

# KURDISH HUMAN RIGHTS PROJECT NEWSLINE

NEWSLINE 4, WINTER 2009, ISSUE 48

## Human Rights Advocates Gather From Across Borders for KHRP-IHD Training

On 9 and 10 October 2009, KHRP and local partner organisation, *İnsan Haklari Dernegi* (Human Rights Association of Turkey, IHD) together hosted a cross-border training in Diyarbakir, Turkey. The seminar was opened by Rajesh Rai, KHRP's Board Treasurer, and Muharrem Erbey, Chair of IHD- Diyarbakir. In the spirit of coalition-building, local lawyers, activists, and human rights advocates from Turkey, Iran, Iraq and Syria were brought together with members of KHRP's partner organisations in these countries.

This was the third such training held since the cross-border model was successfully instituted by KHRP in 2006. The objectives of these trainings are to encourage human rights advocates to increasingly work together within and across the regions, as well as with their counterparts interna-



*Delegates with KHRP Legal Associate Saniye Karakaş, KHRP Board Member Raj Kumar Rai and Nicholas Hildyard of the Corner House on final day of Cross-border Training*

tionally. This year's training sessions focused on strategies to promote the protection of human rights in the context of investment agreements and the environment, the development of international

mechanisms towards the prevention of torture and ill-treatment, and strategies for combined capacity building between civil society organisations.

*continued on page 2*

## Joint Cross-border Roundtable Examines Women's Rights

On 10 October 2009, KHRP co-hosted a roundtable meeting with partner *İnsan Haklari Dernegi* (IHD) on women's rights in Diyarbakir, Turkey. The meeting served as a forum in which organisations from across the Kurdish regions could discuss the most pertinent women's rights issues faced among their constituents.

Breaches to women's rights in the Regions take on a variety of forms from gender-based violence including trafficking in women and girls, rape, wife abuse, sexual abuse of children, murder, discrimination in employment, cultural alienation and discrimination in education, and equality rights. Such violations are far



*KHRP Board Member Raj Kumar Rai and delegates at Cross-border Women's Rights Roundtable.*

too common in Turkey, where the seminar was held.

All participants were encouraged to share their experiences and current concerns in the protection of women's rights. Müzeyyen Akıncı from IHD, Özlem

Özen from DIKASUM, and Salah Majid from Harikar outlined the services and assistance their organisations provide for women. Lawyer and activist Razaw Sharef elaborated on the issue of traf-  
*continued on page 3*

### Director's Letter



Dear friends,

As this year draws to a close, we are pleased to reflect on KHRP's considerable accomplishments, which alongside encouraging developments in the Kurdish regions, have helped to reignite the hopes and expectations of people there and internationally, for a future peace and a greater respect for human rights.

The Turkish government's self penned 'democratic initiative' and its planned reforms as part of its 'road map' for peace, gives recognition to the armed conflict in Turkey. Naturally laying the foundations for a lasting peace and security in Turkey will be a testing process. The exclusion of a range of political views and regional civil society groups from any formal initiatives, threatens the sustainability and durability of any solution reached. Any post conflict resolution process must involve all parties to the conflict and take an integrated approach which fully addresses the political, civil, social, cultural and economic realms within it. Of course the implementation of such an approach to a complex armed conflict is in practice often fraught with significant challenges. Yet without first addressing the cultural and linguistic rights of Kurds, the Turkish state and its Kurdish population will find it ever more difficult to solve the Kurdish issue.

*continued on page 2*

continued from page 1:

### **Human Rights Defenders Gather From Across Borders to Participate in KHRP-İHD Training**

KHRP's partners in the Ilisu Dam Campaign, The Corner House and the local Save Hasankeyf Initiative, respectively spoke about the impact of investment agreements on human rights, and about the environmental implications of the Ilisu Dam Project in Turkey and Iraq. Presentations followed by Saniye Karakaş, KHRP Legal Associate and Lawyer Gamze Yalçın, of the Torture Commission at İHD. They spoke about developments in international mechanisms available to report torture and ill-treatment. On the topic of capacity building, Emine Baz, of the Van Women Association (VAKAD) and Bakhtyar A Salih, of the Civil Development Organisation (CDO) were among those to share their experiences of institutional development. During the discussion it was suggested that regional NGOs should set themselves clear goals and objectives, and target relevant project partners in order to maximise their effectiveness, credibility and profile.

Each of the sessions took on



*(From left) Muharrem Erbey, Chair of İHD Diyarbakır, KHRP Board Member Raj Kumar Rai and translator at Cross-Border Training.*



*Partners and cross-border delegates.*

different formats including lectures, presentations from participants and workshop discussions. As with the previous cross-border seminars, the feedback received from the 21 participants was overwhelmingly positive. It underlined that the sessions were a good opportunity for everyone to share their different perspectives and approaches to particular types of human rights abuse. All of the sessions focused on understanding the gaps in the delegate's current activities so as to identify where there is a need to stimulate broader pressures on the domestic and international systems. With this in mind, ways to better share their knowledge and available resources, such as through joint initiatives, were considered to tackle common barriers to human rights protection.

Whilst in Turkey, the cross-border participants also visited the local Mayor, Osman Baydemir. The Mayor has himself faced numerous prosecutions, death threats and ongoing harassment because of his human rights work and expression of opinion on Kurdish issues.

continued from page 1:

### **Director's Letter**

In both Kurdistan, Iraq and in Turkey, KHRP has contributed to the evolving debate on possible solutions through its work. This has helped to widen discussion on the human rights of its Kurdish population. Nonetheless, as underscored by the unremitting breaches of human rights across the Regions, the need for KHRP's work today is as great as always.

As we go to press, the Turkish Constitutional Court's ruling to close the *Demokratik Toplum Partisi* (Democratic Society Party, DTP), the first pro-Kurdish party in the Turkish parliament in 14 years, is not only a major set-back to the Kurdish issue, but it is also another devastating blow to democracy and political stability in Turkey, and indeed to the country's reform agenda vis-à-vis its EU-accession bid. Disappointingly in October, the Turkish Parliament also voted to extend the Turkish military's cross-border mandate in northern Iraq for another year. KHRP believes that the ongoing

destruction of the lives and livelihoods of people living in Iraq, as well as the ongoing violations of the rights to freedom of association, free expression, and to free and fair elections as underscored by the latest closure case against the DTP, give Turkey's 'democratic initiative' needed urgency. What's more it underlines the need for KHRP, through our fact-finding missions, casework and human rights advocacy, to persist in exposing the crushing blow such political decisions wreak on the lives of innocent civilians.

Elsewhere, KHRP's ongoing use of international human rights mechanisms has helped to disclose the extreme measures deployed by Iran and Syria to crackdown on the fundamental rights and freedoms of its Kurdish inhabitants. This has included our regular urgent action appeals to UN Working Groups and Special Rapporteurs on behalf of Kurdish civilians, political activists, and teachers, who at the hands of the authorities have been disappeared, arbitrarily detained,

tortured or face execution. In KHRP's cases before the European Court, a number of successful judgments have been handed down on issues of arbitrary detention, inhuman and degrading treatment, and the right to a fair trial, on which we hope to see the concerned governments act. Alongside, we have continued to provide legal advice and assistance to support our partner organisations and in-country human rights defenders.

Just this October, as part of our sustained efforts to ameliorate the human rights situation within each state, we held two cross-border trainings, including a roundtable dedicated to women's rights. Organised with our local partner *İnsan Haklari Derneği* (Human Rights Association of Turkey, İHD) in Turkey, both trainings brought local lawyers, activists, and human rights defenders from Turkey, Iran Iraq, and Syria together with members of our partner organisations in these countries, to discuss common problems and future joint

projects.

Of course no roundup of 2009 would be complete without mention of the official withdrawal of German, Swiss and Austrian export credit for the Ilisu Dam in south-east Turkey; an undoubtedly momentous achievement for KHRP and its partners in the anti-dam campaign. However we must once again change tack to see how our awareness-raising and lobbying activities can bring pressure to bear on China, which as feared is reportedly stepping into the breach. With alleged land evictions and dam-building too said to have resumed, the need for the campaign to persevere is all too clear.

As always I would like to extend our sincerest thanks to our funders, supporters and volunteers whom have made this year's work possible.

Season's greetings and best wishes to you all for the New Year.

