

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please obtain the names of Kurdish tribes and Kurdish languages primarily spoken in Iğdir.**
- 2. Please advise the address of the DTP office in Antalya in 2006?**
- 3. Who were the leading figures in the DTP nationally in 2007?**
- 4. Are DTP supporters being targeted for any harm because of their support?**
- 5. Please also provide an update on the current human rights situation for Kurds in Turkey, and how the situation for them has evolved since early 2008 (when TUR32816 was written). Please identify the characteristics among the Kurdish population that continue to attract state-backed harm, and also give some context to this with information on the situation for people of Kurdish background generally.**

RESPONSE

- 1. Please obtain the names of Kurdish tribes and Kurdish languages primarily spoken in Iğdir.**

A map of the administrative divisions of central and eastern Turkey showing the location of Iğdir Province, on the eastern border of Turkey adjacent to Armenia, Iran and Azerbaijan, is provided as Attachment 25 ('Turkey Administrative Divisions' 2006, University of Texas Library website

http://www.lib.utexas.edu/maps/middle_east_and_asia/turkey_admin_2006.jpg – Accessed 15 September 2009 – Attachment 25).

A map of ‘Great family clans and confederacies in Kurdistan,’ sourced from the Kurdish Academy of Language website, indicates that the Haydaran is the “Major clan confederacy” in the Province of Iğdir and its surrounds, and also names the Shadlu, Galtri, Kardaki, Asini and Mamakan as “Major clans” (Izady, M. 1998, ‘Map 31: Great family clans and confederacies in Kurdistan’, Kurdish Academy of Language website http://www.kurdishacademy.org/sites/default/files/images/tribes_and_clans_2006.jpg – Accessed 15 September 2009 – Attachment 26).

Another map, also sourced from the Kurdish Academy of Language website, indicates that “North Kurmanji” is the Kurdish dialect primarily spoken in Iğdir Province (Izady, M. 1995, ‘Linguistic composition of Kurdistan’, Kurdish Academy of Language website <http://www.kurdishacademy.org/?q=node/154> – Accessed 15 September 2009 – Attachment 27).

The Ethnologue website states that “Boti (Botani), Marashi, Ashiti, Bayezidi, Hekari, [and] Shemdinani” are dialects of “Northern Kurdish” (also Kermancî, Kirmancî, Kurdi, Kurdî, Kurmancî, Kurmanji), and that there are “[d]ifferences among dialects, but all use the same written form”. This source does not specify which dialects are spoken in which regions (‘Kurdish, Northern’ 2009, Ethnologue website http://www.ethnologue.com/show_language.asp?code=kmr – Accessed 15 September 2009 – Attachment 28).

2. Please advise what was the address of the DTP office in Antalya in 2006?

No information could be located on this subject; the website of the DTP (<http://www.demokratiktoplumpartisi.com>, in Turkish) does not appear to provide the addresses of party branches.

3. Who were the leading figures in the DTP nationally in 2007?

According to reports sourced from the Turkish media, the Ahmet Türk was the leader of the DTP for most of 2007, but was replaced in November 2007 by Nurettin Demirtas, who in turn was forced to resign the next month after being arrested for allegedly illegally avoiding military service. Other leading figures in this period were Aysel Tuğluk, who was Deputy Chairwoman under Türk, and Emine Ayna, Deputy Chair under Demirtas, and leader after his resignation (see: ‘DTP deputies complete MP registration’ 2007, *Today’s Zaman*, 30 July <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=117937&bolum=103> – Accessed 7 September 2009 – Attachment 1; Karabat, A. 2007, ‘They made it to Parliament but tough job awaits DTP’s women’, *Today’s Zaman*, 25 July <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=117588> – Accessed 7 September 2009 – Attachment 2; Schleifer, Y. 2007, ‘Turkey: Kurdish Party Prepares for Return to Parliament’, Eurasianet.org website, 27 July <http://www.eurasianet.org/departments/insight/articles/eav072707a.shtml> – Accessed 7 September 2009 – Attachment 3; ‘Turkey arrests pro-Kurdish DTP party leader Nurettin Demirtas’ 2007, Kurd Net website, (source: *Reuters*), 18 December <http://www.ekurd.net/mismas/articles/misc2007/12/turkeykurdistan1588.htm> – Accessed 7 September 2009 – Attachment 4; and: ‘Turkey: Chairman of pro-Kurdish DTP Ahmet Türk resigns’ 2008, Kurd Net website, (source: *Today’s Zaman*), 29 May

<http://www.ekurd.net/mismas/articles/misc2008/5/turkeykurdistan1860.htm> – Accessed 7 September 2009 – Attachment 5).

On 30 July 2007, *Today's Zaman* reported that: “Nineteen independent candidates supported by the pro-Kurdish Democratic Society Party (DTP) completed procedures to register as parliamentary representatives”. The report names Ahmet Türk as “the DTP leader”, and also notes that the “former head of the Human Rights’ Association (İHD) Akın Birdal ... announced that he had accepted Türk’s offer to join the DTP’s parliamentary group”:

Nineteen independent candidates supported by the pro-Kurdish Democratic Society Party (DTP) completed procedures to register as parliamentary representatives in Parliament on Sunday.

Ahmet Türk, the DTP leader who temporarily stepped down to run as an independent candidate, spoke to the press following completion of the registration procedure. Türk said this year’s election was very important to the DTP and that his party’s group would work to make democracy permanent and develop a peace process. Expressing that his party’s major aim was to bring civilian and democratic methods to the foreground and solve problems, including the Kurdish question, in the peaceful framework of dialogue.

... Meanwhile former head of the Human Rights’ Association (İHD) Akın Birdal, also elected to Parliament as an independent, announced that he had accepted Türk’s offer to join the DTP’s parliamentary group.

DTP Deputy Chairwoman Aysel Tuğluk, also temporarily resigned from her party, made a statement to the press on Sunday in which she asserted, “We are here to serve our country.”

... Sırrı Sakık, another DTP member elected as an independent candidate from the province of Muş, expressed great excitement about being a Parliament member (‘DTP deputies complete MP registration’ 2007, *Today's Zaman*, 30 July <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=117937&bolum=103> – Accessed 7 September 2009 – Attachment 1).

A July 2007 article from *Today's Zaman* assesses the female DTP deputies elected to parliament, and names Aysel Tuğluk as “[t]he co-chairperson of the party”. Also named is Fatma Kurtalan, as “the former chairman of the women’s branch of the party”:

Only one of the eight women deputies is from İstanbul, and the rest are from the region. The DTP’s İstanbul deputy, Sebahat Tuncel, is under arrest and being tried on charges of being a member of the outlawed Kurdistan Workers’ Party (PKK).

Most of the DTP’s women deputies have been working at various levels of the party organization given the party’s 40 percent quota for female representation. The co-chairperson of the party, Aysel Tuğluk, is from Diyarbakır, and the former chairman of the women’s branch of the party, Fatma Kurtalan, is from Van. Among the new women deputies is journalist Gülten Kışanak from Diyarbakır, who was born in 1961 and was working in the Bağlar Municipality. Sevahir Bayındır from Şırnak is a nurse born in 1969. Some of the deputies have civil society experience like Pervin Buldan, the chairman of the Aid and Solidarity Association for Bereaved Families (YAKAY-DER), and Emine Ayna from Mardin, the founder of the Rainbow Women’s Movement. The youngest DTP female deputy is Ayla Akat, born in 1976, who works as a lawyer (Karabat, A. 2007, ‘They made it to Parliament but tough job awaits DTP’s women’, *Today's Zaman*, 25 July <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=117588> – Accessed 7 September 2009 – Attachment 2).

