced his study on incest and paedophilia at the 3rd International Conference of Psychotraumatology and Mediation held in the Swiss city of Neuchatel from 1-3 February. He said a total of 11 studies introduced during the conference,

including his research, were nominated for a Nobel Prize by a council which convened after the conference.

Sociologist Ozdemir was also involved in a survey prepared by Sur Municipality on multi-linguistic Municipality services, which were investigated by the Ministry of Interior in Turkey. The court in Turkey passed a decision to remove the mayor and the whole municipality assembly for passing and implementing the decision for multi-linguistic services.

Hrant Dink: One Year On

A year on from the murder of Armenian journalist Hrant Dink in Istanbul, on 19 January 2007, KHRP is still working to highlight the woeful inadequacy of the Turkish investigation into the killing.

An outspoken advocate of multiculturalism and human rights in Turkey, Mr Dink had been prosecuted on several occasions for 'denigrating the Turkish character' under both the old and current Turkish Penal Codes. It is widely believed that such prosecutions made him a target for his ultra-nationalist assassins.

One year on, the State's investigation and trial relating to the murder have proven grossly inadequate. In July 2007, KHRP sent a mission to Istanbul to observe the trial of 18 persons accused of planning and carrying out the killing. The mission uncovered the widespread belief amongst human rights groups that State negligence, and even complicity, had a part in Mr Dink's murder. Not only does evidence suggest that the authorities had wind of the murder plot and took no action, but upon reaching the police station after arrest, some police officers posed for photos with the murder suspect in front of the Turkish flag. Given these outstanding issues, there is a strong argument that the investigation should be widened to assess the potential role played by elements of the State, gendarmerie and police in the killing. Thus far, however, the authorities have been reluctant to implicate state officials in



Hrant Dink during a KHRP fact-finding mission, December 2005

their investigations.

On 11 February, the third hearing of the Dink murder trial took place at the Istanbul High Criminal Court (No. 14) in Besiktas, lasting eight hours. The lawyers for Mr Dink's family, concerned about a possible cover-up, requested an audio-visual recording of the trial, after its second hearing. The court allowed the hearing to be recorded for the first time in Turkish judicial history.

A wider investigation had revealed that Mr Dink's alleged killer, 17-year-old Ogün Samast, was guided by a group of ultranationalist 'older brothers' to commit the crime. Amongst the 18 suspects, only Yasin Hayal and Erhan Tuncel were questioned on instigating the murder.

The hearing was attended by family members of Mr Dink, their lawyers, numerous members of parliament, members of the Hrant Dink Sensitivity Group consisting of writers, journalists, human rights activists and others, as well as Joost Lagendijk from the European Parliament.

Dispatches

UN Launch 'Know your Rights' Campaign for 60th Anniversary of UDHR

The United Nations has launched a year long, world-wide campaign to mark the 60th anniversary of the Universal Declaration of Human Rights, details of which can be found at <http://www.knowyourrights2008.com>.

On the UN website, organisations, institutions and individuals can submit events involving human rights issues, workshops, presentations, lectures and exhibitions. This is an active platform where non-governmental organisations and civil society groups can promote their activities and network with other organisations.

KHRP intends to make use of the website in order to publicise its activities over the coming year.

Bianet report on Media Freedom Echoes KHRP Concerns

A Turkish news agency has published its 2007 Annual Media Monitoring Report on 18 January, with a title which sums up the situation: A Sad Year for Free Speech. Its findings largely mirror the conclusions drawn by KHRP in its fact-finding mission report on the media, released in October 2007.

The report by Bianet, has highlighted ongoing violations of freedom of expression and restrictions on press freedom in 2007. It noted the loss of momentum in efforts to reform a controversial provision under the Turkish Penal Code, Article 301, which allows writers and academics to be convicted under vague charges of 'insulting Turkishness'.

The report also noted the decrease in monetary compensation being awarded by the European Court of Human Rights since 2005, for victims of human rights abuses perpetrated by the Turkish government. This is despite a consistent number of cases being brought against Turkey.

The report further pointed out that although there was a slight decrease in the number of trials last year, threats and attacks on the press have risen and self-censorship is rife.

The report will soon be available in English.

