

# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

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## KHRP Observes Family Homicide Trial

A KHRP mission travelled to Van, Turkey in August to monitor court proceedings against a man accused of murdering his pregnant 18-year-old wife. While KHRP has long promoted protection of women's rights in the Kurdish regions through its research, training and awareness-raising activities, this mission was the first time that the organisation has observed a trial focusing specifically on spousal violence.

The defendant in the case, 25-year-old Kerem Çakan, is charged with offences including intentional killing for allegedly stabbing Eylem Pesen and running her over with his



*Mission members outside the courtroom with relatives of the victim and representatives of women's rights organisations.*

car in May this year. Ms Pesen had reportedly been taken out of school while in the second grade and forced to marry Mr Çakan,

her maternal uncle's son. According to prosecutors, Mr Çakan has said he attacked his wife because he

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## KHRP Conducts Training on Torture and the Law in Yerevan

KHRP carried out a successful training seminar in conjunction with its local partner the Forum Law Center in Yerevan, Armenia on 14 July, titled 'Enforcing Judgments of the European Court of Human Rights: A Study on Protecting against Torture and Ill-Treatment'.

The event was attended by around 20 people, including human rights defenders, Armenian officials and a representative of the Organisation for Security and Cooperation in Europe. KHRP Executive Director,



*Kerim Yıldız with Tigran Ter-Yesayan of the Forum Law Center.*

Forum Law Center President and KHRP Acting Legal Officer then delivered

a training which looked at the concept of torture un-  
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## Director's Letter



Dear friends,

We are pleased to report that successes in all aspects of KHRP's work in recent months have been matched by certain encouraging developments in the Kurdish regions which remind us of the potential for a future marked by peaceful co-existence and respect for the human rights of all those living in this troubled part of the world.

For the first time, a consensus has emerged both within Turkey and beyond over the need to reach a comprehensive resolution to the conflict in the Kurdish region of the country, in which grievances and violence can give way to dialogue and democratization. Though any such solution is no doubt still some way off, we welcome the crucial space that has emerged for public discussion of issues that have for so long been considered taboo despite their fundamental

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### **KHRP Observes Family 3Homicide Trial**

suspected that she was involved in a sexual relationship with his brother.

Mission members Dr Michael Kearney and KHRP Legal Associate Saniye Karakaş attended the first hearing in the trial at the Van Criminal Court No. 2 on 27 August. They also interviewed the prosecutor, the defendant's lawyer, members of the victim's family and local human rights defenders.

Violence against women is widespread in the Kurdish regions. According to research by the Prime Ministry Directorate General on the Status of Women, the findings of which were released in February this year,



*Dr Kearney with the Chair of the Van Bar Association Ayhan Çabuk and members of the organisation's women's commission.*

four out of ten women in Turkey are beaten by their husbands.

A recent KHRP fact-finding mission underscored the failure of the Turkish authorities to afford adequate protection to women who

are exposed to such abuse, as well as a broader array of obstacles that hinder women's access to justice in the Kurdish region of the country. Particular concerns included language barriers in dealings with the justice

system, a lack of awareness among women of their rights, severe failings in the provision of legal aid and medical examinations, and the routine failure of officials to take complaints by women seriously and to implement protective measures that are available under existing legislation.

In addition to such research, KHRP has conducted a number of training seminars for women's rights organisations in the Kurdish regions and the diaspora. Immediately after completing the trial observation mission, the delegation stayed on in Van to conduct another such training, reported on in full elsewhere in this issue of Newsline.

importance for the future of all those living within Turkey's borders.

We were also encouraged by the news that European funders of the Ilisu Dam project in the Kurdish region of Turkey have finally heeded the enormous human, cultural and environmental costs of the scheme, and have withdrawn their support. Though Turkey will no doubt seek to find new sources of finance, this latest development is a heartening reminder of the enormous influence that can be brought to bear through the awareness-raising and lobbying activities of even relatively small organisations like KHRP and its partners in the Ilisu Dam Campaign.

As always, however, positive developments such as these have been paralleled

by events that underscore the ongoing urgency of efforts to address deep-seated human rights concerns in the Kurdish regions. Not least of these was the violence and the brutal crackdown on fundamental freedoms that followed the presidential elections in Iran in June. Elsewhere, during a mission to Kurdistan, Iraq, I and other KHRP representatives once again witnessed at first hand the impact of cross-border operations by the Turkish and Iranian militaries there, which have driven civilians from their homes and caused widespread destruction.

Against this backdrop, we have continued our efforts to promote protection of human rights throughout the Kurdish regions. In recent months, this has included a special

focus on women's rights, with a training for women's groups in Turkey on the use of UN human rights mechanisms and KHRP's first trial observation mission focusing on spousal violence, as well as submissions to the UN Committee on the Status of Women and the Commission on the Elimination of All Forms of Discrimination against Women on the situation of women's rights in Turkey.

At the same time, we have pushed ahead with our activities in the Caucasus, with a training seminar in Armenia on enforcing judgments of the European Court of Human Rights (ECtHR) and a favourable ruling in the latest in a series of ECtHR cases dealing with crackdowns on political opposition there in connection with elections in recent years.

We have also made progress with a series of new cases at the ECtHR focusing on issues as diverse as freedom of expression and association, fair trial rights, the right to life and the prohibition of torture on behalf of applicants from Turkey, Armenia and Iraq.