Kerim Yıldız  
Chief Executive  
December 2009

# Reports for UN Human Rights Council's Universal Periodic Review of Armenia and Turkey Submitted by KHRP

On 9 November, KHRP submitted two stakeholder reports concerning the situation of human rights in Armenia and Turkey to the Universal Periodic Review (UPR) Working Group.

The UPR is a process which involves a review of the human rights records of all 192 UN Member States once every four years. It is one of the key elements of the Human Rights Council which ensures that States are reminded of their responsibility to fully respect and implement all human rights and fundamental freedoms guaranteed under international and domestic law.

Armenia and Turkey will be among 16 countries scheduled to be reviewed at the eighth session of the Working Group in May 2010.

Amongst other recommendations, KHRP and local partner organisation, Forum Law Centre, urged the Government of Arme-



Potential applicants given legal advice by Chief Executive Kerim Yıldız at Forum Law Centre, Yerevan, Armenia.

nia to take heed of several recent judgments from the European Court of Human Rights. It also called on Armenian government to initiate an open and serious dialogue between all political groups on reforming the political

system to ensure greater respect for freedom from torture or inhuman or degrading treatment, freedom and pluralism of speech, freedom of assembly and association, fair trial rights, and improvements in the conditions of prisons

and police stations.

Meanwhile in Turkey, KHRP called for further reforms to bring its national legislation in line with its obligations under international law. KHRP's recommendations include urgent public awareness and training of officials to help secure the protection of human rights for Turkish nationals. It also called for robust measures to be undertaken to ensure the effective implementation of existing provisions, particularly with regard to investigations into allegations of torture and ill-treatment. The report concludes that civil society organisations must be given a platform from which to aid and to help monitor the state's implementation of reforms without risk of harassment.

The submissions on Armenia and Turkey are available to download from KHRP's website.

## Mounting Distress over Executions in Iran

KHRP is alarmed to hear about the Iranian authority's continued use of capital punishment against its Kurdish population, who are too often deliberately targeted because of their ethnic origin.

KHRP remains deeply concerned about the legal black hole in which the Iranian authorities operate. In many cases the Iranian authority's hand down death sentences to individuals who have been held incommunicado, are tortured and are denied any access to legal representation or to family members. The defendants often do not have a right to be fairly heard and do not even

know on what charges they have been held.

On 11 November 2009, Kurdish activist Ehsan Fattahian was executed in Kordestan, the north-western province of Iran. His execution and those pending against others, are thought to constitute part of the reprisal measures undertaken by Iranian authorities after a series of actual and attempted assassinations against Iranian officials in September. Fattahian had been detained some time between April and August 2009, and reports suggest that he may have been tortured in detention.

During his initial trial in

Sanandaj, Fattahian was denied access to a lawyer, and sentenced to 10 years' imprisonment, depriving Fattahian of his right to a fair trial. Following the victim's attempt to appeal the verdict, the Iranian authorities overturned the initial decision and sentenced him to death for 'enmity against God'; for his alleged membership to the Kurdistan Independent Life Party (PJAK).

Two other men, Habibollah Latifi, arrested in October 2007, and Sherko Moarefi, detained in October 2008, are currently on death row in the Sanandaj prison following their sentencing in Oc-

tober. At least 10 other Kurdish men and one woman are believed to also be on death row in Iran because of their supposed membership of and activities in support of Kurdish organisations.

Through its human rights advocacy before international mechanisms, including the UN Special Rapporteurs and Working Groups, KHRP has been urging the international community to force Iran to impose an immediate moratorium on executions, and to start taking steps towards ending its use of violent political repression.

*continued from page 1:*

### 'Joint Cross-border Examines Women's Rights'

ficking of women in Iraq, and human rights activist Nahid Hussieny informed participants on how the law in Iran is shaped to restrict women's rights and public participation.

By providing feedback on the respective cases that they have been involved in, the strategies that they have used, and the difficulties that they have each encountered, the roundtable was able to evaluate how the participants can work together to better ensure equal legal rights for women and create joint strategies for addressing the prevalence of women-specific violations.



Delegates at Cross-border Women's Rights Roundtable.

# China Considering Funding Contested Ilisu Dam Project

In July this year, KHRP and its partners in the Ilisu dam campaign were delighted at the withdrawal of European financing from this ill-fated project. Yet despite this latest success, the project has seen a recent revival, with the Turkish government stating it as a top priority, and KHRP is disappointed to hear reports that Sinosure, a Chinese credit insurance provider, is considering stepping in where European export credit insurers left off.

KHRP's fact-finding mission and research reports on the region have consistently highlighted that the dam threatens to displace up to 78,000 people, mainly Kurds; flood the ancient town of Hasankeyf and hundreds of other unexplored archaeological sites; severely impact the environment upstream and downstream of the dam; and severely reduce the flow of water to the downstream states of Iraq and Syria, with the potential for exacerbating conflict in the region.

During KHRP's latest field visit to Hasankeyf in October, the mission heard from local civil organisations and affected villagers. They verified that a significant amount of workers and machinery are still at work on the Ilisu development site. KHRP was also particularly concerned by the rights of affected villagers to be adequately compensated in the event of displacement, especially since the reported 40% reduction in compensation awards that are



*The ancient city of Hasankeyf, which would be submerged by the Ilisu Dam.*



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

to be considered was announced by the Turkish government in January this year.

KHRP and its partners have

long campaigned against Turkey's handling of the project. Adequate steps have not been taken to consult those who would be affected,

to plan for compensation or to consider alternatives. Work on the Ilisu 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 project.

Conflict in the region, international condemnation, a faltering economy and international financial backers dropping out one by one are just some of the reasons that this project has dragged on for over 35 years. Previous funding for the Ilisu dam collapsed in 2002, when commercial partners similarly pulled out, believing the practical, legal and environmental obstacles to be too great following the relentless public awareness campaigns of KHRP and its partners. Today's challenge, as it was then, will be for the partners in the Ilisu Dam Campaign to once more develop fresh tactics to heighten awareness around the massive fallout that would be caused should its construction go ahead.

As part of its continued work, KHRP and its partners have organised a seminar on Investment Agreements in Suleymaniya, Iraq on 15 December. This is part of its continued efforts to help local actors to become active stakeholders in existing and future investment agreements through increased awareness of the impact of such agreements and related development projects, such as Ilisu, on human rights.

## Ilisu Dam Developments Investigated by KHRP

KHRP undertook a field visit to Turkey in October 2009 to assess recent developments regarding the much controversial Ilisu Dam. On 7 July, German, Swiss and Austrian export credit insurers withdrew from the project after its continued failure to comply with World Bank standards. These standards call for comprehensive plans and impact assessments to have been undertaken and collectively agreed by the affected people and the neighbouring states of Iran and Iraq, on the appropriate resettlement of local communities, protection of the environment and safeguarding cultural heritage.

The fact-finding mission—led by Nicholas Hildyard from The Corner House, and KHRP Board member Raj Kumar Rai—visited



*(From left) Nicholas Hildyard of the Corner House and KHRP Board Member Raj Kumar Rai meet with villagers affected by the Ilisu dam.*

affected villages in the area with the help of the local campaign group 'Save Hasankeyf Initiative'. During the visit first hand information on the dam's impact was

gathered from the community, as the delegation met with villagers and the lawyers who are representing them in expropriation cases.

Despite the official withdrawal of European financing, Turkey continues to insist on the viability of the project and government officials have stated their determination to persevere with the project unabated. As conveyed by affected villagers to the mission—who confirmed that they were asked to leave their houses by the end of November—the Ilisu consortium is still active, but also that a new wave of displacement is to be expected. Furthermore, since returning from the mission, KHRP has been concerned to learn that China's export credit insurance agency, Sinosure, is considering funding the project. It has also received reports that contrary to international law, villagers are being forcibly evicted from their land as dam-building has resumed.

# KHRP Leads Workshop on Women's Rights

As part of KHRP's ongoing commitment to share its expertise of international human rights instruments with those outside of the Kurdish regions, on 26 November it led a workshop on 'Women's Rights and International Instruments and Conventions on Women's Rights'. The workshops in London were part of a one-day capacity building seminar organised by international human rights organisation, Liberation, aimed at raising awareness and strengthening women's knowledge of and access to their fundamental rights.

