



ANNUAL REPORT 2004

Kurdish Human Rights Project

KURDISH HUMAN RIGHTS PROJECT

Annual Report 2004

“ ... working to protect and promote the human rights of all persons living throughout the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere... ”



KHRP's legal team at a Grand Chamber hearing of the European Court of Human Rights, Strasbourg, June 2004

“The Kurdish regions have been the scene of terrible crimes. Information has been sparse, and reaction far too limited. Throughout these years, the careful and judicious work of the KHRP has been an invaluable resource for understanding the events that have been taking place, their backgrounds and roots, and the opportunities for constructive action. These have been outstanding contributions. They will be all the more important in the difficult days that surely lie ahead.”

Professor Noam Chomsky

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COVER PHOTOGRAPHY: Top left: children playing in Hasenkeyf, site of the proposed Ilisu dam, photographed on a KHRP fact-finding mission, 2003; Top right: Bedouin woman in Syria, courtesy of John Wreford, www.portfolios.com/wreford

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Dear friends,

The decision made by the EU on 17 December 2004 to open accession negotiations with Turkey was a historic one. There seems no better time to reflect on the role played by human rights defenders in bringing about a sea change in that region. For the first time in decades there seem to be genuine opportunities for Kurds in Turkey to see their rights protected in the context of democratic governance, and to have a say in their own futures. The release of imprisoned Kurdish parliamentarians, the commencement of limited state broadcasts in the hitherto prohibited Kurdish language and the opening of Kurdish language schools, which all took place in 2004, would have been unthinkable only years ago. Nonetheless, while welcoming the EU accession process as the most potentially effective means of bringing about democratisation in Turkey, we share many commentators' concerns that accession may be accelerated at the expense of genuine commitment to reform in Turkey. KHRP has consistently scrutinised that commitment throughout the year, and plans to continue to do so in 2005.

Dramatic geopolitical changes in the region and the unleashing of powerful forces as a result of the US-led war in Iraq have dramatically influenced both domestic and foreign policies within the regions. A wave of demonstrations swept across Iran and Syria; alongside increased reports of the use of torture or ill-treatment in detention, including indefinite solitary confinement. Meanwhile, demonstrations in Syria in March marked the most serious unrest in recent years. Although official death tolls were disputed, at least a dozen were killed in days of violence between police and Kurdish demonstrators; with hundreds more held in incommunicado detention and reportedly subjected to torture or ill-treatment.

However the most dramatic events, of course, occurred in Iraq, where after decades of being denied recognition, the Kurds were finally afforded a meaningful input into the governance of Iraq. The establishment of a federal government

in Iraqi Kurdistan has implications for regimes throughout the Kurdish regions, endorsing the feasibility of peaceful, state-based solutions to the Kurdish issues and challenging the legitimacy of the repressive policies practised against the Kurds by Iran, Syria and Turkey.

Each of the Kurdish regions shares similarities and differences; but by maintaining a reputation for independence and neutrality and creating strong relationships with partner organisations on the ground, KHRP has increased its role in protecting the most disadvantaged groups in the regions throughout the year. We are proud of the multidisciplinary approach KHRP has adopted and its ability to provide a channel of communication between the most marginalised individuals and groups and the decision-making bodies with the influence to change their lives. In this way, we believe KHRP can both restore dignity to survivors of human rights abuse, and prevent similar violations from recurring in future.

For supporting this vital work, we would like to thank our regional partners, board members, supporters, legal team, staff and interns for their invaluable support. Thanks to these people, KHRP is a shining example of what can be achieved when different peoples, cultures and experiences combine to fight side by side in support of basic human rights, to which all human beings are entitled irrespective of race, creed or colour.

As a charity, we also owe an enormous debt of gratitude to our funders, without whose generous support our activities would not be possible.

Thank you all for your ongoing support of the work of the Kurdish Human Rights Project.

Kerim Yildiz
Executive Director

Mark Muller
Chairman

In 1992, KHRP was established in response to the growing need for an independent, non-governmental human rights organisation focusing on the rights of all persons in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion.

These states, encompassing the Kurdish regions and forming the crossroads between East and West, are bound by numerous international laws regarding the respect of human rights. Yet, they have been the scenes of some of the worst human rights violations in the twentieth century and onwards; often combined with the failure of the international community to bring governments in the regions to account for their human rights abuses.

KHRP was borne out of a desire to utilise the international mechanisms available to victims of human rights violations; to make accountable the perpetrators and prevent further abuses in future.

Today, KHRP has earned international recognition for its tireless work to promote and protect human rights in the regions. Its victories have established precedents which have changed the lives of millions of people, securing justice and redress for past abuses and preventing further abuses from recurring.

KHRP employs seven permanent members of staff in England and Turkey. Its office is located in the UK, where it is not subject to the intimidation and censorship faced by regional non-governmental organisations (NGOs). KHRP is both a registered charity and limited company, and is funded through charitable trusts and donations.

The Board of Trustees and Executive Director are responsible for the management and policy development of the organisation's core projects.

Working as a project-based organisation allows KHRP to respond flexibly to situations of immediate concern. Nevertheless, where there is a particularly grave or imminent threat to the protection of human rights, KHRP implements additional 'special projects' to enable it to provide dedicated resources to that threat.

All of KHRP's projects are closely integrated and interrelated. Much of this work is carried out by our professional staff at the KHRP offices in London, which is directly involved in the implementation of projects from the initial planning and preparation through to their final evaluation stage. We also rely on interns and volunteers who provide our staff with in-

valuable research and casework assistance as well as support in the practical running of our office's activities.

KHRP's Human Rights Advocacy & Training project provides legal advice and assistance to a large number of individuals in the Kurdish regions who are complaining that their rights under international human rights law have been violated. KHRP carries out preliminary case preparation, and the drafting and pleading of cases, both orally and in writing, before the European Court of Human Rights in Strasbourg, as well as the submission of complaints to UN mechanisms. This also involves attending hearings in Strasbourg and Turkey, and co-ordinating the caseload of KHRP's Legal Team comprising lawyers in the UK, Turkey and elsewhere.

The Fact-Finding and Trial Observation Missions Project plays an essential part in KHRP's programme to monitor human rights abuses in the Kurdish regions and to help to press for the rule of law and a wider democratic platform for discussion there. It involves the preparation of and participation in missions in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. The missions observe trials in the regions to monitor domestic adherence to the rule of law and due process. Through its additional interviews with appropriate government officials, members of the judiciary, local NGOs, human rights defenders and individuals, together with its observation of trials and knowledge of international legal standards, KHRP is enabled to form a concrete and up-to-date assessment of the human rights situation on the ground.

The Research & Publications Project involves carrying out in-house or commissioned research which is disseminated through the publication of reports. These are intended to supply relevant governmental and non-governmental organisations and interested individuals with a sound factual base about and recommendations as to improving the human rights situation in the regions.

KHRP employs a wide range of tools in sharing information, building capacity and raising public awareness of human rights abuses and consequently in adding pressure on governments to reform. Through the Public Awareness, Education and Communication Initiatives Project, KHRP keeps informed governmental and intergovernmental bodies, press and broadcast media, civil society organisations, academic institutions and supporters regularly updated about its work and key issues regarding human rights. Through production of a newsletter, maintenance of an award-winning website, attendance at international conferences and events and liaising with media, KHRP ensures that international awareness of the situation in the Kurdish regions is maintained and developed.

PROJECT 1

HUMAN RIGHTS ADVOCACY AND TRAINING

KHRP's strategic use of international human rights mechanisms to tackle human rights abuses in the Kurdish regions forms a central part of its work. Of particular importance is the caseload of submissions to UN mechanisms, applications to the European Court of Human Rights, and the training delivered to human rights advocates and defenders in the regions.

After more than a decade, KHRP has directly taken cases on behalf of more than 500 applicants from Turkey, Iraq, Iran, Armenia and Azerbaijan in cases concerning the death penalty, extra-judicial killings, disappearances, torture, unfair trials, censorship, village destructions, unfair elections and other serious violations. In over 90 per cent of these cases that have reached judgment, the European Court of Human Rights (ECtHR) has held that the Governments in question had breached the European Convention on Human Rights.

KHRP cases established almost immediately that the most *serious established human rights violations occurring anywhere in Europe transpired in the Kurdish regions*. This helped place Kurdish human rights on the international agenda and to ensure that protection of human rights would be a precondition of Turkey's accession to the EU.

To the people in the Kurdish regions, particularly the most marginalised groups including women, internally displaced persons (IDPs) and minorities, the cases afford de facto improved access to justice that has been denied to them domestically, and is often the only form of redress available.

The Law Society of England and Wales, Liberty and JUSTICE honoured the organisation's "dedication and commitment to human rights shown over the past year" when short-listing the organisation for a prestigious human rights award in December 2004.

As well as binding judgments, survivors of human rights violations are awarded damages for emotional distress or pecuniary losses. When disputes in the facts of a case arise, ECtHR judges hold investigative hearings to take first-hand evidence directly from applicants' and governments witnesses. This process is of immense value to survivors of human rights violations or their relatives, particularly to those

seeking answers as to the fate of 'disappeared' loved ones, such as the parents who received the 2004 ECtHR judgment that their sons – last seen in the custody of Turkish security forces – must now be presumed dead (*Ipek v. Turkey*).

The use of the ECtHR has fostered greater respect for human rights in the Kurdish regions while also helping to make necessary changes to law and practice on the ground; although human rights defenders cannot become complacent. Authorities found to have violated human rights are required by international law to end such practices, and to take individual or general measures which ensure that similar abuses do not recur. **In this way, KHRP cases have established precedents which have changed the lives of millions of people.**

"New legislation (Act No.4229), following the [KHRP case] Aksoy judgment, reduced the maximum lengths of time that a person may be held in police custody... the latter together with the subsequent regulations have had important incidences on the attitudes of members of the security forces regarding respect for fundamental rights during detention in police custody."

Turkish authorities, reporting to the Council of Europe's Committee of Ministers, confirming the causal link between KHRP cases and changes to legislation and practices on the ground.

KHRP has worked continually to identify new cases that could set precedents as well as focus state and international attention on ending human rights violations. In 2004, KHRP lodged six new cases against Turkey on behalf of 66 applicants, both men and women, including cases exploring new areas of jurisprudence such as the expropriation of villagers' land to make way for a controversial oil pipeline.

LEFT: Leyla Zana releases doves to symbolise freedom and peace following her release after a decade of imprisonment in June 2004. International organisations, EU bodies and parliamentarians around the world sent their support to the decision to release the MPs, some specifically acknowledging KHRP's contribution in assisting them in their cases to the ECtHR

CENTRE: DEP parliamentarian and KHRP applicant Selim Sadak is besieged by crowds of supporters shouting, "The Kurdish people are proud of you!" following his release from prison in June 2004, following a decision from the Supreme Court that his trial had been unfair

RIGHT: KHRP outside the European Parliament in Brussels, following meeting with Feleknaş Uca MEP



Other fora for petition include national and international governmental and non-governmental organisations such as UN mechanisms, the Organisation for Security and Co-operation in Europe (OSCE), the European Court of Justice, the European Commission and International Financial Institutions. Further, KHRP assists the **most marginalised groups in addressing such institutions directly**, providing them with a channel of communication to the policy and decision makers with the influence to change their lives.

Once new applications have been submitted, KHRP continues to compile evidence and make legal submissions for the five to six years required to reach judgment. After a case's conclusion, KHRP follows up by meeting and corresponding with the applicant to ensure that the judgment has been fully implemented. KHRP also informs the Council of Europe's Committee of Ministers regularly about any non-implementation of judgments.

COUNCIL OF EUROPE & ECHR LITIGATION

KHRP liaises regularly with the Council of Europe and its institutions over the compliance of member states, namely Turkey, Armenia and Azerbaijan, with their obligations to respect and protect human rights and fundamental freedoms. Through a coherent programme of litigation and advocacy, KHRP has established precedents which have not only influenced legislation and policy in the regions, but throughout all 46 member states, in addition to influencing issues of more general importance, such as the reform of the European Court of Human Rights (ECtHR).

Proposals for streamlining the ECtHR in view of the rising volume of applications submitted to it and its limited available resources have been ongoing since 2001. Since then, KHRP has been instrumental in initiating an NGO coalition that advocated concerns and made recommendations concerning the reform proposals. By May 2004, 114 human rights organisations internationally had jointly submitted these concerns to the Committee of Ministers.

This chapter in the ECtHR's history came to a

close on 12 May 2004 with the adoption of a new Protocol stipulating that the ECtHR can now declare inadmissible the case of an applicant who has not suffered a 'significant disadvantage' due to a human rights violation. Despite qualifications in its final adopted form, KHRP shares the concern of some of the judges in the ECtHR, members of the Registry and some governments that such admissibility criteria will seriously curtail the right of individual petition currently underpinning the ECHR system.

KHRP is also dedicated to *monitoring the implementation* of ECtHR judgements. If violating governments do not comply, they are in direct violation of the ECHR and threaten the system as whole. KHRP also therefore liaises with the Council of Europe's Committee of Ministers, the body mandated to supervise the execution of ECtHR judgments. In light of discussions which took place in 2004 over Turkey's potential accession to the EU, KHRP has also liaised with the Parliamentary Assembly of the Council of Europe over human rights concerns in Turkey.

DISAPPEARANCE CASES

On 17 February 2004, a KHRP case led the ECtHR to make one of its strongest condemnations to date of the actions of the Turkish state security forces and the Government's responsibility for disappearances, torture and village destruction. The case concerned the disappearance of the applicant's two sons, as well as the destruction of his family home and property by security forces. The applicant also maintained that no effective investigation was carried out concerning either his sons' disappearance or the destruction of his property (*Ipek v. Turkey* (25760/94)).

"When the flames started to rise from the village, the women and children started to cry. Then the soldiers threatened us, saying, 'If you start crying, we'll burn you just like your houses.' All of us became quiet."

Applicant in *Ipek v. Turkey*

The Court held unanimously that the two men must be presumed dead following their unacknowledged detention by Turkish security

LEFT: Kurdish applicant Nuray Sen who won her case at the ECtHR, in the third successive KHRP case concerning disappearances to be decided by the Court since January.

CENTRE: KHRP has lodged applications with the ECtHR on behalf of 38 Kurdish and non-Kurdish villagers concerning the expropriation of their land by the Turkish Government in order to build the BTC oil pipeline. KHRP the Corner House and human rights defender Ferhat Kaya meet villagers in Ortagecit to obtain witness statements.