Of course, all of this and the many more initiatives that we will be pursuing in the near future would not be possible without the help of our funders, partners, volunteers and other supporters. As we look ahead to the busy months to come, it only remains for me to extend to you all my sincerest thanks.

Kerim Yıldız  
Executive Director  
September 2009

# KHRP Welcomes Collapse of Financial Backing for Ilisu Dam

KHRP welcomed the announcement by German, Swiss and Austrian export credit insurers in July that they had decided to withdraw their support for the construction of the Ilisu Dam in south-east Turkey over the failure to meet international standards.

KHRP and its partners in the international Ilisu Dam Campaign have long campaigned to raise awareness of some of the most pernicious effects of the project, which would include displacing up to 78,000 people, destroying their homes, livelihoods, way of life and cultural roots. It would also cause pollution, deprive communities downstream in Syria and Iraq of water, and flood the ancient city of Hasankeyf. In designing the project, Turkey did not take adequate steps to con-



sult those who would be affected, to plan for compensation or to consider alternatives.

Work on the dam was put on hold for 180 days starting in December 2008, after European financial backers issued a final warning on the need to address serious concerns about the way the project was being handled. The latest announcement

came as this final window of opportunity drew to an end.

The development was also welcomed by Syria and Iraq, whose efforts to resist the scheme had included lobbying European financial institutions. Iraq's water resources director Oun Thiab Abdullah and other Iraqi officials have expressed doubts about whether Tur-

key would honour promises in relation to downstream water flows.

While the collapse of European funding sent a clear message that the Ilisu Dam scheme is entirely unacceptable in its current design, Turkey nevertheless appeared determined to press ahead with the project. In the wake of the announcement, Environment and Forestry Minister Veysel Eroğlu expressed his hope that new credit agencies will provide guarantees worth 400 million euros to allow the project to continue.

In October, KHRP will conduct a fact-finding mission in conjunction with its partners to look at developments on the ground since the announcement of the collapse in funding.

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## **KHRP Conducts Successful Training on Torture and the Law in Yerevan**

der international law and the standards set by key human rights instruments such as the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights, and the Convention against Torture. This was followed by a talk on the mechanisms that exist for enforcing judgments of the European Court of Human Rights (ECtHR) and the ways in which human rights defenders can engage with this process to ensure that it is as effective as possible.

Participants later took part in a workshop in which they were presented with case studies and invited to put into practice what they



*The Yerevan training.*

had learned about identifying violations of international law in relation to torture and ill-treatment, and engaging with Council of Europe mechanisms to ensure execution of ECtHR judgments.

As recently as December 2008, the ECtHR found Armenia in violation of provisions of the ECHR in-

cluding Article 3, which prohibits torture and inhuman or degrading treatment or punishment, in three KHRP-assisted cases involving members of opposition parties who were arrested in the context of rallies challenging the legitimacy of the re-elected Armenian president in March 2003. The January 2009,

the Court also ruled against Armenia in a further three KHRP-assisted cases involving repression of opposition demonstrations, finding violations of Article 11 of the ECHR, which guarantees freedom of assembly and association.

Torture and ill-treatment remain too prevalent in the Kurdish regions. KHRP, along with its principle funders including the Sigrid Rausing Trust, the UN Voluntary Fund for Victims of Torture, Bishop's Subcommission for Misereor, the Big Lottery Fund and other government funders, have worked to tackle such violations. Over the past year, similar seminars have also taken place in Sulaymaniyah in Iraq, and in Istanbul, Diyarbakir and Şırnak in Turkey.

# KHRP Conducts Women's Rights Training

KHRP and the Van Women's Association (VAKAD) conducted a training seminar for members of women's organisations in Van, Turkey, on 29 August, focusing on engagement with the UN Committee on the Elimination of Discrimination against Women.

When it meets for its 46th session in July 2010, the Committee is due to review Turkey's sixth periodic report on its compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). With that in mind, the training was designed to strengthen the capacity of local women's rights activists to contribute to the review process by submitting shadow reports by December this year for consideration by the Committee.

The one-day seminar, which was led by Dr Michael Kearney, a lecturer at the University of York Centre for Applied Human Rights, included a refresher course



*Dr Kearney leads the training.*



*Participants discuss case studies of rights abuses during the workshop.*

on CEDAW. There was also a presentation on Turkey's latest periodic report and the procedures for NGOs

to prepare and submit their own parallel reports. Later in the day, participants gave talks on particular

cases and issues that have arisen in the course of their own work. Dr Kearney then led a workshop in which participants were presented with case studies involving human rights violations against women and were asked to discuss how they might be able to take these cases to UN bodies.

The seminar was designed to build on previous KHRP trainings on CEDAW in the Kurdish region of Turkey, including an event organized in conjunction with SELIS Women's Consultation Centre in Diyarbakir in February 2008. Following such previous trainings, it was felt that a follow-up seminar was required to focus specifically on Turkey's latest periodic report and how best to respond. It was also felt that gathering a number of women's organisations together would facilitate better cohesiveness between them and potentially create a coalition to cooperate on a CEDAW-related campaign.

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## KHRP Alarmed by Declining Human Rights Situation in Iran

KHRP is deeply concerned by the sharp deterioration witnessed in the human rights situation in Iran in recent months following allegations of vote-rigging in the country's presidential elections in June, which saw mass public demonstrations brutally repressed by the authorities.