Heather Harvey from Amnesty International UK spoke about the relevance of women's rights issues at all stages of Governance, and



*KHRP Legal Director Catriona Vine with Rubina Greenwood after leading women's rights workshop during Liberation Seminar.*

Professor Christine Chinkin from the London School of Economics followed to highlight the international instruments and legal remedies available to address these. KHRP concluded the sessions by facilitating a participatory workshop on current women's rights issues and the accessible conventions that could be used at the international, national and local levels, to protect women rights.

Participants were provided with some strategic examples from KHRP's own cases, both successful and unsuccessful, and discussed whether and which of these conventions are effective and reliable, and what could be done to render them more so.

## KHRP to Share Practical Approaches to Investment Agreements with Civil Society Actors in Iraq

In December in conjunction with local partner, the Civil Development Organisation (CDO) and international NGOs the Corner House and Platform, KHRP will hold a second training on investment agreements in Kurdistan, Iraq.

As has been recognised by varying groups in and outside of

government, in establishing itself as a democratic, federal state, key decisions are being made about the Iraq's laws, institutions and economy that have a serious bearing on human rights. In particular, badly-drafted provisions of investment agreements can undermine human rights for decades into the future, such as the

rights to freedom of association, to work, to non-discrimination or to adequate living conditions.

The training will build on KHRP's first such seminar last year and the recent cross-border session held in Turkey in October. It will help to diffuse increased understanding of the impact of investment agreements on human

rights and the environment. By so doing, these sessions seek to ensure that civil society representatives and NGOs are equipped with practical approaches to help ensure that public interest concerns are central to the formulation of investment agreements that underpin existing and future development projects.

## Turkish Government's Proposals to Ease Kurdish Cultural and Language Rights under New 'Democratic Initiative'

On Friday 13 November 2009, Interior Minister Beşir Atalay presented the Turkish government's plans to ease current restrictions on Kurdish language and cultural rights. One concrete measure was the promise to restore the names of some 12,000 Kurdish towns and cities which were renamed under a 'Turkification' drive spanning 60 years. In addition, optional Kurdish language classes and university teaching in Kurdish may be permitted, general restrictions on the use of Kurdish language in broadcasting and political campaigning may be scrapped, and Kurdish prisoners may be allowed to communicate with visitors in their own language.

KHRP welcomes these promising proposals which have in

themselves opened up important debate into the Kurdish issue. Nonetheless to date the situation on minority rights and restrictions on the right to free speech in Turkey is largely unchanged.

Although the Government recognised the need to develop a more pluralist and libertarian Turkish constitution, the first three articles— which have effectively underpinned the systematic disregard of the linguistic and cultural rights of the country's estimated 20 million Kurds (around 23 per cent of the total population) and other minority groups— are to remain sacrosanct. By maintaining existing provisions concerning the national anthem, the official language and the indivisible nature of the Turkish state, any

newly conceived of constitution will maintain the much criticised and extremely narrow official definition of minorities, which fails to recognise other ethnic groups.

Elsewhere despite some general discussion in the Turkish parliament on improving Kurdish-language teaching, the suggested reforms ignore the fact that Kurds and other minority groups are prevented from accessing public education in their mother tongue, long before they have the opportunity to reach university.

Public schooling in Kurdish remains illegal, even in districts where the population is more than 80 per cent Kurdish. As KHRP's recent fact-finding missions on children's rights have found, because Kurdish children are not able

to receive education in mother tongue, they are prevented from being on par with their Turkish counterparts.

Article 42 should be amended to provide a constitutional guarantee that permits education in mother tongue, and this should be supported with a comprehensive programme of assistance from the Turkish government which facilitates the learning of Turkish in parallel with courses designed to maintain Kurdish children's mother tongue. Without doing so, the fundamental barriers will remain unchanged and Kurdish children will remain at a constant disadvantage.

# Dispatches

## Welcome to New Board Members



Charalambous



Humlen



Stewart QC.



Tanrikulu

KHRP is pleased to have Michael Ivers elected as its new Chair and to welcome several new members, Louis Charalambous, Arild Humlen, Nicholas Stewart QC and Remziye Tanrikulu, to our Board.

We would also like to pay our gratitude to Mark Muller for Chairing KHRP's Board of Directors for 12 years. We are pleased that he has accepted a new position as Honorary Secretary General and are looking forward to his continued contribution to KHRP for many years to come.

## KHRP Delivers Lecture at York's Centre for Applied Human Rights

KHRP Managing Director Rachel Bernu delivered a lecture on Compiling Trial Observation Reports Based on 'Advocacy and the Rule of Law in Turkey' at the Centre for Applied Human Rights, York University on November 9, 2009.

The lecture was given to students on the Applied Human Rights Masters Programme. The presentation set out the criteria that KHRP takes into consideration when identifying which trials to observe, and covered the reasons for choosing these particular cases. Part of the talk included an interactive session with students, in which they had to apply KHRP's approach to different legal cases. The visit was also an opportunity for KHRP to discuss future collaboration with the department on joint fellowships, trainings and research projects.

## KHRP at Kurdish Film Festivals in New York and London



London Kurdish Film Festival Opening Gala 2009.

The first ever Kurdish film festival to be held in the United States took place on the 21-25 October 2009 at the New York University Cantor Film Centre and Hagop Kevorkian centre. The festival included the U.S. premiere screening of the feature film 'The Storm' by Kazim Öz, a film about political activism on Turkish college campuses in the early 1990s, and the documentary 'Close Up Kurdistan'. Six prominent Kurdish filmmakers from Iran, Iraq, Turkey and the Kurdish diaspora also formed a panel to discuss the screenings with audiences.

Mustafa Gündoğdu, a founding member of the New York Kurdish Film Festival, attended the event on behalf of the KHRP. Mustafa is also a founding member and the current coordinator of the London Kurdish Film Festival, which held its Opening Gala at the RichMix arts centre in London on Friday 25 November.

# KHRP Dispatches Mission to Investigate Children's Rights in Turkey



KHRP trial observation delegation with members of children's choir brought to trial in 2008.

In October, KHRP Legal Associate, Saniye Karakaş visited Diyarbakır as part of KHRP's 2 years of research on the subject of children's rights. Based on desk research and interviews with State officials, lawyers, and individuals from bar associations, the media and civil society, the mission found that the fundamental barriers for Kurdish children to be on par with their Turkish counterparts remain.

Despite reforms, and though Kurdish children are a particularly vulnerable group, the mission highlighted the Turkish government's failure to take adequate steps to protect children in the Kurdish regions. It found that Turkey's challenges concerning child protection specifically relate to economic impoverishment, failings in the legal process, discrimination, and issues relating to housing, nutrition, health, education, child labour, street children, juvenile justice and torture and ill-treatment.

With regard to the treatment of Kurdish children in the juvenile justice system, those living in the Kurdish regions receive far less protection than children in the rest of Turkey. This has become particularly acute given the application of new anti-terror legislation that has been used to criminalise children.

Other issues observed by the mission include barriers to Kurdish children receiving education in mother tongue. The mission urged for steps to be taken to facilitate the learning of Turkish

in parallel with courses designed to maintain Kurdish children's mother tongue. Although the government has talked about the possible introduction of Kurdish language teaching in Universities as part of its 'democratic initiative', this still fails to address the constant disadvantage faced by Kurdish children in the education system long before many will ever have the opportunity to reach university. Meanwhile, housing problems resulting from the current and planned forced displacement of people living in the Kurdish regions too was identified as having a continued detrimental impact on children.

The lack of mother tongue education; discrimination in the justice system, plus the wide scale internal displacement and isolation of Kurds in Turkey were all found to be contributory factors undermining the protection of Kurdish children in Turkey. The Mission recommended that in order for real progress to be made, a democratic solution to the Kurdish issue must be sought. It also calls on external actors, particularly the EU, to use their influence to ensure Turkey's compliance with all of its international obligations, particularly within the course of its EU-accession bid.

In the coming week KHRP will build on its findings when it uses its legal expertise to train local advocates on the use of relevant international human rights standards to better protect children's rights in Turkey.

# KHRP Condemns Extreme and Disproportionate Use of Force

KHRP was deeply alarmed by the reported disproportionate use of force being used against civilians by Turkish authorities and the wave of detentions and deteriorating security situation taking hold across the Kurdish region of Turkey. It is especially concerned to learn that these clashes have impacted on the much-needed discussion in Turkey on the criminalisation of stone-throwing children under its anti-terror law.