RIGHT: Executive Director Kerim Yildiz and Legal Officer Anke Stock making an oral presentation at the tenth session of the UN Working Group on Minorities, Geneva, March 2004



forces. It held that Turkey had multiply violated the right to life, prohibition of torture and ill-treatment, right to liberty and security, right to an effective remedy and right to respect for the protection of property.

A second KHRP case reached judgment at the ECtHR's Grand Chamber, a panel of judges reserved only to consider cases that raise a serious question affecting the interpretation or application of the ECHR, or a serious issue of general importance. The case concerned Mehmet Selim Acar, a man who had been working in a field when two armed men, claiming to be police officers, abducted him. Nothing has been seen nor heard of him since. KHRP took a case on behalf of the victim's brother, Tahsin Acar, complaining of the unlawfulness and excessive length of the victim's detention and of the failure to provide him with medical care (*Acar v. Turkey* (26307/95)).

On 8 April 2004, the Grand Chamber ruled in favour of the applicant by finding that the Turkish Government's failure to conduct any adequate or effective investigation into the disappearance had violated the right to life. It found a further violation of Article 38 which binds states to cooperate fully with the ECtHR in any investigation aimed at establishing facts. However, the statements of two eyewitnesses that contested the applicant's account led the ECtHR to conclude that a substantive violation of the right to life had not been established 'beyond reasonable doubt'.

The imposition of this high evidentiary burden disappointed the applicant and his legal team, but *the very fact that the Grand Chamber considered the case on its merits at all has been a hard-won battle*. In 2001, the applicant refused to accept an offer of friendly settlement from the Turkish Government, considering it was not sufficient to resolve his case. In a decision closely allied to the reform of the ECHR, the ECtHR had decided to 'strike out' the case in 2002 on the basis of a formulaic statement from the Turkish Government. In the strongest legal challenge yet to the inappropriate use of the 'strike out' procedure, KHRP's legal team requested the case be referred to the Grand Chamber which, in May 2003, confirmed KHRP's view that an examination of the case on its merits should now take place. That examination of the case on its merits, delivered by the Grand Chamber on 8 April 2004, therefore draws to a close a chapter that has placed the ECHR process as a whole under scrutiny.

EXTRA-JUDICIAL KILLING CASES

The ECtHR delivered its eagerly anticipated

judgment in *Issa & Others v. Turkey* (31821/96) on 16 October 2004. The international community has observed the case's progress closely, expecting it to determine controversial areas of international law such as the human rights obligations of British troops while serving in Iraq. KHRP has made submissions in the case over the past nine years since being contacted by the applicants, six Iraqi citizens of Kurdish origin living in Iraqi Kurdistan, in 1995.

The case concerns seven Kurdish shepherds who were killed in the course of a military operation conducted by the Turkish army in Northern Iraq in April 1995. The shepherds' mutilated corpses were found, with ears, tongues and genitals missing, three days after they had been taken away by Turkish officers. The applicants – the widows of five of the shepherds and the mother of one – complained of violations of Articles 2, 3, 4, 8, 13, 14 and 18 of the ECHR. Alongside *Öcalan v. Turkey* and *Bankovic a.o. v. Belgium*, the case is the most important determinant to date of the ECHR obligations of signatories while intervening in the territory of a third state not party to the Convention.

"They kill us because we are defenceless and there is no-one to defend us against them. I beg you to do something for us. I know my husband and the other men were killed by Turkish Soldiers but we are hopeless to do anything here against these criminals."

Basna Rashid Omer, widow of one of the seven shepherds

It was undisputed between the applicants and the Turkish Government that the Turkish armed forces carried out military operations in Northern Iraq. However, the fate of the applicants' complaints depended on their ability to establish that, at the relevant time, the operations took place in the hills above the village of Azadi.

In its landmark judgment, the Court affirmed that the concept of "jurisdiction" within the meaning of ECHR signatories' obligation to respect human rights is not necessarily restricted to those parties' national territories or to the Council of Europe. KHRP welcomes the Court's clear indication that Article 1 cannot be interpreted so as to allow a State party to perpetrate ECHR violations on the territory of another State which it could not perpetrate on its own territory; a decision of particular importance in the current context of Iraq. **The judgment determines that similar human rights violations should not occur in future.**

The Court held unanimously that, on the basis of all the material in its possession, the applicants had

not established 'beyond reasonable doubt' that Turkish armed forces had conducted operations in the area in question and, accordingly, that the complaints fell within the jurisdiction of Turkey. That finding made it unnecessary to examine the applicants' substantive complaints under the Convention. The case was appealed to the Grand Chamber in light of its major significance for the interpretation and application of the ECHR, particularly surrounding the issue of extra-territorial jurisdiction.

DEATHS IN CUSTODY

On 27 July 2004, a ECtHR judgment found it established that Turkish authorities had arrested and shot dead a Kurdish man held in their custody in 1994, thereby violating his right to life *Ikincisoy v. Turkey* (26144/95). KHRP had taken the case on behalf of the father and brother of the deceased, Mehmet Sah Ikincisoy. The ECtHR drew very strong inferences from the total lack of any evidence indicating that the deceased had been taken into custody. It reiterated that, having regard to the general context of the situation in Southeast Turkey at the time, an unacknowledged detention could be life-threatening. Furthermore, the autopsy examination had been defective in fundamental aspects. The Court concluded that the death had occurred in circumstances engaging Turkey's responsibility. It further concluded that a separate violation of Article 2 had occurred in respect of the ineffective investigation into the death.

The same case established violations of the ECHR in respect of the victim's brother Halil, finding that it could not accept the Turkish Government's claim that it had been necessary to detain him for eleven days without judicial intervention. It held accordingly that there had been a breach of his rights to liberty and security, to an effective remedy, and to petition the Court without interference.

A further KHRP case concerning the alleged killing of a man in detention in Bitlis in 1995 was declared inadmissible on 30 March 2004 (*H. Tepe v. Turkey* (30319/02)).

FAILURE TO INVESTIGATE KILLINGS

In four separate KHRP cases in 2004, the ECtHR condemned the Turkish Government's record in failing to conduct adequate or effective investigations into deaths in suspicious circumstances, thereby violating the applicants' rights to life and to an effective remedy.

On 28 March 2004, the Court held that Turkey had

violated the right to life for its failure to investigate the killing of Mehmet Sen, a mayoral candidate and leading member of the pro-Kurdish DEP party (*Nuray Sen v. Turkey* (25354/94)). The deceased was abducted in March 1994 by two plain-clothed policemen. The next day his body was found abandoned; he had been tortured and shot in the head.

"My husband was kidnapped and later tortured and killed by Turkish Contraguerrillas. KHRP has paid very careful and good attention on my case since I brought it

before the court... KHRP has been with me during my difficult times and [made a] very good example of a job well done. The existence of KHRP is necessary as this institution is a bridge to gain justice for the victims of human rights violations."

Nuray Sen

In its judgment, the Court acknowledged that a significant number of prominent Kurdish figures had been killed by unknown perpetrators at the material time. However, in the absence of sufficient corroborating evidence, the Court could not conclude beyond all reasonable doubt that Sen had been deliberately killed by state officials or by persons acting under their instruction. Nonetheless, the Turkish Government was found to have violated the rights to life and to an effective remedy for its failure to carry out an adequate and effective investigation into the circumstances surrounding the death.

In a second case, KHRP obtained justice for a man who alleged that his wife, Saniye Yilmaz, had been killed during an artillery attack by security forces on their village (*Mehmet Sirin Yilmaz v. Turkey* (35875/97)). It was noted that an investigation into the incident was only carried out eight years after the incident, following the communication of the application to the ECtHR, and that neither a post-mortem nor a ballistics examination was carried out by the public prosecutor investigation. As such, there was no effective investigation into the circumstances surrounding the death of Saniye. The Court further held that the applicant had

KHRP Legal Review

Case summaries and analysis of all KHRP's cases are available in the biannual KHRP Legal Review



been denied an effective remedy in violation of Article 13.

A third KHRP case in 2004 resulted in the ECtHR condemning Turkish authorities for failing to carry out an adequate and effective investigation into the circumstances surrounding the killing of a Kurdish man (*Tekdag v. Turkey* (27699/95)). Ali Tekdag was shopping on 13 November 1994 when he told his wife that he had to attend to something and asked her not to wait for him. He returned shortly afterwards, pretending not to recognise her, told her not to come near him and went into a nearby street. He was being followed by armed men carrying walkie-talkies. Shots were fired and plain-clothes policemen subsequently arrived on the scene and took him away. His wife has heard no news of him since that day and presumes him to be dead. The Court case obtained justice for his death by establishing violations of the rights to life, to an effective remedy, and of the obligation to provide all necessary facilities to the Court in its task of establishing the facts (Articles 2, 13 and 38).

The fourth case concerned the abduction and killing of a Kurdish man, Savaş Buldan, in 1994 (*Buldan v. Turkey* (28298/95)). Buldan was leaving a casino with two friends when they were approached by seven or eight people who introduced themselves as police officers. The three men were then forced into three cars. That night, three bodies – shot at point blank range – were discovered. The suspected killer was acquitted for lack of evidence in November 1999. The ECtHR held unanimously on 20 April 2004 that Turkish authorities had violated the rights to life and to an effective remedy (Articles 2 and 13).

FREEDOM OF EXPRESSION, THOUGHT, CONSCIENCE AND RELIGION

"I decided to take my case to ECHR after all domestic remedies were exhausted in Turkey. I appointed KHRP's legal team as

representatives... KHRP's extensive legal experience, professional way of communication, smooth teamwork, professional organisational structure and use of developed communication systems have been the major factors in the success of my case. I am very grateful to the labour and efforts spent by every KHRP staff member."

Ozkan Kalin

On 10 November 2004, the ECtHR delivered its judgment in one of a series of cases concerning freedom of expression brought to the Court by KHRP (*Kalin v. Turkey* (31236/96)). The applicant was the editor of a weekly publication who was sentenced to a fine and two years imprisonment on the basis of one publication. In its judgment the Court held unanimously that there had been a violation of his right to freedom of expression and to a fair trial, as the national security court that had tried him had not been independent and impartial (Articles 6 and 10).

The ECtHR reached the same judgment in a separate KHRP case in 2004, concerning the owner and director of a publishing house who was prosecuted for spreading 'separatist' propaganda after publishing a book concerning the torture and killing of Ferhat Tepe, a 19-year old reporter for a pro-Kurdish newspaper (*Zarakolu v. Turkey* (26971/95 and 37933/97)). The book was fiercely critical of human rights violations occurring in Turkey. Aysenir Zarakolu, the publisher, was sentenced to five months imprisonment, a sentence that was later commuted to a fine, and copies of the book were confiscated. KHRP pursued the case on behalf of her husband and two sons following her death in January 2002. The ECtHR held that her rights to freedom of expression and to an independent and impartial tribunal had been violated due to the presence of a military judge in the court that had tried and convicted her.

Several other KHRP cases concerning alleged violations of freedom of expression received

LEFT: Ragip Zarakolu, who achieved a significant victory in July 2004 when the ECtHR ruled the Turkish Government to have violated his wife's right to freedom of expression and denied her a fair trial, in one of a series of cases concerning censorship brought to the Court by KHRP

CENTRE: UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston. During a meeting with him in November 2004, Alston indicated he would maintain a focus on honour killings during his appointment

RIGHT: Executive Director Kerim Yildiz meeting in Azerbaijan with potential applicants to the ECtHR. KHRP is anticipating a number of new applications against the state in 2005



admissibility decisions in 2004. The first concerned the trial of a highly respected journalist and writer, who was charged under the Turkish Penal Code for publishing material which allegedly discouraged citizens from performing military service (*Duzgoren v. Turkey* (56827/00)). The ECtHR declared admissible his complaints that as a civilian tried by the military courts, he did not receive a fair hearing by an independent tribunal and that his prosecution and conviction violated his rights to freedom of expression and to an effective remedy (Articles 6, 10 and 13).

The second, declared admissible by the ECtHR on 18 March 2004, concerns alleged violations of freedom of expression and to a fair trial that occurred in connection with the conviction of nine members or supporters of a political party that has taken up the Kurdish issue, HADEP, for writing a declaration concerning the treatment of Kurds in Turkey (*Varli & Others v. Turkey* (57299/00)). The men were convicted under Article 3 of the Turkish Constitution and Article 312(2) of the Turkish Penal Code.

In one new KHRP case concerning censorship in Turkey, KHRP is defending the rights of the owner of a small publishing firm, who complains that the Ankara State Security Court has refused to lift confiscation orders regarding his books in spite of recent legal reforms affecting the decision (*Unsal Ozturk v. Turkey*). KHRP has also been instructed in two new cases involving an award-winning campaign whereby supporters agree to be named as 'co-publishers' of banned articles, which are republished as a deliberate act of civil disobedience to protest censorship in Turkey. Over 80,000 people have participated in the campaign since 1995, many experiencing prosecution and harassment for their involvement. Both cases raise issues under the right to freedom of expression and to a fair trial (Articles 6 and 10) and pertain to Ragip Zarakolu, a participant in the campaign and leading anti-censorship campaigner (*Yurdatapan v. Turkey* (47248/99) and (70335/01)). These issues are raised in a further case in which KHRP was

instructed in 2004, concerning the prosecution and alleged censorship of a man in State Security Courts (*Muzaffer Akad v. Turkey* (52693/99)). Raising the equally important issue of alleged violations of freedom of thought, conscience and religion, KHRP lodged a new application to the ECtHR on 13 May 2004 concerning the dismissal of the applicant from his position as a research assistant at a university (*Salih Ozturk v. Turkey*).

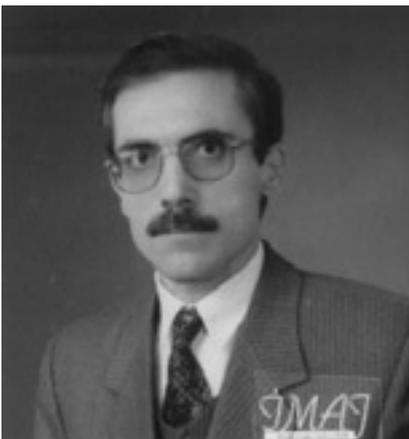
KHRP has been developing its litigation concerning freedom of expression and assembly in Azerbaijan and Armenia, both of which only acceded to the ECHR in 2002. As some of the first cases to be considered by the ECtHR concerning these member states, these cases therefore have an enormous potential to establish benchmarks. One of these KHRP cases concerned two members of an opposition political party who were arrested while attending a political meeting in Azerbaijan (*Guliyev and Ramazanov v. Azerbaijan* (34553/02)). Following a detention in which they were held in unhygienic conditions and denied access to a lawyer or doctor, criminal proceedings were brought and they were indicted of resisting police and violating public order. The ECtHR held admissible their complaints that this had violated their rights to freedom of expression and of assembly (Articles 10 and 11). It adjourned examination of the complaints concerning the rights to a fair trial, freedom of expression and of assembly and discrimination on the grounds of political opinion (Articles 6, 10, 11 and 14).