KHRP Executive Director and Chairman Hold Launch of new Kurdish History Book

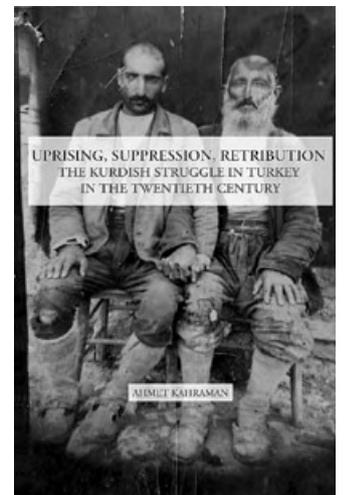


Ahmet Kahraman, Ozan Kahraman (Kahraman's son) and Seyfettin Özgezer (Kurdish journalist) at KHRP's offices, February 2008

On 20 February KHRP held a launch at Garden Court Chambers of Kurdish Dissident author Ahmet Kahraman's book, *Uprising, suppression, retribution: The Kurdish struggle in Turkey in the Twentieth Century*. The book was translated with the cooperation of KHRP employees and interns, both past and present.

The launch was opened by KHRP Chairman Mark Muller QC and addressed by KHRP Executive Director Kerim Yıldız, before Mr Kahraman spoke about his book, and the process of researching and writing it.

In the book, Kahraman, who lives in exile in Germany, discusses the causes and effects of Kurdish uprisings in twentieth-century Turkey. It was first published in Turkey and resulted in the prosecution



Cover of Kahraman's *Uprising, suppression, retribution - The Kurdish struggle in Turkey in the Twentieth Century*

tion of the book's publisher, Songül Özkan. This prosecution was the subject of a KHRP trial observation and report, entitled *Publishers on Trial: Freedom of Expression in Turkey in the context of EU Accession*, which was released in May last year.



Kerim Yıldız addressing the launch.

New Kurdish Language Channel Planned in Turkey

Turkey's state radio and television broadcasting unit, TRT, is set to allocate one of its five channels to programmes in 'non-Turkish' languages. Although the specific listings are as yet unavailable, it is expected that the channel's principal output will be Kurdish, a language that until 2002, was effectively outlawed in public broadcasting. Other languages are likely to include Armenian, Arabic and Farsi. As such, the news has been welcomed by the pro-Kurdish Democratic Society Party: "This is a very important decision. After all, broadcast policy is in itself very important. All the people of this nation need to believe

that this channel is following an open and equal broadcast policy toward all the political parties and that, instead of racist or chauvinistic policies, it is pursuing democratic and peaceful policies".

The development follows in the aftermath of EU criticisms that Ankara's previous attempts at Kurdish broadcasting fell significantly short of expectations. It is further suspected that the popularity of non-state Kurdish language opposition television stations, such as Danish-based Roj TV, have also influenced the decision to provide a state-sponsored alternative station in the Kurdish language.

Unrest in Armenia and Nagorno-Karabakh follows contested Armenian elections

On 1 March Armenia's outgoing President Kocharian declared a 20-day state of emergency after fighting between security forces and demonstrators in the capital, Yerevan, left 8 people dead and over 100 people injured. The violence followed 11-days of continuous protests in Yerevan by supporters of opposition candidate Levon Ter-Petrosyan, who have disputed the election result of 19 February which declared Prime Minister Serzh Sarkisian as Armenian President.

The United Nations Secretary General Ban Ki-moon and High Commissioner for Human Rights Louise Arbour have voiced deep concerns over government failure to exercise restraint in suppressing the unrest. As a signatory to the International Covenant on Civil and Political Rights (ICCPR), Armenia is obliged, even during states of emergency, to guarantee fundamental rights such as the right to life and the prohibition of torture and cruel, inhumane and degrading treatment. Likewise, the Council of Europe and OSCE, both of which Armenia is a member, have voiced concerns about the situation in the

country. The state of emergency is likely to have an extremely negative impact on freedom of association and assembly through the banning of public gatherings, travel restrictions and increased search powers for police. The security clampdown has already jeopardised media freedom, with President Kocharian ordering media outlets to cite only official sources in their coverage of the events and reports of bans on independent media outlets.

In a parallel development, unrest on the border of the disputed enclave of Nagorno-Karabakh has demonstrated the fragility of the 1994 ceasefire between Armenia and Azerbaijan. On 4 March, fighting between Azerbaijani and Armenian troops in the Mardakert region of north-west Nagorno-Karabakh resulted in several casualties, though the exact figures are contested by the parties involved. Armenia has retained de-facto control of the enclave and other surrounding territories following a five-year war which resulted in the displacement of an estimated 528,000 Azerbaijanis, including a large number of Kurds.

