

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide any information about the ill-treatment of Kurds in the Gaziantep area.**
- 2. Please provide information about the Kurdish Democratic Party (DTP).**
- 3. Please provide any available information about penalties/ill-treatment in Turkey for the promotion of the Kurdish language or production of literature in the Kurdish language.**

RESPONSE

- 1. Please provide any information about the ill-treatment of Kurds in the Gaziantep area.**

A search of the sources consulted found limited information in relation to the ill-treatment of Kurds in the Gaziantep area.

An *Agence France-Presse* article dated 27 October 2008 refers to a report by the Anatolia news agency regarding “[f]resh protests over the alleged mistreatment of jailed PKK [Kurdistan Workers Party] leader Abdullah Ocalan” which had “ended in violence and arrests”. The article indicates that police had “used teargas to break up a protest in the town of eastern town of Gaziantep and arrested 10 supporters of the Kurdish leader. A number of officers were injured by stone-throwing protestors” (‘Kurdish protesters clash with Turkish police over Ocalan: report’ 2008, *Agence France-Presse*, 27 October – Attachment 1).

A report on Turkish commercial NTV television on 27 October 2008 indicates that police had dispersed “demonstrators by spraying them with water from riot-control vehicles, and detained some of them” after “a quarrel broke out between DTP [Democratic Society Party] members, who were marching chanting slogans, and the police.” According to the report,

“illegal demonstrations by DTP... members have been continuing uninterruptedly for one week. Lastly, incidents broke out in Istanbul, Izmir, Gaziantep, Mersin, and Hakkari” (‘Kurdish protests in Turkish provinces continue’ 2008, *BBC Monitoring European*, source: NTV television, Istanbul, 27 October – Attachment 2).

A *Zaman News Agency* article dated 24 June 2008 in relation to the slowing down of “migration from southeastern to western Anatolia” indicates that experts had said that this trend had “developed not only because of difficult living conditions encountered in the west but also because of discrimination in the west toward Kurdish citizens of Turkey.” The article refers to the comments of “sociologist Mazhar Bagli” and indicates that:

Bagli, a sociologist at Diyarbakir Dicle University, points out that although no scientific research has been done about the reasons for the slowdown, a cursory observation gives the impression that the Kurds do not feel secure in the west.

“Instead of migrating to the west the people of the region prefer to migrate within the region. Gaziantep is a good example of this. Employment opportunities about there and Kurds do not feel discriminated against,” Bagli says (‘Westward migration of Kurds slows down, statistics show’ 2008, *Zaman News Agency*, 24 June – Attachment 3).

An article dated 1 February 2006 indicates that “[t]wo members of PKK [Kurdistan Workers’ Party] and Hizbullah terrorist organizations were arrested in southeastern city of Gaziantep on Wednesday [1 February]” (‘Turkish police arrest two “terrorists” in southeast’ 2006, *BBC Monitoring Online*, source: Anatolia news agency, Ankara, 1 February – Attachment 4).

A report dated October 2004 by the Kurdish Human Rights Project refers to parents in Turkey being effectively denied the opportunity to use Kurdish names for their children because of “[t]he continued prohibition of the letters X, W, or Q, which are not used in Turkish but are used in Kurdish”, and notes that “[t]he Gaziantep Court” had “ruled that the use of X, Q, and W could potentially cause civil unrest and political confusion” (Kurdish Human Rights Project 2004, ‘Turkey: The situation of Kurdish children’, Kurdish Human Rights Project website, October <http://www.khrp.org/publish/p2004/KHRP%20Turkey%20Situation%20of%20Kurdish%20Children%202004%20full%20pdf.pdf> – Accessed 3 September 2007 – Attachment 5).

An article dated 19 September 2003 refers to “[s]ix members of a party supporting Turkey’s Kurdish minority” being arrested “after protesting the prison conditions of convicted Kurdish rebel leader Abdullah Ocalan, a party official said.” A “spokesman for the Dehap party said the six had been held at Gaziantep, in the southeast of Turkey, where there is a large, restless Kurdish minority” (‘Kurds arrested in Turkey for protesting jail conditions of leader’ 2003, *Agence France-Presse*, 19 September – Attachment 6).

Another article dated 6 March 2003 indicates that “[s]ecurity forces detained on Wednesday a total of 20 people in an operation in southeastern province of Gaziantep against the terrorist organization PKK-KADEK [Kurdistan Workers’ Party and successor organization Freedom and Democracy Congress of Kurdistan]” (‘Turkish security forces hold 20 action against rebel Kurds’ 2003, *BBC Monitoring European*, source: Anatolia news agency, Ankara, 6 March – Attachment 7).

A report dated November 2002 on asylum seekers from Turkey includes statements and information regarding the treatment of Kurds by the authorities in Gaziantep in 2000 and

2001 (McDowall, David 2002, 'Asylum Seekers from Turkey II', Asylum Aid website, November, pp. 77, 83, 107-110 & 122 [http://www.asylumaid.org.uk/Publications/Turkey_report_II_\(Nov_2002\).doc](http://www.asylumaid.org.uk/Publications/Turkey_report_II_(Nov_2002).doc)– Accessed 16 November 2005 – Attachment 8).