The abuses seen in the wake of the disputed vote – including public beatings of demonstrators, arbitrary detentions, targeting of human rights defenders, alleged torture and rapes in

custody, blocking of communications technologies and a reported increase in executions – are an affront to any standard of international human rights norms. Reports suggest that dozens of people were killed and hundreds more injured.

In addition to the mass protests and brutal crackdown seen in Tehran, there were reports of arrests and shootings of demonstrators in the Kurdish region of the country.

Also alarming was the launch of trial proceedings

against large numbers of individuals, including senior opposition figures, accused of offences such as attacking state buildings and conspiring against the ruling system. The circumstances of these proceedings and the track-record of the Iranian judiciary suggest that they are extremely unlikely to receive a fair hearing in line with international standards.

In a briefing paper published in the wake of these events, KHRP underlined the need for the interna-

tional community to keep human rights concerns consistently at the forefront of diplomacy with Tehran. While the scale of the recent abuses has been particularly disturbing, the types of human rights violations seen are in themselves nothing new. KHRP noted that Kurds and other minorities are particularly vulnerable to such treatment because of the authorities' tendency to view even legitimate, peaceful minority activism as a separatist security threat.

# Annual KHRP Legal Team Meeting Focuses on Changing Definition of Torture

KHRP's annual Legal Team meeting was hosted by 1 Pump Court chambers in London on 24 June, with discussion focused on the alarming ways in which definitions of torture have evolved in the context of the so-called 'War on Terror'.

The meeting began with opening remarks by KHRP Executive Director Kerim Yıldız and a talk by Acting Legal Officer Saadiya Chaudary outlining KHRP's activities over the past year.

Legal Team member and new Board member Nicholas Stewart QC then gave a presentation on recent developments in relation to torture and the law, beginning with an overview of the definitions of this offence included in key international human rights instruments. He also explored the jurisprudence of the European Court of Human Rights, including the landmark ruling in the KHRP-assisted case of *Aydın v. Turkey* which established that contextual factors such as the age of the victim are important in determining whether an episode of abuse is to be categorised as torture.

He contrasted such precedents with memos between senior United States officials in the wake of the 11 September 2001 terrorist attacks, which set



*Kerim Yıldız, Nicholas Stewart QC and Saadiya Chaudary*

out a narrow definition of torture that excludes controversial methods such as 'waterboarding' and lengthy periods of sleep deprivation. Participants at the meeting discussed the impact that US policy in relation to such 'enhanced interrogation techniques' could have on future casework on torture.

Members of KHRP's Legal Team have played an invaluable role in the organisation's ongoing efforts to publicise and address torture in the Kurdish regions in recent months. Nicholas Stewart was himself involved in a fact-finding mission in December 2008 to investigate the human rights situation in the Turkish detention system. In March this year, KHRP also dispatched a mission to monitor part of the trial proceedings against 60 officials charged in connection with the death of political activist Engin Çeber, who suffered a brain haemorrhage after allegedly facing severe beatings in custody in Istanbul.

## Dispatches

### KHRP Delegation Investigates Impact of Cross-Border Bombardments

Executive Director Kerim Yıldız and Board Chair Mark Muller travelled to Kurdistan, Iraq to document the living conditions of civilians affected by cross-border bombardments by the Turkish and Iranian militaries. They were joined by KHRP's representative in Kurdistan, Iraq, Tanyel Taysi. Their research focused both on those still living in camps for internally displaced persons and on those who have risked their lives to return to their villages. The findings of the mission will be published in a forthcoming KHRP report. The mission also collected valuable evidence for new applications to the European Court of Human Rights (ECHR), continuing KHRP's work representing victims of the cross-border military operations.

### KHRP Honorary President in Turkey

KHRP Honorary President Lord Eric Aveybury has travelled to Turkey to host the launch of an uncensored Turkish edition of *The Treatment of Armenians in the Ottoman Empire*, a collection of documents published by British politician Viscount Bryce and historian Arnold Toynbee in 1916 concerning the massacres of Armenians by government forces. Lord Aveybury introduced the book launch at the headquarters of KHRP's partner organisation İnsan Hakları Derneği (The Human Rights Association of Turkey, İHD) in Ankara on 26 June along with historian Ara Sarafian, who edited this edition of the book.

### KHRP Board in London and Abroad

Board members attended one of their regular meetings at our office in London in July to discuss recent KHRP activities, organisational developments and plans for the future. Later in July, Board member Rajesh Kumar Rai gave a talk titled 'Spirituality Today – Shared Benefits and Shared Responsibilities' at a conference on 'Spirituality in Action' organised by The Himalayan Institute, in which he discussed his work with KHRP.

### EUTCC Board Meets in Brussels

The Board of the EU Turkey Civic Commission (EUTCC) met in Brussels on 5 September to discuss plans for the future, including the next in a series of annual conferences which are held at the European Parliament in Brussels. Formed in 2004, the EUTCC aims to both promote and provide suggestions for Turkey's bid for EU accession, and to help guarantee respect for human and minority rights and a peaceful, democratic and long-term solution to the Kurdish situation. Founding members include KHRP, the Bar Human Rights Committee, Medico International and the Thorolf Rafto Foundation for Human Rights.

