

# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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## Law Society Dinner Marks KHRP's 15th Anniversary

Michael Mansfield QC and Kerim Yildiz hosted a fundraising dinner at the Law Society on 19 November to celebrate KHRP's 15th anniversary and to raise financial support for groundbreaking casework before the European Court of Human Rights (ECtHR).

The evening began with a speech by KHRP Honorary President Lord Eric Avebury about the history of the organisation and his own experiences of the difficulty of undertaking human rights work in relation to Turkey. Lord Avebury, an outspoken critic of the human rights practices of the Turkish authorities, has himself been banned from the country in the past.

Michael Mansfield QC afterwards spoke about the importance of ensuring accountability and the rule of law, and highlighted the power of civil society organisations to over-



*Michael Mansfield QC addresses the fundraising dinner.*

come prejudice and heal social divisions. Michael Mansfield, whose career has included work on behalf of the families of Stephen Lawrence and Jean Charles de Menezes, as well as Turkish and Kurdish exiles, is a Patron of KHRP.

A speech by KHRP Chairman Mark Muller QC focused on his experiences of working with the organisation since its inception in the early 1990s and his gratitude for the moral

support and practical assistance it had received from many high-profile figures present on the night.

In addition, Lord Avebury presented Zeynep İnan Çam with a certificate in recognition of her completion of the Sigrid Rausing International Fellowship Programme at the KHRP. The Fellowship offers selected women advocates from the Kurdish regions an opportunity  
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## KHRP Honoured with Launch of Anniversary Photo Book

November saw the publication of *Kurds: Through the Photographer's Lens*, a singular collection of photographs, poetry and writing commissioned by the Delfina Foundation in celebration of 15 years of work by the KHRP.

The book was launched at an event at the SW1 Gallery in London on 20 November, hosted by KHRP

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*Lord Avebury gives a speech opening the evening.*

### Director's Letter



Dear Friends,

It has been a particularly exciting Winter period for KHRP, made special by a very successful fundraising dinner and the publication and launch of a beautiful collection of photography, all to mark our 15th anniversary.

We are very grateful to Michael Mansfield QC, Lord Eric Avebury and Mark Thomas for their key role in these events and to all individuals, law firms, chambers and other organisations who took part. Many of you have been supporting KHRP throughout the organisation's lifetime and have been fundamental to making it what it is today. It is thanks to you that KHRP has come such a long way since its birth in 1992 and that we are able to look back on over 15 years of successful litigation, advocacy, training and public awareness work.

As we celebrate KHRP's many achievements over the years, it is appropriate that we should be busier than ever. In this quarter alone, we are holding four trainings for lawyers, human rights defenders and government officials in Turkey and Kurdistan, Iraq. There has also been a training on

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Zeynep İnan Çam accepts the Sigrid Rausing International Fellowship Award.



Kerim Yıldız, Lord Avebury and Mark Muller QC at the fundraising dinner.

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### Law Society Dinner Marks KHRP's 15th Anniversary

nity to work with KHRP's experienced pro bono Legal Team, providing for an exchange of legal and professional expertise and skills in order to bring about lasting change in the human rights climate on the ground. Zeynep, a lawyer from İzmir, is nearing the end of a four-month placement in KHRP's London office, which has also included participation in seminars organised by the Open Society Justice Initiative and the European Court of Human Rights in Strasbourg.

'It is a real honour that we continue to enjoy such proactive and enduring backing

from people whose reputation and influence can help to bring about real changes in the human rights situation in the Kurdish regions,' said KHRP Executive Director Kerim Yıldız. 'Without them, KHRP would not be what it is and the extraordinary progress that has been achieved through our litigation, advocacy and public awareness work over the past 15 years would not have been possible. We are immensely grateful for everything that they have done.'

The focus of the evening was KHRP's strategic litigation on behalf of 76 applicants before the ECtHR who were injured, lost property or family members or otherwise suffered as a direct result of re-



Guests listen as Lord Avebury gives his speech.

cent Turkish military activities in northern Iraq. This work represents a significant increase in the organisation's usual caseload. Besides seeking justice on behalf of the individuals involved, it will also help

to raise awareness of the human rights impact of Turkish cross-border operations and stands to set ground-breaking precedents with regard to the jurisdiction of the European Convention on Human Rights.

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women's rights in our London office and a talk in the UK parliament on human rights issues affecting Syrian Kurds. In addition, KHRP is planning a mission to Turkey in the coming weeks to investigate the situation of prisoners' rights.

KHRP has also been pleased to mark some key milestones, taking part in a seminar in Strasbourg in October to celebrate the tenth anniversary of the 'new' European Court of Human Rights and co-hosting a photography exhibition in December to mark the 60th annual Human Rights Week in honour of the adoption of the Universal Declaration of Human Rights.

Meanwhile, developments in the region never cease to

remind us of the importance of such work. Recent weeks have seen an upsurge in conflict in south-eastern Turkey, which coincided with calls for even greater powers to be granted to security forces and the extension of the window for cross-border military attacks in Iraq by another year. This is despite efforts by KHRP and others to draw attention to the failure of such measures to end the circle of violence, and the appalling impact that they have on civilian victims.

Elsewhere, there have been yet more restrictions on freedom of expression across the region, including the confirmation of an 11-year jail term against a Kurdish writer in Iran in connection with his work.

Nonetheless, we have also seen evidence of the positive influence that can be exerted by civil society organisations in the face of such repression and violence, with news in October that Germany, Austria and Switzerland are formally threatening to abandon their financial backing for the Ilisu Dam in south-eastern Turkey. The announcement followed many years of campaigning by KHRP and its partner organisations against the project and the abject failure of the Turkish authorities to address its environmental and human rights fallout.

Even the withdrawal of these countries would not mark the end of the road for Ilisu, of course, with Turkey bound to seek financing from elsewhere. But this latest de-

velopment is still a powerful reminder that peaceful campaigning can and does pose a very concrete challenge to efforts by governments to brush human rights under the carpet in the pursuit of other interests.

Once again, our warmest thanks go out to the many funders, supporters and volunteers who make all of KHRP's work possible. We very much look forward to sharing as many successes in the future as we have done over the past decade and a half. That said, it only remains to sign off by wishing you all season's greetings and a happy New Year.

Kerim Yıldız  
Executive Director  
December 2008



Guests at the book launch.

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**KHRP Honoured with Launch of Anniversary Photo Book**

Honorary President Lord Eric Avebury. Twenty striking photographs from the book were on display during the evening and these were later auctioned by comedian Mark Thomas, a longstanding supporter of KHRP, raising some £5,000 towards the organisation's work for the protection and promotion of the human rights of all people living in the Kurdish regions. Tickets for a prize draw were also sold and the winners presented with copies of the book signed by contributor

Harold Pinter.

Lord Avebury and KHRP Board Chair Mark Muller QC both spoke about their long relationship with the organisation and its importance in depoliticising the word 'Kurd'. Expressing his deep admiration for the Kurdish people and the beauty of the lands where they live, Lord Avebury described the continuing need for international support for the people living in the Kurdish regions. Both speakers went on to praise Delfina Entrecanales for her vision and support of the book and KHRP, and for appreciating the value of



Mark Thomas auctions images from the book.

bridging cultural divides.