On Sunday 6 December, 23-year-old university student Aydın Erdem, was killed after he was shot during violent clashes between Turkish police and protestors in the city of Diyarbakir, and hundreds more were reportedly detained following protests in the provinces of Batman, Hakkari, Şanlıurfa, Mardin and Siirt. KHRP had received reports of anti-riot police trying to block the marches and using pepper gas and water cannons to disperse the crowds of protestors. Clashes also took place in Istanbul and in the south-eastern town of Yüksekova where a teargas grenade on Saturday 5 December, left a 19-year-old with serious head injuries.

The protests were sparked by news of the worsening prison conditions for KHRP applicant, Abdullah Öcalan, after he was moved to a new maximum security prison on İmralı Island, off the coast of Istanbul. Last month, new inmates were transferred to the Island in a bid to end Öcalan's continued isolation and comply with the Committee for the Prevention of Torture's (CPT) consistent findings that his solitary confinement and con-

ditions of detention were inconsistent with humane treatment. In response to the protests and a request from the pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party, DTP), the government has agreed to allow a visit from the CPT to verify Mr Öcalan's new conditions of detention.

Tensions in the region were also particularly high ahead of the expected decision by the Constitutional Court on Tuesday 8 December, into the 2-year long closure case against the DTP. The July 2007 general elections gave a pro-Kurdish party representation in the Turkish parliament for the first time in 14 years. Yet shortly after, prosecutors filed a number of requests to have the parliamentary immunity of DTP MPs lifted, in order to pave the way for legal proceedings against them, and a party closure case ensued.

KHRP believes that Turkey has a responsibility to its children and its entire citizenry to ensure that it complies with its own human rights commitments. This is especially the case during times of heightened tension. KHRP is of the view that the cycle of violence in the Kurdish region must stop, and each side must take responsibility for its actions. Anger must be acknowledged but also it must be properly channelled. The government has an important choice to make at this critical time. Will it be a champion of human rights or will it revert to its old security state habits? The reports are not encouraging.

## EU Releases Latest Report on Turkey's Progress towards Accession

On 15 October, the European Commission released its latest Progress Report on Turkey and its 2009-2010 Strategy Paper entitled 'European Strategy for European Enlargement'. These publications have confirmed the need for further progress to be made in a number of areas before Turkey can meet the criteria for European Union accession.

Despite several positive steps taken by Turkey, particularly in undertaking reforms of the judiciary and opening debate into the Kurdish issue, the report highlights the need for the pace of reforms to be stepped up. Specific areas of concern include freedom of expression, freedom of the press, freedom of religion, trade union rights, civilian oversight of the military and women's rights and gender equality. The report highlights that much more also needs to be done regarding impunity for those involved in torture and ill-treatment and points to the implementation of several judgments delivered by the European Court for which legislative amendments have been outstanding

for several years.

However, KHRP is concerned that while the Progress Report notes Turkey's positive role in contributing to stabilisation in the South Caucasus and the Middle East, and Turkey's valued partnership with neighbouring Iran, it makes no mention of Turkey and Iran's continued cross-border bombardments in northern Iraq, and indeed the knock-on effects for destabilising the region.

As documented by KHRP's continued fact-finding missions to Kurdistan, Iraq and in our most recent report, 'The Civilian Toll of Cross-Border Operations in Iraq', these ongoing cross-border operations have detrimentally affected the lives of the inhabitants of the region. They have led to loss of life and debilitating injury, loss of livelihood and property, the destruction of traditional village modes of life and the trauma of the affected communities, especially children. KHRP is currently representing more than 80 affected villagers in legal complaints before the European Court.

# Dispatches

## LKFF Closing Event at Spring Studios Raises Funds for KHRP-Supported Playground Project



Attendees at London's Kurdish Film Festival Closing Event in aid of KHRP-supported Playground Project.

On Monday 30 November, Spring Projects hosted the London Kurdish Film Festival's (LKFF) closing event in support of the Halabja Community Play Project.

The scheme, supported by KHRP and Spring Studios, is led by photographer Tom Carrigan, a long-time friend of KHRP. The project is raising funds to construct a playground designed by local children in the town in Kurdistan, Iraq, which remains impoverished and neglected more than 20 years after the chemical attacks that killed over 5,000 civilians there in March 1988.

Addressing those in attendance, Anna Irvin, KHRP Development and Outreach Officer (one of the project's steering committee members), thanked the LKFF for dedicating the closing event in support of the play project and Spring Studios for hosting the evening. She stressed the project's importance to the children and their families in Halabja, many of whom still found it difficult to fathom that people in London were genuinely committed to supporting the project's progress over the long-term and who would be watching the event on the news back home. She spoke on behalf of Tom Carrigan, who is currently in Halabja, working with the children on the next stage of the playground's construction.

Lizzy Fleming, a Play Consultant working with the project, followed by describing the lack of facilities for children in Halabja and the project's desire to give them a real sense of ownership over it. Through play, the project seeks to enable the children to explore challenging material environments, philosophical concepts and social interaction. Steps planned for the coming months include sinking a well on the land, raising further funds, planting trees, landscaping the site, and building adaptable, bespoke play equipment.

The event at Spring's Ten SP bar in Kentish Town, London, concluded the LKFF with the Yilmaz Güney 2nd Short Film Competition and Award Ceremony. As well as fund raising for the playground project, the evening was an opportunity to view screenings of the winning short films and to enjoy music played especially for the event by the legendary Charlie Gillett. The BBC Radio 3 and BBC World Service Presenter has in recent years become one of the country's most influential proponents of 'world' music and often includes Kurdish music in his programmes.



KHRP Development and Outreach Officer, Anna Irvin Addresses Attendees at London's Kurdish Film Festival Closing Event in aid of KHRP-supported Playground Project.

## KHRP at EMF's Reception on Forced Marriage

The Ethnic Minority Foundation (EMF) and the London Kurdish Film Festival (LKFF) held a reception in the Atlee Rooms of the House of Lords on 19 November. The event to highlight the ForcedMarriage.net campaign was hosted by Lord Bhatia, the Chair of the EMF.

# Dispatches

The campaign has received support from the Government and various NGOs, which has allowed them to create a website providing practical information and advice for existing and potential victims of forced marriage to help spread the message that no human being should ever be forced to get married.

There was an introduction from Lord Bhatia about the campaign and then a short film entitled 'Phone Story' was shown by Mustafa Gündoğdu, a member of the LKFF, an organisation which collaborates with EMF in promoting the issue of forced marriage.

## KHRP Attends Launch of New Freedom of Expression NGO in London

On 11 November, KHRP attended the launch of Media Defence, a new London-based NGO initiated by the Open Society Initiative and dedicated to funding the legal defence of journalists and media outlets. Media Defence will focus on low-profile cases that are not reported, and will train local lawyers on the specifics of media law in their target countries.

## Staff Discuss KHRP Strategy for 2010



Staff at KHRP strategy meeting.

On Wednesday 18 November, KHRP held its annual staff strategy meeting at its offices. The meeting was an opportunity for staff members to review KHRP policies, participate in teambuilding exercises, agree research priorities, and to each present broad-stroke ideas on what areas of work we would like to develop in our respective departments in the year ahead.

## Yezidi's Conference Attended by KHRP

On 24 November, KHRP attended a conference regarding the Yezidi culture. Dr Khanna Omarhali, a female Yezidi priest, gave a lecture about the Yezidis people outlining their history, demography, social structure and religion. Nahro Zagros, an ethnic Kurd from Iraq, gave brief presentation about Yezidi's music and musicians performed some live Yezidi music.

## Books Written by KHRP at Kurdish Book Fair

KHRP's books were on display when it took part in the Kurdish Book Fair at the Stoke Newington Library Gallery on 25 and 26 September. The fair was part of the 'Human Writes and Kurds' Festival which exhibited paintings by Haydar Akboga and Cemo. Also on display were illustrated covers of Children's books that had been translated into Kurdish and were seized by the Turkish authorities in 2006, and publications about censorship in Kurdish culture, language and literature.

## KHRP Spreading the Word

In the last few months, KHRP has continued to meet with a variety of state and non state actors to share information on and discuss ways to address the human rights situation of Kurds.