# Dispatches

## Kurdish Political Activists Detained in Syria

The Syrian authorities have continued to target Kurdish political activists in recent months. In one such case, Jakarkhon Sheikhon Ali, a senior member of the Kurdish Democratic Party, was detained in June and his family were reportedly given no information regarding his whereabouts for a full week. It is alleged that Mr Ali is being detained for peacefully exercising his right to freedom of expression and association. Other cases of concern include that of Mohammad Sai'd Omar, a senior member of the Kurdish Azadi (Freedom) party who remains in detention at the time of writing, having been arrested in October 2008. It is believed that he, too, is being held in connection with his non-violent political activities. Involvement in political groups in Syria other than the Ba'ath and a number of officially-sanctioned parties associated with it can lead to an individual being arbitrarily detained and put in jeopardy of torture. Kurdish human rights defenders are also routinely targeted.

## 'Kurds in Syria' in Kurmanji

A Kurmanji-language edition of *The Kurds in Syria: The Forgotten People* by KHRP Executive Director Kerim Yıldız was released by the Avesta publishing house in İstanbul in September.



Along with Kerim Yıldız's other recent books - *The Kurds in Iraq*, *The Kurds in Iran* and *The European Union and Turkish Accession: Human Rights and the Kurds* - it builds on his comprehensive analysis of the current human rights situation for the largest ethnic group worldwide without its own state.

First published in English by Pluto Press in 2005, *The Kurds in Syria* explores the situation of the country's Kurdish population within the context of Syrian history and of broader regional and international developments. It covers all aspects of Kurdish life including language, education, religion and history.

## KHRP Holds Meeting with Funders in Germany

On 5 August, KHRP Deputy Director Rachel Bernu met with Dr Maria Haarmann, Desk Officer for Egypt and the Near East at the Bishop's Subcommission of Misereor (the German Catholic Bishops' organisation for Development Co-operation). The meeting was an opportunity to update the organisation, one of KHRP's principal long-standing funders, on the developing human rights situation and the progress of our work across the Kurdish regions.

# Amended Law Sparks Calls for Return of Şemdinli Case to Civilian Courts

An amendment to the Turkish Penal Code approved by President Abdullah Gül in July might allow criminal proceedings relating to the bombing of a Kurdish-owned bookshop in 2005 to be returned from the military court system to the civilian judiciary.

The amended law paves the way for trials of military personnel in civilian courts for offences including organising armed groups, threats to national security and violations of the constitution. KHRP has long expressed concern that investigations of alleged human rights violations by military personnel have been hampered by such cases being passed over to the military court system, consolidating the culture of impunity that is widespread amongst Turkish officials.

In 2006 and 2007 KHRP dispatched missions to Turkey to observe trial proceedings against the military personnel who were accused of carrying out the unprovoked attack on the bookshop in Şemdinli in November 2005 which killed one person and injured two others. After being convicted by a civilian court for their role in the at-



KHRP representative Sandra Conway with Ayhan Çabuk of the Van Bar Association during mission to observe the Şemdinli bombing trial in 2007.

tack and given lengthy jail terms, the defendants succeeded in appealing the verdict and having the case transferred to a military court. KHRP observers expressed deep concerns about the independence and transparency of the process.

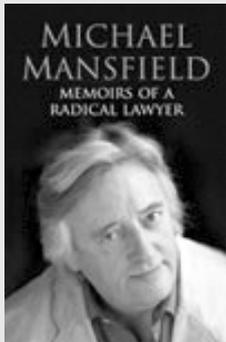
Immediately after the recent amendments, lawyers instigated moves to have the Şemdinli case transferred back to the civilian courts and for trial proceedings to be launched against former Chief of the General Staff Gen. Yaşar Büyükanıt over his alleged role in the attack.

However, some opposition politicians have already been speaking about taking the new law before the Constitutional Court.

# Dispatches

## KHRP Patron Publishes Memoirs

KHRP Patron Michael Mansfield QC launched his new book, *Memoirs of a Radical Lawyer*, at this year's Edinburgh Festival in August.



The book sheds light on his career at the forefront of some of the most controversial legal cases Britain has seen, including work on behalf of the Birmingham Six, the family of Stephen Lawrence, the family of Jean

Charles de Menezes, and Turkish and Kurdish exiles. It reveals his motivations, meticulous approach to forensic science and cross examination techniques, as well as the political dimension of many of his past cases.

Michael Mansfield QC was called to the Bar in 1967, established Took's Chambers in 1984 and became Queen's Counsel in 1989. He is a longstanding friend of KHRP and hosted a fundraising dinner at the Law Society in honour of the organisation's 15th anniversary in November 2008.

*Memoirs of a Radical Lawyer* was published by Bloomsbury on 7 September.

## KHRP Hosts Students from Emory University

On 10 July, 23 students from Emory University in Atlanta, Georgia came to the KHRP office to learn about our work and the human rights situation in the Kurdish regions.

The students were all participating in Emory University's Paris-based summer programme on European politics and had travelled to London as part of a course on human rights in Europe. Course organiser Emily Ritter hoped that a visit to KHRP would allow them to engage their theoretical knowledge from the course in an applied context.