*Kurds: Through the Photographer's Lens* presents a visual history of the Kurds over the past decade and a half, bringing together the work of some of the most prominent photographers and photojournalists to have worked in the Kurdish regions in that period, including Susan Meiselas, Jan Grarup, Ed Kashi and Patrick Robert. Their images are complemented by written contributions from Noam Chomsky, Jon Snow and poet Choman Hardi, as well as Harold Pinter.

'Our warmest thanks

go out to everyone who donated their work, their time and their energy to make this book possible, as well as all those who organised and attended the launch,' said KHRP Executive Director Kerim Yıldız following the event. 'It is a unique experience to see the recent history of the Kurds portrayed so vividly and it is an honour to know that such an exciting venture was undertaken in recognition of KHRP. We look forward to many more years of progress on human rights in the Kurdish regions, helped along by the funds raised through this project.'

## KHRP Attends International PEN Congress in Bogotá

KHRP Executive Director Kerim Yıldız and Chairman Mark Muller QC attended the 74th Annual Congress of International PEN that took place in Bogotá, Colombia from 17 to 22 September. The event brought together over 120 delegates from 70 countries to discuss the 'importance of ideas and the free word in changing and developing civil society'.

Kerim took part in the meeting on behalf of Kurdish PEN, in order to help

raise awareness of restrictions on freedom of expression in the Kurdish regions, while Mark attended as a guest of English PEN.

Speaking during the Congress, Kerim highlighted the problems facing Kurdish culture today and praised the 'writers, editors, publishers and journalists' who 'despite intimidation and persecution, through their commitment to the power of the word' allow Kurdish voices to be heard.



Mark Muller and Kerim Yıldız in Bogotá.

# KHRP Participates in ECtHR Seminar

KHRP Executive Director Kerim Yıldız and Sigrid Rausing International Fellow Zeynep İnan Çam attended a seminar in Strasbourg on 10 and 11 October on the theme 'The European Protection of Freedom of Expression: Reflections on Some Recent Trends'.

Organised by the Open Society Justice Initiative, Robert Schuman University of Strasbourg and

Ghent University, the event included critical discussion of journalists' rights and responsibilities and the impact of ethics and self-regulation, the framework of Article 10 of the European Convention on Human Rights, and the influence of Strasbourg case law. Activists also discussed how to be more strategic in influencing the jurisprudence of the European

Court of Human Rights (ECtHR) with regard to freedom of expression.

On 13 October, Kerim was invited to a seminar at the ECtHR entitled 'Ten Years of the "New" European Court of Human Rights 1998-2008 – Situation and Outlook'. Looking back at the Court's work over the past decade, the event included contributions by a number of its judges.



Kerim Yıldız and Zeynep İnan Çam in Strasbourg.

# European States Threaten Withdrawal from Ilisu Dam Project

Three European states warned in October that they will withdraw financial backing for the controversial Ilisu Dam if Turkey fails to take concrete steps towards meeting the 153 preconditions required for funding.

The German, Austrian and Swiss authorities sent a formal Environmental Failure Notice to the Turkish government on 7 October giving Turkey 60 days to substantiate its commitment to human rights and environmental concerns regarding the dam, which is located on the Tigris river in south-eastern Turkey. The news has been met with widespread support from human rights advocates who have long campaigned against the way the project is being managed.

If built, Ilisu would be the largest hydro-electric dam in Turkey. Its construction would submerge the ancient town of Hasankeyf, a site of archaeological importance, as well as countless villages, displacing up to 78,000 people. Efforts by the authorities to consult those affected and to lay the ground for resettlement and compensation



Demonstrations in early October in the areas due to be flooded by the Ilisu Dam (Photos by DIHA, Tigris News Agency).

have been woeful. Other issues of concern in relation to the dam include a projected reduction in water flows downstream to Iraq.

The Ilisu Dam Campaign (IDC), of which KHRP is an active member, has been a focal point of organised opposition to the dam since 2000. Following intensive campaigning, the UK withdrew its backing for Ilisu in 2002 and financial support for the dam collapsed. However, the plan was later revived after the German, Austrian and Swiss governments approved export credit guarantees for the project.

'The latest announcement is certainly a positive step in what has been a long struggle. We are pleased to see European ECAs abide by their environmental and



human rights obligations,' said KHRP Deputy Director Rachel Bernu. 'At the same time, it is clear that this does not mark the end of the road.'

Noting that even if these countries withdraw their support, Turkey is likely to look for financing elsewhere, she added, 'It is vital that friends and allies of Turkey use their good offices to encourage Turkey

to stop this project once and for all as it is currently designed.'

On 3 October, just days before the announcement, an international symposium opposing construction of the dam was held in Batman. The following day, 5,000 demonstrators marched from the village of Kesmeköprü II to Hasankeyf, after which a large concert was held.

# KHRP Conducts Women's Rights Training

KHRP and the Kurdish Women's Project (KWP) conducted a training for ten women's rights activists and scholars in London on 1 October entitled 'Gender and Human Rights: Enforcing the Charter', intended to elaborate on the place of women's rights in international law and the use of international human rights mechanisms.

The training covered the bodies of law that relate to women's rights, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and



*Participants at the women's rights training.*

Cultural Rights, and the Convention on the Elimination of All Forms of Discrimination against Women (including

General Recommendation No.19). It was led by Margaret Owen, KHRP's Consultant on Women and Children's Rights.

The session included discussion of key issues regarding the situation of women's rights in the Kurdish regions, including honour killings and domestic violence, with the focus on providing practical ways of addressing these problems.

Participants gave overwhelmingly positive feedback on the day's activities and expressed a desire for further sessions focusing on women's rights. Based on the feedback, KHRP hopes to conduct trainings in future on skills such as making use of UN Special Rapporteurs and writing shadow reports.

## Unrest Spreads Across Kurdish Regions of Turkey

Tensions and protests spread across the Kurdish regions of east and south-eastern Turkey in October amid reports that KHRP applicant Abdullah Öcalan had been ill-treated in prison.

Clashes erupted following demonstrations by Kurds in almost every city in the Kurdish regions of Turkey, as well as in cities in the west of the country. Police fired shots into the air and used teargas and water cannon to disperse demonstrators.

One protestor was killed by police in the Doğubeyazıt district of Ağrı, hundreds of

others were injured and many were taken into custody. In Istanbul, police used tear gas to disperse a sit-in protest and detained a number of protestors.

Large numbers of children actively took part in the protests. According to the Human Rights Association (IHD), juveniles who were detained were subjected to beatings and torture. Prosecutors have pushed for lengthy prison terms for six children who were arrested in Diyarbakır on charges of opposing the Law on Demonstration, membership in a terrorist organization and dis-

seminating propaganda for such an organization.

The tensions were exacerbated by a visit to south-eastern Turkey by Prime Minister Recep Tayyip Erdoğan. Many shopkeepers refused to open for business in protest and Erdoğan's visit was also marked by further clashes between police and demonstrators.

The Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has raised concerns about the solitary detention conditions

in which Öcalan is kept. Following a visit to Turkey in May 2007, the CPT noted that his access to family and lawyers remained very irregular, that a court official had been present during his meetings with lawyers, and that there had been a marked deterioration in his mental state. The CPT stated that there can be no justification for keeping a prisoner in such conditions for so many years. In November, the Turkish authorities announced that a small number of other prisoners will be moved to the İmralı prison complex where Öcalan is held.

## Armenia Sidesteps ECtHR Ruling

Armenia introduced several amendments to its Law on Television and Radio on 10 September which served to prevent the independent television station A1+ from returning to the air, despite a recent judgment by the European Court of Human Rights (ECtHR) which found Armenia in breach of its freedom of expression obligations with respect to its treatment of the channel.

A1+ was Armenia's first independent television channel but lost its broadcasting licence in a controversial ten-

der in 2002, allegedly due to the oppositional nature of its content. Following numerous unsuccessful attempts to regain its license through domestic litigation, the channel came before the ECtHR in the KHRP-assisted case of *Meltex Ltd and Mesrop Movsesyan v. Armenia*.

In June 2008, the ECtHR ruled that the refusal of the national regulatory authority to grant A1+ a broadcasting licence amounted to a violation of the company's right to freedom of expression under Article 10 of the European Con-

vention on Human Rights. The judgment was widely lauded as a landmark for freedom of expression in Armenia, especially in view of a government crackdown on opposition supporters prompted by post-election unrest in the spring.

However, the latest legislative amendments have introduced a moratorium on the granting of broadcasting licences until mid-2010, ostensibly because of the planned switchover to digital technology, leaving A1+ in no better a position than before the ECtHR ruling. The suspen-

sion of the tender process for broadcasting licences, largely believed to be directed against A1+, is a significant setback for proponents of freedom of expression in Armenia.

This announcement came shortly after a training session that KHRP held in Yerevan on 8 September entitled 'Meltex and Beyond: Executing Judgments of the European Court of Human Rights'. The event had served to assist local human rights advocates in ensuring the enforcement of ECtHR judgments through judicial and political processes.

# Dispatches

## KHRP Patron Barred from Turkey

KHRP was disappointed to learn that one of its patrons, the Norwegian human rights lawyer Jon Rud, was refused entry into Turkey on 7 November and told that he will never be allowed to visit.

The former Chairman of the Norwegian Bar Human Rights Committee and of Amnesty International in Norway, Mr Rud was named persona non grata by the Turkish Government nearly a decade ago following public comments which were interpreted as 'hostile'.

Prior to his latest trip, however, it was understood from communications with the Interior Ministry and Turkish diplomats that he would be allowed to visit. But on arrival at Istanbul airport, he was informed that would never be permitted entry and was put on the next plane returning to Europe. No reason was given for the decision.

Mr Rud was on his way to attend a seminar in Istanbul at the invitation of the Working Group on Justice of the Euro-Mediterranean Human Rights Network, of which he is also a member.

## KHRP Speaks at Women's Rights Seminar



*Margaret Owen addresses seminar participants.*

KHRP Consultant on Women and Children's Rights Margaret Owen spoke at a seminar on violence against women organised by Kurdish Women's Rights in London on 22 November to mark the International Day for the Elimination of Violence against Women which took place the following week. Margaret Owen's speech focused on causes of violence against women and approaches for addressing this kind of abuse. Other participants at the seminar included activists from across the Kurdish regions.

## Conflict Worsens in Kurdish Regions

A marked escalation in fighting between Turkish state security forces and the Kurdistan Workers' Party (PKK) in the Kurdish regions of Turkey in October coincided with a decision by the country's parliament to extend authorisation for military operations against the organisation in northern Iraq.

On 3 October the PKK carried out its biggest attack in Turkey for some time, killing 17 soldiers and injuring many more in an assault on a gendarmerie station in the south-eastern province of Hakkari. The organisation was also blamed for an attack on a police bus in the city of Diyarbakır on 8 October that killed six people, including a civilian driver, and wounded many others. Just hours later, the Turkish parliament voted to renew the military's mandate to carry out operations in Iraq, which had been due to expire on 17 October.

In the weeks that followed, the violence continued throughout the region. In October and November, the Turkish military carried out frequent cross-border air strikes and artillery bombardments. There were also further clashes in Turkey and Iranian forces shelled numerous villages in the Kurdish regions of Iraq.

In October, the upsurge in violence led mainstream Turkish politicians to demand greater powers for the security

forces and the establishment of a buffer zone along the border with Iraq. Some even argued in favour of the re-establishment of emergency rule in parts of the south-east. Under emergency rule in the region in the 1980s and 1990s, millions of people were forcibly displaced from their homes and human rights abuses including arbitrary detention, torture and extrajudicial killings were systematic.

On a more positive note, there were signs of a possible thawing of relations between Turkey and the Kurdistan Regional Governorate in Iraq, with officials from the two sides meeting for talks on the fight against the PKK.

Turkey has been conducting cross-border military operations into northern Iraq since the establishment of Kurdish autonomy there in the early 1990s. While these are ostensibly targeted at PKK elements, they have resulted in human rights violations, including civilian injuries and the destruction of property. KHRP fact-finding missions to Kurdistan, Iraq have found that such attacks do nothing to end the cycle of violence in the region.

In 2008 KHRP has begun work on behalf of 76 new applicants to the European Court of Human Rights who were injured, lost property or family members or otherwise suffered as a direct result of Turkish operations in Iraq.

## KHRP to Conduct Fact-Finding Mission in Turkey

KHRP is set to send representatives to Turkey towards the end of 2008 to carry out a fact-finding mission on the situation of prisoners' rights, as well as the rights of family members to access their loved ones whilst in detention.

The mission will include KHRP Legal Team member Nicholas Stewart QC and Walter Jayawardene, and is expected

to travel to Turkey from 15 to 19 December. Mission members will interview prisoners' families, civil society representatives and state officials, both in the Kurdish regions of south-eastern Turkey and in the west of the country.

The next issue of Newline will include a full report on this fact-finding mission.

# KHRP Takes Part in Parliamentary Event on Kurds in Syria



*Rachel Bernu speaking at the parliamentary event.*

KHRP participated in a panel discussion at the Houses of Parliament on 21 October entitled 'Human Rights and the Kurds in Syria: Discrimination and Repression'.

The event was hosted by Jeremy Corbyn MP and also featured Abdelmajid Mellek of the Democratic Union Party (PYD) and Dr Rebwah Fatah, Director of the UK-based organisation Kurdish Media.

KHRP Deputy Director Rachel Bernu gave a speech outlining the systematic discrimination and human rights abuses faced by Syrian Kurds, including denial of citizenship, targeting of Kurdish political groups and activists, restrictions on freedom of expression, and suppression of Kurdish culture.

Kurdish Media argued that the instability created by the repression of minorities in Syria has potentially serious repercussions for regional security. The PYD discussed its new campaign to gather data on human rights violations against Syrian Kurds and to disseminate that information internationally.

The meeting ended with a question-and-answer session focusing on issues such as the need for human rights activism to bridge the divides between Kurds from different countries and with different political affiliations, and the most effective ways of highlighting the situation of Kurds in Syria to the international community.