Likewise, the ECtHR made one of its first admissibility decisions concerning freedom of expression in Armenia on 11 November 2004 (*Noyan Tapan Ltd v. Armenia* (37784/02)). The applicant is an independent Armenian news agency and television company. The ECtHR declared admissible its complaints over alleged violations of its rights to freedom of expression and to a fair trial were breached when government pressure resulted in the closure of a partner television station, and when the court dismissed the applicant's legal representative. Together with a new case submitted by KHRP on 27 August

LEFT: KHRP applicant Yavuz Binbay, a human rights defender who was allegedly subject to intimidation and harassment by Turkish authorities, reached friendly settlement with the Government in 2004

CENTRE: KHRP launched a new case in 2004 concerning the Ankara State Security Court's refusal to lift confiscation orders regarding books published by a small publishing firm by prominent author Ismail Besikci. Above: Unsal Ozturk, owner of the publishing firm, with Besikci

RIGHT: KHRP legal team members Tim Otty, Sydney Kentridge QC and Mark Muller at a Grand Chamber hearing of the European Court of Human Rights



2004 concerning another independent Armenian broadcasting company, Meltex Ltd, the cases are expected to establish landmark precedents concerning the freedom of the media in Armenia (*Meltex Ltd v. Armenia*).

A further new KHRP case submitted to the ECtHR in April 2004, concerns the detention and administrative penalty imposed on a man following his participation in a demonstration during the 2003 presidential elections in Armenia.

DETENTION, TORTURE AND ILL-TREATMENT CASES

So abhorrent is the practice of torture and ill-treatment that its prohibition in international law is absolute and does not allow exceptions. Torture or ill-treatment is commonly used to extract confessions from people during detentions - often people who are perceived to be a threat to the state, such as human rights defenders and opposition political candidates or representatives.

In 2004, KHRP obtained justice in two cases for applicants who alleged they had been subjected to torture or ill-treatment in Turkish authorities' custody. The first concerned Talat Tepe, a lawyer at the Istanbul Bar and, at the time, president of KHRP's partner organisation the Foundation for Social and Legal Studies (TOHAV) (*Talat Tepe v. Turkey* (31247/96)). He was taken into custody in Istanbul in July 1995, interrogated and subjected to torture or ill-treatment including beatings, electric shock equipment, blindfolding, verbal insults, hosing with cold water, being stripped naked and being deprived of food. His detention lasted for twelve days. No charges were brought against the officers involved. In subsequent legal proceedings against Tepe himself for alleged involvement with a banned organisation, he was acquitted for lack of evidence. Regrettably the ECtHR held there was insufficient evidence to show beyond reasonable doubt that the applicant had been subjected to such ill-treatment. Nonetheless it did find Turkey in multiple violations of the right to liberty and security and to an effective remedy for its failure to bring the applicant promptly before a judge and for failing to provide an effective remedy for challenging the lawfulness of the police detention in the State Security Court (Articles 5 and 13).

On 2 November 2004, the ECtHR held that Turkish authorities had subjected the provincial leader of HADEP, a political party that had taken up the Kurdish issue, to torture and ill-treatment (*Yaman v. Turkey* (32446/96)). On 3 July 1995 Abdulsamet Yaman was taken into custody by police officers and was blindfolded, put into a car,

beaten and threatened. He was taken to Adana Security Directorate where he was detained for nine days, during which time he was interrogated about his work and tortured. Five independent medical reports conducted between July 1995 and January 2002 concluded that he had sustained serious physical and mental injuries during this period of detention.

The Court held that there had been a violation of the prohibition of torture (Article 3). Finding that criminal proceedings taken against the police officers involved could not properly be described as thorough and effective, the Court held, unanimously, that there had also been a violation of Article 13. The Court could not accept that it was necessary to detain the applicant for nine days without judicial intervention and that therefore there had been a violation of Article 5.

Judgments are not the only form of redress available to people who allege a violation of the prohibition of torture or ill-treatment. One KHRP applicant reached friendly settlement with the Turkish Government in 2004. This followed his application complaining that between March 1992 and February 1994, he was beaten up and intimidated, that his family were threatened, his shop raided and car damaged by the Turkish authorities or with their connivance on account of his activities in KHRP's partner organisation the Human Rights Association of Turkey (IHD) and his Kurdish origin (*Binbay v. Turkey* (24922/94)).

"I would like to thank all KHRP staff members for their very good and impressive legal challenge at ECHR in my case over a decade. KHRP's work has been one of the good examples of the real legal challenge in international human rights mechanisms on behalf of the applicants."

Applicant Yavuz Binbay

In the terms of the friendly settlement the Government made a declaration regretting the occurrence of threats and assaults against individuals during their detention and the failure of authorities to carry out effective investigations into such allegations. It also undertook to adopt all necessary measures to ensure that the rights guaranteed by Convention articles are respected in the future and agreed to an *ex gratia* payment to the applicant.

A new case submitted on 3 November 2004 concerns allegations of the use of torture and ill-treatment in detention as recently as February 2004 (*Ilhan v. Turkey*). The applicant, Mustafa Ilhan, was forced into a car by four policemen in a district of Istanbul. Upon arrival at their destination, the applicant was questioned for

twelve hours about his and his brother's detention two months previously. Among other forms of ill-treatment, he was blindfolded, beaten with a truncheon, forced to kneel and beaten on the soles of his feet, threatened with rape and forced to listen to the cries of other detainees being tortured. He made several attempts to report the incident to authorities and to the public prosecutor, but the authorities took no action save for the referral of the applicant for a medical examination. The applicant therefore complains of violations of Articles 3, 5, 6 and 13. In 2004, KHRP was instructed in a further two new cases raising similar complaints concerning the alleged use of torture or ill-treatment by Turkish authorities (*D.K.A. v. Turkey* and *Refik Bayav v. Turkey* (7263/03)).

A series of new KHRP cases submitted by KHRP in 2004 concern the administrative detentions and, for some, alleged ill-treatment experienced by opposition political candidates or representatives in Armenia. In *Hakob Hakobyan & Others v. Armenia*, KHRP represents three men who complain they were arrested and detained in order to prevent them from expressing their political opposition by attending a demonstration. In *Tadevosyan v. Armenia*, the applicant is the chairperson of the Armavir regional branch of the 'National Unity' party, one of the major opposition parties to the party in Government in Armenia. The application concerns the arrest and subsequent detention of the applicant on 5 April 2004 and again on 20 May 2004 following and preceding opposition party demonstrations held in April and May 2004. During detention the applicant maintains he was held in unbearable prison conditions and denied access to a lawyer. A third new case, *Stepanyan v. Armenia* (45081/04), concerns the arrest and subsequent detention on 20 May 2004 of the applicant, a board member of the National Democratic Union (NDU) political party and representative of the NDU in the region of Ararat.

The ECtHR made decisions of inadmissibility in two cases alleging the use of torture or ill-treatment in 2004. The first, decided by the ECtHR on 9 July 2004, was declared inadmissible *rationae temporis* and concerned allegations of ill-treatment in the custody of Azerbaijan authorities (*Behbudov v. Azerbaijan* (209/03)). The second concerned allegations of ill-treatment in the case of a conviction, by an Ankara court, of a police officer for bribery in spite of a police investigation report which had exonerated him (*Selcuk v. Turkey* (6671/03)).

UNFAIR TRIAL AND RIGHT TO FREE ELECTIONS

Many of KHRP's cases raise the issue that an



Executive Director Kerim Yildiz traveled to the mountainous borders of Iraq in 1996 to take witness statements from the applicants and others in *Issa a.o. v. Turkey*

applicant's trial within domestic courts had been unfair, however the culmination of one case in particular in 2004 caught international attention **by providing applicants with new legal remedies, such as the possibility of receiving new domestic retrials.**

In June 2004, KHRP applicants Leyla Zana, Hatip Dicle, Selim Sedak and Orhan Dogan were released after a decade of imprisonment, following a decision from the Supreme Court that their retrial had been unfair.

The applicants were elected to parliament in October 1991. In 1993 they joined DEP, a party which, in Zana's words, sought to bring about "reconciliation between Kurds and Turks". During their inauguration as members of parliament in 1991, Zana and Dicle made brief speeches in the Kurdish language and wore the traditional Kurdish colours of red, green and yellow. This provoked uproar in the parliamentary chamber and legal proceedings were initiated against them, leading to their eventual conviction on the charge of membership of an illegal armed organisation.

International organisations, EU bodies and parliamentarians around the world sent their support to the decision to release the MPs. Many MPs congratulated KHRP for the assistance given to the parliamentarians in taking their cases to the ECtHR, which ruled in July 2001 that they had not received a fair trial; and in June 2002, that the dissolution of the DEP party itself had violated the right to fair and free elections. In February 2003, Turkey passed a legal reform granted a right to defendants to have a retrial where the ECtHR has ruled that the original trial was unfair.

The Ankara State Security Court retried the parliamentarians in 2003 and, in 2004,

confirmed the initial verdict which led to the parliamentarians' imprisonment. The retrial was widely criticised by observers, including a KHRP trial observation mission, for repeating the same iniquities of the first trials.

The release of the parliamentarians not only represented a significant landmark towards improved Kurdish-Turkish relations, but also opens the door to new legal remedies for potentially thousands of people who have received an unfair trial in Turkish courts. ***In improving legal remedies on the ground, this case and others have undoubtedly made a lasting improvement to access to justice in Turkey's legal and political landscape.***

VILLAGE DESTRUCTION, INTERNAL DISPLACEMENT AND EXPROPRIATION

In a case with potentially big ramifications on the construction of large-scale infrastructure projects, KHRP lodged full applications with the ECtHR in January 2004 on behalf of 38 Kurdish and non-Kurdish villagers concerning the expropriation of their land by the Turkish Government in order to build the controversial Baku-Tbilisi-Ceyhan (BTC) pipeline through the area.

They submit that their right to respect for private and family life (Article 8) has been violated by the state's failure to inform its citizens about the potential dangers the pipeline would bring to the lives of people living next to it and to the environment. Several of the applicants were paid less than market value, thereby violating their right to property under Article 1 of Protocol No. 1 to the ECHR. The applicants further complain of a violation of their rights to access the court and to an effective remedy (Articles 6 and 13). Some of the applicants claim that all the violations mentioned are a result of their Kurdish origin, language, religion and ethnic status contrary to the prohibition of discrimination (Article 14 in conjunction with 6, 8, 13 and Article 1 of Protocol No. 1).

KHRP lodged a further new application on 17 September 2004 on behalf of 24 applicants, who allege they were expropriated of their land after the discovery of a historical site therein (*Sinan Yildiz & Others v. Turkey*). The applicants claim that their right to free enjoyment of their possessions and prohibition of discrimination have been violated as a result of their Kurdish origin (Article 1 of Protocol No. 1 and Article 14 of the Convention).

KHRP maintains a strong focus on the situation of the estimated 3-million internally displaced persons (IDPs) in Turkey, many of whom are survivors of a systematic practice of destroying and evacuating villages conducted by Turkish authorities which peaked in severity in the mid-1990s. KHRP facilitated a friendly settlement in one case on 2 November 2004 concerning the alleged destruction of the village Kozluca (*Karakoc v. Turkey (28294/95)*). On 4 October 1994, military operations began in the region of Tunceli. Ten days later, military units arrived in the applicant's village and rounded residents up in the village square where they were given orders to leave Kozluca. It took villagers two days to make the move, after which time, the soldiers burnt their houses. The government maintains that the applicant left his village due to terrorist activities in the region. All of the applicant's complaints were declared admissible, however the parties reached settlement in 2004 on the basis of the Government's offer of an *ex gratia* payment and issue of a declaration.

A further three cases concerning alleged village destructions reached the admissibility stage in 2004. The first, brought on behalf of two families, concerns the alleged destruction of the village Agarti and the continuing violation invoked by the refusal of the authorities to allow the families to return to their land (*Suleymanoglu & Yasul v. Turkey (37951/97)*). A further case, also invoking alleged violations of the right to life, concerns the destruction of a village on 13 May 1994 by soldiers (*Mentese & Others v. Turkey (36217/97)*). The soldiers took away one applicant's son

LEFT: KHRP representatives in Armenia with the Editor of the Kurdish newspaper 'Reya Taze'

RIGHT: A Turkish armed forces cap was found near the corpses of seven shepherds, whose bodies were found mutilated in Northern Iraq (*Issa a.o. v. Turkey*). The ECtHR made a landmark judgment in the case on 16 October 2004



together with three other villagers. The applicant heard no further news about his son despite his inquiries to the Lice prosecutor. The corpse of the applicant's son was found five days later together with 26 other corpses. Both cases were declared admissible. A further case, concerning the alleged destruction of the village Ugrac by security forces in 1995, was declared inadmissible (*Tanguner and Tanguner v. Turkey* (36218/97)).

EUROPEAN COURT OF JUSTICE

On 7 January 2004, KHRP jointly with the Corner House Research Centre, together with a landowner adversely affected by the Baku-Tbilisi-Ceyhan (BTC) oil pipeline, applied to the Court of First Instance of the European Court of Justice (CFI) in Luxemburg to take the European Commission to court over the pipeline (*Korkmaz & The Corner House & KHRP v. European Commission T-2/04*). It was submitted that the legal agreements underpinning the BTC project break Turkey's obligations under its EU Accession Partnership by moving away from the European *acquis*, triggering the Commission's duty to act in relation to EU pre-accession funding to Turkey. In response to a complaint from the applicants, the Commission had undertaken to review the issue in its 2003 annual report on Turkey's progress towards accession. However, it had failed to fulfil this pledge. The applicants therefore applied to the CFI to take the Commission to court under Articles 230 and 232 of the European Community Treaty challenging the Commission's failure to act.