Development and Outreach Officer Anna Irvin gave a presentation on the history of KHRP and the organisation's vision, mission and aims. She also spoke about the patterns of human rights vio-

lations witnessed in the Kurdish regions – including torture, extra-judicial killings, mass displacement and censorship – and the methods employed by KHRP to highlight and address such abuses, including through the use of international human rights mechanisms. Those who took part in the day gave positive feedback on the experience and many showed a keen interest in interning with KHRP in future.

Since its founding, KHRP has been committed to increasing public awareness of the human rights situation in the Kurdish regions, including amongst students worldwide with an interest in international development and human rights.

## Presidential and Parliamentary Elections in Kurdistan, Iraq

Voters went to the polls in the Kurdistan Regional Governorate (KRG) in Iraq in July, in presidential and parliamentary elections which a preliminary assessment by the European Union suggested were held in a relatively competitive environment and carried out in a secure manner. Kurdistan Democratic Party (KDP) leader Masoud Barzani was re-elected as president, and the KDP and Patriotic Union of Kurdistan (PUK) secured 57 per cent of the parliamentary vote. The newly-formed party Goran ('Change') list, led by Noshewan Mustafa, won more than 23 per cent of the parliamentary vote, though it alleged that it had faced electoral fraud.

## Seminar Marks Anniversary of Killing of Kurdish Cleric in Syria

KHRP attended a seminar organised by the Western Kurdistan Association (WKA) in London on 12 June to mark the fourth anniversary of the death of leading Kurdish cleric Sheikh Muhammed Ma'shuq al-Khiznawi in Syria.

Sheikh al-Khiznawi was abducted in May 2004 and his body was returned to his family 20 days later, reportedly showing signs of torture. International observers including Amnesty International have cited evidence suggesting that state officials were implicated in the case. Prior to his disappearance, he had called for reforms in Syria and for more dialogue between

religious groups. He had also travelled to Norway, Brussels, and Germany to build relations between the European Union and the Kurdish community.

The WKA and others are demanding a full investigation into the crime and for those responsible to be brought to justice.

## KHRP advisor Addresses Conference on Anti Terror Laws and Freedom of Expression

KHRP Advisory Group member Professor Bill Bowring spoke at a conference hosted by the Haldane Society of Socialist Lawyers and the Peace in Kurdistan Campaign at the College of Law on 17 June titled 'Security, Freedom of Expression and the Right to Dissent: Anti-Terror Legislation in Turkey, the UK and the EU'. Professor Bowring is a Professor of Law at Birkbeck College and co-authored a report published by the Haldane Society in February this year on detention conditions in Turkey. He spoke about the human rights situation in the country's prison system and particularly high-security F-type prisons, where detainees are held in cells of up to three persons and have minimal contact with prisoners other than their cellmates. Presentations were also given by Behiç Aşçı, a member of the Turkish Association of Progressive Lawyers, and Arzu Peşmen, Chair of Kurdish Federation UK.

## New Ergenekon Trial Begins

A new trial got underway in Istanbul on 20 July against 56 individuals accused of involvement in the Ergenekon network, a militant ultranationalist group said to have had close ties to the Turkish state and to have been responsible for crimes including extrajudicial killings and bombings. The latest case follows the launch of trial proceedings in October 2008 against 86 people charged with alleged involvement in the organisation. In August this year, judges accepted a third indictment charging another 52 people in connection with Ergenekon.

## European Court Rules against Armenia in Latest KHRP-Assisted Case

The European Court of Human Rights (ECtHR) has issued its latest ruling against Armenia in a series of KHRP-assisted cases relating to harsh measures used to put down political opposition in the country in recent years.

In the judgment issued in June this year, the ECtHR found in favour of Applicant Maksim Gasparyan, who was detained by police in 2004, ostensibly for 'disturbing public order'. He was denied access to a lawyer and on the same day was taken before a judge who sentenced him to eight days' administrative detention. Mr Gasparyan submitted that the moves against him were in fact intended to prevent him from taking part in a demonstration organised by opposition parties.

The ECtHR ruled that Armenia had violated the fair trial principles laid down under Article 6 of the European Convention on Human Rights (ECHR) in failing to allow Mr Gasparyan adequate time to

prepare his defence. It also found that Armenia's failure



*Executive Director Kerim Yıldız with two of three new KHRP-assisted Applicants who were targeted after being appointed as proxies to a candidate in Armenia's 2008 presidential elections.*

to allow Mr Gasparyan to have his conviction reviewed by a higher tribunal amounted to a violation of his rights under Article 2 of Protocol No. 7 to the ECHR.

In January this year, judges at the ECtHR found Armenia in violation of Article 11 of the ECHR, which guarantees freedom of assembly and association, in three KHRP-assisted cases involving individuals

who were punished for allegedly joining in 'unauthorised'

protests in February 2003.

Just weeks earlier, the ECtHR had ruled against Armenia in a further three KHRP-assisted cases, all of them involving members of opposition political parties who had also been detained in 2003. The judges found violations of Article 3 (prohibition of torture) and Article 6 (right to a fair trial).

In August 2009, KHRP submitted a 'stop the clock' letter

to the ECtHR introducing a new case on behalf of three Armenian nationals who were arrested after being appointed as proxies to a candidate in presidential elections in February 2008 and taking part in activities such as monitoring reports of electoral violations. They were prevented from contacting their families and lawyers for the first three to six weeks of their detention and reported being held in poor conditions, with complaints including overcrowding, lack of water and sanitation facilities, and an abundance of rats and other animals. They also reported that they were subjected to physical and psychological pressure. They were accused of hindering the work of the Electoral Commission by causing disruption in polling stations and faced criminal proceedings including grave procedural violations. Though they were eventually released in an amnesty in June 2009 they had by that time spent up to 16 months in prison.