## Ergenekon Trial Underway

Hearings got underway on 20 October in the trial of 86 people accused of membership of the militant ultra-nationalist Ergenekon network which is alleged to have had close ties with the Turkish state.

Members of Ergenekon are accused of carrying out political attacks with the aim of fomenting unrest that would pave the way for a military coup. The 2,455-page indictment, which was made public in June this year, blames the underground organisation for a series of assassinations over the past two decades.

In the early stages of the trial in a prison complex in Silivri, a town outside Istanbul, the Court accepted a request from the Cumhuriyet newspaper for co-plaintiff status

in the case. A hand grenade attack on the newspaper's offices in 2006 was attributed in the indictment to Ergenekon. The Court also refused to grant bail to the 46 suspects currently in detention and scrapped an earlier decision to try them separately from the 40 remaining accused who have been granted bail.

Large amounts of court time were subsequently taken up with reading the entire indictment out loud at the request of some defence lawyers. At the 12th hearing in the case in November, suspects finally started giving defence testimonies, a process which it was thought would take several more weeks to complete. The trial as a whole is expected to last several months.

# Dispatches

## KHRP Carries Out Legal Training in Oslo

KHRP, in partnership with the Norwegian Bar Association, held a training session for lawyers and immigration officials in Oslo on 17 October, focusing on application of Articles 3 and 8 of the European Convention on Human Rights (ECHR) in the context of immigration and deportation litigation.

Declan O'Callaghan, a member of KHRP's pro bono Legal Team, gave a number of presentations throughout the day on litigation strategies in immigration cases relating to these provisions, which deal with prohibition of torture and the right to respect for private and family life respectively. KHRP has extensive experience of working with these articles in the context of cases before the European Court of Human Rights.

The latest training for Norwegian lawyers was a follow-up to a successful seminar on the ECHR delivered by KHRP Legal Director Catriona Vine in Oslo in March this year.

## Syria Jails Kurds Over Protest

A total of 50 Syrian Kurds were sentenced to jail terms of between four and six months in September in connection with a protest in the city of Qamishli in 2005, according to Syria's National Organization for Human Rights (NOHR). The demonstration was reportedly sparked by the assassination of the prominent Kurdish cleric Mohammed Mashouk al-Khaznawi.

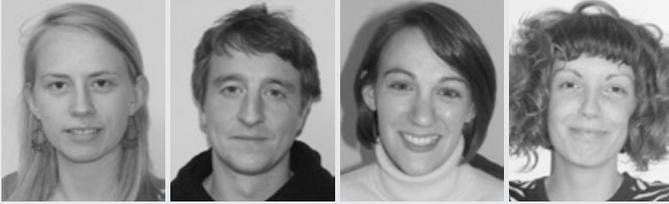
The NOHR also reported that three Syrian Kurds, including a poet and a musician, were detained by military intelligence officials in late August and early September, in what the organisation described as 'arbitrary' arrests. The authorities have apparently not made the reasons for their detention clear.

## KHRP In Norway

KHRP Deputy Director Rachel Bernu travelled to Norway on 16 and 17 October to meet with NGOs, trade union representatives and government officials. Talks with Norwegian People's Aid, the Norwegian Helsinki Committee and the Ministry of Foreign Affairs included discussion of their activities and KHRP's own work in relation to human rights in the Kurdish regions. A meeting with the Norwegian Confederation of Trade Unions focused on KHRP's plans to send a mission to Turkey to investigate the situation of trade unions there.

# Dispatches

## KHRP Welcomes New Staff



From left: Charlotte Alfred, Matt Hird, Janna Mancini and Bea Yates.

KHRP would like to extend our warmest thanks to outgoing Assistant to the Executive Director Charlotte Alfred and Operations Manager Matt Hird. We are also pleased to welcome Janna Mancini as Assistant to the Executive Director and Bea Yates as Administrator.

## KHRP Meets With FCO Officials

KHRP Deputy Director Rachel Bernu and Turkey and Iraq Desk Officer Mustafa Gündoğdu met with officials from the UK Foreign and Commonwealth Office on 24 October to discuss KHRP's findings with regard to the human rights situation in Kurdistan, Iraq. The talks were a follow-up to a series of KHRP research missions to the region which culminated in the publication of *A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure* in July. Those present included Nicholas Abbott, Head of the Human Rights and Democracy Programme Team, in the Human Rights, Democracy and Governance Group; Steve Hunt, Head of the Security Sector Reform and Human Rights Team, in the Iraq Group of the Middle East and North Africa Department; and Doug McMillan from the Office of the Special Envoy to the Prime Minister on Human Rights in Iraq.

## KHRP Attends OSCE Forum

KHRP was represented at the OSCE Civil Society Forum that took place in Helsinki, Finland on 2 and 3 December. The forum opened with a plenary session entitled 'Human Dimension in the OSCE Region' before participants broke off into working groups focusing on human trafficking, human rights and civil society and conflict resolution. The meeting concluded with a panel discussion about the future of the OSCE.

KHRP Deputy Director Rachel Bernu gave a presentation in the working group on civil society and conflict resolution on 'The Role of Women in Civil society, Conflict Prevention, Resolution and Reconstruction'. She also took advantage of her time in Helsinki to hold KHRP's annual meeting with the Finnish Ministry of Foreign Affairs.

## Attacks on Journalists Continue in Iraq

Violent attacks on journalists and other restrictions on freedom of expression in northern Iraq have continued unabated in recent months.

The shooting of Kurdish reporter Diyar Abas Ahmed in Kirkuk on 10 October brought the total number of journalists killed in the country since the US invasion in 2003 to 135, according to the Committee to Protect Journalists (CPJ), making Iraq the most dangerous country in the world for media workers. A writer for the independent news website Eye Iraq, Ahmed was murdered as he left an art gallery with a friend. The fact that his companion was left unharmed indicates that he was specifically targeted for his work.

Such incidents are deeply concerning not only in their own right but also in terms of the effect they have on press freedom. The shooting was condemned by UNESCO, whose Director-General Koïchiro Matsuura warned that such murders affect Iraqi society as a whole.

The latest killing follows the murder of three al-Sharqiya TV employees and their driver in the city of Mosul in September. Musab Mahmood al-Ezawiand, Ahmed Salim, Ihab Mu'd and Qaydar Sulaiman were reportedly kidnapped during filming and their bodies were later found in the nearby al-Borsa district.

In early November, Shwan Dawdi, editor of the Kirkuk-based newspaper Hawal, was fined and jailed after being convicted of defamation charges filed by a retired judge over articles published in 2004 about problems in the court system. KHRP welcomed the decision of an appeals court to overturn the sentence on 13 November. The court reportedly ruled that the case should have been dealt with under a new press law passed by the regional parliament in September, which scrapped custodial sentences in defamation cases. Under the new legislation, Dawdi could still face a large fine.

## New Syrian Legislation Consolidates Anti-Kurdish Discrimination

A new decree signed by Syrian President Bashar al-Assad in September stands to strengthen discrimination against the country's Kurdish population and worsen the human rights situation.

Decree 49 consolidates severe restrictions on the ownership and use of land in border regions heavily populated by Kurds, further undermining Kurdish property rights and standing to weaken local economies.