An earlier RRT research response dated 15 October 1999 refers to information provided by Professor Michael Gunter of Tennessee Technological University, Cookeville, including whether Kurds in Gaziantep had been kept under surveillance or subjected to harassment (RRT Country Research 1999, *Research Response TUR13790*, 15 October, (Questions 2-5 & 7) – Attachment 9).

2. Please provide information about the Kurdish Democratic Party (DTP).

The *Political Handbook of the World: 2007* refers to the DTP as the Democratic Society Party and includes the following information on that party:

Democratic Society Party (*Demokratik Toplum Partisi* – DTP).

Formerly known as the Democratic People's Party (*Demokratik Halk Partisi* – DEHAP), which was launched in January 1999 by former members of HADEP (People's Democracy Party – *Halkin Demokrasi Partisi*), the pro-Kurdish DTP was initiated by former legislators Leyla ZANA, Orhan DOGAN, Hatip DICLE and Selim SADAK who had joined the Democracy Party (*Demokrasi Partisi* – DEP) in 1994. The Turkish Grand National Assembly had lifted the parliamentary immunity of those four Kurdish politicians and they were arrested and jailed between 1994-2005. Based on concerns that DEHAP would be banned by the Constitutional Court, DTP was launched reportedly as a preemptive "successor" in November 9, 2005. Since its launching, all DEHAP mayors, members and leaders entered the DTP. While DEHAP decided to dissolve itself in December 2005, the Constitutional Court continued with the process of banning the party and started to convene on the case on July 13, 2006.

Leaders: Ahmet TURK, Aysel TUĞLUK (Co-presidents) (Banks, A.S., Muller, T.C. & Overstreet, W.R. (eds) 2007, *Political Handbook of the World: 2007*, CQ Press, Washington, D.C., p. 1261 – Attachment 10).

An Immigration and Refugee Board of Canada response to information request dated 7 June 2007 on the Democratic Society Party (DTP) indicates that:

The DTP is a pro-Kurdish party, described by the *Turkish Daily News* as being on the "extreme left" (13 June 2006). According to Agence France-Presse (AFP), DTP leaders are often accused of colluding with what is considered a Kurdish separatist group, the Kurdistan Workers Party (PKK) (6 July 2006). In April 2006, Turkish Prime Minister Recep Tayyip Erdogan announced that he would refuse any dialogue with the DTP until it publicly denounces the PKK (AFP 16 July 2006; *ibid.* 6 Apr. 2007), which has been accused of being a "terrorist" organization (*ibid.* 6 July 2006). *Dawn* reports that the DTP renounces violence and advocates change through democracy (11 May 2007).

The response to information request also provides information on the treatment of DTP members during 2006 and 2007 (Immigration and Refugee Board of Canada 2007, *TUR102514.E – Turkey: Situation and treatment of members, supporters and sympathizers of the Democratic Society Party (DTP) (2006 - 2007)*, 7 June http://www2.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=451310 – Accessed 27 February 2009 – Attachment 11).

A Minority Rights Group International report dated December 2007 on minorities in Turkey includes information on the treatment of the DTP and its members in 2007 (Minority Rights Group International 2007, 'A Quest for Equality: Minorities in Turkey', MRG website, December, pp. 24-25 <http://www.minorityrights.org/report.php?id=432> – Accessed 13 December 2007 – Attachment 12).

The US Department of State report on human rights practices in Turkey for 2007 refers to “the now dissolved pro-Kurdish Democratic People’s Party (DEHAP)” reconstituting “itself as the Democratic Society Party (DTP) in 2006” and to the DTP as “the pro-Kurdish Democratic Society Party”. The report indicates that “[t]hroughout the year, law enforcement and the judiciary increased pressure on members of the pro-Kurdish DTP.” It is stated in the report that:

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.

On February 23, police arrested DTP Diyarbakir provincial chairman Hilmi Aydogdu for “provoking hatred and animosity among people” after he made a statement that his party would consider an attack on Kirkuk to be an attack on Diyarbakir. He later clarified his remarks to mean that he was suggesting the government extend a hand of friendship to Kurds in northern Iraq. On February 28, an appellate court denied Aydogdu’s appeal of his incarceration. On April 6, Aydogdu was released during trial, which continued at year’s end.

On February 26, an Ankara court sentenced DTP cochairs Ahmet Turk and Aysel Tugluk to 18 months’ imprisonment for violating the Political Parties Law by printing and delivering Kurdish-language handouts on the occasion of World Women’s Day in March 2006. They were also convicted of violating a law prohibiting praising a crime or a criminal, for using phrases and honorific titles such as “sayin” (esteemed) that praised jailed PKK leader Abdullah Ocalan. Turk and Tugluk appealed the verdict to the Supreme Court. In March Turk was sentenced to six months’ imprisonment, along with DTP member Sedat Yurttas, for using “sayin” in reference to Ocalan, and was investigated, along with former Kurdish parliamentarian Leyla Zana, for a third instance of using the title.