Dispatches

SPREADING THE WORD

Media outlets across the world have called on the expertise of Kurdish Human Rights Project staff in recent months.

On 21st November 2007, KHRP Deputy Director Rachel Bernu, was interviewed by Athens International Radio in Greece about the situation of the Kurds in Turkey and Iraq.

Rachel was also interviewed by CKUT Radio News Collective, a station at McGill University in Montreal, Canada on 11th January 2008. Rachel provided the show with insight into the history and current status of the conflict, and the resultant mass displacement problem. The Deputy Director also took part in a panel discussion on Press TV on 1st February 2008, looking at the situation of political and social reform in Turkey, and particularly in relation to the Kurds, under the leadership of the AKP.

KHRP Executive Director, Kerim Yıldız has conducted numerous interviews for Turkish and Kurdish TV stations, for al-Jazeera in December 2007, and BBC radio in January 2008. On 22nd February he briefed Democracy Now, an independent news program aired throughout the US, on the incursion of Turkish troops into Iraq.

Kerim's article 'Bombing the villagers', which highlights the importance for peace, stability and democracy in the region that the international community condemns Turkey's military activities in Iraq, was published on the Guardian blog-site 'Comment is free' on January 23rd. Please see Kerim's profile on http://commentisfree.guardian.co.uk/kerim_yildiz/ for further articles.

Meanwhile, KHRP Resources and Communications Coordinator Walter Jayawardene gave a presentation on internal displacement in Turkey, and the Iraqi border crisis, to a meeting of the London International Model United Nations on 9 February. Walter also liaised throughout January with Crispin Thorold, BBC's Amman correspondent, providing him with details for an assignment on women's rights in Kurdistan, Iraq.

Through the winter period KHRP again demonstrated its leading role in providing reliable information and insightful analysis on the Kurdish regions to the press and public.

Unrest in Syria and Turkey Overshadows Newroz Celebrations

On 20 March, Syrian security forces shot dead three Kurds and injured 5 others in the predominantly Kurdish town of Qamishli, north-east Syria. According to local reports, Syrian security forces opened fire after torches were lit by Kurds celebrating the New Year (Newroz) festival, killing Muhammad Yahya Khalil, Muhammad Zaki Ramadan and Muhammad Mahmud Hussein, all of whom were less than 25 years old. Another report said Kurds had burned tyres and thrown stones at police during the celebrations. Over 150 others were arrested.



Kurdish protesters in Qamishli, Syria, being fired upon with teargas in earlier unrest in the city, 2 November 2007.

Beginning on 20 March, scenes of unrest and violence also took place in south-east Turkey, with five consecutive days of clashes between Kurdish protestors and security forces reported to have taken place in cities throughout the region.

In Van, south-east Turkey Kurdish demonstrator Zeki Erinç was killed during a protest on 22 March. His funeral,

which was attended by some 20,000 people the following day, became the scene of another demonstration. That same day, another protestor, İkbâl Yaşar died from a bullet wound after riot police fought with protesters who took to the streets in defiance of a ban on public gatherings in Yüksekova, Hakkâri province.

Across the Southeast, Hundreds of demonstrators were reported to have been injured or arrested as police sought to disperse the gatherings, often using batons and tear-gas.

Across the Kurdish regions, Newroz was also observed by thousands of Kurds without incident. Nonetheless, the cultural celebrations have be-

come a flashpoint for confrontation between the authorities and Kurds campaigning for greater political, social and cultural rights. Tensions this year have been particularly pronounced as a result of Turkey's major ground incursion into Kurdistan, Iraq in February, and its ongoing air strikes there.

Turkey Issues Hefty Sentence in Avşar Murder Case

On 20 March, the Diyarbakır 3rd Heavy Criminal Court sentenced Gültekin Sütçü, a former member of the Turkish security forces, to 30 years imprisonment under 448 of the Turkish penal Code for "homicidal attempt to murder", for his involvement in the killing of Mehmet Şerif Avşar in Diyarbakır, south-east Turkey in 1994.

Mr. Avşar was taken into

custody by several armed policeman on 22 April 1994 in Diyarbakır and was later found dead. In a KHRP-assisted case in 2002, the European Court of Human Rights found Turkey responsible for his death, in violation of the Right to Life under Article 2 of the European Convention on Human Rights, as well Article 13 based on its failure to adequately investigate the killing. Whilst several

individuals were convicted by Turkey in 2000 for their involvement in Mr. Avşar's death, Sütçü has until now escaped prosecution.