Syrian Kurds have suffered from systematic discrimination in recent decades. Following a census in 1962, at least 140,000 were denied citizenship, preventing those affected from owning land,

housing or businesses. The authorities also target Kurdish activists, suppress use of the Kurdish language in schools, and prevent the use of Kurdish names for children, businesses or places.

'The Syrian regime's determination to impose an exclusively Arab identity upon the country has the effect of disadvantaging a huge proportion of the population,' said KHRP Deputy Director Rachel Bernu. 'Its appalling treatment of Kurds and disregard for human rights across the board is absolutely unacceptable and these latest developments represent one more step in the wrong direction.'

# KHRP to Hold Human Rights Trainings in Iraq

KHRP will hold human rights training sessions for civil society representatives and civil servants in Kurdistan, Iraq in December.

The first session, due to take place on 14 December in Sulemanya, will focus on international human rights standards with regards to torture. The training, which is organised in collaboration with the Civil Development Organisation (CDO), will be carried out by KHRP Board Secretary Michael Ivers who is a prominent criminal barrister in England.

Further sessions will take place on 16 and 17 December in Erbil,

focusing on human rights issues relating to investment agreements. The first of these will be co-hosted by the Kurdistan Regional Governorate Ministry of Trade and KHRP, while the second will also involve the CDO. These sessions will be led by KHRP Executive Director Kerim Yıldız, Nick Hildyard, Director of The Corner House, and Greg Muttitt, Co-Director of Platform. The training will include discussion of the ways in which human rights can be affected or breached by international investment projects and what steps can be taken to prevent this.

## KHRP Holds Training on Torture and the Law in Turkey

KHRP is set to hold a training session for lawyers and human rights defenders in Diyarbakır on 20 December focusing on torture and ill-treatment, in collaboration with the Diyarbakır Bar Association.

The programme for the event includes a presentation on the current human rights situation in Turkey and seminars on international legal definitions of torture, methods of reporting torture and mechanisms for dealing with breaches of international human rights standards in

this respect.

Participants will also take part in workshops to discuss relevant legal standards and how these might apply in specific practical scenarios.

The training session is designed as a follow-up to earlier trainings conducted by KHRP in the south-eastern provinces of Şırnak and Hakkari in June.

The next issue of Newsline will include a full report on the Diyarbakır training.

## Christians Flee Mosul Violence

Some 13,000 Christians were forced to flee the northern Iraqi city of Mosul following a campaign of threats, killings and destruction of houses in October.

In some cases, militiamen disguised as police officers were reported to have asked people for their identity cards and then killed them when these showed that they were Christian. Some of those who were displaced by the violence settled in the plains outside the city, while others crossed into Syria.

It remains unclear who was behind the violence. Although blame has been laid at the doors both of Sunni Arabs and Kurds, claims about responsibility are likely to be strongly coloured by the political

loyalties of the accusers.

In mid-November, as some residents were beginning to return to their homes amid signs that the security situation was improving, two Christian sisters were shot dead. Their mother was also injured and their house was reportedly destroyed with explosives.

A KHRP fact-finding mission report published earlier this year, which focused on human rights issues in Kurdistan, Iraq, noted that the situation is particularly bad in disputed areas like Mosul, whose final status in relation to the Kurdistan Regional Governorate and the central government in Baghdad is as yet undecided.

# Dispatches

## KHRP Participates in Meeting with Obama Advisor

KHRP took part in a discussion with Dr Robert Shapiro, a member of US President-Elect Barack Obama's Transition Team, at the House of Commons on 19 November.

Organised by the Henry Jackson Society, the meeting focused on 'Challenges of the Global Financial Crisis', with Dr Shapiro speaking about threats facing the British, US and international economies and how best to meet them.

In response to a question by KHRP Deputy Director Rachel Bernu about how political and military needs figure in Obama's economic recovery programme, Dr Shapiro said that there were likely to be cuts in this area but that these would not be drastic, since the political weight of the US means that it is expected to involve itself in conflicts around the world.

Dr Shapiro is a former US Under Secretary of Commerce for Economic Affairs and Chairman of Sonecon LLC.

## KHRP Chairman Addresses Conference on Anti-Terror Legislation

KHRP Chairman Mark Muller QC spoke at a Council of Europe (CoE) conference entitled 'Anti-Terrorism Legislation in Europe Since 2001 and its Impact on Freedom of Expression and Information' in Amsterdam on 17 and 18 November.

He discussed the dangers posed to human rights by anti-terror legislation in countries including Turkey and the UK, stemming from flaws such as ambiguous wording and the failure to balance security and fundamental freedoms. He also suggested the establishment of a permanent committee of NGOs that would report to the CoE regularly on the impact of counter-terrorism measures on freedom of expression.

KHRP's recent briefing paper *Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights* is available for download from the organisation's website.

## KHRP Visits Iraq

KHRP Executive Director Kerim Yıldız and Chairman Mark Muller QC visited Iraq in early December in order to assess the human rights situation there. Their trip included meetings with representatives of a number of governmental and non-governmental institutions.

# Committee of Ministers Passes Resolution on Human Rights and the Turkish Security Forces

The Council of Europe's Committee of Ministers passed a resolution on human rights issues arising from the actions of Turkey's security forces on 18 September 2008.

KHRP welcomed the decision of the Committee, which is made up of representatives of CoE member states and is responsible for supervising the execution of the findings of the European Court of Human Rights (ECtHR), to continue its investigations into Turkey's human rights practices in relation to the need to establish accountability of members

of the security forces and to ensure that reform measures have a practical impact.

In relation to the need to ensure accountability, the Committee called on the Turkish authorities to make it clear from a legislative perspective that security officials can be prosecuted for any serious crimes without prior administrative authorisation. The Committee noted that as the law stands, this is only explicitly provided for in cases of alleged torture or ill treatment. The Committee also strongly encouraged the Turk-

ish authorities to pursue their self-declared policy of zero tolerance towards torture and other forms of ill treatment.

It was disappointing, however, that the Committee chose to end investigations in five other areas of concern, many of which remain extremely problematic. These are: procedural safeguards in police custody; professional training of members of the security forces; implementation of the 'Law on Compensation of the Losses Resulting from Terrorism and from Measures Taken Against Terrorism'; giving di-

rect effect to the requirements of the European Convention on Human Rights; and training of judges and prosecutors. In the view of KHRP, many of these issues are far from being satisfactorily addressed.

Of the 175 ECtHR judgments and decisions considered by the Committee in relation to this latest resolution, 65 stemmed from cases brought by KHRP and its partners.

A detailed statement in response to the Committee's resolution can be downloaded from the KHRP website.

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## Iranian Court Confirms Jail Sentence for Kurdish Journalist

KHRP condemned the decision of an Iranian appeals court to uphold an 11-year jail term against the Kurdish journalist and human rights activist Mohammad Sadiq Kabudvand in late October.

Kabudvand was reportedly given a ten-year sentence earlier this year for undermining state security by setting up a human rights organisation, as well as a further year for 'propaganda against the system'. He had already apparently received a one-year suspended sentence in 2006 in connection with his journalism and

human rights activism.