On March 8, a Kars court ordered police to seize Nevruz (Kurdish New Year) invitations and posters from DTP’s Kars office because they used the letter “w”, which occurs in Kurdish but not Turkish.

On March 19, a Van heavy penal court sentenced Hakkari DTP Mayor Metin Tekce to 10 months in prison for “making propaganda on behalf of a terror organization,” for his comment in March 2006 after the Semdinli incident that the PKK was not a terrorist organization.

...The prosecution continued at year’s end against DTP mayor of Batman Huseyin Kalkan for his remarks on the PKK and Kurdish sentiments in the *Los Angeles Times* in May 2006, after two Turkish citizens filed a crime complaint.

...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.

In the retrial of former members of parliament Leyla Zana, Hatip Dicle, Orhan Dogan, and Selim Sadak for supporting the PKK, the court sentenced the defendants each to terms of

seven years and six months, but ruled that each defendant had already fulfilled the sentence by having served 10 years following the initial trial at which they were sentenced to 15 years. 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 organization or inciting separatism.

Following October 21 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.

...The parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigated alleged abuses, prepared reports, and carried out detention center inspections. Human rights organizations reported that the purely advisory role limited its efficacy. On October 2, the committee sent a multiparty delegation to Sirnak Province in southeastern Turkey to investigate the September 29 attack on a minibus that resulted in the deaths of 12 Turkish citizens. The government had claimed PKK terrorists were responsible, but the DTP questioned that immediate assumption. On October 19, the committee adopted the delegation's conclusion that the PKK carried out the attack. DTP MP Akin Birdal expressed reservations about the conclusion (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Turkey*, March, Sections 1(a) & (c), 2(a), 3 & 4 – Attachment 13).

According to an article dated 22 July 2008 on The Jamestown Foundation website:

The DTP was founded in 2005 as the latest in a string of six pro-Kurdish parties formed over the last 16 years. Four of the DTP's predecessors were closed down by the Turkish Constitutional Court on charges of fomenting separatism. The court has yet to rule on a case filed against the fifth, the People's Democracy Party (HADEP).

Twenty members of the DTP were elected to parliament in the general election of July 22, 2007. On November 16, 2007, Public Prosecutor Abdurrahman Yalcinkaya applied to the Constitutional Court for the closure of the DTP on the grounds that it had become a "center of activities aimed at damaging the independence of the state and the indivisible integrity of its territory and nation" (see EDM, November 19, 2007). Yalcinkaya also called for 221 members of the DTP, including eight current members of parliament, to be banned from membership of a political party for a period of five years.

...Opponents of the DTP accuse it of having links with the outlawed Kurdistan Workers' Party (PKK), which is currently waging a violent campaign to try to pressure the Turkish state into granting the Kurdish minority greater cultural and political rights. There is little doubt that a significant proportion of DTP's members and supporters are sympathetic to the PKK's goals, if not always to the brutal methods with which it tries to achieve them.

There is also evidence to suggest that some leading DTP members are in regular contact with PKK militants. But it is also true that any politically active Kurdish nationalists are faced with

a dilemma. The PKK has long sought to present itself as the sole representative of Kurdish nationalism in Turkey and has frequently used threats and violence against any potential rivals. Instead of providing them with protection, the Turkish state has consistently persecuted even those Kurdish nationalists who are opposed to the PKK. The result has been to play into the hands of hardliners who argue that the Turkish state's refusal to allow even the expression of peaceful opinions leaves Kurdish nationalists with no option but to resort to violence

The article also indicates that:

On July 20, the embattled pro-Kurdish Democratic Society Party (DTP) elected Ahmet Turk (born 1944) and Emine Ayna (born 1968) as its co-chairs during a party congress in Ankara. As the Turkish Political Parties law does not provide for the sharing of the leadership of a political party, Turk is expected to serve as the DTP's de jure chair.

The leadership election was made necessary by the resignation earlier this year of former leader Nurettin Demirtas (born 1972), following his arrest on charges of falsifying a medical report to avoid military service, which is compulsory for all male Turkish citizens over the age of 20. On April 29, Demirtas was transferred to a unit of the Turkish gendarmerie to begin his military service (NTV, April 29).

...There was speculation in the run-up to the DTP congress that the closure case and Demirtas's arrest would strengthen hardliners in the party. The election of Turk and Ayna as co-chairs appears designed to create an image of consensus and unity. A tribal leader and one of the older members of the Kurdish nationalist movement, Turk is generally regarded as a relative moderate. In contrast, Ayna is seen as a representative of a younger generation of hardliners.

