



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/2004/NGO/23
13 July 2004

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-sixth session
Item 4 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Written statement* submitted by International Educational Development, Inc.,
a non-governmental organization on the Roster.**

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

[4th July 2004]

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

International Educational Development, Inc. welcomes the initiative undertaken by the Sub-Commission and its Special Rapporteur regarding housing and property restitution in the context of the return of refugees and internally displaced persons. The Special Rapporteur, Mr. Pinheiro, is to be commended especially for his preparation of draft principles related to this topic as well as a commentary on them. (See E/CN.4/Sub.2/2004/22 and Add.1) As he notes, he has not created new law, but rather has interpreted existing human rights and humanitarian law in this area, drawing support for his arguments from the instruments themselves, interpretations of the treaties by a number of treaty bodies, as well as reference to other sources of international law. He also drew upon provisions from national restitution programs and policies. However, he did not mention Turkey, and in this regard, we present to him and the Sub-Commission the situation of the Kurdish people forced into internal and international exile for many years and now seeking remedies for their plight.

The displacement of Kurdish people from their villages in Turkey by security forces has been a major issue in Turkey that has also drawn the attention of the United Nations Representative of the Secretary-General on internally displaced persons, Mr. Francis Deng, who has put forth recommendations to the Commission on Human Rights on this case. We set out a short summary of the situation to highlight the dilemma and to point concrete steps that need to be taken.

According to Turkish authorities, between 1989 and 1998 3848 Kurdish villages were forcibly evacuated and 400,000 Kurds were displaced from their homes.¹ However, according to independent sources the estimated number of people displaced is much higher, numbering between 3 and 4 million people. During the conflict between security forces and the PKK (Kurdistan Worker's Party) forced displacement was systematically activated by the Turkish military. As a result of this many Kurds were forced to migrate with no possessions to metropolitan cities of Turkey many took a much more drastic measures. With boats not fit to sail they crossed the Mediterranean Sea to Italy. The world witnessed the large number of migration influx to the shores of Italy and the many that could not make it to the shore. Statistics of the number of Kurds who fled to Europe alone due to the conflict clearly indicates that the number of people displaced is much larger than what the authorities of Turkey convey. The European Court of Human Rights (ECHR) has condemned Turkey in a number of cases brought because of these forced evacuations of homes and villages

Forced evacuation of villagers from their homes pushed Kurdish refugees to migrate to larger cities in the Kurdish regions, such as Diyarbakir and Batman, and other cities in western Turkey. Many of them are living in extreme conditions; poverty, housing, health care and famine are a major problem.² The segments of society most affected by the displacement are women and children. Women who in the past were

¹ A report by the Parliamentary Committee established for studying and determining necessary measures to the problems of villagers who emigrated because of village evacuations in the East and Southeast, Ankara 1998.

² E/CN.4/2003/86/Add.2

active in farming, while living in their villages are now unemployed in large cities and suffering integration and communication problems. Children have education problems. Those few who do have enough funds to finance their children's education are faced with overcrowded schools and classrooms with shortages of teachers. Although there have been many resolutions drafted by the Sub-Commission (see, for example Sub-Commission resolution 1997/29 in which the Sub-Commission asserted "the right of persons to remain in their own homes, on their own lands, and in their own countries" and urged that governments and other actors to do everything possible "to cease at once all practices of forced displacement [and] population transfer ... in violation of international legal standards") Turkey is doing little about this aspect of the over-all Kurdish question.³ We note that the PKK stopped the conflict unilaterally in 1999, giving Turkey a great opportunity to solve the Kurdish issues and the displacement problem.

