

British High Court ruling opens way for deportation of over 6,000 Kurdish asylum-seekers

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A landmark ruling by Britain's High Court on January 28 could mean the deportation of more than 6,000 Kurdish asylum-seekers.

The ruling was made in the case of three Kurdish asylum-seekers who arrived in Britain in 1993 after fleeing military conscription in Turkey. Home Secretary Jack Straw's decision to deport the three was challenged under provisions in the European Convention on Human Rights regarding torture, inhuman and degrading treatment or punishment. Lawyers argued that Kurds who refuse military training can face up to three years in jail and endure terrible torture in Turkey's prisons.

Abdullah Turgut, 30, brought the first case against Straw. Turgut arrived in Britain in 1993 in the back of a lorry after fleeing Turkey. His lawyers appealed to the court to make its own decision about the risks facing Mr. Turgut if he were returned to Turkey. Lord Justice Brown said the courts could never exercise powers as a "primary decision-maker" and usurp the role of the Home Secretary. He stated that the Home Office had refused his application to stay in Britain on five separate occasions and found there were no grounds to believe Turgut would be at risk if he were returned.

Brown ruled in favour of the Home Secretary, saying that he did so "despite the great wealth of material available to show that grave human rights abuses still regrettably occur in Turkey, and despite the lingering sense of unease which one must inevitably feel at the return of those like this applicant to Turkey. I am unable to hold that the Secretary of State was bound to find the risk of this particular applicant being ill-treated a real one."

The ruling has enormous political implications for

some 6,000 Kurds presently seeking asylum in Britain. Until this case, appeals were denied on the basis that there was no significant threat to the individual seeking asylum. More often than not the asylum-seeker would be labelled an "economic refugee", as economic persecution does not count as far as British immigration policy is concerned. The latest ruling was made "despite the lingering sense of unease" felt by the judge and despite a "wealth of material" testifying to Turkey's continued human rights abuses. What amounts to a political decision on the part of the appeals court will be used as a precedent in future cases.

In a second judgement, the court upheld the Home Secretary's right to send another Kurdish asylum-seeker, Abidin Altun, back to Germany. Altun had refused to serve in the Turkish army on the grounds that he might be required to kill other Kurds. He arrived in Britain after being refused asylum in Germany. The court rejected the claim that Germany was not a safe third country, despite repeated incidents of violent attacks upon Kurdish immigrants.

For the past decade and a half, the Turkish regime has conducted a brutal war against the Kurdish Peoples Party (PKK). More than 30,000 people have been killed; the Turkish government has carried out mass deportations of Kurdish villagers in south-eastern Turkey. Estimates of the number of Kurds driven from their homes vary from between 560,000 (according to the US State Department) and 2,000,000 (according to Amnesty International).

PKK leader Abdullah Ocalan still faces a death sentence after being kidnapped from the Greek embassy in Kenya in a Mafia-style action last February, when members of the Turkish secret service (MIT)

abducted him to Turkey. Following a degrading political show trial, the State Security Court sentenced him to death. The Turkish Court of Appeal later confirmed this judgement, but parliament and the state president must also ratify the sentence. With Turkey seeking entry into the European Union, the Turkish parliament has postponed a decision pending a report by the European Court of Human Rights (ECHR).

The ongoing human rights violations carried out by the Turkish regime force thousands to seek refuge elsewhere. At the beginning of January, three children froze to death while being smuggled into Greece in a refrigerated lorry. The children were from a group of 50 Kurdish migrants who had each paid £1,000 to be taken from Istanbul in Turkey to Greece. Such tales of human tragedy, which are unfortunately commonplace, have had no noticeable effect upon Jack Straw or others within the Labour government. Far from Lord Justice Brown's decision being extraordinary, it will be used in the future to send thousands more to certain death in the countries from which they are fleeing.



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