On 20 November, KHRP Chief Executive, Kerim Yıldız and Managing Director, Rachel Bernu, travelled to the Netherlands to meet with the **Board members of its longstanding funder, Stichting Cizera Botan**. Upon their invitation, later this month KHRP attended a **conference at the European Parliament organised by the International Free Women's Foundation on 'Physical and Psychological Violence**

## KHRP and CDO to Hold Training on Torture and the Law in Iraq

KHRP is set to hold a training session on 'Protecting against Torture and Ill-treatment' in collaboration with local partner, the Civil Development Organisation (CDO). The December workshop is for lawyers and human rights defenders in Suleymaniya, Iraq.

The training is part of a series of seminars that KHRP has undertaken in recent years in Kurdistan Iraq, Turkey and Armenia. Those held earlier this year were held in Yerevan, Armenia, and in Istanbul and the Kurdish province of Şırnak in Turkey.

During the seminar participants will talk about the fundamental nature of human rights, focusing on torture and ill-treatment and the relevant international standards which help to define it. As part of its interactive approach, KHRP will conclude the workshop by leading attendees through several hypothetical scenarios, asking them to cite the violations in question and to identify how they should report these to the relevant international mechanisms.

A full report on the training will follow in the next issue of *Newsline*.

## 'Rights of the Child' Training Upcoming

On 5 December, KHRP and the local Bar Association in Diyarbakır will collaborate to train local lawyers and members of civil society on how to protect children's rights in Turkey

Children require special protection against abuse of their fundamental rights, as they are one of the most vulnerable sections of every country's society. This reality is recognised by various international instruments, including the Convention on the Rights of the Child. All countries therefore face the difficult but necessary challenge of providing adequate child protection.

Though respect for and fulfilment of children's rights must occur at all levels of every country's state structure and society, children in Turkey, are generally not treated as a vulnerable group requiring special protection. As highlighted by KHRP's recent fact-finding missions on children's rights and as it observed in last year's trial proceedings against members of a children's choir after they sang a Kurdish song in the US, the implementation of international norms concerning children is at best patchy and at worst non-existent.

Over the past ten years, KHRP's trainings have helped local actors to become familiar with the European Convention on Human Rights (ECHR) and the possibility of bringing cases against Turkey to the European Court of Human Rights. Now at the request of local partners and human rights defenders, this seminar in Diyarbakır will build on this know-how by providing training on the relevant international human rights standards regarding children, and how to best use corresponding international mechanisms in addition to the ECHR.

The next issue of *Newsline* will give a full report on the training.

# Human Rights Climate Worsens in Syria

KHRP is deeply worried to hear ongoing reports of the arrest and incommunicado detention of Kurds in Syria, including several Syrian Kurdish men who have been detained by State Security officers since last autumn. Since then, no information has been disclosed regarding their place of detention, whether prosecution will be forthcoming or under what charges they are being held.

Among them, Abdelbaqi Khalaf was known to have frequent contacts with Kurdish parties and to advocate for democracy in Syria. Prior to their arrest, Munther, Nedal and Riad Ahmed had been engaged in establishing an organisation to promote Kurdish culture through books, magazines and cultural events. Since 1992 they had been operating an unofficial library which lent out books on Kurdish issues in both Arabic and Kurdish and, in a limited number of cases, printed books which authors writing on Kurdish matters were unable to publish elsewhere. The four men are among a dozen Syrian Kurds to have been arrested and held incommunicado in the last year.

KHRP believes that this method of arbitrary detention towards persons forcibly returned to Syria with a Kurdish background too is an area of increasing concern. For instance, the Syrian Kurd Khaled Kenjo was forcibly returned from Germany to Syria in September and was held incommunicado for over 3 weeks. He has now been charged under Article 287 of the Syrian Penal Code 'with spreading "false" news abroad that could harm the reputation of the state'. Berzani Karro has also been held incommunicado since his arrest by Syrian Security Forces in June after he was forcibly returned from Cyprus. In October KHRP submitted a letter for Urgent Action to the UN Special Rapporteurs on behalf of Syrian Kurds held incommunicado after being forcibly returned.

In another extremely worrying case, in July, human rights lawyer and President of the Syrian Human Rights Organisation (SHRO), Muhanad Al-Hasani was arrested and detained on the grounds of 'weakening national sentiment' and 'spreading false or exaggerated information'. If found guilty, Al-Hasani could face a termination of his membership of the Bar Association in Damascus and a ban on practising law. Since SHRO was established in 2004, it has been refused permission to register as an authorised organisation in Syria, and Al-Hasani has received multiple threats of judicial prosecution and imprisonment for running an unauthorised organisation.

As outlined in a speech on 'Human Rights and the Kurds in Syria' delivered by KHRP Managing Director, Rachel Bernu at the Houses of Parliament last October, these accounts of arrests, suppression of freedom of expression and association, and restrictions on Kurdish identity demonstrate that the public overtures made by Syria towards accommodating the Kurds are without substance. Through its continued advocacy work, KHRP calls on the international community to urge Syria to recognise the existence of its Kurdish ethnic minority and guarantee Kurdish political and cultural rights in the Syrian constitution.

## Dispatches



*Eren Keskin (far left) and guest speakers at European Parliament conference on Physical and Psychological Violence against Women.*

**against Women'**. The conference featured a session on state violence in Turkey which was led by Eren Keskin, a Kurdish Lawyer who was imprisoned and has been repeatedly arrested and harassed and by Turkish authorities.

Also in November, KHRP met with **Adrian Arena, the Director of the Oak Foundation's International Human Rights Programme** to brief him on its planned work on democracy-building.

With respect to the ongoing plight of Kurds in Syria, KHRP met with Robert Lowe, Manager of the Middle East Programme at political think tank, **Chatham House and human rights defender, Radwan Ziadeh** on 10 September.

The following month, on 20 October, Rachel Bernu participated in a **British Foreign and Commonwealth Office (FCO)** roundtable connected by video link to the British Embassy in Damascus. The meeting sought to identify how the FCO can better work with KHRP and others to assist the Kurdish population there. KHRP had also earlier met with **Beverly Simpson, Acting Consul General in Erbil and Genevieve McCarthy, Desk Officer for Human Rights and Rule of Law** on 9 September. Together they discussed ideas for how the two organisations could collaborate in support of civil society and democracy building measures in the Kurdistan Regional Governate in Iraq, such as through future human rights monitoring and capacity-building trainings.

Also on the subject of Iraq, on 28 October, KHRP met with Dr. Douglas Pritchard, Co-Director and Iraq Project Support Coordinator and John Lynes, of the **Christian Peacemakers Team (CPT)** to discuss the situation in the Kurdish region of Suleymaniye. CPT and KHRP will be working together to investigate legal cases on behalf of Iraqi villagers affected by cross-border bombardments.

On October 30, Chief Executive, Kerim Yıldız spoke with **Ana Villellas, a researcher at the School for a Culture of Peace**. Ms. Villellas is, an academic peace research institution located at the Autonomous University of Barcelona, Spain. She is researching the challenges faced by the Kurdish region in northern Iraq and working on identifying priorities in peace building (political, economic, social, security fields, including the gender perspective), elements of tension that perpetuate the spread of violence, and the internationalisation of the conflict.

Concerning Iran, KHRP met with the **Democratic Party of Iranian Kurdistan** to discuss how to improve international public awareness of the human rights situation in Iran. The meeting on November 26 was with Mr. Loghman Ahmedi, the Party's representative to the United Kingdom and Mr. Kaweh Beheshtizadeh, the Party's Chairman.

Most recently, on 9 December, KHRP Board Chair, Michael Ivers and Legal Team member Margaret Owen spoke at a public meeting hosted by Lord Rea on 'Kurdish peace initiatives – pathways to peace and dialogue?'. The meeting at the House of Lords was organised by Peace in Kurdistan and also featured guest speaker, **Medeni Kirici, Foreign Affairs Committee member of the Demokratik Toplum Partisi** (Democratic Society Party, DTP). The following day, KHRP met with Mr. Kirici, to share information about the current human rights situation in Turkey.

### KHRP at London Career Fairs

KHRP has recently attended two volunteer fairs at the School of Oriental and African Studies (SOAS), and the respective law fairs of Queen Mary University and University of East London. The fairs were an opportunity to publicise KHRP's internship programme to potential students and graduates, and to forge contacts with universities, staff and other attendees in order to help further raise awareness of KHRP's work.