In his address to the party congress, Turk explicitly called on party members to pursue their aims by peaceful means. "We should rid ourselves of the perception of being a people who seek to secure their rights through the use of arms," he said. "Even if the PKK fights for another five years, this problem will not be solved through war" (Andolu Ajansi, July 21).

But there were also signs that, despite Turk's call for moderation, recent events have strengthened the hawks in the DTP. Hardliners dominated the 80-member Party Assembly elected at the congress. Several of the speakers at the congress were careful to refer to imprisoned PKK leader Abdullah Ocalan by the respectful "Mr. Ocalan," while some of the delegates chanted PKK slogans from the floor and even unfurled a huge poster of Ocalan (Hurriyet, Radikal, Milliyet, Zaman, July 21). The local public prosecutor subsequently announced that he was initiating a judicial investigation against the congress under Article 215 of the Turkish Penal Code, which makes it an offence to praise crimes or criminals (Anadolu Ajansi, NTV, July 21) (Jenkins, Gareth 2008, 'A hawk and a dove share the DTP leadership', The Jamestown Foundation website, 22 July – Attachment 14).

A research paper dated 8 December 2008 by the United Kingdom Parliament House of Commons Library also provides information on the formation and situation of the DTP. It is stated in the research paper that:

The Democratic Society Party (DTP) is accused by the Turkish authorities of maintaining links with the PKK. The DTP was formed in 2005 after its predecessor, the Democratic People's Party (DEHAP), was threatened with closure by the Turkish authorities. It is currently believed to enjoy the support of around 4.5 percent of the total electorate.¹⁰⁴ In the general election of 22 July 2007, 20 members of the DTP were elected to parliament, becoming the first Kurdish deputies elected to the National Assembly for over a decade. They had successfully circumvented the 10% threshold required for a party to enter the National

Assembly by standing as independents. Following the election they then rejoined the DTP. The DTP also controls 54 municipalities in south-eastern Turkey. The European Parliament's Foreign Affairs Committee recently called on the DTP, its members of parliament and its mayors to distance themselves clearly from the PKK.¹⁰⁵

Interestingly, however, the ruling AK Party performed better than any other party in south-eastern Turkey in the election. The assumption is that many Kurds supported the AK Party because they regarded it as having an Islamic identity. The current Government has been active in its use of Islam to win over Kurdish support and is keen to build on its recent successes in a bid to take control of more municipalities in southeast Turkey from the DTP.¹⁰⁶

The research paper also refers to the application to the Constitutional Court for the closure of the DTP and indicates that:

If the Constitutional Court upholds the indictment, the DTP would be forced to run in the March 2009 local elections not only as a new party but probably with a new list of candidates unfamiliar to the voters. *Eurasia Daily Monitor* notes:

The alternative would be for the incumbent DTP mayors to run as independents, but this would make it difficult for them to use the local party network and would almost certainly result in losing votes. A significant proportion of the electorate in southeastern Turkey is illiterate or semiliterate and relies on identifying a party's logo on the ballot in order to know which candidate to vote for. Independents do not have a logo, a fact that favored the AKP in southeastern Turkey in the July 2007 general election and would do so again if the BDP ran independent candidates in March 2009.¹⁰⁸

On 9 May 2008, 42 Kurdish politicians with links to the DTP formally applied to the Turkish Interior Ministry to form the Peace and Democracy Party (BDP) in what is widely seen as a pre-emptive move to circumvent a negative decision from the Court and allow them sufficient time to undergo the lengthy process of political party registration in time for them to field candidates for the March 2009 local elections.¹⁰⁹ The Court's decision is expected soon (United Kingdom Parliament House of Commons Library 2008, 'Turkey today', Research Paper 08/90, UNHCR Refworld website, 8 December, pp. 34-35 <http://www.unhcr.org/refworld/country....TUR.,4947864d2.0.html> – Accessed 26 February 2009 – Attachment 15).

The US Department of State report on human rights practices in Turkey for 2008 includes the following information in relation to the DTP:

In July 2007 the Ministry of Justice issued a regulation that restricted the ability of members of parliament to visit inmates who were convicted of terrorism or violations against the constitution and state. According to government sources, officials adopted the regulation to prevent possible attempts by the pro-Kurdish Democratic Society Party (DTP) deputies to visit Abdullah Ocalan. Human rights activists called the measure undemocratic and argued that reducing parliamentarians' access to prisons would diminish oversight of continuing problems, such as torture.

...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.

...DEHAP reconstituted itself as the DTP in 2006; and during the year the Constitutional Court added the closure case for DTP to the DEHAP closure case. On September 16, the DTP cochairman, Ahmet Turk, provided a verbal defense to the Constitutional Court denying any organizational link between the DTP and the PKK. Since November 2007 the DTP has faced potential closure and the banning from politics of 221 of its members. Deliberations in the combined legal case on charges of separatism were ongoing at year's end.

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 organization 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*, February, Introduction, Sections 1(c), 2(a) & 3 – Attachment 16).