A July 2007 article sourced from the Eurasianet.org website names Aysel Tugluk as “one of the DTP’s top leaders”:

Using a successful campaign strategy that saw all its candidates running as independents in order to circumvent Turkey’s high election threshold, the pro-Kurdish Democratic Society Party (DTP) managed to get 22 of its members elected in the recent Turkish elections, enough to allow the stealth candidates to regroup in parliament under their party’s banner.

Although some forecasts had predicted the party winning as many as 35 seats in the July 22 election, the seats won represent the largest electoral victory ever by a Kurdish party and the first time a pro-Kurdish party will sit in parliament since 1991.

...During the election campaign, the DTP’s candidates sought to create goodwill by sending out conciliatory messages and promising a changed approach. “We will be in the parliament with realism,” said Aysel Tugluk, one of the DTP’s top leaders who will represent the predominantly-Kurdish southeastern city of Diyarbakir in the new parliament (Schleifer, Y. 2007, ‘Turkey: Kurdish Party Prepares for Return to Parliament’, Eurasianet.org website, 27 July <http://www.eurasianet.org/departments/insight/articles/eav072707a.shtml> – Accessed 7 September 2009 – Attachment 3).

A December 2007 report from *Reuters* states that DTP leader Nurettin Demirtas had been arrested “over charges that a fake health report enabled him to avoid military service”, and also that the DTP “is facing the prospect of being closed down in a separate court case after prosecutors charged it with ties to the Turkey’s outlawed Kurdish PKK guerrillas”. The report also carries a statement from “Osman Baydemir, DTP mayor in the southeastern Kurdish city of Diyarbakir”:

A military court on Tuesday remanded in custody the leader of Turkey’s main pro-Kurdish DTP party over charges that a fake health report enabled him to avoid military service, his party said.

The ruling puts fresh pressure on the Democratic Society Party (DTP), which is facing the prospect of being closed down in a separate court case after prosecutors charged it with ties to the Turkey’s outlawed Kurdish PKK guerrillas.

The court decision came after police detained DTP leader Nurettin Demirtas, 35, on Monday night as he disembarked from his plane in Ankara after flying in from Germany.

“Our party has become a target... Those engaged in politics should not have their path blocked,” former DTP leader Ahmet Turk told a news conference.

Demirtas, who is not a member of parliament but was elected head of the party last month, had been abroad since Nov. 18 and his party said the decision to detain and arrest him was unjustified.

‘The leader of an opposition party should not be subject to this treatment. He must be released immediately. In democratic terms it is unacceptable,’ Osman Baydemir, DTP mayor in the southeastern Kurdish city of Diyarbakir, told reporters (‘Turkey arrests pro-Kurdish DTP party leader Nurettin Demirtas’ 2007, Kurd Net website, (source: *Reuters*), 18 December <http://www.ekurd.net/mismas/articles/misc2007/12/turkeykurdistan1588.htm> – Accessed 7 September 2009 – Attachment 4).

In May 2008, *Today's Zaman* provided background on the 2007 leadership struggle in the DTP, in which Ahmet Türk “and his co-chair Aysel Tugluk were forced to leave their posts to make way for Demirtaş and [Emine] Ayna”

The party has been in chaos for some time now after newly elected party chairman Nurettin Demirtaş had to give up his position when he was arrested and sent to the army for evading his obligatory military service.

It has been speculated that Türk's resignation came as a response to pressure from Abdullah Öcalan, the imprisoned leader of the Turkey's outlawed Kurdistan Workers' Party (PKK). The election of Mardin deputy Emine Ayna as the party's deputy chairwoman in the last party assembly was also perceived as a victory for the Öcalan faction within the party.

Ayna will lead the parliamentary group from now on. Asked whether he will be a candidate for the leadership of the party in the next DTP congress, Türk declined to comment and said he would prefer to discuss the issue when the time comes. The party congress will take place on July 5.

The rivalry in the party between those loyal to Türk and those loyal to Öcalan has been growing for some time now. On Nov. 9, 2007 Türk and his co-chair Aysel Tugluk were forced to leave their posts to make way for Demirtaş and Ayna, who are both known to hold more radical views on the solution of the Kurdish Problem that are more in line with the PKK's ideology.

During Türk's visit to semi-autonomous Kurdistan region in “northern Iraq” on May 7 and 8 the Öcalan faction of the DTP elected Emine Ayna as the new leader of the party and Türk was left with the chairmanship of the parliamentary group. Türk and his group, www.ekurd.net which includes experienced Kurdish politicians such as Tugluk, Sirri Sakik, Nuri Yaman, Hasip Kaplan and Akin Birdal, have argued that the normalisation of Kurdish politics will be possible only after breaking all links between the DTP and Öcalan (‘Turkey: Chairman of pro-Kurdish DTP Ahmet Türk resigns’ 2008, Kurd Net website, (source: *Today's Zaman*), 29 May <http://www.ekurd.net/mismas/articles/misc2008/5/turkeykurdistan1860.htm> – Accessed 7 September 2009 – Attachment 5).

4. Are DTP supporters being targeted for any harm because of their support?

The UK Home Office's March 2009 *Country of Origin Information Report – Turkey* chronicles arrests and prosecutions of DTP officials over the past two years, including Ahmet Turk and Ayse Tugluk, the president and vice-president of the party, for “using Kurdish in a leaflet prepared by the DTP Women's Wing on March 8, International Women's Day”. The report also notes that in early “2007 several DTP premises in a number of provinces were raided by the security forces” and “party members and executives were arbitrarily detained”; and that “Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints”:

19.30 The same HRW 2007 report also noted that: “During the past year, in the buildup to the general election, DTP officials in cities throughout Turkey, but especially in the southeast, have been repeatedly prosecuted for speech-related crimes such as ‘making propaganda for an illegal organisation’ (article 7/1 of the Law to Fight Terrorism and article 220/8 of the Turkish Penal Code) or ‘publicly praising a crime or criminal’ (article 215 of the TPC). Such prosecutions were typically brought for public statements that mentioned the PKK and referred to its imprisoned leader Abdullah Öcalan with the formal and respectful title of ‘Mr’ (sayın).” [9f] (p13)

- 19.31 The HRW 2007 report ‘Turkey: Human Rights Concerns in the Lead up to July Parliamentary Elections’ further noted that:
- “On February 26 the Ankara Heavy Penal Court No. 9 sentenced Ahmet Türk and Ayşe Tuğluk, respectively president and vice-president of the DTP, to 18-month prison sentences for the offense of using Kurdish in a leaflet prepared by the DTP Women’s Wing on March 8, International Women’s Day. They were also punished for ‘publicly praising a crime or criminal’ for statements in the leaflet relating to Abdullah Öcalan. On March 6 Ahmet Türk was again sentenced to a six-month suspended sentence for ‘publicly praising a crime or criminal’ for referring to ‘Mr’ Abdullah Öcalan. The cases are currently under appeal. Both Türk and Tuğluk also face numerous other ongoing prosecutions for similar offenses.” [9f] (p14)
- 19.32 The HRW 2007 added that “From late February to early March 2007 several DTP premises in a number of provinces were raided by the security forces. Documents and computers were seized, party members and executives were arbitrarily detained, and some were later charged with speech- and language-related offenses such as those mentioned above.” [9f] (p15)
- 19.33 Finally the HRW 2007 report noted that:
- “Kurdish political activists charged with speech-related offenses have sometimes been detained pending trial. On February 23 Hilmi Aydoğdu, chair of Diyarbakır DTP, was arrested and imprisoned in Diyarbakır D-type prison for 41 days. He had made a statement opposing possible military intervention in northern Iraq by the Turkish Armed Forces and mentioned in particular the symbolic importance of Kirkuk. Released on bail at his first hearing on April 5, he is currently on trial for ‘inciting hatred and enmity among the population’ (article 216/1 of the TPC) and faces a possible prison sentence of between one and three years.” [9f] (p15)
- 19.34 The Minority Rights Group International (MRG) report ‘A Quest for Equality: Minorities in Turkey’, published 10 December 2007, stated that: “Indeed, on 21 August 2007, Murat Öztürk, President of the Ağrı branch of the pro-Kurdish Democratic Society Party (Demokratik Toplum Partisi- DTP) was convicted to one year imprisonment under Article 7(2) of the anti-terror law for a speech he made in the Newroz celebrations on 21 March 2007.” [57c] (p23)
- 19.35 The MRG 2007 report also stated that: “On 19 March 2006, the Ardahan penal court ordered the confiscation of a regional newspaper when it published an ad by the DTP titled ‘Invitation to the Newroz Celebration’. According to the court, the use of the word ‘Newroz’ (rather than Nevruz, its Turkish spelling) was contrary to Article 81(c).” [57c] (p25)
- 19.36 The MRG 2007 report also noted that:
- “Kurdish politicians face continuing prosecutions for their activities. In February and March 2007, a series of arrests, searches, seizures and prosecutions have been launched against leaders of the DTP, the latest of successive pro-Kurdish political parties. On 18 February, İbrahim Sungur and Abdulvahap Turan, President of the Van branch and member of the DTP respectively, were arrested for making propaganda for the PKK during a police raid on the party headquarters in Van. On 23 February, Hilmi Aydoğdu, the President of the Diyarbakır branch, was arrested on the basis that he violated Article 216 by allegedly stating in an interview that his party would ‘consider any future attack on Kerkuk [in Iraq] as an attack on Diyarbakır’.” [57c] (p25)