# Turkish Government Extends Mandate for Cross-Border Operations

KHRP was disappointed to learn that on Tuesday 6 October, the Turkish Parliament adopted a motion extending the government's mandate to launch cross-border military operations into northern Iraq for another year. The mandate said to be aimed at discouraging members of the Kurdistan Worker's Party (PKK) from militancy, won with 452 MPs voting in favour of the motion, and 23 voting against.

The motion was supported by all political parties in the Parliament except the pro-Kurdish Democratic Society Party (DTP), which objects to military measures while a peaceful solution is being discussed.

According to Turkish media reports, the extended military operation is part of a coordinated effort with Iraq, Syria and Iran.

Since the commencement of Turkish and Iranian bombardments in northern Iraq in October 2007, KHRP has urged both governments to cease their military operations and to respect Iraq's territorial integrity. KHRP contin-



Chief Executive (left) in Sersenk district with Chaldean Christian victims of Turkish shelling in 2007.



Chief Executive (center-back) in Sersenk district with Kurdish Muslim villagers and victims of Turkish bombardment in 2007.

ues to call on both governments to recognise and adhere to their obligations to respect human rights and the rule of law. Not only does it urge Turkey and Iran to act with necessity, distinction and proportionality in their recourse to military action, but it also reminds them of their responsibility to make all efforts to avoid civilian targets and casualties as demanded by international law.

Strategic litigation is just one of the tools at KHRP's disposal. KHRP continues to pursue legal redress on behalf of more than 80 affected villagers against Turkey at the European Court of Human Rights. The potentially groundbreaking cases seek to push the Court to consider its own jurisdiction in respect of holding Council of Europe member states to account for violations committed in non-Convention states. In particular, these cases will be focusing on the impact of Turkish military operations on civilian life and on the problems that internally displaced individuals face.

## The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms

In the late spring of 2010, 'The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms' will be published by Routledge.

This book is written by KHRP Chief Executive Kerim Yildiz and Dr Susan Breau, a Reader in International Law at the University of Surrey who specialises in the law of armed conflict and international human rights law.

It is highly topical considering the ongoing conflict in the Kurdish region of Turkey, and the continued incursions into northern Iraq by the Turkish army and security forces, and Turkey's EU accession negotiations. Turkey has become an increasingly important player in Middle Eastern geopolitics. More than two decades of serious conflict in Turkey are proving to be a barrier to improved relations between Turkey and the EU. This presents the first study to fully address the legal and politi-



Kerim Yildiz and Dr Susan Breau when they signed the contract for their new book.

cal dimensions of the conflict, and their impact on mechanisms for conflict resolution in the region,

offering a scholarly exploration of a debate that is often politically and emotionally highly charged.

The book looks at the practical application of the law of armed conflicts to the ongoing situation in Turkey and northern Iraq. The application of the law in this region also means addressing larger questions in international law, global politics and conflict resolution. Examples include belligerency in international law, whether the 'war on terror' has resulted in changes to the law of armed conflict and terrorism and conflict resolution.

The Kurdish Conflict explores the practical possibilities of conflict resolution in the region, examining the political dynamics of the region, and suggesting where lessons can be drawn from other peace processes, such as in Northern Ireland.

This book will be of great value to policy-makers, regional experts, and others interested in international humanitarian law and conflict resolution.

## Committee of Ministers Informed of Armenia's Failure to Implement European Court Judgment

KHRP has submitted a letter to the Committee of Ministers to urge the implementation of appropriate measures following the European Court's judgment in the KHRP-assisted case of Meltex vs. Armenia.

In June 2008, the European Court of Human Rights (ECtHR) delivered a precedent-setting ruling when it found the Armenian government guilty of illegitimately interfering with the broadcasting rights of Armenia's first independent television company, A+1. The Court ruled that by unlawfully refusing to issue broadcasting licenses to the owner Meltex Ltd, Armenia's National Television and Radio Commission (NTRC) had



(From left) Mesrop Mevsesyan (who set up Meltex Ltd), Tigran Ter-Yesayan of partner, Forum Law Center and KHRP Board member Raj Kumar Rai, in Yerevan, September 2008.

breached Article 10 of the Convention, which guarantees the right to

freedom of expression. The NTRC had repeatedly denied Meltex Ltd a broadcasting license after its original license was revoked without explanation in 2002.

However several months after the judgment, the Armenian National Assembly passed legislative amendments to the Armenian Law on Television and Radio. In effect, these will further prevent Meltex Ltd from obtaining a license until July 2010, at the earliest. KHRP is concerned about these actions, which reveal the government's continued efforts to prevent free, fair and independent broadcasting and its failure to rectify the effect of such violations despite the ECtHR's official judgment.

## Case of Damages Caused by Turkish Cross-Border Operations Submitted to European Court

A year on from the aerial bombing of the village of Biredê, in Kurdistan, Iraq on 25 September 2008, KHRP has submitted a complete application to the European Court of Human Rights on behalf of three affected villagers. The applicants have filed against the Turkish military forces and the government for loss of property and livelihood.

The case argues that these attacks, in line with Turkey's recent policy to adopt military measures

to oust the Kurdistan Workers' Party (PKK), have caused extensive damage to their families and their homes, threatened their sustainability and caused consequent psychological distress. All three applicants rely on farming and collecting edible fruits from their garden for a living, and have reported that their properties—the source of their income—have been damaged by the bombings.

The case argues that Turkey has failed to comply with its obli-

gation to take appropriate steps to safeguard the applicants, in violation of Article 2 of the European Convention on Human Rights. KHRP also supports the applicant's claims that the Turkish authorities have failed to undertake any form of effective investigation into these incidents, and that in failing to provide the applicants with fair and public hearing has violated Article 6 and 13.

Various other human rights violations and breaches to the

Convention too arise from this case. KHRP submits that the nature and intent of such incursions of the Turkish military in Kurdistan, Iraq are questionable, as Turkey does not appear to invest any effort in avoiding collateral damage. Turkey's wrongdoing also lies in its failure to establish, alongside its military base in Iraq, a system accessible to the Kurdish civilians for dealing with allegations of human rights abuses.

## KHRP Challenges Alleged Political Conspiracy in Latest Armenian Case

KHRP has filed a new application to the European Court of Human Rights (ECtHR) against Armenia. The case has been brought on behalf of three Armenian nationals who were each appointed a proxy to the presidential candidate Levon Ter-Petrosyan, during the 2008 presidential elections.

The applicants had all reported electoral violations during the February 2008 elections, namely box stuffing and procedural wrongdoings, and had made official complaints to the Committee Heads of the of the polling stations and to the Electoral Commission regarding these allegations. On the days following the votes, the three men were respectively arrested and de-

tained in unsanitary and degrading conditions at the Nubarashen and Vardashen Penitentiary Institutions.

The applicants were charged under Article 149 of the Criminal Code of Armenia for hindering the smooth functioning of the election process and for causing disruption in a polling station. One of the applicants also had a criminal case instigated against him by the National Security Service of the Republic of Armenia on the grounds of attempting a coup d'état.

KHRP argues that the treatment of the applicants was entirely unjustified and arbitrary. Following their arrest, the applicants were denied contact with their lawyers

and families for several weeks and were later sentenced from between 4 to 16 months imprisonment. Moreover, their subsequent appeals to the Criminal Court of Appeal and the Court of Cassation requesting an explanation to their arrests were all dismissed.

The Armenian authorities' efforts to present these men as authors of a political plot and to force witnesses to testify against the applicants are indicative of the extent to which political repression in Armenia prevails.

KHRP submits that by deploying measures of intimidation and violence to prevent political activity in favour of the opposition, the country has violated Articles 10

(freedom of expression), 11 (freedom of assembly and association) and Article 3 of Protocol 1 of the Convention (the right to regular, free and fair elections). In addition it contends that Armenia has violated Article 3 (prohibition of torture) of the Convention on account of the severe anguish and distress the applicants suffered whilst detained incommunicado and through the inhumane conditions in which they were imprisoned, as well as Article 6 (right to a fair trial), on account of the applicants having been left with no available domestic remedies and no chance of receiving a fair hearing.

## KHRP Calls on European Court to Investigate Case of Political Repression in Turkey

In November, KHRP submitted a full application to the European Court of Human Rights (ECtHR) regarding the prosecution and subsequent conviction of a university student in Diyarbakir, Turkey.