A recent *BBC News* article dated 25 February 2009 indicates that Ahmet Turk, a DTP politician, had “defied Turkish law by giving a speech to parliament in his native Kurdish.” It is stated in the article that:

Ahmet Turk was addressing his party in parliament when he suddenly switched language from Turkish to Kurdish.

The live broadcast on state TV was immediately cut, as the language is banned in parliament.

Some one-fifth of Turkey’s population are ethnic Kurds, but speaking Kurdish in public was banned until the 1990s, as it was seen as a threat to unity.

The Kurdish language is, however, still banned in all state institutions and official correspondence.

...Ahmet Turk’s party - the DTP - is already facing closure, accused of fuelling separatism, and his speech in Kurdish could well strengthen the case against it (Rainsford, Sarah 2009, ‘MP breaks language law in Turkey’, *BBC News*, 25 February <http://news.bbc.co.uk/2/hi/europe/7909242.stm> - Accessed 26 February 2009 – Attachment 17).

Another article dated 16 February 2009 refers to “[a] public prosecutor in the south-eastern Turkish city of Diyarbakir” launching “a formal investigation into demonstrations in the city over the weekend that saw police clash with protesters marking the 10th anniversary of the capture Kurdish separatist leader Abdullah Ocalan, the Anadolu news agency reported.” The article indicates that “[t]he investigation will look into whether charges should be laid against municipality officials and pro-Kurdish Democratic Society Party politicians who allegedly encouraged the protests despite police refusing to give permission for any sort of demonstration” (‘Investigation launched into Kurdish protests in Turkey – Summary’ 2009, *Deutsche Presse Agentur (DPA)*, 16 February – Attachment 18).

An article dated 5 February 2009 indicates that a Turkish court had sentenced “Aysel Tugluk, a senior member of the Democratic Society Party (DTP)” and “a pro-Kurdish member of parliament to 18 months in jail on charges she spread propaganda on behalf of Kurdish separatists.” She “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.” The judges “ruled that Tugluk had violated antiterrorism laws, the court said.” The article also indicates that “Tugluk, who has immunity as long as she is a member of parliament, faces at least a half-dozen other charges for separate comments.” According to her lawyer, “she would appeal the conviction”, but “[i]f 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 (RFE/RL)*, 5 February – Attachment 19).

An article dated 14 January 2009 indicates that despite its secular and Marxist origins, the DTP had “been tailoring its language and symbols in order to appeal to religiously conservative Kurdish voters and diminish the growing regional popularity of the governing Justice and Development Party (AKP).” According to the article, “[t]he DTP’s strong suit has long been its clear pro-Kurdish stance. On the other hand, the party’s secular and Marxist roots have often left it at odds with segments of Kurdish society -- among the most traditional and conservative in Turkey -- something the AKP has been able to capitalize on” (Schleifer, Yigal 2009, ‘Kurdish political party seeks to be more competitive in March local elections’, *EurasiaNet*, 14 January – Attachment 20).

Another article dated 12 January 2009 refers to “[t]wenty deputies from the Pro-Kurdish Democratic Society Party, or DTP,” facing “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.” All of the “applications were filed for actions that took place during the election campaign before the July 22, 2007 general elections and after.” The applications had been “sent to Parliament’s Constitution Commission, which in turn postponed all the applications to the end of the parliamentary term” (‘Deputies of DTP face a barrage on immunities’ 2009, *Hurriyet*, 12 January – Attachment 21).

According to an article dated 3 September 2008, “Hüseyin Kalkan, Batman mayor from the Democratic Society Party (DTP),” had “been convicted for praising the pro-Kurdish Roj TV.” Diyarbakir’s 5th High Criminal Court had “convicted Kalkan to one year in prison in yesterday’s (September 2) hearing for ‘praising crime and criminal.’ Taking into consideration the behavior of the accused during the trial, the court first reduced the sentence to ten months and then converted it to the fine of 9000 YTL (about 4500 Euro)” (‘DTP mayor convicted for praising pro-Kurdish Roj TV’ 2008, *Bianet*, 3 September – Attachment 22).

The European Commission 2008 progress report on Turkey dated 5 November 2008 indicates that a “case against 53 DTP mayors for sending a letter to the Danish Prime Minister requesting that Roj TV not be closed was finalised in April 2008. The Court sentenced the defendants to 2 months and 15 days imprisonment, which was commuted to a fine. The Court’s ruling cannot be appealed” (Commission of the European Communities 2008, ‘Commission Staff Working Document: Turkey 2008 Progress Report’, UNHCR Refworld website, 5 November, p. 16 <http://www.unhcr.org/refworld/docid/4912ed602.html> - Accessed 7 November 2008 – Attachment 23).

A *Reuters* article dated 24 July 2008 refers to a military court sentencing former DTP leader Nurettin Demirtas “to one year in jail for evading military service by deception, state-run Anatolian news agency said.” Demirtas had resigned as DTP leader “in April to do his military service, which he had previously avoided on health grounds.” He had been accused “of using fake health reports to avoid being called up.” Demirtas was “not a member of parliament” (‘Turkish court convicts former Kurd party head-agency’ 2008, *Reuters*, 24 July – Attachment 24).

