



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/NGO/294
11 March 2005

ENGLISH AND SPANISH
ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 9 of the provisional agenda

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement* submitted by the Federation of Associations for the Defence and
Promotion of the Human Rights, a non-governmental organization in special
consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

TURKEY THE KURDISH PROBLEM AND THE EUROPEAN UNION

On the 17th of December 2004, the European Union approved the start of negotiations for the integration of Turkey, fulfilling Turkey's biggest hopes.

The European Commission on the 6th of October recommended the opening of negotiations after the government in Ankara carried out two major constitutional reforms and started implementing eight legislative programmes.

From the legislative stand point, it has eliminated death penalty and special security courts, it has suppressed prison sentences for opinion crimes; it has lifted the state of emergency in the Kurdish area, and has allowed a majority of civilians in the National Security Council, previously hegemonized by the army.

The European Commission, in its report, states that there still remain some relevant matters to improve upon respecting Human Rights and minorities.

Even though it is true that most official reports that come out of the European Union point to the fulfilment by Turkey of the majority of the reforms imposed on it in Copenhagen, there still remain serious obstacles to conquer.

Pending subjects are, among others: the consolidation of the respect of human rights, particularly respecting the 20 million Kurds concentrated in the Southwest (Northern Kurdistan), and the improvement of the economic and educational development levels.

But one thing are the legislative reforms and another altogether its implementation; laws were reformed within the associations' law, the press law, the political parties law, the reunion and demonstrations law, but these reforms were in effect modifications of articles, instead of a deep-down re-elaboration of the laws, thereby keeping some similar articles which could be used by the public prosecutors.

There has been a recourse to various laws and bylaws in order to limit the freedom of expression and to hinder the activities of human rights advocates, as is denounced by Amnesty International, evidencing a systematic judicial harassment of human rights activists.

The Human Rights Association (HRA), denounced that it had been subjected to 450 judicial actions since the year 2000, compared to 300 for the previous 14 years (2004 Report Amnesty International).

Some teachers and workers were assigned placements away from their place of residence as a disciplinary measure for taking part in unionist or human rights activities.

In spite of the elimination of death penalty, which was received with much satisfaction, homicides and extra-judicial executions by security forces are still perpetrated. "...the security forces and the rural guard gunned down many dozens of civilians, most of them in the Southwest provinces. Many of them could have been the victims of extra-judicial executions or of excessive use of force". (Amnesty International)

Regarding torture and mistreatment under police custody: torture remains systematic "Torture remains a serious problem in Turkey", denounces Amnesty International.

Torture is considered as being systematic if it is continuous, widespread and intentioned; all three criteria are fulfilled in Turkey. The Turkish Human Rights Foundation supports this conclusion in the compilation and documentation of 597 torture cases between January and September 2004, more than two thirds of these cases have been detected in the Kurdish area.

As for the minorities' language rights, it is more of a decriminalisation than the full recognition of their rights; in this legislative reform the rights to use a Kurdish language interpreter in courts and that of teaching the Kurdish language in private schools are limited.

But opening a private school for teaching Kurdish language involves great legal hindering, even when sorting through the bureaucratic entanglements, only children whose families dispose of enough economic resources will be able to access them. One has to remember that Northern Kurdistan is an impoverished economical area, in spite of having great economic resources, and most of the population cannot access intermediate or higher education.

Another essential matter in the recognition of the Kurdish peoples' rights is the safe return of the more than 350.000 Kurds displaced from their homes inside the country since 1990; to these forced displaced one has to add those caused directly, apparently, by the armed conflict started in 1984.

The armed conflict between the Turkish army and the Kurdish guerrilla, the "slash and burn" policy carried out by Turkish governments, the pressure on people living in villages, towns and cities so that they become paramilitary groups "somatenes"^{NT} whose purpose is to control and inform on their own neighbours, or they would be accused of helping the guerrilla because they lived in an armed conflict area. This has provoked the flight of thousands of people from their place of origin. More than 3.000 villages and towns have been burned or destroyed since the beginning of the armed conflict in 1984.

This situation gave place to more than 3 million refugees, of which 1 million and a half approximately are internally displaced, and live in an absolutely precarious situation, without any care coming from the Turkish authorities. In the neighbourhoods where they had to settle they lack any kind of infrastructure, health and education, and to this we have to add the difficulties in finding a job, when they have to show their identity card and see where they come from.

Even though the European Union does mention that Turkey should recognise some of the Kurdish peoples' rights, it takes a Human Rights approach to this matter and does not give an answer to the political, cultural and economic rights.

The consultative resolution, non-binding, that was approved by the European Parliament on the 15th of December 2004, which supports the start of accession negotiations with Turkey, wherein a recognition to the Kurdish people is made "... constitutes an important element of the Turkish society:", thus perpetuating the non-recognition of the political, cultural and economic rights.

Even though this people are once again destined to be forgotten and abandoned by all, its wishes for Turkey to enter the European Union are directly connected to the defence of their own demands.

^{NT} (*Translator's Note: Military disguised as guerrilla in the fight against Spanish Maquis)