...19.43 The US State Department (USSD) 2007 report on Human Right Practices, published 11 March 2008, noted that:

“DEHAP reconstituted itself as the Democratic Society Party (DTP) in 2006; nonetheless the Constitutional Court deliberations in the legal case seeking ‘DEHAP’s closure on charges of separatism were ongoing at ‘year’s end. DTP officials speculated that the court was deliberately delaying its decision because the case deals with controversial political issues... During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on DTP offices in Van and Siirt Provinces resulted in the detention of approximately 50 DTP members during the year.

“Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organisation or inciting separatism.” [5g] (Section 3 Elections and Political Participation)

19.44 The USSD 2007 report also recorded that: “Following October 21 [2007] PKK terrorist attacks in Hakkari Province, some Turks attacked DTP offices throughout the country, setting DTP office buildings and furniture on fire, throwing rocks, breaking windows, and shouting obscenities. Some DTP politicians and Turkish citizens of Kurdish origin considered such violence to be inflamed by government policies and alleged that security forces did not take proper measures to prevent such incidents.” [5g] (Section 3 Elections and Political Participation)

19.45 The USSD 2007 report also noted that:

“There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In June 2006 Budak was sentenced to one year and three months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something provocative.

“DTP Erzurum provincial chairman Bedri Firat continued his appeal of a July 2006 conviction. Firat was sentenced to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan (UK Home Office 2009, *Country of Origin Information Report – Turkey*, 13 March – Attachment 6).

The US Department of State’s 2008 *Country Report on Human Rights Practices* for Turkey provides an overview of the treatment of DTP members and supporters, also listing examples of the arrests of party members and officials and raids on party offices:

Throughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP. The most common tactic used was investigation and prosecution of DTP leaders for speaking in the Kurdish language or for making statements critical of the government.

In February the DTP sub-provincial chairman in Istanbul’s Fatih district, Mehdi Tanrikulu, was convicted for speaking Kurdish during judicial proceedings in 2007, and was sentenced to five months’ imprisonment.

On April 22, a court convicted DTP Diyarbakir provincial chairman, Hilmi Aydogdu, of inciting hatred and sentenced him to 15 months in prison for suggesting that Kurds would fight the government if government forces ever attacked Kurds in Iraq. He was found guilty of threatening public safety after he warned the government against taking any action in Kirkuk and was banned from politics. In February 2007, police had arrested Aydogdu for the statements; Aydogdu later clarified his remarks to mean that he was suggesting the government extend a hand of friendship to Kurds in northern Iraq.

In April ethnically Kurdish former parliamentarian Leyla Zana was sentenced to two years' imprisonment by a Diyarbakir criminal court for "spreading terrorist propaganda." In December she received a sentence of 10 years' imprisonment from the same court for violating the penal code and Antiterror Law in nine speeches in which she honored jailed PKK leader Abdullah Ocalan.

In May the justice minister dismissed the case against former DTP chairman Nurettin Demirtas and former co-chair Selma Irmak, who were charged in September 2007 with violating Article 301 for handing out flyers with accusations against the military on International World Peace Day.

In September a Mersin penal court convicted the DTP Mersin Province deputy and 2007 election candidate Orhan Miroglu for using Kurdish during his electoral speeches. The court put Miroglu on probation for five years. On September 28, an Antalya penal court sentenced the former DTP Antalya Province branch chairman, Mustafa Gul, to 18 months' imprisonment for using the honorific "sayin" (esteemed) to describe jailed PKK leader Abdullah Ocalan in a January 27 speech.

On November 27, a Diyarbakir court acquitted the DTP mayor of Batman, Huseyin Kalkan, of making propaganda for an illegal organization for his remarks on the PKK and Kurdish sentiments in the Los Angeles Times in 2006, after two Turkish citizens filed a criminal complaint.

...During the year police raided dozens of DTP offices, particularly in the southeast, and detained hundreds of DTP officials and members. During the year prosecutors opened scores of investigations and trials against DTP members. Police raids on DTP offices in Van and Siirt provinces resulted in the detention of approximately 50 DTP members during the year.

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organisation or inciting separatism.

There were no developments during the year regarding the appeal of Aydin Budak, the DTP mayor of Cizre. In 2006 Budak was sentenced to one year and three months in prison for stating in a speech that was aired on Roj TV that the isolation of Abdullah Ocalan was something "provocative."

During the year DTP Erzurum provincial chairman Bedri Firat continued his appeal of a 2006 conviction. Firat was sentenced to two years in prison for allegedly issuing propaganda supporting the PKK in a speech during Nevruz celebrations in which he stated that Kurds were subject to genocide and praised Abdullah Ocalan.

There were no updates during the year in the 25 open cases against DTP member Tuncer Bekirhan initiated in 2007 (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Turkey*, 25 February – Attachment 7).

An April 2009 report from the EurasiaNet website claims that 200 members of the DTP were arrested for being “suspected of receiving orders from the PKK “after the March 29 2009 local elections:

The Turkish establishment’s suspicion of anything smacking of Kurdish nationalism increased during the run-up to March 29 local elections, which resulted in a string of overwhelming DTP victories in predominantly Kurdish areas.

...A day later, as if to prove her point, police began arresting DTP members suspected of receiving orders from the PKK. There are 200 now in custody.

Police sources insist the arrests have nothing to do with the fact that the DTP almost doubled the number of municipalities under its control following the March local elections. Others are less sure. “We had hoped AK Party would interpret the result as a sign for the need for improved dialogue,” Selahattin Demirtas, a leading DTP deputy said on April 29, a day after the party had sent another request to the prime minister for an interview. “Instead, the state seems to have decided to punish us” (Birch, N. 2009, ‘Turkey: Hopes Fading for a Turkish Truce with Militant Kurds’, Eurasianet.org website, 30 April http://www.eurasianet.org/departments/insightb/articles/eav043009d_pr.shtml – Accessed 7 September 2009 – Attachment 8).

A February 2009 report from *Radio Free Europe/Radio Liberty* notes the sentencing of Aysel Tugluk, described here as a “senior member of the Democratic Society Party (DTP)”, to 18 months in jail “on charges she spread propaganda on behalf of Kurdish separatists”. According to this report, she “faces at least a half-dozen other charges for separate comments”:

A Turkish court has sentenced a pro-Kurdish member of parliament to 18 months in jail on charges she spread propaganda on behalf of Kurdish separatists.