The former editor of the newspaper Payam-e Mardome Kurdistan (Message of the People of Kurdistan), which was earlier banned by the Iranian authorities, Kabudvand has been held in Tehran's notorious Evin Prison since his arrest in July 2007. He is thought to be in ill-health and denied access to adequate medical care. He reportedly suffered a stroke in May, shortly before his original conviction, and is also said to have high blood pressure, kidney disease and prostate pains.

Kabudvand's lawyer has said she will refer his case to the head of the Iranian judiciary, Ayatollah Hashemi Shahroudi, after which there would be no further scope for legal recourse.

'This episode is illustrative of the determination of the Iranian authorities to stamp out dissenting voices and shut down legitimate debate about human rights, especially in instances where that ties in with expressions of Kurdish cultural identity,' said KHRP Executive Director Kerim Yildiz.

'Iran must instigate inten-

sive reforms to ensure that all of its citizens are able to exercise their right to freedom of expression and can rely on receiving a fair hearing in instances where they are accused of overstepping legal boundaries.'

Meanwhile, media reports suggest that an independent Kurdish journalist, Bahman Tutunchi, was arrested in the Iranian city of Sanandaj on 18 November. It was not clear what crime he was accused of.

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## Compromise Iraqi Election Law Clears Last Hurdle

Key reforms to the Iraqi provincial election law were finally passed in early October, though only at the expense of excluding the Kurdistan Regional Governorate and the disputed city of Kirkuk. The compromise means that while provincial elections are now expected to take place on 31 January 2009 in most of the country, voting in the Kurdish areas of Iraq is unlikely to happen until sometime after March.

The new law has now received the assent of both the Iraqi parliament and the three-man presidency council. However, parliament's decision to scrap a clause which would have guaranteed minority representation on provincial councils was criticised by the Iraqi presidential council and Staffan de Mistura, the UN Secretary General's Special Representative to Iraq. De Mistura called for the reinstatement of the clause on the grounds

that it was necessary for the protection of minority rights in Iraq. The clause will now be voted on again by parliament.

A committee made up of representatives from the Kurdish, Arab and Turkmen communities in Kirkuk will continue to lay the groundwork for provincial elections next year. The International Crisis Group has recently highlighted the danger that the ethnically divided city may become a conflict flashpoint that could

potentially have a 'devastating impact' on the prospects for Iraqi reconstruction.

Kirkuk is contentious because of its ambiguous status as a majority Kurdish city outside the formal jurisdiction of the KRG and because of the presence of a large Arab minority, many of whom were moved there as part of Saddam Hussein's attempts to change its ethnic balance.

# Halabja Exhibition in London

Michael Mansfield QC will host an exhibition of images from the town of Halabja by photographer Tom Carrigan at Tooks Chambers in London on 11 December.

Proceeds from 'Halabja: Portrait of a Town', which is co-hosted by KHRP, will go towards the Halabja Children's Playground Project being undertaken by Tom Carrigan with support from KHRP and Spring Studios.

Tom Carrigan first visited Halabja in 2005 to make a documentary, 'The Widows of Anfal', about the impact of atrocities committed against



Monument in Halabja commemorating the 1988 massacre (Photo by Tom Carrigan).

the Kurdish population by the Ba'athist regime in the 1980s. He returned there earlier this year to photograph the 20th anniversary of the infamous

gas attack which killed over 5,000 civilians there in March 1988. After talks with residents, he and community representative Nariman Ali devel-

oped the idea of building a playground on wasteland for local children.

The evening of the exhibition will include short talks by Michael Mansfield QC and Tom Carrigan. Members of Tooks Chambers will also discuss work they are currently undertaking on ground-breaking cases before the European Court of Human Rights on behalf of villagers affected by recent Turkish military operations in northern Iraq. Prints from the exhibition will be on sale, with all money raised going towards the Halabja Children's Playground Project.

## Turkish Newspaper Closed and Journalists Jailed

Restrictions on freedom of expression in Turkey have continued in recent months, with at least one newspaper suspended and a number of journalists sentenced to prison terms in connection with their reporting on controversial issues.

Cengiz Kapmaz, a journalist with the pro-Kurdish daily *Alternatif*, was jailed for ten months in connection with an interview in 2006 with Orhan Doğan, a former member of

the pro-Kurdish Democratic Party. At the time, Kapmaz was a reporter with the newspaper *Ülkede Özgür Gündem*. Doğan apparently argued in the interview that the Kurdistan Workers' Party (PKK) should be granted a role in Turkish politics. Having been convicted of disseminating terrorist propaganda, Kapmaz was freed pending the result of his appeal against the judgment. *Alternatif's* publisher Hasan Bayar and owner Ali

Gürbüz were also fined a total of 3,400 euros.

According to the *Atenna-TR* news website, copies of *Alternatif* were also seized and publication of the newspaper suspended by a court order for one month on the grounds that it violated Turkey's Press Law by publishing two 'insulting' statements by members of the PKK. This will be the second time that *Alternatif* has been closed down since it began publishing in May 2008.

According to the *Bianet* news website, 12 newspapers were temporarily suspended in Turkey between January and September 2008. An editor with *Evrensel*, Mehmet Uğraş Vatandaş, and the newspaper's license holder, Ahmet Sami Belek, have also reportedly been sentenced to a year in prison by a court in Istanbul for publishing a PKK declaration in December 2007.

## Free Expression Brings Great Personal Risk in Turkey

Prosecutions for exercising the right to freedom of expression, including but not limited to use of the notorious Article 301 of the Penal Code, continue apace in Turkey, and whether or not an individual has been cleared of any wrongdoing, freedom of movement and association becomes limited.

KHRP observed the trial of Professors Baskın Oran and İbrahim Kaboğlu in 2006 in a case brought against them for their work as members of the Human Rights Advisory Board of the Prime Ministry. In a paper, they introduced the concept of 'Türkiyelilik', roughly translated as 'being from Tur-



Professor Baskın Oran.

key', as an alternative to 'Turkishness', which has strong ethnic connotations. They were subsequently brought up on charges of 'denigrating Turkishness' and 'inciting hatred and hostility among people'. Following years of legal proceedings, parts of which were

observed by KHRP mission members, their acquittal was finally upheld by the Supreme Court in April. Nonetheless, this work has attracted the attention of the hate group Turkish Revenge Brigade (TİT) and Oran has been receiving death threats via email. Though Oran had previously complained to prosecutors over threats that he received in May this year, his allegations were dismissed as 'abstract'. The latest threat reportedly boasted that he could achieve nothing by complaining to the authorities and that the TİT's members are still at liberty.

Meanwhile, Kurdish politician Leyla Zana was sentenced

to ten years in jail in December for nine speeches she has given since her release from prison in 2004. Zana rose to prominence in 1991 after becoming the first woman to win a seat in the Turkish parliament and immediately broke the law by using the Kurdish language to dedicate her parliamentary oath to 'brotherhood between the Turkish people and the Kurdish people'. She was later jailed for a decade following a trial which the European Court of Human Rights ruled was unfair. She currently remains free pending the outcome of an appeal against her latest conviction for membership of a terrorist organisation.

# Ethnic Clashes Erupt in Western Turkey

Ethnic tensions spilled over into protests and clashes between Kurds and members of other communities in a number of towns in Western Turkey in late September and early October.