The government of Turkey did proceed with some projects for resettlement, but we consider these largely inadequate. Turkey received considerable funding for resettlement from the Council of Europe. However, many of the projects did not take into consideration the real problems of resettlement and the funds were not managed accordingly to the needs of the people. The Village Return and Rehabilitation Project were announced in March 1999 by then Prime Minister Mr. Bulent Ecevit. Written plans on the issue appear to be unavailable. Many other non-governmental organisations are as sceptical of the "plan" as we are: one organization stated it as we would, that these plans are a "disguised form of forced resettlement, devised to keep them permanently away from their former villages".⁴ There are also Central Villagers that have been founded at Islamkoy and Cungus in Diyarbakir province, Karliova in Bingol province, Karayazi in Erzurum province, Basagac in Sirnak province, and Konalga in the district of Catak, Van province. In Van 1050 villagers wanted to resettle, but in return the governor called on them to sign petitions stating that their villages were evacuated by the PKK and not the Turkish army.⁵ In fact, many of the people now living in the Central Villages are actually village guards.

Besides their being no realistic and genuine plan for resettlement many of the obstacles for return have not been removed. One of this is the village guard system that has been described many times to both the Sub-Commission and Commission. According to data there are 60,000 village guards in 22 provinces of the Kurdish regions of Turkey.⁶ The village guards have settled in the villages that had been forcibly displaced where they torment the residents of the region, raging havoc and destruction. Because they are

³ In regards to standards, see also, Questions of Human Rights, Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary General, Dr. Francis Deng, Addendum, Compilation and Analysis of Legal Norms, Part II: Legal Aspects Relating to the Protection Against Arbitrary Displacement," E/CN.4/1998/53/Add.1, Section II, A, paragraph 4.

⁴ "DISPLACED AND DISREGARDED: Turkey's Failing Village Return Program," Human Rights Watch, October 2002.

⁵ Report by the Foundation for Human Rights Turkey (TIHV), Ankara, February 2004. Report by GOC-DER (Social Support for Displaced People and Cultural Association), Istanbul 2003

⁶ GOC-DER Bulten, « GOC-DER Haber Bulteni » N.26, Istanbul 2003.

heavily armed they pose a great risk to all, and have now formed crime gangs trying to settle their 'businesses' with the power that has been bestowed to them by the authorities.

A second major obstacle to resettlement is landmines: many villagers cannot return because landmines pose great danger for their life security. At present there are no plans by the authorities to clear landmines and explosives (remains of weapon firing) from settlement areas in the Kurdish regions. Mostly planted by the security forces, many areas have not been mapped for landmines, making ultimate removal even more difficult.

Although there have been many calls in the United Nations for Turkey to solve the Kurdish displacement problem, and despite signing international agreements, Turkey has yet to undertake meaningful efforts in this regard. We also recall that prior to the work now undertaken by Special Rapporteur Pinheiro, the Sub-Commission had addressed the specific issue of population transfer. In his final report on population transfer to 49th session of the Sub-commission, Special Rapporteur Mr. Al-Khasawneh concluded that "[a]cts such as ethnic cleansing, dispersal of minorities or ethnic populations from their homeland within or outside the State, and the implantation of settlers are unlawful, and engage State responsibility and the criminal responsibility of individuals."⁷

Special Representative Deng made, inter alia, the following recommendations as yet unfulfilled by Turkey:

- The disarmament and abolishment of the village guard system. The Government should take steps to abolish the village guard system and find alternative employment opportunities for existing guards. Until such time as the system is abolished, the process of disarming village guards should be expedited.
- Mine Clearance: Given the Government's commitment to accede to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction and its expertise and role in demining activities in the relevant areas of the south-east to which displaced persons are returning, so as to facilitate that process.
- The forcibly displaced should be given compensation.
- The Government of Turkey should work actively and cooperate with international non-governmental and specialised organisations on the return of villagers.
- Enhanced role for United Nations agencies.
- The Security forces should not be active during the return process.

We urge the Sub-commission to call for a follow-up from Mr. Deng and on the United Nations as a whole to become a stronger driving force to ensure that Turkey complies with international standards. We also urge the Sub-Commission's Special

⁷ E/CN.4/Sub.2/1997/23, Human rights and population transfer Final report of the Special Rapporteur, Mr. Al-Khasawneh, Conclusions, paragraph 65.

Rapporteur to also look into failed schemes such as that in Turkey as he continues his important work on guidelines.