Aysel Tugluk, a senior member of the Democratic Society Party (DTP), was convicted for saying at a rally in 2006 that members of the outlawed Kurdistan Workers Party (PKK) were “heroes to some” and refusing to call them terrorists, the court said.

Judges in the southeastern city of Diyarbakir ruled that Tugluk had violated antiterrorism laws, the court said.

The DTP is the first pro-Kurdish group to join the 550-seat Turkish parliament in more than a decade. It calls for a negotiated settlement of Turkey’s 25-year conflict with the PKK, and faces a possible ban from parliament because of charges that it has links with militants.

...Tugluk, who has immunity as long as she is a member of parliament, faces at least a half-dozen other charges for separate comments.

Her lawyer Fethi Gumus said she would appeal the conviction.

If she loses the appeal, parliament could strip her of immunity and she would serve the prison sentence, he added (‘Turkish court sentences pro-Kurdish lawmaker to jail’ 2009, *Radio Free Europe/Radio Liberty*, 5 February – Attachment 9).

A January 2009 report from *Hurriyet* newspaper states that: “Twenty deputies from the Pro-Kurdish Democratic Society Party, or DTP, face a total of 97 applications to have their parliamentary immunity revoked for reasons that vary from asking for water in Kurdish to playing Kurdish songs”. The report continues:

According to reports, 20 of the 21 DTP deputies face between two and six separate applications to withdraw their immunity from prosecution. All applications were filed for actions that took place during the election campaign before the July 22, 2007 general elections and after. Only Akin Birdal, DTP's Diyarbakir deputy, has no such application against him.

The applications were sent to Parliament's Constitution Commission, which in turn postponed all the applications to the end of the parliamentary term.

One of the most surprising of the applications was filed against deputies from the Mus province, Nuri Yaman and Sirri Sakik.

Both are said to have violated the Political Parties Law, which bans the use of Kurdish. Sakik is said to have asked for water in Kurdish while on the campaign trail and Yaman was said to have saluted a crowd in Kurdish before proceeding with his speech in Turkish.

Diyarbakir deputy Selahattin Demirtas allowed a Kurdish song, "Le Amede," to be played while he was opening his election campaign bureau. The DTP faces other complaints of praising a terrorist group and a terrorist leader for statements about the outlawed Kurdistan Workers' Party, or PKK, and its jailed leader Abdullah Öcalan. Some are also accused of promoting the PKK ('Deputies of DTP face a barrage on immunities' 2009, *Hurriyet*, 12 January – Attachment 10).

In November 2008, *Bianet* reported that a former "provincial head of the Democratic Society Party (DTP) in Kars", in eastern Turkey, had been "accused of 'praising the crime and the criminal' and 'provoking people to disobey the laws'":

Alinak, who is known for calling people to civil disobedience when he was the provincial head of the Democratic Society Party (DTP) in Kars, will face the possibility of prison twice in five months. He is accused of praising crime and provoking people not to obey the laws.

Kurdish politician Mahmut Alinak may go to prison one more time for calling people to civil disobedience in the speech he gave at Kars, a province in the eastern Turkey. He is accused of "praising the crime and the criminal" and "provoking people to disobey the laws."

Alinak had to go to prison on August 12, since he refused to pay the fine given by the court for proposing to give the names of the revolutionaries of the 70s (Deniz Gezmiş, Vedat Aydın and Musa Anter) to the streets and parks and protesting the prison conditions of Abdullah Öcalan, imprisoned leader of the Kurdish Workers Party (PKK). He stayed in the prison until September 12 (Önderoğlu, E. 2008, 'Kurdish politician Alinak may end up in prison again', *Bianet*, 18 November – Attachment 11).

A September 2007 report from Minority Rights Group International also addressed the treatment by the state of DTP members and officials:

The law's draconian scope, combined with the tendencies of prosecutors in Turkey to liberally interpret the concept of 'unity of the State with its territory and nation', may have a chilling effect on the expression of dissenting views on minority issues that are deemed to be politically sensitive. Indeed, on 21 August 2007, Murat Öztürk, President of the Ağrı branch of the pro-Kurdish Democratic Society Party (Demokratik Toplum Partisi-DTP) was convicted to one year imprisonment under Article 7(2) of the anti-terror law for a speech he made in the Newroz celebrations on 21 March 2007.

...Article 81(c) of the LPP restricts the activities of political parties. In one case, banners prepared by the DTP containing 'Happy Newroz' messages in Turkish and Kurdish were confiscated by Beyoğlu Prosecutor's Office in Istanbul.

...Kurdish politicians face continuing prosecutions for their activities. In February and March 2007, a series of arrests, searches, seizures and prosecutions have been launched against leaders of the DTP, the latest of successive pro-Kurdish political parties. On 18 February, İbrahim Sungur and Abdulvahap Turan, President of the Van branch and member of the DTP respectively, were arrested for making propaganda for the PKK during a police raid on the party headquarters in Van. On 23 February, Hilmi Aydoğdu, the President of the Diyarbakır branch, was arrested on the basis that he violated Article 216 by allegedly stating in an interview that his party would 'consider any future attack on Kerkuk [in Iraq] as an attack on Diyarbakır'. Within ten days in late February and early March, 55 DTP executives and members were detained, seven of whom were arrested. Hasip Kaplan, the DTP's lawyer, stated that party members and Kurds are subject to a widespread and systematic attack, which was an alarming sign of 'progress towards police state'.

The persecution of DTP officials is dismaying in light of the increasing political tension over the Kurdish question in Turkey. The arrest, prosecution and conviction of party leaders, and searches and seizures of party offices, are not only in violation of settled case law of the ECtHR but also hampers the democratic representation of Kurds. These incidents served to jeopardise the effective participation of independent candidates nominated by the DTP in the general elections of 22 July 2007 (Minority Rights Group International 2007, *A Quest for Equality: Minority Rights in Turkey*, MRG website, September, pp. 23, 25 – Attachment 12).

In June 2007, the Immigration & Refugee Board of Canada assessed the treatment of DTP leaders and members in Turkey:

Media, human rights and government sources have reported numerous arrests and convictions of DTP leaders for verbal or written statements (AFP 6 July 2006; IHD 23 Feb. 2007; US 6 Mar. 2007, Sec. 3). An article published on the Web site EurasiaNet in May 2007 reports that "[i]n recent weeks, the Democratic Society Party (DTP) has endured a crackdown, with dozens of its top leaders arrested or jailed and several of its offices raided by the police" (EurasiaNet 4 May 2007), paralleling the dozens of raids and hundreds of arrests that occurred in 2006 (US 6 Mar 2007, Sec. 3).

According to Country Reports on Human Rights Practices for 2006,

Jandarma and police regularly harassed DTP members through verbal threats, arbitrary detentions at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DTP. Although security forces released most detainees within a short period, many faced trials, usually for supporting an illegal organization or inciting separatism. (ibid.)

In July 2006, AFP reported that Ankara's public prosecutor accused DTP leaders Ahmet Turk and Aysel Tugluk of distributing Kurdish-language leaflets regarding the imprisonment of PKK leader Abdullah Ocalan (AFP 6 July 2006). In February 2007, they were found guilty of [translation] "praising criminals" and sentenced to 18 months' imprisonment (ibid. 26 Feb. 2007; EurasiaNet 4 May 2007). On 6 March 2007, Ahmet Turk received an additional six month sentence for using a Turkish term of respect when referring to Abdullah Ocalan, because this was considered a sign of approval of the PKK leader (ibid.; Reuters 6 Mar. 2007).

Amnesty International (AI) reports that in October 2006 a trial began involving 56 mayors belonging to the DTP, who were accused by the Turkish government of supporting the PKK

after they had sent a letter to the Danish Prime Minister requesting that the Denmark-based Kurdish television station, Roj TV, not be shut down (AI 2007; EurasiaNet 4 May 2007). As of April 2007, the trial was ongoing, and the convicted mayors could expect up to 15 years' imprisonment if convicted (Anadolu Agency 4 Apr. 2007; RSF 9 Apr. 2007; AFP 6 Apr. 2007). Further information could not be found among the sources consulted by the IRB.