Violence erupted in the coastal resort of Altinova in Balıkesir province on 30 September after two youths were apparently run over

and killed in the course of a dispute about them playing loud music. In the aftermath, Kurdish shops and houses were torched and the far-right Grey Wolves organisation reportedly sent groups to march through the streets chanting slogans such as 'Kurds out'. The gendarmerie stepped in and over 45 people were detained.

Altinova has a history of ethnic conflict. Veysel Bolca of the Human Rights Association said the recent violence resulted from resentment of local Kurds' newly-gained economic status, and that this was why businesses were especially targeted.

In October, the province of Adana also witnessed street protests with slogans

chanted against the Kurds following the fatal stabbing of an 18-year-old youth by three people who were said to be from eastern Turkey.

There were also further protests in Balıkesir after the murder of two people by an individual said to be of Kurdish origin, with Kurdish cars reportedly torched and Kurdish shops and homes pelted with stones.

## UPDATE ON LITIGATION AND ADVOCACY

### ECtHR Rules Against Turkey in Headscarf Case

In a ruling in the KHRP-assisted case of *Emine Araç v. Turkey* on 23 September, the European Court of Human Rights (ECtHR) concluded that Turkey was in breach of the right to a fair trial in relation to legal appeals filed by the applicant after she was barred from university for wearing hijab.

When she embarked upon her degree at the Theology Faculty of İnönü University in 1995, Araç regularly wore a headscarf covering her hair and neck without objection. Problems arose, however, after she moved to İstanbul with her husband in 1998 and applied to transfer to Marmara University.

Although her transfer request was originally accepted, Araç was barred from registering at Marmara due to the fact that she was wearing a headscarf in photographs that she submitted as part of her application, in violation of university regulations.

She appealed to the İstanbul 4th Administrative Court in 1999 for a stay of execution and annulment of action regarding the matter, but her request was rejected. A further appeal to the Turkish Council of State was similarly dismissed.

In the case before the ECtHR, KHRP and its partners argued that Turkey had failed to comply with its ob-

ligation under Article 6 of the European Convention on Human Rights to grant an open and fair judicial review of the decision to reject Araç's university application. The judges ruled in favour of Araç, considering her right of access to an institution of higher education a civil right. It is hoped that the latter finding will help to ensure that fair procedure is followed in future cases involving similar issues.

Although the ECtHR ruled that the finding of a violation in itself constituted sufficient just satisfaction for the non-pecuniary damages that she had suffered, Araç was awarded

legal costs and expenses.

The headscarf has become a central bone of contention in the impassioned contest between the ruling Justice and Development Party (AKP) and Turkey's secular establishment, which includes much of the higher education and justice systems. The state has traditionally banned women who wear headscarves from working in public spaces. When the Turkish parliament passed a constitutional amendment earlier this year allowing women to wear headscarves in universities, the Constitutional Court swiftly overturned the move.



## 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)

# KHRP Reports on Turkish Compliance with CERD

KHRP has made an in-depth submission to the UN Committee on the Elimination of Racial Discrimination, in response to a report filed by Turkey in February on efforts undertaken by the authorities to address this issue.

Turkey was due to submit periodic reports to the Committee on its compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in 2003, 2005 and 2007. Having failed to meet all of these deadlines, however, the report submitted earlier this year was intended as a compilation covering this entire period.

KHRP's own submission was made in the context of

a formal dialogue with civil society organisations which is intended to inform the Committee's consideration of the official Turkish report. As a counterbalance to the inevitably optimistic account provided by the state authorities, KHRP highlighted continuing discrimination in Turkey and the shortcomings of official efforts to rectify this situation.

Despite recent reforms of the legal system that have been trumpeted by the Turkish authorities, the KHRP report highlighted many cases in which lack of legal protection has been attributed to the ethnicity of accused individuals. Turkey's recently-amended anti-terror laws have an especially detrimental ef-

fect on the country's Kurdish population but are only one of many mechanisms used to clamp down on the expression of non-violent opinions and to prosecute and harass Kurdish political dissidents, media workers, students and human rights activists wholly unconnected with terrorism. Incidents of excessive use of force by security officials are also common, particularly in the eastern and south-eastern Kurdish regions of Turkey.

The KHRP report also noted that the Turkish political framework obstructs political representation of Kurds. Relevant provisions in this regard include a requirement that political parties must secure 10 per cent of the national vote in

order to win seats in parliament, something which it is difficult for Kurdish parties to achieve.

Other issues highlighted by KHRP included severe restrictions on the rights of minorities to broadcast in their own language and a ban on the use of languages other than Turkish in state schooling.

KHRP also underlined the fact that, in the context of a constitutional system based on the concept of ethnic nationalism, Turkey only defines minorities on the basis of religion. Kurds, who make up 10 to 20 per cent of the population, are therefore not legally recognised as a minority.

# KHRP Challenges Armenia and Turkey at OSCE Meeting

KHRP called into question Turkey and Armenia's commitment to their OSCE obligations at the organisation's Human Dimension Implementation Meeting (HDIM) that took place in Warsaw from 29 September to 10 October.

Detailing numerous cases over the past year which demonstrate that these states are failing to meet these commitments, KHRP's submissions put them in the hot seat, and sadly, they seemed unable to defend their positions.

Responding to a KHRP submission that noted that religious minorities often face several forms of discrimination, Turkey stated that 'a peculiar aspect of Turkish democracy is that its concept of minority is based on religion rather than eth-

nicity' and that 'non-Muslim minorities' are specifically protected under the Treaty of Lausanne. Unfortunately, this statement itself demonstrates Turkey's lack of commitment to OSCE principles. KHRP highlighted that not all non-Muslim minorities are protected by this treaty, including Christians from traditions that developed after it was signed in 1923. Furthermore, the statement illustrates how even today, Turkey does not recognize the illegitimacy of its stance towards other minorities. Although the OSCE Human Dimension criteria clearly state that states should support ethnic and cultural minorities within their borders, Turkey continues to act on an unworkable principle that denies the very existence of ethnic/cul-

tural/linguistic groups that are not Turkish, even when one such group, the Kurds, make up at least 20 per cent of its population.

Turkey failed to address KHRP's submission in relation to religious registration, whereby individuals are compelled to reveal their religious beliefs in employment and military service, despite Article 24 of the 1982 Constitution forbidding this. Similar submissions were made against Armenia by the Institute on Religion and Public Policy.

In relation to freedom of expression in Armenia, KHRP highlighted the seminal judgement from the European Court of Human Rights in the case of *Meltex Ltd and Mesrop Movsesyan v. Armenia* earlier this year. Judges ruled that Armenia

was in breach of the European Convention on Human Rights after the country's first independent television channel was effectively prevented from broadcasting. KHRP drew a parallel with Armenia's OSCE obligations and found that it was not faring any better in that respect.

In total, KHRP made six submissions relating to: freedom of expression; freedom of association and movement; non-discrimination in relation to national minorities; gender equality and violence against women; refugees and displaced persons; and freedom of religion or belief.

The full text of KHRP's submissions to the OSCE HDIM can be downloaded from our website.