## KHRP Makes Submission to Pre-Session CEDAW Group

KHRP submitted a draft shadow report and list of issues to the Pre-Session Working Group for the Committee on the Elimination of Discrimination against Women on 27 July 2009, as part of preparations for the Committee's upcoming review of the situation of women's rights in Turkey.

Under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), all State parties are required to submit a report every four years on their progress in ensuring full compliance with the Convention.

The Committee is due to

review Turkey's sixth periodic report during its 46th session in July 2010. To assist the Committee in analyzing the true impact of the measures which the State party says it has taken, NGOs are invited to submit their own parallel reports and to draw up a list of issues about which Committee members might choose to question State representatives.

In its submissions to the Committee, KHRP highlighted the marginalisation of Kurdish women in Turkey in areas such as political participation, education, employment, health care and access to justice,

particularly as a result of the ongoing refusal to permit the use of languages other than Turkish in official contexts. A prohibition on the use of minority languages in schools also limits the ability of Kurdish women to acquire Turkish language skills and hampers their educational progress.

Other issues highlighted by KHRP included the increasing prevalence of so-called 'honour suicides'. Due to new reforms raising the maximum sentence for perpetrators of 'honour' killings, families are now forcing women to end their own lives to spare their

male relatives from life imprisonment.

KHRP also called on Turkey to tackle the culture of impunity amongst state officials and address alleged violence against Kurdish women by law enforcement officers, including in cases where this is used as a method to demoralise Kurdish communities.

KHRP intends to submit a final shadow report to the CEDAW Committee ahead of its 46th session, including updates on any developments that have occurred in the intervening period.

## KHRP Appeals to UN on Behalf of Kurdish Activists Detained in Iran and Syria

KHRP submitted urgent appeals in July to the UN Working Group on Arbitrary Detention and a number of UN Special Rapporteurs on behalf of Kurdish activists who have been targeted by the Syrian and Iranian authorities.

One such appeal was sent on behalf of a prominent Kurdish activist who had recently been sentenced to three-and-a-half years' imprisonment in Syria for 'weakening national sentiments' and 'broadcasting false or exaggerated news which could affect the morale of the country'. He denies the charges

against him but was prevented from calling defence witnesses during his trial. He is reported to have been arrested in May 2008 because of his political activities and possession of political literature. He is thought to be serving his sentence in 'Adra Prison, a detention centre run by the Military Intelligence which has been described by Amnesty International as 'infamous for torture'.

Another appeal focused on a Kurdish activist who appears to have been targeted by the Iranian authorities because of his ethnicity, human rights work

and journalism. He was arrested in July 2006 and held incommunicado for four months. In a letter from prison, he described being isolated and tortured. He is reported to have tried to take his own life.

During a five-minute trial in which his lawyer was unable to present a defence, he was sentenced to death for supposedly endangering national security and being a member of the Kurdistan Workers' Party. Despite lack of evidence connecting him to any armed organization, the Iranian authorities have refused to stay his execution, which is

expected at any moment.

KHRP highlighted its concerns about these cases in communications to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

## KHRP Writes to European Court on Behalf of Student Detained in Turkey under Anti-Terror Laws

KHRP submitted a 'stop the clock' letter to the European Court of Human Rights in July on behalf of a student of Kurdish origin who has been detained in Turkey since his arrest for participating in a demonstration in Diyarbakir over two years ago. The purpose of such letters is to introduce the case to the Court in advance of filing a complete application.

The Applicant was detained in early 2007 for participating in a demonstration and was

charged with making propaganda on behalf of a terrorist organisation and committing crimes on behalf of an illegal organisation, in connection with his alleged part in the protest and his presence at the funeral of four members of the Kurdistan Workers' Party (PKK).

The Applicant has always maintained that he attended the funeral not out of support for any illegal organisation but only because one of the deceased was the relative of a friend. Dur-

ing the demonstration, which took place on a university campus, he says he and all other students in his class were forced to leave by the demonstrators, and that as they did so his only activity was to clap. However, he was convicted of the charges against him and has remained in custody ever since, having so far been unsuccessful in his attempts to appeal his case.

The Applicant submits that Turkey has violated Articles 5 (right to liberty and security),

6 (right to a fair trial), 10 (freedom of expression), 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention on Human Rights (ECHR). He also submits that Turkey has violated Article 2 of Protocol 1 to the ECHR (right to education), since he has been unable to complete his university course as a result of his detention.

### Full Application Filed in Latest Cross-Border Operations Case

KHRP recently submitted a complete application to the European Court of Human Rights in a new case concerning the deaths of the husbands of the two Applicants during aerial and ground attacks by the Turkish military in northern Iraq.

The two men went missing after leaving their homes to collect edible fruits and plants in May 2008, and their bodies were later discovered in an area where the Turkish military had conducted an operation involving aircraft, artillery and ground troops. They had reportedly been shot several times, including in the head and face.