KHRP welcomes this decision, 14 years after the killing of Mr. Avşar, as an indication of Turkey's new willingness to hold members of its security forces to account for their violations of Turkish law. However, KHRP, along with the

victim's family, is deeply concerned to learn that the court decided not to remand Sütçü in custody until his sentence is ratified by the High Court of Appeal. Prior to this, Sütçü had spent several years in hiding, thus showing himself to be a serious flight risk. Now that he has been sentenced, it is highly likely that he will once again disappear and evade justice.



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

On the Increase: Arbitrary detentions, torture and the death penalty in Iran

KHRP has been deeply concerned by frequent reports of arbitrary detentions, torture and ill-treatment of detainees and the use of the death penalty recently in Iran. By all accounts, the overall deterioration in the human rights situation which took place in 2007 is set to persist in 2008.

Many human rights defenders, opposition activists, union leaders and journalists have already fallen victim to crackdowns on freedom of expression and association on the basis of spurious national security charges. Student leaders in Iran affirm that solely in the month of January, 150 students were arrested and 60 remain imprisoned. Other non-political actors have reportedly been detained, such as teachers demanding higher wages and pension plans, as well as journalists and scholars with no history of activism.

Reports this year have also noted the appalling prison conditions and treatment suffered by detainees. These often involve solitary confinement, torture and abusive in-

terrogation to extract 'confessions', and the denial of access to legal counsel or relatives. Conditions inside Section 209 of Tehran's Evin prison have been highlighted in particular. The section lies outside the regular prison administration and is thus not subject to the usual standards and scrutiny.

Female activists have not been immune to such abuse. For example, some 35 members of Iran's women's movement have reportedly been held in the aforementioned prison section since 2005. Recently, Runak Safazdeh and Haba Abdi of the Women Rights Organization 'Azarmehr', were arrested by the security forces on 9 October and 4 November 2007 respectively, on the grounds of allegedly working against revolutionary values. They have since been interrogated and tortured in Sanandaj prison without due process and denied the presence of their lawyers.

Iranian Kurds continue to suffer from deep discrimination, often linked to suspicions that they constitute a separa-

tist and to the integrity of the Iranian Republic. On 15 January, Ebrahim Loft-Allahi Kurdish, a fourth-year law student, was arrested in Sanandaj. According to Iranian authorities, he then committed suicide in the custody of Iranian intelligence officers. Loft-Allahi's body was buried before his family could see it, and his grave had been filled with cement to prevent an autopsy. His family disputes the claims of suicide and demands the body's exhumation.

Of extreme concern last year was the drastic increase in executions, with reports that Iran had conducted some 300 executions in 2007 (a 50% increase on 2006), often using some of the most abhorrent methods, including public stoning. This trend likewise persisted throughout late 2007 and early 2008. In mid-December Iran executed 62 people only days after members of the United Nations General Assembly voted overwhelmingly in favour of resolutions calling for a moratorium on the worldwide use of the death penalty.

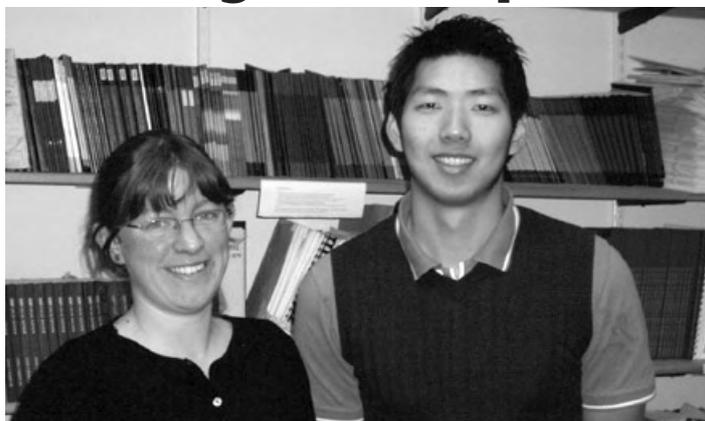
Two of the executed persons were underage at the time of their sentencing. Indeed, Iran's Guardian Council has failed to ratify a parliamentary bill seeking to set the minimum age for the death penalty at 18 years. A further 13 people were hanged on 1 January 2008. A particularly disturbing feature of Iran's Penal Code is the provision for execution by stoning, applied in cases of extra-marital affairs. At present, 11 people in Iran (including 9 women) are awaiting such a sentence.