...In March 2007, Turkish police reportedly arrested 27 persons during a demonstration organised by the DTP in March 2007 to celebrate International Women's Day, which turned into a march in support of the PKK and its leader, Abdullah Ocalan (ibid. 10 Mar. 2007).

Also in March 2007, a court sentenced the DTP-affiliated mayor of Hakkari to seven years in jail for publicly denying that the PKK is a "terrorist group" and saying that he was proud to be Kurdish (EurasiaNet 4 May 2007).

In April 2007, AFP briefly noted, without giving detail, that a court had sentenced eight DTP members to three years and nine months in prison for aiding the PKK (AFP 6 Apr. 2007).

The Ardahan Criminal Court sentenced a DTP representative to 10 months in prison in May 2007, after he was accused of making a speech in which he "denigrated and insulted" Turkey's parliament and general staff (Today's Zaman 7 May 2007).

Also in May 2007, Turkey's Appeals Court Prosecutor ordered that the DTP cancel the membership of 116 members, including prominent leader Leyla Zana, because of their criminal records (AP 17 May 2007). If it does not comply, the DTP has been told that it may be shut down, in the same way that four pro-Kurdish parties were banned in the past (ibid.) (Immigration & Refugee Board of Canada 2007, *Situation and treatment of members, supporters and sympathisers of the Democratic Society Party (DTP) (2006 – 2007)*, 7 June – Attachment 13).

An October 2007 report from *Bianet* claims that DTP offices, and shops and businesses associated with DTP members and Kurds in general, were attacked in the aftermath of PKK attacks on Turkish soldiers:

After DTP party headquarters have been attacked in various places in Turkey, the DTP province chair Suat Ertugrul has expressed his worry that Kurds may become the targets of further attacks. There are two rallies planned in Bursa by the "We are all Mehmeds [the name for soldiers] Solidarity" platform, one after Friday prayers today (26 October) and one on Sunday (28 October).

Local sources have also reported that the windows of a shop, which former Democracy Party MP Leyla Zana is said to have shares in, and known to be owned by a Kurd, have been broken every day since 12 October. There are also pancards reading "Love it [the country] or leave it".

The IHD further reports:

At rallies going on until night on 21 October, the DTP headquarters was stoned by a group of around 1,000 people, its sign was taken down, and there were attempts to set fire to the building.

The home of Öykü Evren who lives below the DTP headquarters was wrecked.

A group of around a thousand people gathered in front of the building of the Basic Rights and Freedoms Association. First they besieged eleven people in the building, and then they attacked the building and injured one person.

...According to DTP province chair Ertugrul, people bearing the flags of the Nationalist Movement Party (MHP) and making the “Grey Wolf” sign of the ultranationalist youth movement, came from other cities to join the siege.

Abdülaziz Akyol, the president of the Bursa IHD told bianet that he had met with Bursa Governor Nihat Canpolat on Wednesday (23 October). Canpolat expressed his sorrow, but up to now no one has been arrested in relation to these attacks (Korkut, T. 2007, ‘Fascist lynching attempts in Bursa’, *Bianet*, 26 October – Attachment 14).

5. Please also provide an update on the current human rights situation for Kurds in Turkey, and how the situation for them has evolved since early 2008 (when TUR32816 was written). Please identify the characteristics among the Kurdish population that continue to attract state-backed harm, and also give some context to this with information on the situation for people of Kurdish background generally.

A 3 September 2009 article sourced from *The Media Line* provides an outline of the peace process initiated by the Turkish government, and the response of Kurdish groups and opposition political parties:

Success will depend on whether Prime Minister Recep Tayyip Erdogan’s government can offer a package that the Kurdish guerrillas would find tempting.

“The PKK has to have something to show (for laying down its arms),” said Gareth Jenkins, a Turkey analyst based in Istanbul. “It’s been fighting for 25 years, and one Kurdish-language TV channel hardly compensates for 40,000 deaths,” he said, referring to the Kurdish service that state television inaugurated in January.

Interestingly, it is the Kurdish side that has taken the lead in pushing the peace process forward, suggesting that the PKK wants a solution even more than the government.

The process began with the municipal elections on March 29. Erdogan’s Justice and Development Party (AKP) had done well in the Kurdish heartland of south east Turkey in the parliamentary elections of 2007. The Prime Minister hoped to do even better in March so as to be able to argue that it is the AKP, not DTP, which represents the Kurds.

He failed. The Kurdish-majority provinces voted heavily for the DTP, particularly in the key cities of Diyarbakir and Tunceli. Like it or not, the DTP is the Kurds’ party.

Two weeks later the PKK declared a six week ceasefire. Then in May the PKK leader, Murat Karayilan, invited a mainstream newspaper, *Milliyet*, to his camp in north Iraq for a rare interview. More explicitly than ever before, Karayilan said the PKK no longer wanted an independent Kurdish state, the secession that is Turkey’s nightmare, but rather autonomy for the Kurdish provinces in a fully democratic Turkey.

Karayilan also called for negotiations, saying the government could talk to either the PKK leader Abdullah Ocalan, who is serving life imprisonment on Imrali island, or to the DTP or to Kurdish intellectuals.

Days later, Turkish President Abdullah Gul told reporters the country had a “historic opportunity” to resolve the Kurdish problem.

Nothing much seemed to happen during the next two months. But Erdogan must have sent the right signals, perhaps secretly, because Karayilan twice renewed the shaky ceasefire for another six weeks.

In mid-July Ocalan's lawyers returned from a visit to Imrali to say their chief would produce a "road-map" to peace on August 15, the 25th anniversary of the first PKK attack.

This lit a firecracker underneath Erdogan. His political capital was low, AKP's share of the vote had fallen for the first time in March. The economic boom, his foremost achievement, had fizzled out in the world crisis. But he was not going to let himself be upstaged by "arch terrorist" Ocalan on a chance for peace.

Western diplomats and thinking Turks had long urged Erdogan to hold talks with the DTP leader, Ahmet Turk. But Erdogan had refused to do so until Turk declared the PKK to be a terrorist group. Turk would condemn PKK attacks, but he could not denounce the group as a whole. Too many DTP members and voters had brothers, sisters and spouses in the PKK ranks.

However, Ocalan's boldness changed things. On Aug 5, watched by scores of journalists, Ahmet Turk walked down a long corridor in parliament and entered Erdogan's office. The media were given a photograph of the Prime Minister and Turk sitting on either side of a portrait of Ataturk pointing to the sky. There was no photograph of their shaking hands, and no joint press conference afterwards. But the encounter was historic. For the first time since the early 1990s, the prime minister had met the leader of the Kurdish nationalist party.

Erdogan's move provoked a storm. The two biggest opposition parties, the Republican People's Party (CHP) and the National Movement Party (MHP) accused the prime minister of betraying the country. The MHP even spoke of "treason."

But the Turkish military endorsed the initiative and said Interior Minister Beshir Atalay should continue sounding out parties and interest groups on the contents of the peace package. (The CHP and MHP refused to meet Atalay.)

Support also came from some surprising quarters, showing the extent of weariness with the insurgency. A former leader of the Ulku Ocaklari (Hearth of the Idealists), the once-militant group known as the Grey Wolves which was behind much of the violence of the 1970s, applauded the initiative and criticized the MHP, the Grey Wolves' party, for opposing it.

...There is general consensus among Turks that they need to overhaul the constitution written under military rule in 1982. The government has tried to start the process at least twice, and then quietly shelved it.