The Applicants argue that Turkey has failed to undertake an effective investigation into the killings of their husbands. In fact, the Turkish military has reportedly not established any system in Kurdistan, Iraq for dealing with allegations of human rights abuses and complaints about the conduct of their forces operating there.

The Applicants submit that Turkey has violated Articles 2 (right to life), 3 (prohibition of torture), 6 (right to a fair trial) and 14 (prohibition of discrimination) of the European Convention on Human Rights.

### KHRP Submits Communication to the Commission on the Status of Women

KHRP sent a communication to the Commission on the Status of Women in August focusing on the current situation of Kurdish women in Turkey. The submission highlighted human rights abuses relating to gender-based crimes and unequal access to education, employment and legal services. In particular, it demonstrated how many of these inequalities stem from the ongoing refusal of the Turkish authorities to provide education and other public services in the Kurdish language.

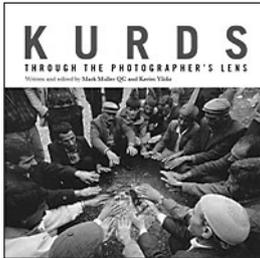
The Commission on the Sta-

tus of Women, which is a functional commission of the United Nations Economic and Social Council (ECOSOC), invites communications regarding alleged violations of human rights that impact women from any country in the world. Communications are accepted and reviewed annually to allow the Commission to identify emerging patterns and trends of inequality or discriminatory practices against women. The trends identified are used by the Commission to formulate policies and strategies aimed at promoting gender equality.

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

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

ISBN 978-1-904563-86-0



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

of the Kurdish Human Rights Project, this book represents an initiative to present a vivid visual history of the life and times of the Kurds over the past decade and a half. It brings together the work of some of the most prominent photojournalists and photographers who have worked across the Kurdish regions in that period – including Susan Meiselas, Jan Grarup, Ed Kashi, and Patrick Robert – with the writings of Noam Chomsky, Harold Pinter, Jon Snow and poet Choman Hardi.

**Impact Report 2008**



In addition to providing an overview of the human rights situation in the

Kurdish regions of Turkey, Iran, Iraq, Syria and the Caucasus, this annual publication details KHRP's activities throughout the year, including our human rights litigation and advocacy, training and fellowship programmes, fact-finding missions and trial observations, research and publications, and public awareness campaigns and communication strategies.

The report also reviews the impact of KHRP's work in 2008 in promoting greater protection of human rights in the Kurdish regions, with a particular focus on political and judicial systems, torture and ill-treatment, freedom of expression and association, cultural and linguistic rights, environmental

justice, gender equality, the right to life, and war and instability.

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

**The Death of Engin Çeber: Prosecuting Torture and Ill-Treatment Within the Turkish Detention System Trial Observation Report**

ISBN 978-1-905592-24-1



This report focuses on the trial of 60 officials charged in connection with the high-profile death of a political activist in Turkey in October 2008, allegedly as a result of severe beatings he

sustained in custody. It is based on the findings of a KHRP mission that travelled to Turkey to observe part of the court proceedings in March 2009. It explores the background to the case, the trial process itself and a number of issues that arise from it, including questions about the impunity of Turkish officials, the role of medical staff in relation to alleged torture and ill-treatment, and the extent to which such abuses within the Turkish detention system are successfully covered up.

The official response following Engin Çeber's death was exceptional, including a public apology from the justice minister and subsequent criminal proceedings against an unprecedented number of officials. However, the mission found that there is cause for very considerable doubt over whether this marks or even predicts a fundamental shift in state policy towards the treatment of detainees. In reality, given the seemingly clear-cut circumstances of Mr Çeber's death and the level of media attention, it ap-

pears more likely that the authorities were left with little choice but to make an example of his case. In fact, the mission heard of many other allegations of similar abuses in Turkey receiving no such response, with countless instances of torture and ill-treatment in custody never being seriously investigated or punished.

**Human Rights and the Kurds in Iran**

Briefing Paper  
August 2009



While human rights violations are a part of everyday life for Iranians from all backgrounds, Kurds and other minorities are particularly vulnerable. With the Iranian authorities inclined to

treat much minority activism – whether social, cultural or political – as linked to a separatist threat, individuals from these communities are frequently arbitrarily arrested and held incommunicado, often accused of vaguely-worded crimes relating to national security. This briefing paper gives an overview of the modern history of the Kurds in Iran, and the international and domestic legal framework in relation to the human rights situation that they and other Iranians face today. It goes on to explore patterns of human rights violations according to four key themes: discrimination on grounds of gender and ethnicity; arbitrary detention; torture and ill-treatment; and corporal and capital punishment. In the wake of the brutal crackdown that followed the disputed presidential elections in Iran in June this year, the evidence presented here underscores the need for the international community to ensure that human rights concerns are kept squarely at the forefront of diplomatic engagement with Tehran.

**Legal Review 15**

ISSN1748-0639



Legal Review 15 covers the period from January to June 2009 and features news and updates relevant to the Kurdish regions, as well as summaries and analysis of

relevant decisions of international, UK and US Courts. Articles in this edition tackle subjects such as protection of the right to family life under European law in cases of migrants expelled from their host countries, the concept of the rule of law, structural violence against women in Kurdistan, Iraq, and freedom of expression in Armenia in the wake of a landmark ruling in 2008 in the KHRP-assisted case of Meltex Ltd and Mesrop Movsesyan v. Armenia before the European Court of Human Rights.