EUROPEAN PARLIAMENT

KHRP is broadly supportive of Turkey's eventual accession to the EU, believing this to be a constructive force for change which should ultimately improve the protection of human rights. However, KHRP is deeply concerned that premature accession, before Turkey's pre-accession obligations are adequately fulfilled,

threatens to endow the Turkish Government with undue legitimacy while human rights violations continue. A key focus of KHRP's work in 2004 has therefore been to monitor the human rights situation in Turkey and to highlight any concerns to European institutions concerned with EU accession. One aspect of this was the joint hosting, in November 2004, of a conference together with its partner organisations Rafto Foundation (Norway), Medico International (Germany) and the Bar Human Rights Committee (England & Wales) at the European Parliament in Brussels.

The conference brought together leading human rights institutions, political parties, academics, writers, legal experts and prominent Turkish and Kurdish intellectuals from Europe, America, Africa and the Middle East. The patron of the conference was Archbishop Desmond Tutu.

KHRP was also invited to participate in a conference, 'Turkey in the EU: A Common Future' hosted by the Green/ EFA Group of the European Parliament in Istanbul in October 2004.

INTERNATIONAL FINANCIAL INSTITUTIONS (IFIs)

The BP-led Baku-Tbilisi-Ceyhan (BTC) oil pipeline was controversial prior to funding, when a wide range of non-governmental organisations expressed concern over the project's likely impacts on human rights, democratic development and the regional environment. Even at the design stage, a review of the extent of the project's failure found a widespread failure to comply with international standards. Nonetheless, financial institutions including the International Finance Corporation (IFC), the European Bank for Reconstruction and Development (EBRD), national export credit agencies and 15 commercial banks signed loan agreements to provide financing for the pipeline.

During 2004, KHRP and other environmental organisations continued to monitor concerns

LEFT: Robert Dunbar delivering training on minority rights on behalf of KHRP. The training, which took place in Istanbul and Diyarbakir in September 2004, also focused on the prohibition of discrimination under the ECHR

RIGHT: KHRP Legal Officer Anke Stock and Saniya Karakas, a participant in the international internship programme, with Kerim Yildiz at the UN Working Group on Minorities meeting in Geneva



about the implications of the pipeline for the protection of human rights along its route. This included advocating to the financial institutions responsible for providing funding for the project, the World Bank, and to a UK parliamentary inquiry into widely documented problems of pipeline safety and human rights concerns. These concerns were substantiated by developments in 2004, including the withdrawal of one of the project's private backers (citing serious failures of due diligence by the project funders), the taking of BTC-related cases to the ECtHR and European Court of Justice, whistleblower revelations in the media and evidence of the torture or ill-treatment of local human rights defenders monitoring the project.

When a local human rights defender, Ferhat Kaya, working to mitigate the impacts of the BTC pipeline was detained and allegedly subjected to torture or ill-treatment in 2004, KHRP and its partners sent targeted letters to numerous organisations with an involvement in the pipeline, including the UK Foreign and Commonwealth Office, the Secretary of State for the Environment, Department for International Development, Department for Trade and Industry (DTI), European Bank for Reconstruction and Development (EBRD) and World Bank. *Ferhat Kaya was released from detention on bail.* KHRP continues to monitor his safety.

group rights that meet OSCE and international standards. *The report is available at www.khrp.org*

UN COMMITTEE AGAINST TORTURE

The UN Committee Against Torture was established pursuant to the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment to supervise the implementation of the Convention. In 2004 KHRP actively corresponded with CAT to pursue several cases highlighted by its 2004 report 'Torture in Turkey: the Ongoing Practice of Torture and Ill-treatment', co-published with the Bar Human Rights Committee of England and Wales. KHRP also liaised with other non-governmental organisations concerning the UK's responsibility for its treatment of Iraqis held in British custody in Iraq.

UN HIGH COMMISSIONER FOR REFUGEES

On 5 August 2004 KHRP made a submission for Urgent Action to the UN High Commissioner for Refugees concerning the situation of a Kurdish family that had spent two weeks sleeping outdoors protesting against their discriminatory treatment by Japanese authorities. The submission was also referred to numerous Japanese authorities.

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

In October 2004, KHRP made presentations at the OSCE's Human Dimensions Implementation Meeting (HDIM) in Poland, presenting its evaluation of the human rights situation affecting the Kurds in Turkey. Its report evaluated the current situation of torture, minority rights protection, internal displacement and Kurdish cultural and linguistic rights. It urged OSCE member states to assist the Turkish Government and the Kurds to develop policy and legal reforms to ensure the Kurds are accorded minority

UN SPECIAL RAPPORTEUR ON EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

KHRP has liaised with the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on a number of cases in 2004, including the case of a Kurd then facing imminent execution in Iran in spite of a possibly unfair trial and following eight months of incommunicado detention, during which he was allegedly subjected to torture or ill-treatment. Following a meeting with the Special Rapporteur in November 2004, KHRP highlighted three key areas of concern to his mandate. KHRP

LEFT: A mother and her son outside the home that was destroyed in October 1994 during military operations. Following a KHRP challenge to the ECtHR, the applicant and the Turkish Government have reached friendly settlement

CENTRE: KHRP Legal Officer Anke Stock and Peter Lowrie, barrister of 10-11 Gray's Inn Square, deliver human rights training in Diyarbakir on the prohibition of discrimination (Article 14) of the ECHR and UN human rights mechanisms. The training was conducted in conjunction with a number of domestic human rights organisations

RIGHT: Koray Duzgoren is a highly respected and prominent journalist from Turkey who was sentenced to two months imprisonment in 1999 for his publication of an article concerning conscientious objection in the military. Arguing that this constituted censorship, KHRP took his case to the ECtHR, which declared the case admissible in 2004



has also provided the Special Rapporteur with information about specific instances of honour killings in the Kurdish regions.

UN WORKING GROUP ON MINORITIES

In March 2004, KHRP made a formal oral presentation at the tenth session of the UN Working Group on Minorities in Geneva. In its presentation, KHRP stressed that the promotion of mutual understanding among the Kurds and the Turkish Government would hugely benefit from the full implementation of participatory rights which are mainly enshrined in basic civil, political, social and cultural rights. Generally, to ensure the implementation of these KHRP urged the Working Group to set up a special mechanism such as a special representative or rapporteur on minorities, with a specific mandate to carry out monitoring, fact-finding and preventative diplomacy, and to recommend possible solutions for the prevention of conflicts.

HUMAN RIGHTS TRAINING

KHRP motivates the rule of law and democracy in the regions by transferring skills and building capacity among domestic human rights defenders and advocates in the regions. This is facilitated through a coherent programme of practical and theoretical regional training seminars, the dissemination of training materials and by offering subsidised internships to lawyers and human rights advocates from the regions.

When KHRP was established in 1992, not a single case concerning the Kurdish regions had been submitted to or adjudicated by the ECtHR. The number of cases now originating from the Kurdish regions has now increased dramatically, growing by 23 per cent each year between 1998 and 2002. With years of experience of working with local partners and of providing human rights training in Turkey and Eastern Europe (including Ukraine, Albania and Kosovo), KHRP provides invaluable

instruction on the remedies available for human rights violations to affected communities on the ground.

In 2004, KHRP held eight regional trainings and seminar programmes across Turkey, Armenia and Azerbaijan, attended by lawyers, advocates and women's rights groups. Topics covered included the ECHR and UN mechanisms and focused on advocating women's rights, minority rights in international conventions and on reform in the ECtHR.

Seminars were complemented by individual assistance with particular case work and in-house advice as required. All participants were also provided with supplementary training materials in English, Turkish, Kurdish, Arabic, Armenian or Azeri as appropriate, as well as other relevant publications. **"KHRP has pioneered the use of international human rights mechanisms in the fight for the human rights of the Kurdish and Turkish people. By sharing their knowledge with us through training programmes, we become more empowered in our own fight against human rights violations,"** wrote one human rights advocate following a training seminar in 2004.

Currently, it is particularly crucial to raise awareness of the ECHR amongst human rights defenders in Azerbaijan and Armenia, as these countries only recently became signatories to the Convention when they acceded to the Council of Europe.

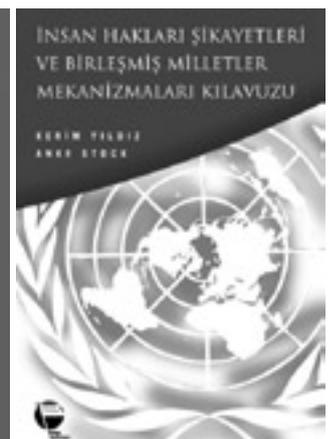
Some lawyers and human rights defenders from the regions are provided the opportunity to undertake a subsidised internship at KHRP's office for between three and six months. These interns are encouraged to participate fully in casework and, where possible, are provided with the opportunity to participate in international advocacy in Strasbourg, Brussels or Geneva. They also gain an opportunity to improve their English and to experience the operation of a human rights organisation in a democracy. In 2004,

LEFT: Legal Officer Anke Stock delivers a training session on women's rights under the ECHR and mechanisms available under the Convention for the Elimination of Discrimination Against Women, Diyarbakir, July 2004

CENTRE LEFT: KHRP welcomes Narine Gasparyan and Ara Ghazaryan, representatives of its partner organisation Forum Law Centre, to its London office, October 2004. Gasparyan participated in the KHRP international internship programme in 2004 and has continued her human rights work in the region

CENTRE RIGHT: The KHRP Legal Review is the only existing legal journal considering significant legal developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders by providing clear guidance, updates and analysis of issues relevant to the regions

RIGHT: This manual, published in Turkish and Russian, provides a guide to taking human rights complaints to UN mechanisms



KHRP hosted two interns from Turkey, one from Azerbaijan and another from Armenia. Another was hosted from Turkey who assisted in organising a seminar on women's rights. Since returning to their own local organisations, they continue to maintain contact with KHRP for collaboration, outreach and legal expertise.

focused on the application of the ECHR and UN mechanisms generally

TRAINING ON ECHR AND UN MECHANISMS

ARMENIA – Yerevan, November 2004

This training, held in association with the Bar Human Rights Committee of England and Wales and the 'Forum' Law Centre (Armenia), was attended by eighteen human rights lawyers and advocates and focused on the rights to freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10)

TRAINING ON ECHR REFORM AND MINORITY RIGHTS

TURKEY - Diyarbakir, September 2004

This training programme, held in association with the Human Rights Association (IHD), Diyarbakir Bar Association, Contemporary Lawyers' Association and Mazlum-Der Diyarbakir branch, was attended by 40 human rights advocates

TURKEY - Istanbul, September 2004

This training programme, held in association with the Foundation for Social and Legal Studies (TOHAV) and the Contemporary Lawyers' Association, was attended by 40 human rights advocates

AZERBAIJAN – Baku, August 2004

This training was attended by twenty Kurdish and Azerbaijani lawyers and eleven human rights activists and focused on the right to peaceful enjoyment of possessions (Article 1 of Protocol No. 1) and the reform of the ECtHR (new Protocol 14)

TRAINING ON WOMEN'S RIGHTS UNDER ECHR AND UN MECHANISMS

TURKEY - Diyarbakir, July 2004

This training presented for many their first encounter with education concerning women's rights under ECHR and UN mechanisms, particularly the Convention on the Elimination of Discrimination Against Women. It was attended by forty people representing 27 different women's and human rights organisations from across the Kurdish regions

TURKEY - Istanbul, March 2004

Held in association with the Foundation for Social and Legal Studies (TOHAV), this training was attended by 35 human rights advocates and focused on the application of the ECHR and UN mechanisms generally

ARMENIA – Yerevan, July 2004

This training focusing on women's rights under ECHR and UN mechanisms, particularly the Convention on the Elimination of Discrimination Against Women also included training on the ECHR reform and Article 11, and was attended by twenty human rights lawyers and activists.

TURKEY - Diyarbakir, March 2004

Held in association with the Human Rights Association (IHD), Diyarbakir Bar Association, Contemporary Lawyers' Association and Mazlum-Der Diyarbakir branch, this training was attended by 40 human rights advocates and

LEFT: Participants in a training seminar on freedom of thought, conscience, religion and of freedom of expression, held in conjunction with the Forum Law Centre – Armenia, November 2004

RIGHT: This manual, published in Turkish, Azeri, Armenian and English provides a practical guide to taking cases to the European Court of Human Rights, including key texts such as legal aid rates



PROJECT 2

FACT-FINDING AND TRIAL
OBSERVATION MISSIONS

Fact-finding and trial observation missions play an essential part in KHRP's programme to monitor human rights abuses in the Kurdish regions and to help to press for the rule of law and a wider democratic platform for discussion there. These missions also help KHRP in maintaining grassroots links with survivors of human rights abuses and the people who defend them and, in turn, offer support for those involved in the fight for human rights on the ground.

KHRP fact-finding and trial observation missions provide a channel of communication between individuals and groups and in the Kurdish regions and the international policy-makers with the influence to change their lives. Moreover, to the people in the Kurdish regions, the missions enable them to communicate their stories and concerns to an international human rights organisation that is not subject to the intimidation and censorship faced by domestic organisations: safeguarding them against the risk of further ill-treatment or harassment.

In 2004 KHRP conducted six fact-finding missions to Turkey and Iraqi Kurdistan. In Iraqi Kurdistan, the mission examined the problems faced by the most vulnerable groups particularly women, minorities and internally displaced persons (IDPs), particularly in the light of the prevailing security threats throughout the year seen in most of Iraq. Five missions to Turkey examined a range of issues, including the human rights, cultural and environmental impacts on affected communities of the construction of large-scale infrastructure projects including dams and pipelines; the efficacy of recent pro-EU reforms passed on improving human rights; and in particular the situation faced by the most vulnerable groups, namely women, internally displaced persons (IDPs) and Kurds. The missions also examined the continuing reports of human rights violations such as torture or ill-treatment and extra-judicial killings in the Southeast area particularly.

A further four delegations were sent to observe trials in Turkey, to monitor compliance with standards of due process. Several trials were against human rights defenders, often the subject of unfounded prosecutions or arbitrary

trials as a method of intimidation. Others were against police and security officers accused of perpetrating human rights abuses including torture, ill-treatment and extra-judicial killings. KHRP maintains the belief that by ensuring the perpetrators of human rights violations are not able to act with impunity, *similar abuses are prevented from occurring in future.*

In all these missions, the delegation consulted with a range of government officials, members of the judiciary, local non-governmental organisations, human rights defenders and individuals. This enabled the mission to corroborate reports of human rights abuses, most significant in areas where there is difficulty obtaining reliable information beyond state-controlled sources. This also enables KHRP to monitor and evaluate its work to ensure that it was meeting the current needs of the most disadvantaged groups in all its work.