3. Please provide any available information about penalties/ill-treatment in Turkey for the promotion of the Kurdish language or production of literature in the Kurdish language.

The *BBC News* article dated 25 February 2009 in relation to Ahmet Turk, a DTP politician, who had “defied Turkish law by giving a speech to parliament in his native Kurdish”, notes that:

Some one-fifth of Turkey’s population are ethnic Kurds, but speaking Kurdish in public was banned until the 1990s, as it was seen as a threat to unity.

The Kurdish language is, however, still banned in all state institutions and official correspondence.

...When Mr Turk defied the law, party members gave him a standing ovation. There was praise from Kurds here in the south east too - where people described the speech as a brave move, long overdue. They also called for all restrictions on the use of Kurdish to be lifted.

Ahmet Turk’s party - the DTP - is already facing closure, accused of fuelling separatism, and his speech in Kurdish could well strengthen the case against it.

All this reflects the mounting fight for Kurdish votes in next month’s important local elections.

The governing AK party has set its sights on winning in this region - and points to a new state TV channel in Kurdish as proof of its good intentions.

But many Kurds insist there is little real change here yet.

While Prime Minister Recep Tayyip Erdogan recently spoke Kurdish on the campaign trail to attract their votes, when ethnic Kurdish politicians use their mother tongue they are still prosecuted on a regular basis (Rainsford, Sarah 2009, ‘MP breaks language law in Turkey’, *BBC News*, 25 February <http://news.bbc.co.uk/2/hi/europe/7909242.stm> - Accessed 26 February 2009 – Attachment 17).

An article dated 16 February 2009 indicates that in early January 2009, the government “launched a new television channel for the Kurds - 20% of the Turkish population - in their own language, which had long been prohibited. Films, documentaries, music programs, news in Kurdish, 24 hours a day. For the inauguration of the nationwide channel Trt6, Prime Minister Recep Tayyip Erdogan himself said a few words in Kurdish. But from the beginning, the initiative has been greeted with mistrust by Kurdish political leaders, who believe it is a move by the government to remove support from the DTP (Democratic Society Party), the only Kurdish party with legal recognition and seats in parliament.” The article also indicates that:

Many artists had enthusiastically welcomed the Turkish government’s invitation to participate in the new television channel. But now they are having second thoughts, since in reality - as Kurdish artist Ozan Yusuf has charged – “it is not possible to say what you really think on Trt6.” When he appeared on one program, he was even asked explicitly to avoid using certain terms, like “Amed” (“Diyarbakir” in Kurdish) and “Berfin” (flower), because these are used by political organizations. “Trt6,” the artist observes bitterly, “is using us to keep alive the policy of assimilation that has always been carried forward in this country.” In addition to this internal censorship, the even more serious form of public censorship also continues. Every

day, Kurdish personalities are charged and forced to go to court for using their mother tongue. The president of the lawyers' guild in Diyarbakir is facing up to three years in prison for ordering schedules to be printed in both Turkish and Kurdish; a candidate to be mayor of Van, Bekir Kaya, is again on trial for using a banner displaying the word "Wan" ("Van" in Kurdish), and has been charged for delivering a campaign speech in Kurdish last January 28 (Othman, Geris 2009, 'Arrests, censorship against protests and Kurdish problem', *Asia News IT*, 16 February – Attachment 25).

An article in *The Jamestown Foundation Terrorism Focus* dated 15 January 2009 also refers to the opening of a new Kurdish language television station by the Turkish government and indicates that "[t]he Prime Minister's ability and willingness to offer, in Kurdish, his best wishes to a new state-sponsored Kurdish language television station, attests to the opening created by recent Turkish democratic and liberalizing reforms." The article also notes that "[r]eform in Turkey does not come easily, however, and still faces a difficult road ahead." The article refers to "[p]ro-Kurdish Democratic Society Party (Demokratik Toplum Partisi – DTP) leader Ahmet Turk" expressing "a cautious attitude about the move" and indicates that "[i]n a visit to Turkey's southeast less than a year ago, Prime Minister Erdogan rejected calls for more Kurdish language education and broadcasting. Thus, DTP leaders may be correct – a revised short-term electoral calculus may have influenced the AKP's thinking on the issue (*The Economist*, January 31, 2008)." The article also indicates that:

Although Turkey has engaged in a number of reforms during the past ten years, many of them appeared insincere or designed more to meet European demands than the needs and wants of the Kurdish minority. Kurdish television broadcasting was permitted on TRT a few years ago, for instance, but for only 30 minutes a week at odd times of the early morning. As part of the European Union Copenhagen Criteria, parents were given the right to give Kurdish names to their children, but names deemed "subversive" (a designation that gave anti-Kurdish civil servants great latitude in what they could forbid) or containing the letters q, w, and x were forbidden. (Although present on every keyboard and in every washroom in Turkey, letters such as 'w' do not officially form part of the Turkish alphabet, but appear often in Kurdish). Permission for private Kurdish language education was likewise granted recently, but hamstrung with a host of limitations and regulations. For instance, there is a requirement that Kurdish teachers be native Turkish speakers, that students pay a significant sum for the courses, and that the buildings in which the courses are taught undergo code and fire inspections (that are particularly meticulous and demanding). As a result, the half-dozen private courses that attempted to function all failed, thus leading Kurdish activists to collect 300,000 signatures on a petition for public Kurdish language education (*Christian Science Monitor*, October 5, 2005).