On 9 March 2007, the student was arrested by the Turkish security forces for participating in a demonstration at Dicle University in Diyarbakir. He was later charged under Turkish Anti-terror legislation for making propaganda on behalf of a terrorist organisation, and under the Turkish Penal code, for committing crimes on behalf of an illegal organisation.

The charges were brought on

the grounds that the applicant had participated in the demonstration two days prior to his arrest and that one year earlier he had also attended the funeral of four members of an illegal organisation on 28 March 2006.

The applicant has always admitted to having been present at the funeral, explaining that the deceased was an acquaintance. No factual evidence to the applicant's political activism was actually given by the Court. Furthermore, according to the applicant's testimony, on the day of the said demonstration approximately 50 people invaded the university

shouting slogans in support of an illegal organisation. The demonstrators allegedly coerced all students into vacating their classes to join the public gathering.

Despite several appeals made by the applicant's lawyer to prove that his client's intentions and interests had always been peaceful, the Fifth High Criminal Court consecutively denied all of the student's bail applications. The applicant is currently serving a prison sentence of seven years and 11 months in a D-Type High Security Prison in Diyarbakir.

KHRP contends that the applicant's arrest and detention are

unjustified and unlawful in that they violate 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). Given that the student has been unable to complete his university course as a result of his detention, KHRP also submits that Turkey has violated Article 2 of Protocol 1 to the ECHR (right to education).

## UN Urged to Intervene to Address Persecution of Kurdish Activists in Syria and Iran

KHRP has sent a series of urgent action appeals to various UN Working Groups and Special Rapporteurs to request their intervention with the Syrian and Iranian authorities on behalf of activists that they have forcibly disappeared or detained, and who are at risk of being tortured or executed. It appears that the activists have been targeted by the respective authorities because of their Kurdish origin.

In one of its most recent letters, KHRP expresses its grave concern about the continuing arbitrary arrest, detention and execution of Kurdish activists in Iran, and highlights allegations of unfair trial procedures and ill-treatment suf-

fered by those arrested. The letter highlights KHRP's particular concerns about the recent execution of Mr. Ehsan Fattamian, and the situation of 12 other Kurdish activists who are believed to currently be on death row.

KHRP has also continued to make fresh appeals on behalf of Kurdish teachers who have been arrested, held in degrading conditions, tortured and face being sentenced to death. In its latest letter, KHRP details the arrest, detention and alleged torture of a Kurdish teacher by the Iranian Intelligence Services (Itlahat). The grounds for his arrest are unknown and local sources indicate that he was subjected to the 'worst forms of tor-

ture'. Pleas by the detainee's family to receive information on his condition have been ignored by the authorities.

Alongside KHRP has urged UN human rights bodies to intervene on behalf of Kurds in Syria. One of the letters concerns the detention of five Kurdish women, abducted by Syrian security officers in July and August 2009. KHRP highlights that after being tortured in detention, the women were secretly sent to hospital, and their names were withheld from their relatives. Two of them were explicitly arrested and tortured on account of their commitment to Kurdish culture, and were asked to collaborate with the Syrian state against their

fellow Kurds. The other three were never told the grounds for the arrests.

KHRP has also notified the UN's Office of the High Commissioner for Human Rights of at least four Syrian Kurdish men who have been held by security officers since September and October 2008. The authorities have still not disclosed any information regarding where the four men—known to be advocates of Kurdish political unity or at least active members of the community—are being held. The four men are amongst at least 17 others who have been arrested and refused any information regarding the cause and outcome of their detention.

## European Court Delivers Rulings in Favour of Opposition Activists Unfairly Detained by Armenian Authorities

On 27 October 2009, the European Court of Human Rights delivered judgments in two KHRP-assisted cases against the Armenia.

The cases were brought on behalf of Armenian nationals, Mr. Zaven Karapetyan and Mr. Stepan Stepanyan, who on 22 March 2003 and on 20 May 2004, were respectively arrested and detained by the local Armenian police for '[disobeying] lawful orders and [using] foul languages' in response to police orders.

The arrests occurred against the backdrop of the first and second round of the presidential elections in Armenia, and were a clear attempt by the authorities to contain the political rallies and demonstrations that were causing widespread unrest across the country.

In *Karapetyan vs. Armenia*, the judgment ruled that the applicant's detention amounted to degrading treatment within the meaning of Article 3 of the Con-

vention. This was after Karapetyan was sentenced to six days administrative detention and was forced to share his cell—the size of less than nine square metres—with eight other people; smaller than the international legal standards for an individual person.

In both cases, the Court also held that the government had violated the fair trial principles stipulated under Article 6 of the Convention. This followed Mr. Karapetyan's conviction within hours

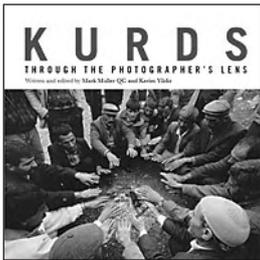
of his arrest and without the applicant being given any right to legal representation during his trial. Meanwhile, Stepanyan was convicted based on the exclusive evidence of the two arresting police officers. The Court concluded that 'the applicant's guilt or innocence could not have been properly determined' given that there was no direct assessment of either the police officer's evidence, or of the applicant himself, during the trial.

Free copies of KHRP's own reports 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.

**New Publications**

**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.

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

**Fact-Finding Mission Report**

ISBN 978-1-905592-25-8



This report presents the findings of a KHRP mission dispatched to the provinces of Şırnak, Siirt, Mardin, Batman and Diyarbakır in May 2009. This followed reports of widespread detentions and investigations of pro-Kurdish politicians and activists in the aftermath of the March 2009 local elections.

The mission collected information regarding the impunity of state officials, women's access to justice and the situation of human rights defenders. The report highlights the persistence of a culture of impunity among state officials responsible for human rights violations, widespread violence against women, lack of mechanisms for protection and redress for victims of violence, and the routine harassment of human rights defenders.

Women seeking access to justice were found to face various barriers. This included language difficulties, a lack of awareness of their rights, severe failings in the provision of legal aid and medical examinations, and the routine failure of officials to take their complaints seriously and to implement protective measures that are available under existing legislation. According to the mission, harassment and repression against those who voice non-violent criticism of

the state remains endemic. Almost all of the human rights defenders interviewed reported being continuously subject to investigations and had multiple cases open against them. Perpetrators were also found to be rarely prosecuted or convicted in cases of alleged human rights abuse and at most were reported to only receive very light or suspended sentences.

**The Civilian Toll of Cross-Border Operations in Iraq: Fact-Finding Mission Report**

ISBN 978-1-905592-26-5



For the past 26 months Turkey and Iran have been engaging in extensive cross-border military operations in northern Iraq, ostensibly with the purpose of fighting the Kurdistan Workers' Party (PKK) and the

Free Life Party of Kurdistan (PJAK), Kurdish separatist groups seen as threats to their national security. Mounting evidence indicates that far from being isolated cases of belligerence, these two states often work in concert with each other, harmonising their attacks. Despite persistent claims from both governments that these campaigns are only directed at the PKK and PJAK, a claim sustained by the media which largely portrays the air strikes and offences as being directed solely at military targets, multiple KHRP missions to northern Iraq have provided compelling evidence of the significant harm caused to the civilian population by Turkey and Iran's ongoing operations.

This report builds on KHRP's report of July 2008, 'A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure'. Drawing on the statements of affected individuals, those providing humanitarian assistance, and the observations of the mission mem-

bers themselves, this new report details the ways in which these ongoing cross-border operations have detrimentally affected the lives of the inhabitants of the region. The operations have led to loss of life and debilitating injury, displacement through loss of livelihood and property, the destruction of traditional village modes of life and the traumatising of the affected communities, especially children.

### Legal Review 16

ISSN1748-0639

Legal Review 16 covers the period



from June to December 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 cover the procedural aspects of convention rights, the failings and threat of Turkey's Anti-Terror laws regarding human rights standards, an overview of the lesser-known Council of Europe's powers in respect of human rights, the factors to be considered for the enhancement of democracy and justice regarding the Kurdish issue, as well as the deficiencies of the regime of Refugee Status Determination (RSD) and its impact on the status of Kurdish asylum seekers and Iraqi refugees.

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.