Following the missions, KHRP circulates its findings to a wide range of groups including international governmental and intergovernmental bodies, UN mechanisms, EU representatives, parliamentarians, academics, lawyers, non-governmental organisations and interested individuals. KHRP also brings its findings to the attention of the domestic and international press and broadcast media.

FACT-FINDING MISSIONS

Turkey - January 2004

In January 2004, KHRP and the Corner House visited the Ortagecit and Haskoy villages in Turkey to obtain witness statements from villagers expropriated from their land by the construction of the Baku-Ceyhan oil pipeline.

LEFT: KHRP fact-finding mission member Margaret Owen, an expert on women and children's rights, meets with a women's group in Diyarbakir to discuss the incidence of sexual violence in Turkey

RIGHT: Ferhat Kaya, a prominent human rights defender who was detained and allegedly subjected to ill-treatment following his work to mitigate the impacts of the Baku-Ceyhan (BTC) oil pipeline in Turkey. KHRP and its partner organisations sent alerts to a large number of international organisations, press and broadcast media, human rights and environmental groups and individuals. Targeted letters were additionally sent to the many organisations with a direct involvement in the pipeline or in the human rights situation in Turkey, including the UK Foreign and Commonwealth Office, the European Bank for Reconstruction and Development and the World Bank



The fact-finding mission provided further evidence in support of an application to the ECtHR lodged on behalf of 38 villagers (*Yaziki and 37 Others v. Turkey*). The applicants complain of violations under Articles 6, 8, 13, 14 in conjunction with 6, 8, 13 and Article 1 of Protocol 1 to the Convention. (See *Project 1: Human Rights Advocacy and Training*)

Turkey - March 2004

In March 2004, a fact-finding mission to Turkey assessed the current human and women's rights situation, including the efficacy of recent reforms aimed at improving human rights to meet EU accession standards. The delegation held meetings in Istanbul and Diyarbakir with representatives of political parties including the ruling AKP government, the DEHAP party, NGOs and women's groups.

The fact-finding mission also visited a newly opened Kurdish language school in Batman on its second day of operation. The opening of the school in itself potentially signals a shift in Turkish authorities' attitude towards Kurdish language education.

Turkey - August 2004

This fact-finding mission examined the cultural and environmental impacts of large infrastructure projects in south-east Turkey. Fundamental flaws in plans for the proposed Ilisu dam in Turkey provoked international attention from 2000 to 2002. Following an exemplary international campaign, the consortium of companies planning to build the dams collapsed, safeguarding the ancient sites of archaeological significance in the area as well as the welfare of up to 78,000 people, mostly Kurds, who stood to be displaced by the project.

Almost three years on, a joint fact-finding mission by KHRP and the National University of Ireland, Galway, provided new evidence that the Turkish state has not learned the lessons of Ilisu. The mission gathered evidence of a new

consortium of companies coming together to build the discredited dam and others. The basis for the projects remains essentially the same, and there is no evidence that affected communities have been consulted. Of those consulted by the mission, the overwhelming response was one of absolute opposition to the dams.

Turkey - September 2004

This was the fourth international fact-finding mission to assess the human rights, social and environmental impacts of the Baku-Tbilisi-Ceyhan (BTC) oil pipeline, which BP and other companies (as part of the BTC Consortium) are currently building in order to bring oil from Caspian Sea oilfields to Western markets. Construction of the pipeline commenced in 2002 and is due to be completed by 2005. The mission comprised representatives of KHRP, Environmental Defense, the Corner House and Friends of the Earth (England, Wales and Northern Ireland). It undertook field visits in the Ardahan (north-east) and Sivas (central) sections of the pipeline route and conducted interviews in Ankara. The mission found evidence of human rights abuses, expropriation of land, labour violations, and serious violations in quality control during construction, that have been raised by affected peoples, experts, pipeline workers, non-governmental organisations and the project's own monitoring reports.



Keen to monitor the implementation of pro-EU reforms on the ground, a KHRP fact-finding mission members Margaret Owen and Peter Lowrie visited a new Kurdish-language school in Batman on its second day of operation in 2004. The lifting of restrictions on such schools represents a symbolic landmark in the recognition of Kurdish linguistic rights, although bureaucratic restrictions on the opening of such schools has meant that demand has far outstripped supply

Şiyar Perinçek, the son of a human rights defender, following his shooting outside the Adana branch of the Human Rights Association in May 2004. KHRP and the Bar Human Rights Committee jointly observed the trial of three security officers accused of conducting an extra-judicial killing and the torture or ill-treatment of a key witness in December. The case has not yet reached judgment





Members of a KHRP fact-finding mission in March 2004 with representatives of the Diyarbakir Bar Association including Sezgin Tanrikulu, who provide legal representation to internally displaced persons who lost their homes in the early 1990s. Their professional involvement in such cases has led the lawyers to experience harassment and intimidation from authorities, including trials on allegations of 'professional misconduct' in 2004

Iraqi Kurdistan - September 2004

In spite of fears that the continuing insecurity would prevent access, a KHRP fact-finding mission in 2004 assessed the human rights and security situation in the wake of the war and the demise of Saddam Hussein, particularly for the region's Kurds. The mission sought to follow up information gained during its 2003 mission. KHRP met with a number of ministers of the Kurdistan Regional Government (KRG) in both the KDP-governed city of Arbil and the PUK's base of Sulaymaniya; and held meetings with international and local non-governmental organisations. The mission also visited refugee camps and resettlement complexes.

Turkey – December 2004

KHRP sent a fact-finding mission to a number of cities in the Kurdish region of Turkey, including Van, Diyarbakir, Mardin and its district Kızıltepe and Hakkari, to investigate two extrajudicial killings that had been reported in the region, one involving a 12-year-old boy and thereby attracting particular concern. The mission

met with family members of the victims, with human rights defenders and with the Van, Diyarbakir and Mardin Bar Associations. The mission also sought generally to examine the current human rights situation in the area, particularly the problems faced by internally displaced persons (IDPs), detainees and women.

TRIAL OBSERVATIONS

Trial of human rights defender Huseyin Cangir - March 2004

On 17 March 2004, KHRP observed the trial of human rights defender Huseyin Cangir, the branch chair of İnsan Haklari Derneği (Human Rights Association) in Mardin. İHD is the largest human rights organisation in Turkey and a partner organisation of KHRP. Cangir has been prosecuted for the publication of posters advertising Human Rights Week (10 to 17 December) featuring the phrase 'Peace Will Win' in Kurdish. The Van Criminal Court of held that all posters were to be confiscated. A case was subsequently lodged against both Cangir and the Chair of İHD Siirt branch, Vetha Aydın. The trial was observed by international women's rights lawyer Margeret Owen. The case was adjourned. *KHRP will continue monitoring these trials, which are ongoing, and the issue of prosecuting human rights defenders, in 2005.*

Trial of human rights defenders M. Sezgin Tanrikulu and Selahattin Demirtas – March 2004

In March 2004 KHRP observed the trial of human rights defenders M. Sezgin Tanrikulu and Selahattin Demirtas, respectively chair of the Diyarbakir branch of the Human Rights Association (İHD) and president of the

An ancient church which would be submerged by the Hakkari dam, part of the GAP scheme of dams in development in Southeast Turkey. KHRP in conjunction with the National University of Ireland, Galway sent a fact-finding mission in August to investigate the impact of the dams



Diyarbakir Bar Association. Tanrikulu was prosecuted for a speech made concerning torture in Turkey and the practice of state officials of attending medical examinations where allegations of torture are investigated. KHRP will continue monitoring these trials, which are ongoing, and the issue of prosecuting human rights defenders, in 2005.

Trial of human rights defender Ferhat Kaya – September 2004

Ferhat Kaya is a human rights defender and representative of the DEHAP party in Ardahan, north-east Turkey, who has been at the forefront of a campaign to highlight the local, social and environmental impacts of BP's Baku-Tbilisi-Ceyhan oil pipeline. There is significant evidence that threats and incidents of harassment experienced by Kaya have been directly connected to his human rights work, raising concerns over the extent of human rights due diligence undertaken by the international financial institutions backing the project.

An international mission including representatives of KHRP, the Corner House, Environmental Defense (USA) and Friends of the Earth (England, Wales and Northern Ireland) observed the trial of eleven police officers acquitted of allegedly ill-treating Kaya in May 2004. Simultaneously, Kaya was indicted and placed on trial for resisting arrest, insulting police officers and failing to comply with their requests. Kaya faces a custodial sentence if found guilty at the trial, due to take place in 2005. The mission observed a pervasive climate of repression in the region and the breach of numerous international human rights standards in Kaya's cases. The report highlights major shortfalls in the implementation of pro-EU legislative reforms, particularly regarding torture or ill-treatment. Disquietingly, Kaya was



KHRP with representatives of a local scout group in Iraqi Kurdistan, focusing on building independence among women and girls. June 2004

again detained, allegedly ill-treated and placed under investigation subsequent to the mission. KHRP will continue monitoring these trials, which are ongoing, and the issue of prosecuting human rights defenders, in 2005.

Trial of three security officers accused of human rights violations – December 2004

This joint mission by KHRP and the Bar Human Rights Committee of England and Wales to observe the trial of three security officers for an alleged extra-judicial killing and the torture or ill-treatment of a key witness.

Şiyar Perinçek was the son of a member of the İnsan Hakları Derneği (Human Rights Association) board of directors. İHD is the largest human rights organisation in Turkey and a partner organisation of KHRP. Şiyar was on a motorbike opposite the Adana branch of İHD on 28 May 2004. According to witnesses, he fell to the ground when approached by security officers whereupon an officer shot him in the back. He died later at hospital. A

A village in Iraqi Kurdistan, destroyed and evacuated during Saddam Hussein's notorious 'Anfal' campaigns, photographed during a fact-finding mission in June 2004





key witness Nurettin Başçi was arrested and is currently on remand in Adana Kurkcüler F-type prison, where he alleges being subjected to torture or ill-treatment.

The trial of three security officers took place on 21 December 2004. The mission expressed concern over failures to comply with domestic legislation as well as a breach of several international legal standards. Among other breaches, the delegation noted the lack of co-operation from authorities on issues including the disappearance of key evidence; the non-attendance of the officers on trial; and the failure to provide a fair and impartial hearing for the complainants. One judge was observed to sleep through most of the hearing.

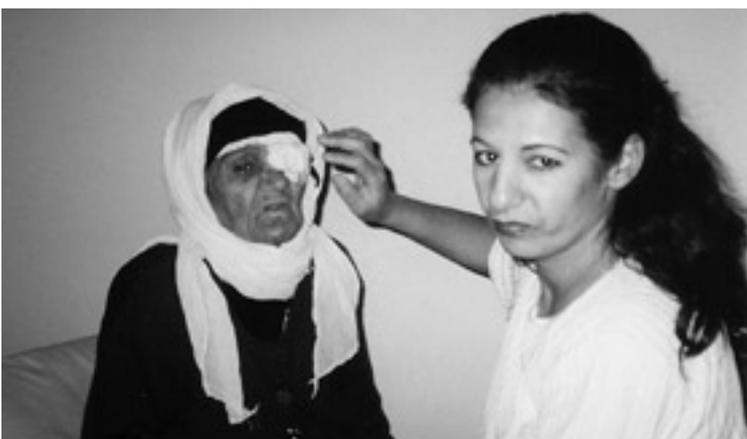
Interviewees expressed concern over continuing violations of the prohibition of torture or ill-treatment, and the implications of this on Turkey's EU accession. *KHRP will continue monitoring these trials, which are ongoing, and the issue of prosecuting human rights defenders, in 2005.*



TOP LEFT: Fact-finding mission member Maggie Ronayne, a lecturer in archaeology at the National University of Ireland, Galway, with members of the Women's Platform in Batman, August 2004

LEFT: KHRP representative Gala Riana with a Turkoman Regional Minister at the Kurdistan Regional Government, June 2004

BELOW LEFT AND RIGHT: The NAWA Centre, a women's rights organisation in Iraqi Kurdistan, received donations of technical support and assistance from KHRP in 2004



PROJECT 3

RESEARCH AND PUBLICATIONS

Based on objective and thorough research – an essential component to the monitoring of human rights – KHRP publications have a reputation for providing solid information to policy and decision makers nationally and internationally. Such information is especially crucial in the Kurdish regions where sound information is frequently hard to secure.

The need for independent and objective information about the Kurdish regions and the Kurds is all the greater due to the widespread censorship and intimidation of human rights defenders and the media within the regions. This project responds to these needs by producing regular reports which monitor and analyse the situation within the regions, while making recommendations for action to be taken by relevant authorities.

KHRP's internationally-respected publications have remained a valuable resource of information for governmental and intergovernmental organisations, including the UN, OSCE and European Parliament, together with parliamentarians, academics, non-governmental organisations, lawyers, students, press and broadcast media, human rights defenders on the ground and the general public. **In doing so, KHRP provides a channel of communication between people on the ground in the Kurdish regions, particularly the most marginalised groups including women and minorities, and the policy makers with the influence to change their lives.**

KHRP publications also provide legal analysis and information about remedies available for human rights violations. These publications, including practical manuals about the ECtHR and UN mechanisms and a biannual legal journal, enhance the capacity of human rights defenders, organisations and lawyers on the ground to take action against human rights abuses domestically. In 2004, they also prompted investigations by UN mechanisms.

Where appropriate, KHRP's reports and manuals are translated into Kurdish, Turkish, Armenian, Azeri, Russian or Arabic in order to be circulated among the communities in the regions, and are available in full online.

KHRP regularly receives feedback from its readership. One funder, the Community Fund (formerly UK National Lottery) has commented, "The publications enhance and complement the case work. These are very professionally done – extremely well written and well presented. Although published by the "Kurdish" Human Rights Project, they are balanced and would be convincing to a critical audience. It was quite clear from discussions with partner and other organisations... that it was felt the publications are an important way to raise international awareness of the issues... Turkish newspapers then reported on the production and distribution of these reports. This raised awareness both nationally and internationally of the issues."

Amongst KHRP's research initiatives in 2004 was the production of the 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora'. The Charter gives voice to the specific concerns of Kurdish women in

recognition of the particular problems that they face in society. It also conducted innovative research projects into the practice of torture and ill-treatment in Turkey, the situation of Kurdish children and cultural and linguistic rights of Kurds throughout the regions. It has also commenced research into a number of areas due to be published in 2005, including an evaluation of human rights in the context of Turkey's EU accession negotiations and the situation of Kurds in Syria.