KHRP has long been at the forefront of the global movement to abolish the death penalty and has registered, through its work at the ECtHR, great success in achieving this in Turkey and within the Council of Europe as a whole. It is thus with much concern that we report on the recent increase, elsewhere in countries such as Iran, of this brutal practice which has no place in a modern, democratic society.

KHRP networks with Iraqi and Burmese Women's Rights Groups

KHRP has actively participated in several networking opportunities at the start of 2008, attending community meetings with non-governmental organisations concerned with Iraqi and Burmese women's rights.

On 19 February Legal Intern Annie Audsley attended a meeting hosted by the Iraqi Sub-Group of the All Party Group on Women, Peace and Security. At this gathering, Professor Benshoof of the Global Justice Center discussed the Iraqi High Tribunal (IHT). She argued that the IHT is making radical progress in prosecuting gender crimes, under international law, com-



KHRP interns Annie Audsley and Bruce Chen.

mitted during the Saddam Hussein regime. However, the discussion which followed expressed frustration at the gap between progressive international law being applied

to crimes of the past, and the lack of protection or effective redress for crimes being committed against women today.

On 21 February Legal Intern Bruce Chen attended a

meeting hosted by the UN Development Fund for Women (UNIFEM) UK. It provided organisations involved in Iraqi and Burmese women's issues with the opportunity to share experiences and form collaborations. In relation to the women of Burma, representatives from the Burma Lawyers' Council and Burma Pro-Democracy Organization described the existing complete impunity for the military junta, especially for gang rape. Prof Benshoof, who also gave a presentation there, proposed that the government of Great Britain be lobbied to change its foreign policy, so that it calls for criminal accountability before the International Criminal Court rather than mere sanctions on Burma.



Marina Themistocleous addressing seminar group.

KHRP Legal Training on Women's Rights a Great Success

A very successful legal training seminar was led by KHRP Legal Interns Maria Themistocleous and Amy Pepper in Leicester, on 17 January. The seminar, entitled Global Issues – Local Voices. How Women's Organisations Use International Instruments, included talks and workshops on interna-

tional legislation and legal bodies, UN Special Rapporteurs, and effective lobbying skills. Organised by the Fatima Women's Network, the seminar was attended by representatives from Faith in People with HIV, the Race Equality Centre, and the Women's National Commission.



Seminar participants.

First Female Judge from Turkey elected to ECtHR

The Parliamentary Assembly of the Council of Europe (PACE) has voted for Professor Işıl Karakaş to sit on the panel of judges at the European Court of Human Rights (ECtHR), elected out of the three candidates put forward by Turkey. She received 136 of the 185 votes in the assembly. Professor Karakaş will take over from Professor Rıza Türmen, who has held the position since 1998. Professor Karakaş will be the first female judge from Turkey at the ECtHR.

Prior to this appointment, Professor Karakaş was a lecturer and

Assistant Dean at the law school of Galatasaray University, in İstanbul. Her academic work has focused on the areas of European Union law and International Human Rights law. Professor Karakaş' election followed the controversial decision to end the mandate of Professor Türmen, which has been linked to his upholding of the Turkish headscarf ban. Moreover, Turkey's first list of candidates was rejected due to the obvious disparity in the competence of the candidates put forward.

Turkey once again tops Leader Board of ECtHR Judgments in 2007

In its 2007 Survey of Activities, the European Court of Human Rights (ECtHR) has once again listed Turkey as the member state with the most judgments against it in 2007.

Of a total of 1,503 judgments passed by the Court last year, 331 were made against Turkey. This figure, which accounts for 22 per cent of the total number of judgments made by the Court in 2007, put Turkey well ahead of other states, with Russia in second place at 192 judgments against it, followed by Poland at 111. In addition, a total of 387 new cases against Turkey were deemed admissible by the Court last year. This figure, too, was well ahead of other states, with Ukraine coming in second with 240 admissible cases against it.

The scale and frequency with which Turkey is still being called

to task for human rights violations at the ECtHR again demonstrates that much work remains to be done before Turkey can claim to fulfil all the criteria required of it for EU membership.