AKP has a particular problem when it comes to the constitution, the liberal columnist Turker Alkan of Radikal newspaper explained. Because of the party's Islamic roots, any attempt to change the constitution is widely construed as an AKP bid to weaken Turkey's secular principles and open the door to Islamic activism.

The problem would be compounded for any change inspired by the Kurdish initiative because the CHP and MHP would deny the government the parliamentary votes it needs for constitutional reform.

The second DTP demand – devolution of power – is at the heart of Karayilan's call for autonomy of the Kurdish provinces. The analyst Jenkins told The Media Line that the government probably wouldn't mind transferring its "administrative burden" to the local authorities, but it would not devolve real power, such as giving the Diyarbakir authority the right to set up Kurdish language schools in the province.

The third DTP demand – Kurdish language rights – poses an even bigger problem. It is the one that shows just how wide the gulf is between Turk and Kurd. The constitution says "the

language of Turkey is Turkish,” and successive governments have seen this as conferring the right to suppress other languages spoken in Anatolia – Kurdish, Laz and Arabic. It was only in 1991 that the law was changed to permit the speaking of Kurdish in private

...If it fails, the insurgency will resume. There will be more gun battles in the south east, explosions in shopping malls in Ankara and Istanbul, and Turkish airstrikes in north Iraq.

However, there would be a silver lining. Soner Tufan, the director of a Turkish Christian radio station, Radio Shema, said the Erdogan government has come closer to bridging the gap with the Kurds than any of its predecessors. And Turks have been hearing statements on the Kurdish issue that they haven't heard before.

“Even if the peace initiative fails, we will have gained a lot,” Tufan said (Mortimer, J. 2009, ‘Turkey’s olive branch begins to grow’, *The Media Line*, 3 September – Attachment 15).

An 11 September 2009 report from *BBC News* states that a Turkish university will teach the Kurdish language for the first time, along with Farsi, Arabic and Syriac:

A Turkish university will for the first time teach the Kurdish language, which was banned throughout the country until 1991, Turkish officials say.

Postgraduate studies in Kurdish will begin at Artuklu University, in the southeastern province of Mardin.

The language will be offered alongside Farsi, Arabic and Syriac, at a new “Living Languages in Turkey” institute.

Expanding Kurdish language rights is part of a government drive to end years of conflict with armed Kurdish rebels.

In January, Turkey’s public broadcaster launched a 24-hour Kurdish-language television channel.

...The head of Turkey’s higher education board, Yusuf Ziya Ozcan, announced the new language course on Thursday, saying the goal would be to train academics to teach the minority languages.

The EU has urged Turkey to do more to improve Kurdish cultural rights, among a package of reforms demanded by the EU as conditions for joining the 27-nation bloc (‘Turkey approves Kurdish studies’ 2009, *BBC News*, 11 September <http://news.bbc.co.uk/2/hi/europe/8250361.stm> – Accessed 14 September 2009 – Attachment 16).

On 10 September 2009, *Today’s Zaman* reported the arrest of three people in Iğdir province “who had allegedly formed a ‘death squad’ to kill notable Kurdish personalities”:

Police have raided a group of homes in Iğdir, arresting three people on charges of planning to assassinate Kurdish politicians and businessmen as part of efforts to sabotage the government’s recently announced democratic initiative to solve the Kurdish problem.

According to reports, police arrested three people who had allegedly formed a “death squad” to kill notable Kurdish personalities. The raids took place on Monday night at the homes of Mühahit Yalçın, the president of the Iğdir branch of the Grey Wolves ultranationalist group, and Turan Çevik, the former head of the Melekli district’s Grey Wolves branch.

Police searches of the homes yielded documents that detailed plans to sabotage the government's newly launched democratic initiative on the Kurdish problem. Among the documents was a "hit list" listing the names of Kurdish businessmen and politicians to be killed to harm the government initiative. Also seized was a Kalashnikov rifle and ammunition ('Three arrested over plans to assassinate Kurds' 2009, *Today's Zaman*, 10 September – Attachment 17).

On 8 September 2009, *Reuters* reported that "Kurdish separatist rebels" ambushed Turkish soldiers "in the southeastern province of Siirt", killing five:

Five Turkish soldiers were killed and five others wounded on Tuesday in an ambush by Kurdish separatist rebels in the southeastern province of Siirt, security sources said.

Five rebels also died during the fighting, they added.

The attack comes as the government prepares to announce a series of measures aimed at reducing years of problems between the Turkish state and its Kurdish population which have been a cause of violence and poverty for years.

Security sources said troop reinforcements and helicopters were being sent to the region where sporadic clashes were continuing ('Five Turkish soldiers killed in attack in southeast' 2009, *Reuters*, 8 September – Attachment 18).

A 7 September 2009 report from *Deutsche Presse Agentur* reports claims from "the Turkish High Council for Radio and Television (RTUK)" that the Turkish government "intends to relax restrictions on private Kurdish television channels", as "part of the 'democratic opening' announced this summer by Erdogan, intended to strengthen the rights of Turkey's Kurds":

The Turkish government of Prime Minister Recep Tayyip Erdogan intends to relax restrictions on private Kurdish television channels, it was confirmed on Monday.

According to the Turkish High Council for Radio and Television (RTUK), discussions on the implementation of the plans are already under way.

The scheme is part of the 'democratic opening' announced this summer by Erdogan, intended to strengthen the rights of Turkey's Kurds. The scheme will focus particularly on cultural rights.

Private Kurdish channels will now be allowed to broadcast for 24 hours a day, instead of the current 45 minutes, according to reports in the Turkish media.

Channels will no longer be obliged to provide Turkish subtitles and other editorial restrictions will also be lifted.

But television stations will still be banned from transmitting programmes which teach the Kurdish language.

The government says it has increasing support from the Turkish population for its plans ('Turkey's Erdogan to relax restrictions on Kurdish TV channels' 2009, *Deutsche Presse Agentur*, 7 September – Attachment 19).

A 27 August 2009 article in *The Economist* reports a meeting between Turkey's prime minister, Recep Tayyip Erdogan, and DTP leader Ahmet Turk, as part of a report outlining Turkish government moves toward a "lasting solution" to the "Kurdish problem":

Successive governments have mumbled about dealing with the Kurdish problem, only to be stopped by Turkey's hawkish generals. But now a confluence of circumstances is raising hopes of a more lasting solution under the leadership of Turkey's prime minister, Recep Tayyip Erdogan, who has staked his political future on this issue.

In a ground-breaking speech in parliament earlier this month, Mr Erdogan provoked tears when he spoke of the common pain of Turkish and Kurdish mothers who had lost sons in the conflict. His interior minister, Besir Atalay, has been making the rounds of assorted politicians and civic leaders to build consensus for an as yet unarticulated plan. Mr Erdogan, who has long shunned the largest Kurdish party, the Democratic Society (DTP), for being the PKK's political front, met its leader, Ahmet Turk, in early August.

The government's plan is said to include easing remaining bans on Kurdish broadcasting, allowing Turkified villages to regain their Kurdish names, setting up Kurdish language and literature departments in universities and scrapping laws under which thousands of young Kurds are jailed for allegedly acting for the PKK (usually for no more than chanting PKK slogans or throwing stones at police). "This time the government means real business," concludes Henri Barkey, an American academic who has studied the Kurds.

...The trickiest part of Mr Erdogan's "Kurdish overture" is how to get the PKK to stop fighting without negotiating with their imprisoned leader, Abdullah Ocalan, who continues to hold sway over both his men and millions of ordinary Kurds. The main opposition parties have already blasted Mr Erdogan for alleged treason. The obvious way out would be to use the DTP as a proxy, rather as Britain used Sinn Fein to deal with the IRA. The trouble is that the notoriously egocentric Mr Ocalan cannot bear to remain out of the limelight. He now says he will unveil his own road map for peace. Although recent opinion polls show 45% of Turks supporting Mr Erdogan's Kurdish overture, a deal that followed overt bargaining with the PKK would be tricky to sell at home.