KHRP also produces briefing and position papers on numerous issues for dissemination to relevant stakeholders, at conferences and seminars internationally and online.

ORDERING INFORMATION

KHRP publications are available directly from KHRP (www.khrp.org or +44 (0) 207 287-2772) or by citing the ISBN number to all good bookshops

TRAINING MATERIALS

KHRP Legal Review 5 (2004)

The *KHRP Legal Review* is the only existing legal journal considering significant legal developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders by providing clear guidance, updates and analysis of issues relevant to the regions. This edition provides analysis of the law and practice of judicial appointments to the European Court; the retrial of Leyla Zana and other Kurdish former parliamentarians; trials of human rights defenders in Turkey; and recent developments before the UK Immigration Appeal Tribunal involving Kurds from Turkey seeking political asylum. It also includes a breakdown of Article 3 and Article 6 ECHR cases against Turkey in recent months. Finally, it includes European Court admissibility decisions and judgments from December 2003 to June 2004.



ISBN 190017572X

KHRP Legal Review 6 (2004)

The *KHRP Legal Review* is the only existing legal journal considering significant legal developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders by providing clear guidance, updates and analysis of issues relevant to the regions. This edition provides a summary of the European Commission's 2004 report on Turkey's progress towards accession. An article by Tim Otty and Ben Olbourne assesses the US Supreme Court's response to the 'War on Terror' in the Rasul and Hamdi cases. Further articles provide assessments of Turkey's implementation of European human rights standards (Jon Rud) and the establishment and protection of human rights under the ECHR (Declan O'Callaghan). A further article provides a detailed interpretation of the *Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora* published by KHRP and KWP.

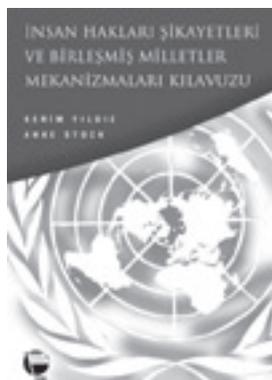


ISBN 1900175789

TRAINING MATERIALS

Taking Human Rights Complaints to UN Mechanisms - A Manual (Turkish)

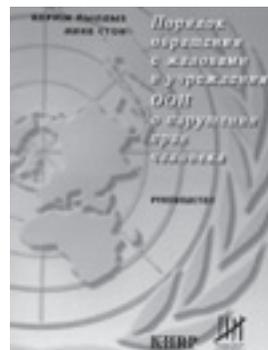
Intended to enhance capacity within the Kurdish regions, KHRP prepares materials including manuals to provide practical guidance to indigenous lawyers, NGOs and human rights defenders. A new manual published in Turkish provides a guide to taking human rights complaints to UN mechanisms. The manual includes an overview of the three categories of UN human rights bodies: the UN High Commissioner for Human Rights, those established by the UN Charter (Charter-based bodies) and those established by provisions in specific legal instruments (treaty-based bodies). In addition, the Manual includes key texts, such as texts of the reservations and declarations entered into by member states in the Kurdish regions, model complaint forms and guidelines for the submission of complaints. It is published in conjunction with the Bar Human Rights Committee of England and Wales. (*Available Turkey only*)



Taking Human Rights Complaints to UN Mechanisms – A Manual (Russian Language)

This manual provides a guide to taking human rights

complaints to UN mechanisms. It includes and overview of the three categories of UN human rights bodies: the UN High Commissioner for Human Rights, those established by the UN Charter and those established by provisions in specific legal instruments. In addition, the Manual includes key texts, such as texts of Kurdish regions, model complaint forms and guidelines for the submission of complaints. The manual was written and edited by KHRP Executive Director Kerim Yıldız and Legal Officer Anke Stock and published in conjunction with the Bar Human Rights Committee of England and Wales. Its Russian publication is in conjunction with the Forum. (*Armenia/ Azerbaijan only*)



FACT-FINDING AND TRIAL OBSERVATION REPORTS

Turkey's Implementation of Pro-EU Reforms: Fact-Finding Mission Report

This fact-finding mission report analyses the extent to which seven packages of pro-EU reforms (the Harmonisation packages) have been implemented in Turkey. The report focuses particularly on the legal, economic and social situation of two of the most vulnerable groups, Kurds and women. The mission concluded that serious human rights violations including torture and sexual violence in detention continue to occur in the Southeast region, discriminating against Kurds, women and children in particular. Concern is expressed over the failure to investigate honour killings and a lack of protection from domestic violence. It finds the Turkish authorities to have abrogated in their responsibilities to implement adequate return programmes for 3-million internally displaced persons (IDPs). It further expresses concern over the efficacy of judicial and language rights reforms which purported to allow greater freedoms in education and broadcasting in the Kurdish language, but have had little impact on the ground.



ISBN 1900175738

Baku-Tbilisi-Ceyhan Oil Pipeline: Human Rights, Social and Environmental Impacts – Fact-Finding Mission Report

This report is of interest to those concerned about the human rights, social and environmental impacts of the Baku-Tbilisi-Ceyhan oil



pipeline in Turkey. The report presents the findings of KHRP, the Corner House, Friends of the Earth (England, Wales and Northern Ireland) and Environmental Defense following their fourth international fact-finding mission to the Ardahan and Imranli regions. The mission was shocked by the extent to which the project is being implemented in breach of agreed standards, particularly those relating to land acquisition, potentially placing the project in violation of host country law, project loan conditions and the European Convention on Human Rights. The mission found that problems identified previously continued unaddressed, with severe impacts on villagers. In many cases these failures could have been avoided, had the project lenders been inclined to exercise greater realism with regards to the likelihood that project implementation could, and would, comply with agreed standards. The mission also pointed to the continuing gap between the legal reforms recently adopted by Turkey and their implementation in practice.

ISBN 1900175797

Report on the Trial of Huseyin Cangir – Trial Observation Report

This report presents the findings of a mission to observe the trial of Huseyin Cangir, the Chair of the Mardin branch of KHRP's partner organisation the Human Rights Association (IHD). Cangir had been prosecuted for the publication of posters advertising Human Rights Week (10 to 17 December) featuring the phrase 'Peace Will Win' (*Asiti Bi Ser Keve*) in Kurdish, on the basis that he had not sought permission from the Governor. The case highlights ongoing restrictions on freedom of expression and of association.

ISBN 1900175762

Report on the Trial of Ferhat Kaya – Trial Observation Report

This report is of interest to anyone concerned about the human rights, social and environmental impacts of the Baku-Tbilisi-Ceyhan oil pipeline in Turkey. The report, published jointly by KHRP, the Corner House, Friends of the Earth (England, Wales and Northern Ireland) and Environmental Defense, presents the findings of an

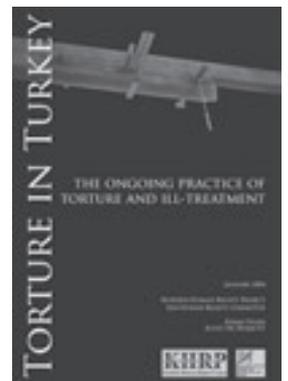


international mission which, in September 2004, observed the trial of Ferhat Kaya. Kaya is a Turkish human rights defender who was detained and allegedly tortured in May 2004 as a result of his work with villagers affected by the pipeline, and that of the eleven police officers accused of ill-treating him. The mission observed deficiencies in the trials amounting to violations of international fair trial standards, and pointed to the continuing gap between the legal reforms recently adopted by Turkey and their implementation in practice. Disquietingly, Kaya was once more detained and allegedly subjected to ill-treatment on 25 December 2004 – subsequent to the mission – and is now the subject of a further investigation.

ISBN 190017586X

RESEARCH

Torture in Turkey: the Ongoing Practice of Torture and Ill-treatment



The passage of legal reforms aimed at improving human rights standards to meet EU accession requirements has failed to prevent the widespread and systematic deployment of torture and ill-treatment in Turkey. This book assesses the achievements and failures of Turkish authorities in preventing the torture and ill-treatment of individuals in detention and police custody. The perpetrators are usually law enforcement officials, gendarmerie and security forces. Torture methods used include rape, beatings, food deprivation, continual blindfolding, spraying with pressurised cold water and various methods of psychological torture and abuse. There has also been a marked increase in more sophisticated methods that do not leave visible marks on the body, including electric shocks, Palestinian hangings and falaka (beating on the soles of the feet). The issue is likely to be of critical importance in December 2004, when Turkey's EU accession bid is due to be reconsidered. The book is written and edited by KHRP Executive Director Kerim Yildiz and researcher Juliet McDermott. It includes a comprehensive assessment of the status of torture in Turkey, including that used against women and children. It also contains recommendations to the Turkish government, EU and UN Commission on Human Rights of further constitutional amendments which could bring Turkey into compliance with international human rights standards.

ISBN 1 900175 70 3

The Kurds: Culture and Language Rights

The authorities in Turkey, Iraq, Iran and Syria have used a variety of policies targeting aspects of Kurdish culture and language throughout the last century. Culture and language have become highly politicised bargaining tools, retaining a central role in the suppression of Kurds. A new book provides an assessment of suppression of Kurdish cultural and language rights throughout the regions. Written by KHRP Executive Director Kerim Yildiz and Georgina Fryer, the report first assesses the treatment of Kurdish culture and language throughout the twentieth century. It then assesses the rights of Kurds under existing international legal mechanisms, providing an analysis of the authorities' compliance. It compiles and documents the pronouncements on the denial and/ or protection of Kurdish culture and language rights made by international treaty and non-treaty bodies, and other mechanisms such as the OSCE and Council of Europe. Finally, KHRP assesses the current practical status of enforcing these rights in the four States, and makes recommendations to the relevant authorities mandated to ensure that the linguistic and cultural rights of Kurds are respected.



an overview of the socio-economic and historical factors which have brought about this situation. It assesses the implications of discrimination, housing, nutrition and health, education, child labour, street children and juvenile justice. Throughout, the report refers to Turkey's international legal obligations; urging the international community to recall these obligations when considering Turkey's eligibility for EU accession.

ISBN 1900175770

NON-ENGLISH PUBLICATIONS

Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora

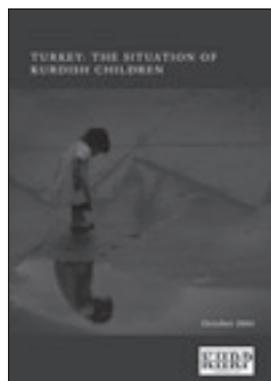
- * English, Sorani, Kurmanci, Arabic (First edition)
- * English, Sorani, Kurmanci, Arabic, Turkish, French (Second edition)
- * Turkish



ISBN 1900175746

Turkey – the Situation of Kurdish Children

KHRP is concerned for the welfare of many children in Turkey, who, largely due to widespread poverty and the authorities' failure adequately to address their situation, have not received adequate protection as enshrined in various international instruments including the Convention on the Rights of the Child. However, the combination of armed conflict and continued discrimination has had an inevitably grave impact on Kurdish children. Kurdish children in Turkey, especially displaced children, suffer inadequate provision of the most basic needs: suitable housing, healthcare, basic nutrition and access to education. Many such children have been forced on the streets or elsewhere. Levels of emotional stress and depression are high; those subjected to detention have frequently faced torture or ill-treatment. KHRP considers Kurdish girls to be exceptionally vulnerable due to other factors, including the frequency of domestic violence, sexual abuse and forced early marriage. This report provides



Discrimination against women occurs globally, but is all the more damaging when compounded with ethnic, religious or other forms of discrimination. Women in the Kurdish regions and diaspora, therefore, face an uphill struggle as they attempt to tackle discrimination on several fronts. Located in the strategically important region spanning the borders of Turkey, Iraq, Iran and Syria, millions of Kurdish women continue to witness the devastating effects of wars, military attacks and economic embargoes.

Against this backdrop, Kurdish women have been pushing hard to achieve the enforcement of human rights. *The Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora* has been continually developed to ensure that it appropriately identifies the needs and wishes of women in the Kurdish regions and diaspora. International and domestic bodies are urged to consider seriously the domestic incorporation of the rights and needs identified in the Charter in both letter and spirit.

KHRP/KWP

£5 (+P&P)

ISBN 1900175711

Kurdish Cultural and Language Rights' (Turkish language)

This report assesses the situation of the Kurds and to what extent their minority culture(s) is treated under the laws in place in Iran, Iraq, Syria and Turkey. What emerges is a picture of a group that has been the victim of a prolonged campaign of cultural suppression in all four countries. Various tactics have been employed ranging from outright prohibition on the private use of Kurdish to more subtle forms of oppression via anti-terrorist laws. The report considers the national systems in place in each country and their compliance with international law standards, together with the status of Kurdish language, media and education in each country.

ISBN 975-344-308-0



housing, nutrition and health, education, child labour, street children and juvenile justice. Throughout, the report refers to Turkey's international legal obligations; urging the international community to recall these obligations when considering Turkey's eligibility for EU accession.

ISBN 975-344-323-4

IN ASSOCIATION WITH PLUTO PRESS

The Kurds in Iraq - The Past, Present and Future

Building on his profile as a leading defender of human rights, KHRP Executive Director Kerim Yıldız published his analysis of the situation of the Kurds in Iraq with publishers Pluto Press in 2004.



The book explores the key issues facing the Kurds in Iraq in the aftermath of the US-led invasion and chaos of the occupation. It is the most clear and up-to-date account of the problems that all political groups face in rebuilding the country, as well as exploring Kurdish links and international relations in the broader sense. It should be required reading for policy-makers and anyone interested in the current position of the Kurds in Iraq. Yıldız explores the impact of war and occupation on Iraqi Kurdistan, and in particular the crucial role of the city of Kirkuk in the post-war settlement. He also looks at how UN rifts potentially affect the Kurds; relations between Iraqi Kurds and Turkey; relations with Iran; and US policy towards the Kurds.