### UPCOMING PUBLICATIONS

#### **The Trial of Kerem Çakan: The Turkish Judiciary and Honour Killings: Trial Observation Report**

ISBN 978-1-905592-27-2

This report presents the findings of a KHRP delegation that travelled to Van, south-east Turkey in August 2009. The delegation was despatched to observe

the trial of a man accused of killing his pregnant 17-year-old wife, Eylem Pesen. According to prosecutors, the defendant Kerem Çakan allegedly stabbed her to death, before running her over with his car. The apparent motive was the defendant's suspicion that she was involved in a sexual relationship with his brother, although Çakan subsequently stated that she had reported having been twice raped by his older brother. The mission observed how the court after hearing Çakan's evidence, failed to further investigate the case as a possible honour crime.

Violence against women is pervasive in Turkey, including in the Kurdish region of the country. The report's findings point not only to Turkey's ongoing breaches of regional and international human rights law, but also to the failure of the authorities to protect women from honour killings and to facilitate their access to justice, particularly in the Van region. While this case may have set a precedent for future prosecutions for honour killings, the author's highlight that significant changes are needed to address the poor response of investigating police forces and the general lack of faith women in Turkey have in the judicial system.

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.

#### **The Situation of Kurdish Children in Turkey: Fact-finding Mission and Research Report**

This report seeks to provide a comprehensive account of the hardship faced by Kurdish children in Turkey. Combining desk and field-based research, this report incorporates the findings of last year's mission to Diyarbakır, Cizre and Istanbul with those resulting from the follow-up mission that took place in October this year.

Children are one of the most vulnerable sections of any society. Given the worrying regression in the protection of fundamental human rights and the widespread discrimination against the Kurdish community in Turkey, Kurdish children in particular are suffering dis-

proportionately. This was most keenly identified with regard to the treatment of Kurdish children in the juvenile justice system, with those living in the Kurdish regions receiving far less protection. This has become particularly acute given the application of new anti-terror legislation that has been used to criminalise children.

Other issues highlighted by the report, include barriers to Kurdish children receiving education in mother tongue. KHRP identified that it is essential that steps are taken to facilitate the learning of Turkish in parallel with courses designed to maintain Kurdish children's mother tongue. Until this step is taken, KHRP has found that Kurdish children will remain at a constant disadvantage. Meanwhile, housing problems resulting from the current and planned forced displacement of people living in the Kurdish regions also continues to have a detrimental impact on children.

#### **Fact-finding Mission Update on Ilisu Dam and Environmental Rights**

This report will present the findings of a KHRP delegation that travelled to south-east Turkey in October 2009. The delegation gathered updated information on the current situation regarding the Ilisu Dam project following the withdrawal of German, Swiss, and Austrian export credit insurers on 7 July 2009.

The withdrawal of key financial support highlights the project's failure to meet international standards. Turkey is still insisting on the viability of the project and government officials have stated their determination to continue building the dam. Recent news indicates that Turkey may be liaising with China to create a new consortium. Local groups have also reported that, to a certain extent, construction and land evictions continue in the region.

The KHRP-led fact-finding mission visited affected villages in the Ilisu Dam area with the help of the local campaign group, 'Initiative to Keep Hasankeyf Alive'. The delegation met with the lawyers who are representing affected villagers in expropriation cases, as well as with local campaign groups to gather first hand information from the community on the current situation.



*Photo taken by Bea Yates in the Kurdish region of Turkey*

# Support KHRP Today and Help Better the Lives of More Than 30 Million

Here at KHRP, we want to help create a future based on justice, equality and the rule of law, for those living in the Kurdish regions, but also globally. Of course this is no small task, which is why we are appealing to all of our friends and supporters to lend a helping hand. As a new year dawns, we are calling on you to help us raise vital funds in support of KHRP's continued work to promote and protect human rights across the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus.

In 2009, we have witnessed many changes in these regions, such as in the way that Kurdish rights are now being discussed and considered. But as you will have read in Newline, there is still much to achieve in the upcoming year. The ongoing persecution and discrimination felt by the ordinary person living in the Kurdish regions, continues to demand a consistent and long-term response. By fighting for legislative change and advancing human rights and the rule of law, we can make a difference

to the lives of more than 30 million people living there and elsewhere, in a durable and more sustainable way.

Over the past 17 years, KHRP has worked tirelessly to challenge the appalling abuse of human rights perpetrated by the State authorities in this part of the world. And it has achieved a remarkable success rate, not least in its complaints against Turkey, Armenia and Azerbaijan before the European Court of Human Rights (ECtHR), in which it has obtained a favourable ruling in 92% of its cases.

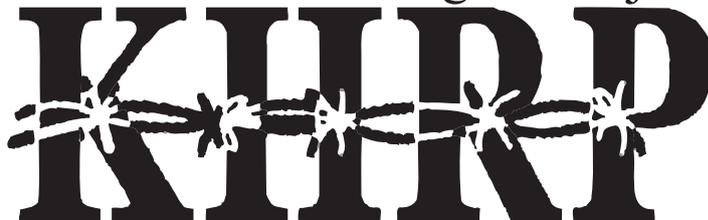
While continuing to work to abolish torture, ill-treatment and extrajudicial killings through our advocacy, trainings and publications, as the regions continually change, we are also working to build a strong human rights-based foundation through our cross-border trainings; women's rights advocacy; and conferences, roundtables and workshops. These foster discussion on the hard-hitting issues that must be addressed to end the decades old conflict in this

locale.

In these tough economic times, we urgently need your support towards all areas of our work in 2010. Your contribution, however big or small—from giving a donation or organising a speaking event, to simply shopping online or searching the web—will help to ensure the concept of universal human rights, irrespective of race, religion, sex, political persuasion, sexual orientation or other beliefs or opinions, translates into a practical local reality.

**You can support KHRP's work in the usual way by completing and sending us the donation form overleaf along with a cheque/postal order made payable to the Kurdish Human Rights Project. You can also make a donation through our website, or call KHRP's Development Department on +44 207 405 3835 to donate by telephone. For details on the different ways you can give, please visit the 'How to Help' section of our website at [www.khrp.org](http://www.khrp.org).**

# Kurdish Human Rights Project



Established 1992

## Project Information

### THE ORGANISATION

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

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

The KHRP is 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.

Newsline is published quarterly by the KHRP. Materials in Newsline can be reproduced without prior permission.

However, please credit Newsline, and send us a copy of the publication.

KHRP  
Kurdish Human Rights Project (KHRP)  
11 Guilford Street  
London WC1N 1DH  
Tel: +44 (0)207 405-3835  
Fax: +44 (0)207 404-9088  
Email: [khrp@khrp.org](mailto:khrp@khrp.org)  
[www.khrp.org](http://www.khrp.org)

YES I/We would like to support the work of KHRP

Please find enclosed a donation for

£500 \_\_\_\_\_ £250 \_\_\_\_\_ £100 \_\_\_\_\_ £50 \_\_\_\_\_

£20 \_\_\_\_\_ £10 \_\_\_\_\_ £ \_\_\_\_\_ Other \_\_\_\_\_

NB Please note that certain gifts may be eligible for tax relief

ALL DONATIONS ARE WELCOME

Cheques should be made payable to:  
Kurdish Human Rights Project

WE ACCEPT CAF Charity Card

I wish to donate by CAF Charity Card

Please debit my Charity Card for the sum of £ .....

My card number is: .....

Expiry Date: .....

Date \_\_\_/\_\_\_/\_\_\_ Signature .....

Please send me a deed of covenant / gift aid form so I can make my donation more effective by enabling KHRP to claim the tax paid.

Name .....

Address .....

.....

..... Postcode .....

Tel ..... Fax .....

Please return to:

KHRP

11 Guilford Street

LONDON

WC1N 1DH

Tel: +44 (0)207 405-3835

Fax: +44 (0)207 404-9088

Email: [khrp@khrp.org](mailto:khrp@khrp.org)

## Calendar Of Events

### December

- KHRP and CDO training for civil society representatives in Sulaymaniyah, Iraq on International Human Rights Standards and Torture, 15 December
- KHRP, CDO, Cornerhouse and Platform training on 'Investment Agreements and Human Rights' for civil society representatives in Erbil, Iraq, 16 December
- Kurdish PEN conference, Bonn, Germany, 18, 19 and 20 December

### January

KHRP presentation to the Big Lottery Fund

### February

- KHRP follow-up training sessions on women's rights and international conventions and legal mechanisms as part of a seminar organised by Liberation, 4 February
- 6th Annual EU Turkey Civic Commission Conference at the European Parliament in Brussels, 4 and 5 February