Last year witnessed continued violence and human rights abuses in the south-east, with new and extremely worrying developments in the authorisation and carrying out of cross-border shelling and bombing campaigns on Kurdistan, Iraq. The continual frustrations of the work of intellectuals, journalists and publishers through malicious prosecutions were also reported throughout last year.

These have not been encouraging indicators of things to come, and do not provide any suggestion that the ECtHR's 2008 survey will place Turkey any lower on its leader board.

ECtHR rules Turkey failed to protect life of Abducted Man

On 8 January the European Court of Human Rights found Turkey in breach of Articles 2 and 3 of the European Convention of Human Rights (ECHR) in the KHRP-assisted case of *Osmanoğlu v Turkey*.

The case was brought to the Court by Mr Muhyettin Osmanoğlu, whose son Mr Atilla Osmanoğlu was allegedly detained by Turkish police and subsequently disappeared in March 1996. Mr Osmanoğlu alleged that his son was detained at his grocery shop by two armed men who represented themselves as police officers. The officers allegedly led his son to a car and told him that his son was being escorted to police headquarters.

When Mr Osmanoğlu's son failed to return the following day, he petitioned the offices of the governor and chief prosecutor at the State Security Court. The Turkish government submitted that the prosecutor did not initiate an investigation, since Mr Osmanoğlu's son was not shown on police custody records as having been detained.

The European Court of Human Rights found Turkey responsible for failing to protect the life of Mr Osmanoğlu's son (Article 2) and for inhuman and degrading treatment towards Mr Osmanoğlu (Article 3).

The European Court of Human Rights held that Turkish authorities had not fulfilled their obligations in taking immediate steps to protect the life of Mr Osmanoğlu's son. The Court found that the failure to carry out an investigation amounted not only to an "illogical decision-making process", but also served to undermine existing Turkish laws protecting the individual's right to liberty. It concluded that Turkey had failed to take reasonable measures to prevent a "real and immediate risk" to the life of Atilla Osmanoğlu.

The Court further held that Mr Osmanoğlu "suffered, and continues to suffer, distress and anguish" from his son's disappearance and the failure of authorities to take sufficient action, which amounted to inhuman and degrading treatment.

This case is indicative of innumerable cases taken before the ECtHR pertaining to the disappearances and deaths of Kurdish civilians taken into custody in Turkey in the 1990s. Though it is disappointing that Turkish state agents were not held directly responsible for Atilla Osmanoğlu's disappearance, KHRP is very happy that after nearly twelve years the Turkish state has been held responsible for endangering his life, and for its shabby treatment of the Osmanoğlu family.

Turkey Found Guilty at ECtHR in Conscientious Objection Case

On 8 January the European Court of Human Rights (ECtHR) found Turkey in violation of Articles 6 and 10 of the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) in the KHRP-assisted case of Yurdatapan v Turkey.

On 23 July 1999 Mr Yurdatapan, an opponent of Turkey's harsh laws relating to conscription, distributed leaflets entitled "Freedom of Thought - No. 38" in front of the Istanbul State Security Court. These leaflets contained statements made by Osman Murat Ülke, a conscientious objector, opposing conscription. Mr Ülke was himself prosecuted for making these statements in 1997 and a similar leaflet entitled "Freedom of Thought - No 9" containing his statements had previously been banned by the Turkish general Staff Military Court. Mr Yurdatapan was subsequently tried by a military court

for seeking to dissuade persons from serving in the military, sentenced to two months imprisonment and a fine.

The Court ruled that the sentence violated Yurdatapan's right to an impartial tribunal (Article 6 ECHR), since he was tried by a military court. It further ruled that his right to free expression (Article 10 ECHR) had also been violated. The Court pointed out that the leaflets distributed by Yurdatapan did not contain any incitement to violence or hate. It found therefore that "the applicant's conviction and sentence were disproportionate ... [and] not necessary in a democratic society".

The Court's findings are the latest in a series of cases relating to conscientious objectors in Turkey. Indeed the circumstances of this case are nearly identical to the recent KHRP-assisted case of Düzgören v Turkey. In that case the ECHR found that the fining

and imprisonment of journalist Koray Düzgören for distributing similar leaflets outside Ankara State Security Court violated articles 6 and 10 of the Convention.