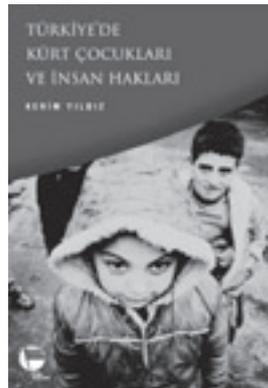


Further information about a 20 per cent discount on the book for KHRP friends and subscribers is available on www.khrp.org

ISBN 0 7453 2229 8 hardback; ISBN 0 7453 2228 X paperback

Turkey – The Situation of Kurdish Children (Turkish language)

KHRP is concerned for the welfare of many children in Turkey, who, largely due to widespread poverty and the authorities' failure adequately to address their situation, have not received adequate protection as enshrined in various international instruments including the Convention on the Rights of the Child. However, the combination of armed conflict and continued discrimination has had an inevitably grave impact on Kurdish children. Kurdish children in Turkey, especially displaced children, suffer inadequate provision of the most basic needs: suitable housing, healthcare, basic nutrition and access to education. Many such children have been forced on the streets or elsewhere. Levels of emotional stress and depression are high; those subjected to detention have frequently faced torture or ill-treatment. KHRP considers Kurdish girls to be exceptionally vulnerable due to other factors, including the frequency of domestic violence, sexual abuse and forced early marriage. This report provides an overview of the socio-economic and historical factors which have brought about this situation. It assesses the implications of discrimination,



ORDERING INFORMATION

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PROJECT 4

PUBLIC AWARENESS, EDUCATION
AND COMMUNICATION STRATEGIES

The need for independent and objective information about the Kurdish regions and the Kurds is all the greater due to the widespread censorship and intimidation of human rights defenders and the media within the regions. KHRP employs a wide range of tools in sharing information, building capacity and raising public awareness of human rights abuses and consequently in adding pressure on governments to reform.

Through public awareness, education and communication initiatives, KHRP keeps informed governmental and intergovernmental bodies, press and broadcast media, civil society organisations, academic institutions and supporters regularly updated about its work and key issues regarding human rights.

The year 2004 saw a continued level of interest in the Kurdish regions in the aftermath of the US-led Iraq invasions and the ensuing elections. KHRP represented a focal point of information about this, Turkey's pro-EU reforms and other developments to domestic and international media. Through liaising on news and sending regular press releases, the organisation or its work was featured in media across the UK, USA, Europe, Asia, Australia and the Kurdish regions in 2004.

KHRP is the only independent, non-political human rights body of its type. In the regions, human rights defenders face continual intimidation and censorship intended to silence them into submission. For this reason and others, a founding aim of KHRP was to provide a service that no other organisation within the regions could provide, and to enhance capacity by transferring skills to partner organisations. Throughout 2004, joint work with partner organisations has included participation on litigation, advocacy, internships, fact-finding and trial observation missions, seminars and meetings and publications. The broad range of issues on which KHRP has collaborated with these groups has included the reform of the ECtHR, the potential impact of Turkey's accession to the EU, women's rights in the Kurdish regions and large-scale infrastructure projects in the regions including oil and gas pipelines and dams.

KHRP consults with stakeholders at local, national and international levels, including local men and women, girls and boys; gate keepers including local leaders, teachers, health workers, religious leaders, trade unions; local community groups; intermediate human rights bodies; national, regional and international non-governmental organisations; representatives of the bar; relevant government representatives and their embassies; donors; and intergovernmental organisations, decision and policy makers.

All of its work combines to reduce inequalities affecting the most disadvantaged women and men, boys and girls in their access to resources, participation in decision-making and exercising of rights. It works with the most disadvantaged groups in all aspects of its projects to ensure that benefits are long-term and shared fully, and has had a lasting impact on improving the responsiveness of decision and policy makers to their needs. Key to KHRP's success is its work to improve alliances, collaboration and networking at all levels, and to improve the capacity of partner organisations, local communities and other stakeholders to tackle the causes of poverty effectively, efficiently and in a sustainable way.

KHRP working partnerships

In 2004, KHRP continued its work with partner organisations in the Kurdish regions including:

Forum Law Centre (formerly Union of Armenian Lawyers)

The Centre provides advocacy services, consultations and conducts litigation. KHRP has worked with the Forum Law Centre and its

LEFT: Executive Director participates in a panel discussion at the UK House of Lords to mark the English-language publication of the seminal book 'International Colony Kurdistan' by Ismail Besikci in March 2004. The author was imprisoned many times for his writings, leading him to become a figurehead of censorship in Turkey. Other participants in the panel discussion included Lord Avebury, Vice-Chair of the All Party Parliamentary Human Rights Group and KHRP Honorary President, Ahmet Kahraman, a Kurdish writer and journalist and representatives of Amnesty International

CENTRE: Sir Bob Geldof with KHRP Executive Director Kerim Yildiz

RIGHT: Ahmet Kahraman, Kurdish writer and journalist, at KHRP's London office March 2004



legal team on joint ECHR litigation, training and publication projects

Azerbaijan National Committee of Helsinki Citizen's Assembly

The Committee raises public awareness of human rights and works to improve the capacity of civil society. KHRP has conducted a series of training programmes together with HCA and works jointly on litigation.

Contemporary Journalists Association

The Contemporary Journalists Association is focused on freedom of expression and the media in Turkey. It has worked with KHRP on trial observations, fact-finding missions and the publication of case reports.

Contemporary Lawyers Association

The Contemporary Lawyers Association assists KHRP with the implementation of training, trial observation and fact-finding in the region. It is also involved with the preparation of publications and the internship programme.

Göç-Der

Göç-Der is at the forefront of refugee and internal displacement issues in Turkey and was the first organisation of its kind. It liaises with KHRP on litigation to the ECtHR, trial observations and fact-finding missions.

The Association of Human Rights and Solidarity for the Oppressed People in Turkey (Mazlum-Der)

Mazlum-Der is a civil society organisation with a

particular focus on freedom of religion in Turkey. It works with KHRP on litigation, training, fact-finding and trial observations in the regions.

The Foundation for Legal and Social Studies (TOHAV)

With its headquarters in Istanbul, TOHAV aims to improve the rule of law and human rights for Kurds living in Turkey. KHRP works with TOHAV on cases to international human rights mechanisms and on researching human rights issues.

The Human Rights Association of Turkey (IHD)

With its headquarters in Ankara and branches throughout Turkey, IHD is the largest human rights organisation based in Turkey. It liaises with KHRP on litigation, training, fact-finding and trial observation missions and publications.

Media Relations

In 2004, KHRP continued to deliver regular press releases, proactively seeking expose issues of concern and respond to breaking news. Press releases circulated concerned issues such as the launch by KHRP and Kurdish Women's Project of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora; the International Criminal Court; Turkey's accession to the EU and Baku-Tblisi-Ceyhan pipeline. KHRP was featured in press and broadcast media throughout Europe, America, Asia, Australia and the Kurdish regions, including the BBC, Anatolian Press, Asia Times, Baku Sun, Channel 4, Financial Times, Independent, Economist, Guardian, Kurdishmedia, Reuters and Voice of America radio.

LEFT: Executive Director Kerim Yildiz with Sami Abdul Rahman, Deputy Prime Minister of the KDP in Iraqi Kurdistan. Mr Rahman was the highest-ranking Kurdish official killed during synchronised twin suicide blasts at the PUK and KDP offices in Iraqi Kurdistan on 1 February 2004

CENTRE: Executive Director Kerim Yildiz participates in a parliamentary public meeting concerning the Kurdish situation in Syria, May 2004

RIGHT: Executive Director Kerim Yildiz (far right) delivered a speech at the European Social Forum in London on the topic of 'Turkey, Human Rights and the EU', October 2004





Panel members at the conference 'EU, Turkey and the Kurds' at the European Parliament, Brussels, November 2004

Participation at Events

Throughout 2004, KHRP attended a wide range of international conferences, seminars, public lectures and special events, posting presentations on the website and making documentation available on request. The following are some of the events in which KHRP participated:

Lecture concerning the role of human rights in British foreign policy, delivered by representative of UK Foreign and Commonwealth Office, 29 January 2004

Lecture on the human rights situation in Kurdish regions and the role of human rights organisations, Goldsmiths College, London, 24 February 2004

Formal Presentation at the tenth session of the UN Working Group on Minorities, Switzerland, 1-5 March 2004

Participation in panel discussion to

mark the English language publication of 'International Colony Kurdistan' by Ismail Besikci, 3 March 2004

Lecture on history and situation of Kurdish people in Asia and the Middle East, Model UN Conference, Bath - UK, 6 March 2004

Co-sponsor of commemoration of the anniversary of Halabja, School of Oriental and African Studies, London, March 2004

European Union and European Parliament meeting to discuss human rights situation in Kurdish regions, Brussels, 17 March 2004

Bar Human Rights Committee's biannual lecture, 'Why Africa?', at St. Paul's Cathedral given by Sir Bob Geldof, 20 April 2004

Parliamentary public meeting on the EU, Turkey and the Kurdish question, London, 4 May 2004

Parliamentary public meeting on the Kurds in Syria, London, 18 May 2004

Royal Institute of Philosophy annual lecture, 'Simple Truths', given by Professor Noam Chomsky, 19 May 2004

Public lecture on human rights and humanitarian law in Occupied Iraq, organised by the International Committee of the Red Cross and LSE, London, 25 May 2004

Roundtable briefing with UK Foreign & Commonwealth Office, regarding human rights in Turkey and Turkey's accession plans, 25 May 2004

LEFT: The 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' was launched first at the UK House of Lords in London and at the Kurdistan National Assembly in Erbil in June/ July 2004

CENTRE: Amir Hassanpour, Associate Professor in the Department of Near and Middle Eastern Civilisations at the University of Toronto, Canada, visited KHRP as part of a research project relating to the documentation of Kurdish resources in June 2004

RIGHT: Representatives of the Kurdish Women's Project, with whom KHRP has published the 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' with Leyla Zana, July 2004



Public meeting at the House of Commons concerning the situation of the Kurds in Iran, 14 July 2004

Sponsorship and participation in Hidden World Cultures at the Traquair Fair, Peebleshire, UK, 31 July – 1 August 2004.

NGO Roundtable Forum at the Foreign and Commonwealth Office, convened to discuss human rights situation in Turkey, London, 6 September 2004.

Debate about the Kurdish situation in Turkey at the Cambridge Speakers' Forum, 21 September 2004

Seminar on EU-Turkey relations organised by the Centre for European Reform, London, 5 October 2004

Presentation of report concerning human rights violations against Kurds in Turkey at the OSCE Human Dimension Implementation meeting, Warsaw, 4-15 October 2004

Presentation and Keynote Speech concerning the role of NGOs in the protection and promotion of Kurdish human rights, International Conference on Kurdish Human Rights, San Francisco, USA, September 2004

Panel discussion concerning the implications of Turkey's EU accession for the Kurds, European Social Forum, London, 16 October 2004

Meetings with German Foreign Office and Heinrich Boll, Berlin, 18-19 October 2004

To subscribe to receive KHRP's newsletter or press releases, or to arrange a KHRP speaker for an event, contact:

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 Fax: +44 20 7734 4927
www.khrp.org
khrp@khrp.org

Group meeting of the Green Party/ EFA Group of the European Parliament concerning the future of Turkey in the EU, Istanbul, 19-22 October 2004

Meetings with MEPs and staff of the European Commission, November 2004

Expert seminar, 'Minority rights in Turkey: an agenda for change?', hosted by Chatham House and Minority Rights Group International, December 2004

LEFT: Women attending the launch of the Charter in Erbil, Iraqi Kurdistan, July 2004

CENTRE: Participants at the conference on Kurdish human rights in San Francisco, September 2004. From left: Michael Gunter, Kerim Yildiz and Robert Olson

RIGHT: The 'Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora' was launched first at the UK House of Lords in London and at the Kurdistan National Assembly in Erbil in June/ July 2004



SPECIAL PROJECTS

KHRP undertakes the majority of its work in promoting and protecting human rights in the Kurdish regions through its closely-integrated main projects. Working as a project-based organisation allows KHRP to respond flexibly to situations of immediate concern. Nevertheless, where there is a particularly grave or imminent threat to the protection of human rights, KHRP implements additional 'special projects' to enable it to provide dedicated resources to that threat.

SPECIAL PROJECT: FEASIBILITY STUDY

Following its tenth anniversary in 2002, KHRP board members, staff and stakeholders considered it would be worthwhile to assess the organisation's achievements over the past decade and to explore new opportunities by which to fulfil the organisation's objectives. In 2003, a feasibility study was commenced to provide an assessment of the current needs of the Kurdish community. The study also identifies appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole. The study continued throughout 2004 and is expected to have a dramatic impact on the organisation's work in 2005.

KHRP is grateful for the financial support of Atlantic Philanthropies in undertaking this feasibility study.

LEFT: KHRP, jointly with Rafto Foundation and Medico International, organised and hosted the conference 'EU, Turkey and the Kurds' at the European Parliament in Brussels, November 2004

RIGHT: KHRP with representatives of international non-governmental organisations Rafto Foundation (Kariane Westrheim), Medico International (Hans Branscheidt) and consultant Claire Brigham in Paris, June 2004



APPENDICES

KHRP Funders

Among those organisations which provided support for KHRP in 2004 were:

ACAT Suisse- Action des Chrétiens pour l'Abolition de la Torture (Switzerland)
Allan and Nesta Ferguson Charitable Trust (UK)
Atlantic Philanthropies (USA)
C.B. & H.H. Taylor 1984 Trust (UK)
Environmental Defense Fund (USA)
Finnish Ministry for Foreign Affairs (Finland)
Fulmer Charitable Trust (UK)
Law Society Charity (UK)
Netherlands Ministry of Foreign Affairs (Netherlands)
Oak Foundation
Oakdale Trust (UK)
Open Society Institute (USA)
Rowan Charitable Trust (UK)
Stiching Cizera Botan (Netherlands)
The AB Charitable Trust (UK)
The Bromley Trust (UK)
The Sigrid Rausing Trust (UK)
UN Voluntary Fund for Torture (Switzerland).
Wallace Global Fund-Corner House (UK)
World Organisation Against Torture (OMCT) (Switzerland)

In addition KHRP has received funding from a number of private institutions, western governments and individuals. KHRP does not accept funding from individuals and organisations in the Kurdish regions.