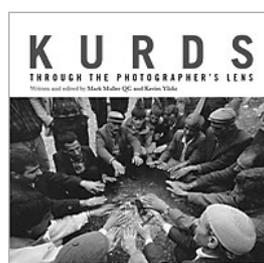
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**KHRP Impact Report 2007**

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

**Kurds: Through the Photographer's Lens**



mark 15 years of the Kurdish Human Rights Project, this book represents an initiative to present a vivid visual history of the life and times of the Kurds over the past decade and a half. It brings together the work of some of the most prominent photojournalists and photographers who have worked across the Kurdish regions in that period – including Susan Meiselas,

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

Jan Grarup, Ed Kashi, and Patrick Robert – with the writings of Noam Chomsky, Harold Pinter, Jon Snow and poet Choman Hardi.

**The Situation of Kurdish Children in Turkey: Fact-Finding Mission Report**

This new publication is based on extensive desk research and a fact-finding mission to three areas of Turkey – Diyarbakır, Cizre and İstanbul – in June 2008, during which mission members conducted interviews with relevant actors including human rights defenders, activists and lawyers. The report tackles a range of issues affecting the human rights of children throughout the country, with a particular focus on problems facing Kurdish children. The areas explored include housing, health and nutrition, education, child labour, discrimination, juvenile justice, conflict and domestic violence. The research highlighted the lack of any strategic plan on the part of the Turkish government to improve protection of children's rights. The authors relate the current situation to Turkey's obligations under international human rights agreements and offer recommendations to the Turkish authorities and the European Union for addressing key problems.

**Freedom of Association and Labour Rights Under Threat: The Situation of Trade Unions in Turkey**

Briefing Paper  
This briefing paper assesses what changes have taken place in Turkey with regard to the situation of trade union rights in recent years, in the

context of the country's moves towards accession to the European Union. KHRP's research suggests that reform on this front has been inadequate and that Turkey is yet to arrive at a point where trade unions are recognised as valuable social partners within the democratic system. On one hand, several pieces of domestic legislation continue to impede upon the safeguarding of trade unions. On the other hand, the Turkish authorities continue in practice to interfere with the rights to associate freely, to bargain collectively and to go on strike. Such interference includes instigating disciplinary action, launching malicious prosecutions and levying fines against union leaders and individual members. Recent KHRP research has found that the situation of labour rights is particularly problematic in south-eastern Turkey.

**A Children's Choir Face Terrorism Charges: Juveniles in the Turkish Justice System**



Trial Observation Report  
ISBN: 978-1-905592-21-0

In June 2008 a KHRP mission travelled to Diyarbakır in south-eastern Turkey to observe trial proceedings against members of a local children's choir who had been charged under anti-terror laws for singing a Kurdish song at a world music festival in the United States the previous October. Prosecutors argued that the song was associated with the outlawed Kurdistan Workers' Party (PKK) and that

singing it amounted to disseminating propaganda on behalf of a terrorist organisation. Of nine children who went to trial, three faced proceedings in an adult court. Although all were eventually acquitted, the episode illustrated the threats posed to human rights by Turkey's recently-amended anti-terror legislation, as well as the failure of the country's criminal justice system to afford adequate protection to children. Contrasting the treatment of the children with standards set out in international human rights agreements, this report also places the case in the context of broader patterns of restrictions on freedom of expression and cultural and language rights in Turkey.

**Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights**

Briefing Paper  
September 2008

In June 2006, Turkey amended its anti-terror laws and enacted a series of draconian provisions which fail to meet the country's human rights obligations under international law and which have in practice been used to violate the human rights of its citizens. Unacceptable features of this new legislation include an overly broad definition of terrorism, an increase in the range of crimes that can count as terrorist offences, and provisions that jeopardise the freedoms of expression and association, the right to a fair trial and the prohibition of torture. The new legislation will further the deterioration that has been witnessed in the human rights situation in Turkey since 2005 and should therefore be amended. This KHRP briefing paper explores the threats posed by Turkey's anti-terror law, and places it in an international context in which gov-

ernments around the world have increasingly shown themselves willing to put security considerations before the protection of human rights.

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



This publication provides Sorani language readers with an overview of the different UN mechanisms through which it is possible to

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

**UPCOMING PUBLICATIONS**

**A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure (Sorani Edition)**

KHRP is pleased to announce the publication of a Sorani translation of this recent report for the benefit of readers in Kurdistan, Iraq.

The report is based on a series of visits to the region in the course of 2007 and early 2008, during which mission members detected an enormous desire amongst civil society representatives and government officials for proper

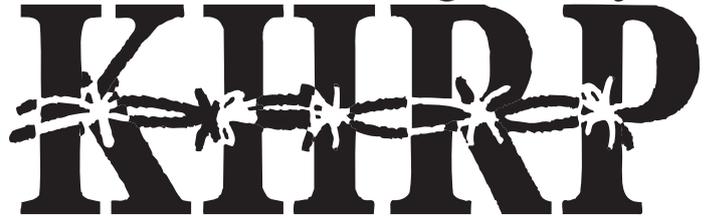
implementation of human rights norms, accountability and the rule of law. The reality, however, is a region where there remains a lack of awareness amongst members of the public about their human rights and a dearth of effective systems in place to ensure that these rights are protected. While the mission noted that all countries in transition need time to develop their infrastructure, such weaknesses are also partly due to a lack of strategic planning for long-term strengthening of mechanisms for human rights protection, and in particular to a disappointing absence of investment by the international community in support of this end.

The report explains the historical and political context of the current human rights situation in Kurdistan, Iraq, and goes on to explore this situation with special reference to women's rights, minority rights, freedom of expression, and the rights of prisoners and other detainees. Further sections are dedicated to the human rights situation in Kirkuk and other 'disputed areas', and the impact of the military incursions into Kurdistan, Iraq, by neighbouring countries. It concludes with a set of recommendations for the Government of Iraq, the Kurdistan Regional Government, local civil society organisations, the international community and international NGOs working in the region.

**Fact-Finding Mission Report on Prisoners' Rights in Turkey**

This report will present the findings of a fact-finding mission to Turkey in December 2008 including KHRP Legal Team member Nicholas Stewart QC. The mission will interview prisoners' families, civil society representatives and state officials both in south-eastern Turkey and in the west of the country.

# 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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## Calendar Of Events

### December

- 'Halabja: Portrait of a Town' – private viewing of images by photographer Tom Carrigan at Tooks Chambers, London, co-hosted by KHRP (11 December)

- KHRP and CDO training for civil society representatives in Sulamanya, Iraq on international human rights standards and torture (14 December)

- KHRP fact-finding mission to investigate prisoners' rights in Turkey (15 to 19 December)

- KHRP training on 'Investment Agreements and Human Rights' for civil servants and officials from the Kurdistan Regional Governorate Ministry of Trade in Erbil, Iraq (16 December)

- KHRP training on 'Investment Agreements and Human Rights' for civil society representatives in Erbil, Iraq (17 December)

- KHRP and Diyarbakır Bar Association training for civil society representatives in Diyarbakır on international human rights standards and torture (20 December)

### January

5th Annual EU Turkey Civic Commission Conference at the European Parliament in Brussels (28 and 29 January)