...More than Mr Erdogan's career is at stake. So is Turkey's future. A new generation of dissatisfied and radical Kurds could easily unleash a cycle of violence that even the PKK might be unable to control. What is most heartening is that the Kurdish initiative is not merely about responding to European Union pressure: it is a home-grown affair. And the onus is as much on the PKK and its allies as on the government to ensure that it succeeds. It will not be easy, but Mr Erdogan seems determined to plough on ('Peace time?' 2009, *The Economist*, 27 August http://www.economist.com/world/europe/displaystory.cfm?story_id=14313719 – Accessed 14 September 2009 – Attachment 20).

An 11 August 2009 report from *Reuters* states that "Turkey's main opposition parties have rejected a government request for talks on addressing the Kurdish minority's long-standing grievances":

Turkey's main opposition parties have rejected a government request for talks on addressing the Kurdish minority's long-standing grievances, party officials said, in an apparent blow to the initiative.

The government wants consensus on how to resolve a festering problem which has fuelled a 25-year-old conflict between the Turkish state and Kurdish separatist guerrillas in which more than 40,000 people have died.

The Kurdish issue, particularly giving greater rights to the ethnic minority, is also closely tied to Turkey's bid for European Union membership.

Prime Minister Tayyip Erdogan said last week that hopes for the initiative were boosted by his talks with Ahmet Turk, who heads the only Kurdish party in parliament, the Democratic Society Party (DTP).

Interior Minister Besir Atalay was due to hold talks with Turk on Thursday, but officials from the opposition Republican People's Party (CHP) and the Nationalist Movement Party (MHP) told Reuters they had turned down similar requests for talks.

"The MHP has certainly shared with the public its view on this process known as the 'democratic initiative' or 'so-called Kurdish initiative'," MHP General Secretary Cihan Pacaci told Reuters on Monday evening.

"Hence it did not see the need for an exchange of views" ('Turkish opposition rejects Kurdish reform talks' 2009, *Reuters*, 11 August – Attachment 21).

A 21 May 2009 article in *The Economist* reports the torture claims of two Kurdish youths, and that Kurdish "children" are arrested, detained and imprisoned "for allegedly taking part in illegal street protests in support of the separatist Kurdistan Workers' Party (PKK)". According to a spokesman from Turkey's Human Rights Association, "[t]he cases are tried in adult courts", and "[m]ost of the crimes consist of no more than chanting pro-PKK slogans and throwing stones at police". Nonetheless, the report also notes "of recent efforts by the ruling Justice and Development Party to improve the lot of Turkey's 14m Kurds":

INSIDE a concrete shack in the predominantly Kurdish slum of Daglioglu, in south-east Turkey, 17-year-old "Mehmet" (he cannot give his real name) rolls up his trousers and points to a deep scar. "They beat me, kicked me repeatedly, called me a 'dirty Kurd', forced me to do push-ups and demanded I become an informant." In another neighbourhood a 16-year-old girl suffered worse horrors. "Confess or I'll fuck you and your mother," she was told as she was driven to police headquarters. She and other female detainees were, she says, clubbed and dragged by the hair. In jail they were stripped naked and forced to kneel as wardens "searched our crevices".

Both teenagers are among hundreds of Kurdish minors who face prosecution around the country for allegedly taking part in illegal street protests in support of the separatist Kurdistan Workers' Party (PKK). In Adana alone, some 155 children are facing trial, 67 have been convicted and five have begun to serve their sentences, says Ethem Acikalin, head of the local branch of Turkey's Human Rights Association. All were charged under article 220/6 of the penal code, which criminalises "acting on behalf of a terrorist organisation". The cases are tried in adult courts. Most of the crimes consist of no more than chanting pro-PKK slogans and throwing stones at police. But some have also been charged with damaging public property, resisting arrest, spreading terrorist propaganda or endangering public security.

Mr Acikalin reckons that, even after benefiting from reductions because of his age, "Mehmet" will spend at least four years in jail. "When it comes to children, the courts have frequently chosen to place them in pre-trial prison detention for many months," comments Emma Sinclair-Webb, of Human Rights Watch, a New York-based watchdog. "This flies in the face of the Convention on the Rights of the Child, to which Turkey is a party."

It also flies in the face of recent efforts by the ruling Justice and Development Party to improve the lot of Turkey's 14m Kurds. After launching the country's first state-run (and predictably tame) Kurdish-language television station in January, the government hinted that it might let thousands of Turkified villages revert to their original Kurdish names. The army

chief, General Ilker Basbug, recently conceded that, even though 40,000 rebels had been killed since the PKK launched its insurgency in 1984, “social and economic measures” were required. Murat Karayilan, the PKK’s commander in northern Iraq, says the PKK no longer demands independence and is happy to let third parties negotiate a deal on its behalf. All of this prompted Turkey’s president, Abdullah Gul, to declare recently that there was now “an historic opportunity” to fix the Kurdish problem.

Perhaps so. In Adana Mr Acikalin is “still in shock” after an unprecedented meeting with security bigwigs. “They listened with patience, offered us tea and promised to stop the abuse,” he says. Yet Mr Acikalin, who is himself facing eight separate charges under article 220/6 for a series of public statements that he has made, insists he will not be swayed unless and until the law is changed (‘Stone-throwers in glass houses’ 2009, *The Economist*, 21 May http://www.economist.com/displayStory.cfm?story_id=13702749 – Accessed 14 September 2009 – Attachment 22).

A 30 April 2009 report sourced from the EurasiaNet website provides details of a PKK attack on Turkish soldiers “near the town of Lice, in Turkey’s mainly Kurdish southeast”, in which nine soldiers were killed. The report also notes “Turkey’s on-going unwillingness to draw the line between militants and sympathisers” when it comes to Kurds, pointing out “a December 2008 decision by the country’s High Court of Appeals”:

Until then, adults and minors who threw stones or shouted slogans at pro-PKK street demonstrations faced at most 10 months in prison for participation in an illegal protest and “terrorist propaganda.” The court’s ruling, though, said violators could be prosecuted for membership of a terrorist organisation, thus exposing them to much longer sentences.

On April 27, a court in the southern Turkish city of Adana sentenced 22 teenagers aged between 13 and 18 to up to eight and a half years in jail for participating in a demonstration to mark the anniversary of the arrest of PKK leader Abdullah Ocalan. Human Rights groups estimate another 500 minors are currently in custody, many of them held with adult inmates.

The irony, notes Emma Sinclair-Webb, Turkey researcher for the New York-based Human Rights Watch, is that while active PKK members can apply for a reduced prison sentence in return for intelligence on the group, no such option is open to minors jailed on the basis of the December 2008 Appeals Court decision.

“I expect to see a wave of cases going before the European Court of Human Rights in five years or so,” Sinclair-Webb adds (Birch, N. 2009, ‘Turkey: Hopes Fading for a Turkish Truce with Militant Kurds’, Eurasianet.org website, 30 April http://www.eurasianet.org/departments/insightb/articles/eav043009d_pr.shtml – Accessed 7 September 2009 – Attachment 23).

An 8 March 2009 report sourced from *Radio Free Europe/Radio Liberty* notes the delivery of Turkey’s “first official Kurdish-language sermon” at a mosque in Diyarbakir, as part of “easing its restrictions on the Kurdish language, which was completely banned until 1991”:

A state-run mosque in southeastern Turkey held the country’s first official Kurdish-language sermon this weekend, part of the government’s efforts to boost rights for Kurds and meet European Union political standards.

The sermon at Diyarbakir’s 12th-century Ulu Mosque, which followed evening prayers on March 7, called for brotherhood between Muslims and said racism has no place in Islam.

...The sermon is the latest example of Turkey, a candidate for EU membership, easing its restrictions on the Kurdish language, which was completely banned until 1991. The EU has said Turkey must improve rights for its 14 million Kurds before it joins the bloc.