The Structure of KHRP

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Lord Avebury

Executive Director
Kerim Yildiz

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Chairman
Mark Muller (Barrister)

Secretary
Bridget Hughes (Surgeon)

Members
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Philip Kirkpatrick (Solicitor)
Laurence Lustgarten (Professor/Barrister)
David McDowall (Writer)
Chris Milroy MD (Forensic Pathologist)
Caroline Nolan (Solicitor)
Nathalie Prouvez (Lawyer)
Fiona Ripley (Solicitor)
Colin Wells (Barrister)

LEFT AND RIGHT: KHRP Executive Director Kerim Yildiz giving a presentation concerning the utilisation of international human rights mechanisms to bring about positive changes in the Kurdish regions at a conference hosted by the California Institute of Integral Studies in San Francisco, September 2004 (Photos: Carmelo Iaria)



KHRP Staff

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Assistant to Executive Director
Amanda Morgan

Countries Coordinator
Mustafa Gundogdu

Deputy Director
Susannah Keeling

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Emin Korkmaz

Fundraising Officer
Philippa Loates

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Rebecca Greenhalgh

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Anke Stock

Legal Officer
Lucy Claridge

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Arild Humlen
Jon Rud
Ola Maeland

Øvind Østberg
Knut Rognlien

Interns in 2004

From the Kurdish Regions

Subhan Mahmudov - lawyer with the Helsinki Citizen's Assembly in Azerbaijan

Naira Azizyan - lawyer with the American Bar Association of Armenia, Armenia

Piril Akkus - BA in Translation-Interpretation of Bilkent University

Mustafa Gundogdu - Kurdish human rights activist from the Foundation for Social and Legal Studies (TOHAV), Turkey

International

Pranjali Acharya
Sayran Taha Ahmad
Hendrike Barz
Lizzie Creer
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Gala Riani
Shnow Shikhalisami
Rebecca Hayes Ulman
Andy Westbrook
Emma Wethey
Viviana Zanetti

LEFT: Kerim Yildiz with KHRP supporter Gillian Anderson

RIGHT: Representatives of Kurdish Women's Project, a partner organisation, consulting with women's groups in Ankara, Turkey, July 2004



KHRP PUBLICATION LIST

CODE	TITLE	PUBLISHER	PRICE/ISBN
2004			
	The Trials of Ferhat Kaya – Trial Observation Report	KHRP, The Corner House, Friends of the Earth (England, Wales and Northern Ireland), Environmental Defense	£5.00 plus £1.50 (P&P) ISBN 190017586X available to download www.khrp.org
	The Kurds in Iraq – Past Present and Future (Turkish language)	KHRP / Belge	<i>Only available in Turkey</i> or available to download www.khrp.org
	Turkey – Situation of Kurdish Children (Turkish language)	KHRP / Belge	<i>Only available in Turkey</i> or available to download www.khrp.org
	Baku-Tbilisi-Ceyhan Oil Pipeline: Human Rights, Social and Environmental Impacts – Turkey Section	KHRP, The Corner House, Friends of the Earth (England, Wales and Northern Ireland), Environmental Defense	At end say £5.00 plus £1.50 (P&P) ISBN 1900175797 available to download www.khrp.org
	KHRP Legal Review 6	KHRP	ISBN 1 900175 72 X £8 available www.khrp.org
	Report on the Trial of Huseyin Cangir – Trial Observation Report	KHRP	ISBN 1 900175 76 2 £5 Available www.khrp.org
	Turkey's Implementation of Pro-EU Reforms – Fact-finding mission report	KHRP	ISBN 1 900175 73 8 £5.00 Available www.khrp.org
	Turkey – The Situation of Kurdish Children	KHRP	ISBN 1 900175 77 0 £5.00 Available www.khrp.org
	The Kurds: Culture and Language Rights	KHRP	ISBN 1 900175 74 6 £8.00
	Taking Human Rights Complaints to UN Mechanisms (Turkish language)	KHRP	Available www.khrp.org
	Kurdish Cultural and Language Rights (Turkish language)	KHRP	Available www.khrp.org
	KHRP Legal Review 5	KHRP	ISBN 1 90017572 X
	Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora (First and Second Editions)	KHRP/ KWP	ISBN 1 900175 71 1 Available www.khrp.org
	Taking Human Rights Complaints to UN Mechanisms – A Manual (Russian language)	KHRP/ BHRC/ Forum Law Centre	<i>Only available in Armenia and Azerbaijan or www.khrp.org</i>
	Torture in Turkey – the Ongoing Practice of Torture and Ill-treatment	KHRP	ISBN 1 900175 70 3 £8.00
2003			
03/R	Trial Observation Report – Turkey's Shame: Sexual Violence without redress – the plight of Kurdish Women	KHRP	ISBN 1 900175 69X £5.00
03/Q	The Kurds in Iraq; the past, present and future report	KHRP	ISBN 1900175673 £8.00
03/P	KHRP Legal Review 4 (November 2003)	KHRP	ISBN 1900175681 £8.00

03/O	After the War: Report of the KHRP Fact-Finding Mission to Iraqi Kurdistan	KHRP	ISBN 1900175665 £5.00
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03/J	Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System – Azeri language	KHRP, PLATFORM, the Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale and CEE Bankwatch	<i>Only available in Azerbaijan</i>
03/L	Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System – Russian language	KHRP, PLATFORM, the Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale and CEE Bankwatch	<i>Only available in Azerbaijan</i>
03/K	Fact-Finding Mission to Iran	KHRP	ISBN 1 900175 649 £5.00
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03/E	Meaningful Consultation and the Ilisu Dam: the Trial of Human Rights Defenders	KHRP, Corner House, BHRC	ISBN 1 900175 606 £5.00
03/D	KHRP Legal Review 3	KHRP, June 2003	1 900175 58 4 £8.00
03/C	Second International Fact-Finding Mission Baku-Tbilisi-Ceyhan Pipeline – Turkey Section March 16th-24th 2003	KHRP, Campagna per la Riforma della Banca Mondiale, Platform, the Cornerhouse	<i>Available online</i>
03/B	“This is the Only Valley Where We Live”: the Impact of the Munzur Dams	KHRP/ the Cornerhouse	ISBN 1900 175 569
03/A	The State and Sexual Violence – Turkish Court silences Female Advocate – Trial Observation Report	KHRP/ BHRC January 2003	ISBN 1900 175 56 8
2002			
02/S	The Kurdish Human Rights Project Legal Review 2	KHRP December 2002	£8.00 ISBN 1 900175 55X
02/R	Ülke İçinde Göç Ettirilen İnsanlar: Kürt Göçü (A Turkish Translation of KHRP's June 2002 Report, “ <i>Internally Displaced Persons: The Kurds in Turkey</i> ”)	KHRP/Goç-Der/Senfonu/ IHD	ISBN 9759286181 <i>Available only in Turkey.</i>
02/Q	Dicle-Firat ve Su Sorunu: Türkiye’de Baraj Yapımı Suriye ve Irak’taki Etkileri (A Turkish Translation of KHRP's August 2002 Report, “ <i>Downstream Impacts of Turkish Dam Construction on Syria and Iraq</i> ”)	KHRP/Senfonu	ISBN 9759286159 <i>Available only in Turkey.</i>
02/P	Türkiye’de Kürtçe Hakkı (A Turkish Translation of KHRP's June 2002 Report, “ <i>Denial of a Language: Kurdish Language Rights in Turkey</i> ”)	KHRP/Senfonu/IHD November 2002	ISBN 9759286165 <i>Available only in Turkey.</i>
02/O	Azeri and Armenian translations of KHRP's September 2002 Publication, “Taking Cases to the European Court of Human Rights: A Manual”	KHRP/HCA/IBA November 2002	<i>Available only in Armenia and Azerbaijan.</i>
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02/H	The Kurdish Human Rights Project Legal Review I	KHRP August 2002	£8.00 ISBN 1900175 517
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02/A	The Viranşehir Children: The trial of 13 Kurdish children in Diyarbakir State Security Court, Southeast Turkey – KHRP Trial Observation Report	KHRP/January 2002	£5.00 ISBN 1 900175 428
2001			
01/J	State Violence Against Women in Turkey and Attacks on Human Rights Defenders of Victims of Sexual Violence in Custody – KHRP Trial Observation Report	KHRP/December 2001	£5.00 ISBN 1900175 41X
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01/G	"Şu nehir bir dolmakalem olaydı..." - Ilisu Barajı, Uluslararası Kampanyası ve Barajlar ve Dünya Komisyonu Değerlendirmeleri Işığında Hazırlanan Bir Rapor (a Turkish translation of KHRP's March 2001 report, "If the river were a pen..." - The Ilisu Dam, the World Commission on Dams and Export Credit Reform)	KHRP and Scala-Bumerang Yayinlari/October 2001	ISBN 975830755X <i>Available only in Turkey.</i>
01/F	Akduvar davası: Bir dönüm noktası - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 9757866229 <i>Available only in Turkey.</i>
01/E	Özgür Gündem Davası (2) - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 975866210 <i>Available only in Turkey.</i>
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2000			
OO/J	Özgür Gündem v Turkey: Violations of Freedom of Expression - A Case Report	KHRP/December 2000	£10.00 ISBN 1900175355
OO/I	Azərbaycan-Ermənistan: Etnik Azınlıklar, İnsan Hakları ve Kürtler [Turkish Version of KHRP's July 2000 report, Azerbaijan and Armenia - An Update on Ethnic Minorities and Human Rights by Deborah Russo and Kerim Yildiz]	KHRP and Scala/ December 2000	ISBN 9758535064 <i>Available only in Turkey.</i>
OO/H	Turkey in Europe: Opportunity for Change? -- A discussion and proposals by the Kurdish Human Rights Project regarding an Accession Partnership between Turkey and the European Union by David McDowall (ed. KHRP).	KHRP/November 2000	£2.50
OO/G	Adil bir yargılamanın güvenceleri - Karen Reid Avrupa İnsan Hakları Sözleşmesi Rehberi, Üçüncü Kitap.	KHRP and Scala/October 2000	ISBN 9757132934 <i>Available only in Turkey.</i>
OO/F	Kişinin Özgürlük ve Güvenlik Hakları by Karen Reid (Avrupa İnsan Hakları Sözleşmesi Rehberi, İkinci Kitap)	KHRP and Avesta/July 2000.	ISBN 9757112798 <i>Available only in Turkey.</i>
OO/E	Turkey and the European Convention on Human Rights – A Report on the Litigation Programme of the Kurdish Human Rights Project by Carla Buckley	KHRP/July 2000	£10.00 ISBN 1900175304
OO/D	Azerbaijan and Armenia – An Update on Ethnic Minorities and Human Rights by Deborah Russo and Kerim Yildiz	KHRP/June 2000	£5.00 ISBN 1900175339
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OO/A	'Peace is Not Difficult - Observing the Trial of Nazmi Gur, Secretary General of the Human Rights Association of Turkey (IHD).	KHRP/April 2000	£5.00 ISBN 1900175312
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99/G	The Ilisu Dam: A Human Rights Disaster in the Making - A report on the implications of the Ilisu Hydro-Electric Project, Southeast Turkey following a fact-finding mission to the region	KHRP/November 1999	£5.00 ISBN 1900175290
99/F	Media, Elections and Freedom of Expression: A Summary Report of International Conference, Istanbul, Turkey 30-31 January 1999	KHRP, and Article 19 (International Centre Against Censorship)	Free
99/E	Kaya v Turkey, Kurt v Turkey: Case Reports	KHRP/January 1999	£10.00 ISBN 1900175215
99/D	Yasa v Turkey and Tekin v Turkey: Torture, Extra-Judicial Killing and Freedom of Expression Turkey: Case Reports	KHRP/April 1999	£10.00 ISBN190017524X
99/C	Intimidation in Turkey	KHRP, BHRC of England and Wales, Howe & Co Solicitors/May 1999	£5.00 ISBN 1900175266
99/B	Policing Human Rights Abuses in Turkey	KHRP and BHRC of England and Wales/May 1999	£5.00 ISBN 1900175258
99/A	Ergi v Turkey, Aytekin v Turkey: Human Rights and Armed Conflict in Turkey – A Case Report	KHRP and medico international/August 1999	£10.00 ISBN 1900175282
1998			
98/H	The Kurds of Syria by David McDowall	KHRP/December 1998	£5.00 ISBN 1900175231
98/G	The Kurds of Azerbaijan and Armenia by Julie Flint	KHRP/December 1998	£5.00 ISBN 1900175223
98/F	Türkiye'de Basın: Önce Devlet, Sonra Devlet	CAGAS GAZETECİLER DERNEĞİ, ARTICLE 19 & KHRP/December 1998	<i>Available only in Turkey.</i>
98/E	Gündem v Turkey, Selcuk and Asker: A Case Report	KHRP/October 1998	£10.00 ISBN 1900175207

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98/B	State before Freedom - Media Repression in Turkey	Article 19/Contemporary Journalists Association of Turkey/KHRP/July1999	£5.00 ISBN 1870798791
98/A	Freedom of Thought, Conscience, Religion and Expression. A publication of an English/Turkish handbook of an excerpt from 'Law and Practice of the European Convention on Human Rights and the European Social Charter' Article 9 and 10 of the European Convention	KHRP/May 1998	<i>Available only in Turkey.</i>
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The Kurdish Human Rights Project

The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living within the Kurdish regions, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.

AIMS

- To promote awareness of the situation of the Kurds in Iran, Iraq, Syria, Turkey and the countries of the former Soviet Union
- To bring an end to the violation of the rights of the Kurds in these countries
- To promote the protection of human rights of Kurdish people everywhere

METHODS

- Monitoring legislation and its application
- Conducting investigations and producing reports on the human rights situation of Kurds in Iran, Iraq, Syria, Turkey, and in the countries of the former Soviet Union by, amongst other methods, sending trial observers and engaging in fact-finding missions
- Using such reports to promote awareness of the plight of the Kurds on the part of committees established under human rights treaties to monitor compliance of states
- Using such reports to promote awareness of the plight of the Kurds on the part of the European Parliament, the Parliamentary Assembly of the Council of Europe, the national parliamentary bodies and inter-governmental organisations including the United Nations
- Liaison with other independent human rights organisations working in the same field and co-operating with lawyers, journalists and others concerned with human rights
- Assisting individuals with their applications before the European Court of Human Rights
- Offering assistance to indigenous human rights groups and lawyers in the form of advice and training seminars on international human rights mechanisms

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“Over the past decade the BHRC has had great pleasure in working with the KHRP. No organisation has had more impact both in Strasbourg at the European Court of Human Rights, and in Turkey’s political-legal configuration. The BHRC is proud of its close association with the KHRP.”

Stephen Solly QC, Bar Human Rights Committee

“My family is scattered. My family has been killed. My mother is on the run, with no money, no assets, no house, no home. My brothers are not there and I miss them really badly. So what’s going to happen to me I am a complainant of the tyranny done to us. I request the Kurdish Human Rights Project to take my case to all international courts and institutions. I authorise them to act in my name. They talk human rights. I am a human. Where are my rights?”

A Kurdish Applicant before the ECtHR

“In my opinion, for a view on the KHRP one should ask the ancient cities it has saved from submersion, the villagers it has represented whose houses had been burnt and destroyed, prisoners of conscience and those who had been tortured, for they know the KHRP better.”

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