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

**Human Rights in the Kurdish Region of Turkey: Three Pressing Concerns**

**Fact-Finding Mission Report**

ISBN 978-1-905592-25-8

This report is based on the findings of a KHRP fact-finding mission that travelled to south-east Turkey in early May 2009 to investigate the human rights situation there, with a particular focus on women's access to justice, impunity for state agents and issues affecting the work of human rights defenders. In relation to women's access to justice, concerns highlighted by the mission included language barriers in dealings with the justice system, a lack of awareness among women of their rights, severe failings in the provision of legal aid and medical examinations, and the routine failure of officials to take complaints by women seriously

and to implement protective measures that are available under existing legislation. The mission found that harassment and repression of those who voice non-violent criticism of the state remains endemic. Human rights defenders interviewed by mission members reported that they are subjected to investigations whenever they take action, and almost all had multiple cases open against them at the time of the mission. With regard to impunity of state officials operating in the region, the mission heard that such individuals are rarely prosecuted in cases of alleged human rights violations and that, in those instances where they are prosecuted and convicted, they generally received very light or suspended sentences. This report includes the findings of the mission, along with recommendations for addressing the issues raised.

**Closed Ranks: Transparency and Accountability in Turkey's Prison System**

ISBN 978-1-905592-23-4



This report is based on the findings of a mission dispatched to Turkey by KHRP in December 2008 following reports by media and regional partners of increased viola-

tions of prisoners' rights. The mission travelled to Istanbul, Ankara, Mardin and Diyarbakır, interviewing former prisoners, prisoners' families, NGOs, human rights advocates and lawyers. Concerns highlighted by the mission include routine ill-treatment, arbitrary punishments without adequate recourse to appeal, arbitrary restrictions on visiting and language rights, overcrowding and the high proportion of inmates in the system who are still awaiting trial. Underlying these problems is a lack of proper accountability and independent oversight within the prison system. The report places these findings in the context of Turkey's in-

ternational human rights obligations and offers concrete recommendations for improving protection of prisoners' rights.

**Fact-Finding Mission Report on the Impact of Cross-Border Military Operations in Kurdistan, Iraq**

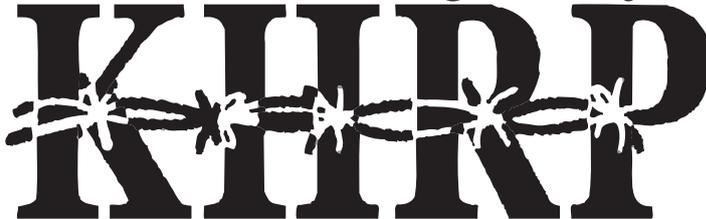
Turkey and Iran continue to engage in extensive cross-border military operations in northern Iraq, ostensibly with the purpose of fighting the Kurdistan Workers' Party and the Free Life Party of Kurdistan, Kurdish separatist groups seen as threats to the national security of these states. This report details the ways in which these ongoing cross-border operations have detrimentally affected the lives of the inhabitants of the region, including through displacement, loss of life, debilitating injury, destruction of property, livelihoods and traditional modes of life, and the traumatising of the affected communities, particularly children. It draws on the statements of affected individuals and those providing humanitarian assistance, as well as research by KHRP representatives on the ground in Kurdistan, Iraq, both in 2009 and during visits to the region in earlier years.

**UPCOMING PUBLICATIONS**

**Trial Observation Report on Spousal Violence Case**

This report will present the findings of a KHRP delegation that travelled to Turkey in August 2009 to observe trial proceedings against a man accused of killing his pregnant 18-year-old wife. According to prosecutors, Kerem Çakan said he attacked her because he suspected that she was involved in a sexual relationship with his brother. Violence against women is pervasive in Turkey, including in the Kurdish region of the country, and recent KHRP research has highlighted the failure of the authorities to protect women from such abuse and to facilitate their access to justice. Besides monitoring trial proceedings in this case, mission members also interviewed the prosecutor, the defendant's lawyer, relatives of the victim and local human rights defenders.

# Kurdish Human Rights Project



Established 1992

## Project Information

### THE ORGANISATION

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

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

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

### Aims

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

### Methods

- Monitoring legislation and its application.

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

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Fax: +44 (0)207 404-9088  
Email: khrp@khrp.org

## Calendar Of Events

### September

- Kurdish music concert organised by the Halkevi Kurdish and Turkish Community Centre, with Aynur, Şivan Perwer and Cevdet Bağca, 27 September, Hackney Ocean

### October

- KHRP and its partners to conduct fact-finding mission in Turkey to look at developments on the ground since the collapse of funding for the Ilisu Dam, October
- International Day of Non-Violence, 2 October
- World Habitat Day, 5 October
- KHRP annual cross-border training, Turkey, 9-11 October
- A Cinema Across Borders: The First Kurdish Film Festival in New York, 21-25 October 2009, New York University Cantor Film Centre and IFC

### November

- International Day for Preventing the Exploitation of the Environment in War and Armed Conflict, 6 November
- 6th London Kurdish Film Festival, 20-30 November 2009, at Richmix, Al Human Rights Action Centre, Riverside Studios, Birkbeck College, Shortwave Cinema, Spring Studios

### December

- Human Rights Day, 10 December