In January, Prime Minister Tayyip Erdogan addressed viewers in Kurdish at the launch of Ses, Turkey's first legal Kurdish-language TV channel run by the state broadcaster.

Kurdish, which is related to Persian, is still outlawed in some parts of the public sphere, including during election campaigns. Previous governments viewed its use as separatist propaganda amid an ongoing 25-year war with Kurdish guerrillas in which 40,000 people, mainly Kurds, have died.

The Ulu Mosque sermon is the first time the state Directorate of Religious Affairs, which writes sermons for Turkey's 77,000 mosques, has issued one in Kurdish. Imams, who are civil servants employed by the Directorate, in the southeast have in the past informally preached in Kurdish.

The sermon will be broadcast on Ses on March 8, the first time state television will have shown a religious address in Kurdish.

Last month, pro-Kurdish Democratic Society Party (DTP) Chairman Ahmet Turk addressed party members in parliament in Kurdish and has so far avoided disciplinary and criminal action.

The last time Kurdish was spoken in parliament was 1991, when four Kurdish deputies were stripped of their immunity and served 10-year prison sentences ('Turkish mosque holds first official Kurdish sermon' 2009, Refworld, (source: *Radio Free Europe/Radio Liberty*), 8 March <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=49b68d2028> – Accessed 14 September 2009 – Attachment 24).

The US Department of State's 2008 *Country Report on Human Rights Practices* for Turkey provides detail on the treatment of Kurds:

In April the government reduced limitations on freedom of expression by amending Article 301 of the penal code to more narrowly define the circumstances under which speech may be criminalised and prosecuted. In June the government amended the law to reduce restrictions on non-Turkish language broadcasts on state-owned television. On December 25, the government expanded Kurdish language broadcasts with the introduction of a pilot, 24-hour state television channel in the Kurdish language.

...During the year police routinely detained demonstrators. Police detained several members of the DTP party on various occasions. Police continued to detain and harass members of human rights organisations, the media, and monitors. Police continued to detain persons on suspicion of "membership in an illegal organisation" and for the distribution of leftist material.

...On June 19 and July 3, a Diyarbakir court tried nine children, ages 12 to 17, for "promulgating propaganda on behalf of an illegal organization" after they sang a Kurdish folk song that is also the anthem of Iraq's Kurdistan Regional Government at the San Francisco International Music Festival in October 2007. Three boys were tried in an adult court in Diyarbakir on June 19 and the other six members were tried in children's court on July 3. In both cases, the charges were dropped because the judge determined that the song was sung

upon request. An arrest warrant remained active for the choir director, Duygu Ozge Bayar, who had not returned to the country after the festival.

...Mayor of Diyarbakir Osman Baydemir continued to face multiple charges and investigations for use of the Kurdish language. At year's end, he faced four cases for sending Kurdish language holiday cards during the year. In October 2007, the Diyarbakir public prosecutor opened two cases against Baydemir, demanding sentences of five and four and one-half years, for referring to the PKK as the "armed Kurdish opposition." The cases were pending at year's end.

...On September 16, an Istanbul court sentenced journalist Cengiz Kapmaz to 10 months in prison for his 2006 interview in Ulkede Ozgur Gundem with former Democratic Party deputy Orhan Dogan. During the interview Dogan said that the PKK should be permitted a political personality. The court also fined the administrators of the newspaper.

On September 23, the European Court of Human Rights (ECHR) ruled against the government for punishing Sakine Aktan, a reporter for the newspaper Ozgur Bakis, for interviewing the president of the Kurdistan Journalists' Association. An Istanbul security court had sentenced Aktan to 20 months' imprisonment in 2001 and then fined him in February for his 1999 interview.

On September 25, an Istanbul court sentenced Hurriyet journalist Sebati Karakurt and editors Necdet Tatlican and Hasan Kilic to 1,000 days in prison in connection with a 2004 interview with a member of the People's Defense Forces, a militant wing of the PKK. They were charged under the Antiterror Law. The sentences were later changed to fines of 40,000 lira (\$30,600).

...The government maintained significant restrictions on the use of Kurdish and other minority languages in radio and television broadcasts. In June amendments to the law permitted the state-owned television channel to broadcast nationally in languages other than Turkish during the entire day, as opposed to half of the day. The amendments were challenged in the Constitutional Court, where the appeal was pending at year's end. RTUK regulations required non-Turkish language radio programs to be followed by the same program in Turkish and non-Turkish language television programs to have Turkish subtitles. Start-up Kurdish broadcasters reported that these were onerous financial obligations that prevented their entry into the market. On December 25, the state-owned TRT broadcasting company started a pilot 24-hour station dedicated to news, music, and cultural events broadcasting in Kurdish and other non-Turkish languages. The programming does not include Turkish subtitles and carries no time limitations for news broadcasts.

Officials at Radyo Imaj reported that they faced increasing pressure in the form of two continuing administrative closure cases and efforts by unknown parties to jam the station's frequency, reportedly because the station played Kurdish music and conducted occasional Kurdish language interviews. Government officials responded that Radyo Imaj never obtained legal rights to the frequency at issue and was only one of numerous stations waiting for a frequency to become available. Radyo Imaj continued to broadcast over the Internet.

...Authorities routinely censored media with pro-Kurdish or leftist content, particularly in the southeast, by confiscating materials or temporarily closing down the media source.

On September 1, an Istanbul court halted the publication of Ozgur Ulke for one month for publishing information on rights violations in prisons and reporting on military operations.

On October 7, an Istanbul court halted publication of Kurdish daily newspaper Azadiya Welat for "propagandising the PKK and publishing its statements." On October 8, the Istanbul

Public Prosecution stopped the publication of Kurdish weekly Yedinci Gün for one month for allegedly praising the PKK.

...During the year cases against the press under the Antiterror Law continued. The TPA and human rights groups reported that the law contains an overly broad definition of offenses that allows ideologically and politically motivated prosecutions. The status of at least 550 cases opened against pro-Kurdish daily Ozgur Gundem under the Antiterror Law was unclear at year's end. Some NGOs reported there had been convictions in some of these cases during the year.

...On September 18, a Diyarbakir court sentenced one demonstrator, Abdullah Gurgen, to one year in prison for chanting pro-PKK slogans during a rally in Siirt. The court later postponed the punishment and prohibited him from participating in demonstrations for one year.

...The law provides a single nationality designation for all citizens and does not recognise ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked censure, harassment, or prosecution.

On September 30, ethnic Kurdish resident Murat Aygun reportedly used a truck to kill two persons and injure six others in the Ayvalik district of Balikesir Province. The two individuals killed had played the Turkish national anthem in front of Aygun's home. After the killings, a crowd attacked Kurdish homes and shops. The governate did not permit a DTP committee to investigate.

The NGO Minority Rights Group International reported in March that millions who belonged to ethnic, linguistic, and religious minorities faced systematic repression and many remained unrecognised. The report noted that the law is interpreted to protect only three religious minorities – Armenian Orthodox Christians, Jews, and Greek Orthodox Christians – and not other ethnic and religious minorities, including Alevis, Ezidis, Assyrians, Kurds, Caferis, Caucasians, Laz, and Roma. The report stated that these “excluded minorities” were prohibited from fully exercising their linguistic, religious, and cultural rights and faced intense pressure to assimilate.

Despite the beginning of TRT pilot broadcasts in Kurdish at year's end, the government maintained restrictions on the use of Kurdish and other ethnic minority languages in radio and television broadcasts and in publications (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Turkey*, 25 February – Attachment 7).

A January 2009 report from Minority Rights Group International provides detailed information on discrimination against Kurds and other minority groups in the Turkish education system (Kaya, N. 2009, *Forgotten or Assimilated? Minorities in the Education System of Turkey*, Minority Rights Group International, January – Attachment 29).

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