TRT-6 and a possible new policy allowing Turkish universities to offer courses on Kurdish culture and language may represent more substantive and sincere openings for Kurds in the country. If such changes actually indicate a nascent process of truly moving beyond a mono-nationalist, exclusively Turkish nation state model, a very positive dynamic may take hold in the country (Romano, David 2009, 'Turkey Addresses PKK Challenge with Kurdish Language Reforms', *The Jamestown Foundation Terrorism Focus*, 15 January – Attachment 26).

According to a *Zaman News Agency* article dated 23 January 2009, "[l]egislators have begun drafting a bill that would change a law banning the use of the letters "q," "w" and "x" -- a move spurred by the start of Kurdish-language broadcasts on state-owned Turkish Radio and Television Corporation's (TRT) TRT 6 station at the beginning of this year." It is stated in the article that:

TRT 6 makes use of the letters q, w and x, which are used in Kurdish but not in Turkish; however, the use of these letters is banned in official correspondence because they are not included in the Turkish alphabet. Those who defy the ban face the risk of being sentenced to up to six months in prison. Public prosecutors continue to file lawsuits against those who use these letters in their writings in Kurdish.

...Some Kurdish politicians said TRT 6 had political motives because the DTP and the ruling Justice and Development Party (AK Party) have been exchanging bitter words in the run-up to the March 29 local elections. The AK Party hopes to make more gains in the Kurdish Southeast.

The AK Party's draft legislation is, however, not expected to be discussed by Parliament before the local elections are over.

Another recent initiative by the Justice Ministry will allow non-Turkish speaking inmates to communicate in their mother tongues, including Kurdish. Officials will rely on the inmates' word about their knowledge of Turkish but will have the right to record the conversation. If officials find any misconduct in an inmate's communication with a person, then the inmate will not be allowed to speak with that person in a language other than Turkish. In such cases, inmates may also face additional charges.

The government also plans to establish Kurdish institutes at universities in order to make academic contributions to improving knowledge of the Kurdish language and literature in society ('Legislators begin work to allow use of letters q, w, x' 2009, *Zaman News Agency*, 23 January – [Attachment 27](#)).

Another article dated 13 January 2009 indicates that Turkey may "soon loosen the ban on Kurdish-language teaching. The Higher Education Board said this month that departments of Kurdish studies may be permitted in Istanbul and the capital Ankara, although not at universities in Kurdish regions." The article also includes information on the opening of the TRT6 television station in Turkey (Holland, Ben 2009, 'Kurds get Brad Pitt as Erdogan breaks Turkish taboo on language', *Bloomberg.com*, 13 January – Attachment 28).

The US Department of State report on human rights practices in Turkey for 2008 indicates that:

The law prohibits discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these laws effectively.

...The law provides a single nationality designation for all citizens and does not recognize 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.

...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 unrecognized. 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 [Turkish Radio and Television Corporation] 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.

The report also indicates that:

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 criminalized 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.

...Security officials also prohibited the use of Kurdish in prisons in several cities. The HRA [Human Rights Association] reported 171 instances of such prohibitions during the first nine months of the year.

Early in the year the Ministry of Justice reportedly distributed a memorandum asserting that speaking in any language other than Turkish was forbidden by the 2006 Prison Regulations Law. In June Sabah reported that Fettah Karatas, an inmate in Erzurum Prison, was not permitted to speak in Kurdish on the phone with his mother, who did not speak Turkish.

On July 14, Birgun reported that the Van Prison prohibited the use of Kurdish and put those who insisted on speaking Kurdish in solitary cells. Birgun reported that authorities did not deliver letters written in Kurdish at several prisons.

...The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Kurdish language private channels

...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 [High Board of Radio and Television] 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.

...The OSCE noted in its observation report following the 2007 elections that, despite a comprehensive legal framework for elections, political campaigning, and in a broader context, freedom of expression, were constrained by a number of laws that created the potential for uncertainty and scope for arbitrary interpretation. The OSCE also noted the positive efforts made to enhance the participation of citizens of Kurdish origin in political life. However, the law continues to prohibit the use of languages other than Turkish in the election campaign.

The report includes the following examples of persons being prosecuted in Turkey for using or publishing in the Kurdish language:

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.

...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.