Osman Murat Ülke, the conscientious objector mentioned above, took a case to the European Court in 1997 protesting the continual imprisonment and harassment he suffered for burning military call-up papers, refusing to wear a military uniform, and multiple counts of desertion. In 2006 the Court found Turkey guilty of inhuman and degrading treatment due to the continual imprisonment and prosecution of Ülke on the same charges. Ülke's treatment, and the treatment of Yurdatapan and Düzgören for reproducing his statements on conscientious objection, reflect an ongoing gap in Turkish legislation regarding conscientious objectors. As the Court put it in that case: "the legal framework was evidently

not sufficient to provide an appropriate means of dealing with situations arising from the refusal to perform military service on account of one's beliefs. Because of the unsuitable nature of the general legislation applied to his situation the applicant had run, and still ran, the risk of an interminable series of prosecutions and criminal convictions".

As KHRP Executive Director Kerim Yıldız stated on learning of the judgment, "provision must be made in Turkish law to allow for conscientious objection on religious or personal grounds. An end must be put to the current equation of conscientious objection with 'a threat to the integrity of the state', which has led to the hounding of objectors like Ülke, and the prosecution of their supporters. The judgment by the Court is to be welcomed as a further step in underlining the urgent need for reform on this matter".

ECtHR finds Turkey Responsible for Police Brutality

On 8 January the European Court of Human Rights found Turkey in breach of Article 3 of the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) in the KHRP-assisted case of Ayaz v Turkey.

The case concerns the arrest and torture of Mr Ercan Ayaz by Turkish border police at Atatürk Airport in Istanbul in 1993. Mr Ayaz was physically and sexually assaulted by police whilst in detention. A doctor

from a human rights organisation in Istanbul who examined Mr Ayaz on his release confirmed that he had suffered spinal bruising, abdominal pain and superficial scratches. The Bakırköy Institute of Forensic Medicine made similar findings.

The European Court of Human Rights found that Mr Ayaz was the victim of police brutality, and thus held Turkey responsible for inhuman and degrading treatment (in violation of Article 3 ECHR).

Mr Ayaz had initially made a criminal complaint before the provincial administrative council in Turkey, however criminal proceedings were later discontinued. The Council instead, accused Mr Ayaz of seeking to tarnish the image of Turkish police. The order to discontinue proceedings was later upheld by the Supreme Administrative Court. A police disciplinary inquiry also accused Mr Ayaz of inflicting the injuries on himself after his re-

lease. In light of the medical findings available the European Court of Human Rights said that it was not persuaded by such explanations for Mr Ayaz's injuries.

Sadly, despite recent reforms, torture remains an ongoing practice in Turkey. However, the means and methods have become less physically detectable, and the justifications are often cloaked in the language of the war on terror.

KHRP attends seminar on the future of the ECtHR

On 23 January KHRP Legal Director Catriona Vine and KHRP Legal Intern Annie Audsley attended a seminar entitled The European Court of Human Rights: Ensuring Access to Justice and Effective Redress?, hosted by the Human Rights and Social Justice Institute at London Metropolitan University.

The seminar addressed the future of the European Court of Human Rights (ECtHR), acknowledging its unique reach in protecting the rights of individuals and limiting the freedom of governments to ill-treat individuals within their borders, but however positive its achievements, noting that it faces many difficulties in its role of providing justice. Its case load is enormous (there were 41,700 new applications in 2007) causing a severe backlog. Added to this, the obstructive behaviour and at-

titude of states towards the Court can be a hindrance.

The speakers at the seminar were Professor Françoise Hampson of the University of Essex and Professor Philip Leach, Director of the Human Rights and Social Justice Research Institute. Professor Leach was formerly the Legal Officer at KHRP, and Professor Hampson has also been involved with KHRP casework before the ECtHR.

Professor Hampson argued that it cannot only be the Court that delivers justice based on the Convention. True access to justice under the Convention system requires three things: individuals having access to justice based on the European Convention on Human Rights (ECHR) at the domestic level; individuals having access to the Court itself; and the Court delivering justice. Prof Hampson stressed the importance of a do-

mestic "culture of the rule of law". She said that in countries where this exists, decisions of the ECtHR find resonance and become transferred into domestic law. In states where it is weak, the instances of human rights violations increase, unchecked by the domestic legal system and with the ECtHR as the people's only recourse.

For instance, Philip Leach discussed the problem posed in Russia, a country with a very weak "culture of the rule of law". He noted that Russia behaves obstructively both in its routine refusal to disclose information, and its harassment of Court applicants. Also, ECtHR decisions appear to have no impact on ongoing human rights abuses.