...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.

...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.

...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 (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Turkey*, February, Introduction, Sections 2(a), 3 & 5 – Attachment 16).

The research paper dated 8 December 2008 by the United Kingdom Parliament House of Commons Library indicates that:

The position of minorities in Turkey was summarised in the House of Commons Foreign Affairs Committee’s report of its visit to Turkey and Cyprus in January 2007:

Minority rights

23. Minority rights have improved slightly, but the general view is that they still have a very long way to go. There is now a free Kurdish press, but very limited broadcasting in the Kurdish language, and very little teaching. The state does not fund any Kurdish language activities. Curious anomalies exist: for example, it is permitted to use Kurdish in a court of law, but not to use it in political discourse.

24. [...] Materials in Kurdish are now freely available. However, the medium for all education remains the Turkish language. It is suggested that some Kurds prefer this as it improves their employment prospects.

The European Commission's 2007 Progress Report on Turkey noted some positive changes in the poor, mainly Kurdish, south-east. The legislative elections in July 2007 resulted in increased representation of voters from the south-east of Turkey compared to the previous Parliament; and there were four local radio and TV stations broadcasting in Kurdish.⁹⁴ Some further progress has been made since then, but has not always been sustained. On 29 May 2008 the Turkish Parliament passed a law allowing the state broadcaster TRT to broadcast nationally all day long in languages other than Turkish⁹⁵ (from 2004 this had been possible only for half the day). A new local radio channel has received permission to broadcast in Kurdish; but two of the previous four Kurdish TV and radio channels have closed down. All broadcasts, except songs, must be subtitled or translated into Turkish, and educational programmes teaching the Kurdish language are not allowed. The use of languages other than Turkish remains illegal in political life and the public school system, and the few private courses teaching Kurdish have closed down.⁹⁶ (United Kingdom Parliament House of Commons Library 2008, 'Turkey today', Research Paper 08/90, UNHCR Refworld website, 8 December, pp. 32-33 <http://www.unhcr.org/refworld/country,,,,TUR,,4947864d2,0.html> – Accessed 26 February 2009 – Attachment 15).

The European Commission 2008 progress report on Turkey dated 5 November 2008 also provides information on cultural rights in Turkey (Commission of the European Communities 2008, 'Commission Staff Working Document: Turkey 2008 Progress Report', UNHCR Refworld website, 5 November, p. 26 <http://www.unhcr.org/refworld/docid/4912ed602.html> - Accessed 7 November 2008 – Attachment 23).

The US Department of State report on human rights practices in Turkey for 2007 also provides examples of persons being prosecuted in Turkey for using or publishing in the Kurdish language:

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.

...On February 26, an Ankara court sentenced DTP cochairs Ahmet Turk and Aysel Tugluk to 18 months' imprisonment for violating the Political Parties Law by printing and delivering Kurdish-language handouts on the occasion of World Women's Day in March 2006.

...On March 8, a Kars court ordered police to seize Nevruz (Kurdish New Year) invitations and posters from DTP's Kars office because they used the letter "w", which occurs in Kurdish but not Turkish.

...On June 14, a Council of State court, abiding by the Ministry of Interior request, decided to dissolve the Sur Municipality of Diyarbakir and dismiss its mayor, Abdullah Demirbas, after the municipality attempted to institute a program to offer multilingual services to its citizens, 72 percent of whom the municipality stated spoke Kurdish as a first language. On October 19, the Council of State's Grand Chamber upheld the decision and rejected defendants' objections to the June 14 decision.

...On February 14, an Ankara court sentenced 13 officials of the pro-Kurdish party Hak-Par for speaking Kurdish at, and distributing Kurdish-language invitations to, the 2004 party

convention. The court issued two rulings based on the “intensity of the offense.” The court sentenced five defendants to a one-year prison term, but reduced the sentence of one of those five to a \$24,700 (29,200 lira) fine due to his advanced age. The court sentenced the remaining eight defendants to six months in prison but converted the term to a \$1,680 (1,980 lira) fine. On February 28, the Constitutional Court ruled that Hak-Par dismiss the 13 convicts in order to be in compliance with the Political Parties Law.

There was no new information available regarding the appeal of the 2005 conviction of DEHAP official Ahmet Dagtekin for illegal speech for using Kurdish language and symbolism during a 2004 campaign event. During the year an appellate court overturned the 2005 conviction of DEHAP official Resit Yardimci for speaking Kurdish during a 2003 party convention (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Turkey*, March, Section 2(a) – Attachment 13).

The Minority Rights Group International report dated December 2007 on minorities in Turkey includes information on the law and practice in Turkey regarding the linguistic rights of minorities, including the Kurds, in relation to education, media, place and personal names and access to public services (Minority Rights Group International 2007, ‘A Quest for Equality: Minorities in Turkey’, MRG website, December, pp. 15-20 <http://www.minorityrights.org/report.php?id=432> – Accessed 13 December 2007 – Attachment 12).

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