More broadly, Professor Hampson said that access to the Court was generally good and delivered justice. She said that the only real

issue in this regard was some inconsistency in the Court's decisions. This feeds back into the issue relating to application of the Convention at a domestic level, since domestic courts would not have a standard to apply for themselves, without a consistent precedent set by the Court.

The main themes that emerged during the seminar were the need for domestic legal systems to apply the Convention more effectively, and for the Court to be clearer about its role. Overall, the seminar described a well-integrated system of domestic courts and the ECtHR, an ideal which has not yet been attained. The seminar concluded that such a system would improve access to justice in itself, and reduce the ECtHR's caseload so that it would be able to give swifter and greater attention to the cases already before it.

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



Kurdish Human Rights Project – Impact Report 2007

Impact Report 2007 presents a unique insight into KHRP's impact in Turkey, Iraq, Iran, Syria and the Caucasus over 2007. Its impact has been achieved through a combination of litigation, advocacy, training, trial observations, fact-finding, research and public awareness initiatives. The report should be viewed as a primary resource for those interested in the human rights situation in the Kurdish regions throughout last year.

Legal Review 12

December 2007

This is the latest issue of KHRP's bi-annual 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.

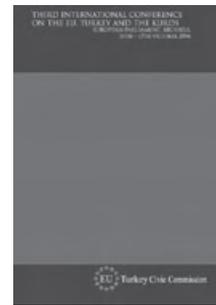
The mission found that today's retrogressive legislation, rising harassment on the ground and the increased powers that have been conferred to the police, have led many to regard the situation for freedom of the media to have become reminiscent of the 'dark years'. The report thus provides a background 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.

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.

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



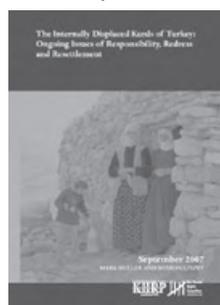
to 39 years imprisonment each for "forming a criminal organisation, killing people, attempting to kill people and causing injury". However, on 16 May 2007 the Court of Appeal overturned the verdict, ordering the case to be re-heard.

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.

The Internally Displaced Kurds of Turkey: Ongoing issues of Responsibility, Redress and Resettlement

Mark Muller and Sharon Linzey
September 2007
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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, compara-

tively 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 inter-governmental 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.

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'.

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>

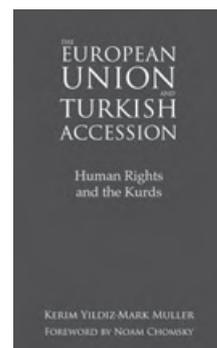
PUBLICATIONS DUE FOR RELEASE IN THE COMING MONTHS

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

A photo book celebrating KHRP's 15th anniversary. Due for launch in spring 2008.

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

The EU accession process will shape Turkey's future and, in particular, its potential to become a pluralist, democratic state with respect for international human rights. 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, offering



a detailed examination of the background of the Kurdish people and their relationship to the Turkish republic. The authors conclude by drawing together the issues examined throughout the book and highlighting the implications that the accession process will have on Turkey and the international community.

Due for publication by Pluto Press on May 1, 2008. Available for pre-order from KHRP now.

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

A full report of the findings of KHRP's fact-finding missions to Kurdistan, Iraq in November/ December 2007 and January 2008.

Legal Review, Sorani Edition

A selection from 2007's issues of Legal Review (#11 and #12) translated into Sorani Kurdish by our partners at CDO in Sulaymanya. Due for publication in spring of 2008.

Persecuted Publishers

A report on the recent trial of Ahmet Önal, which was observed by KHRP in February.

Due for publication in May 2008

High Security Zones in East and Southeast Turkey: the Human Rights Impact

A report on KHRP's March fact-finding mission to the regions.

Due for publication in May 2008

Kurdish Human Rights Project

KHRP

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.

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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Calendar of Events

- 15 April: KHRP will hold a preview of two new publications on the Kurds; The European Union and Turkish Accession: Human Rights and the Kurds by Kerim Yildiz and Mark Muller (foreword by Noam Chomsky), and the second edition of Kurdistan: In the Shadow of History by Susan Meiselas.

The event will be the first opportunity to purchase these new books, both of which have a limited print run and will be held in the GLA's Living Room, with stunning views of the Thames.

- May: Launch of KHRP's 15th Anniversary Photo Book, date TBC