



Kurdish Human Rights Project
Impact Report

2007

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KHRP

Celebrating 15 Years 1992-2007

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HOW TO GIVE FEEDBACK ON THE IMPACT REPORT

This impact report covers the period from January to December 2007. An electronic version of this report is available on our website.

To obtain further print copies, or to make queries or comments about the content of this report contact the Resources and Communications Coordinator at publications@khrp.org or +44 (0)207 405 3835

The cover image and the images introducing each section were taken in 1991 and 2005 by Tom Carrigan in Kurdistan, Iraq.

Kurdish Human Rights Project (KHRP) is the only non-governmental organisation working consistently in the Kurdish regions that is completely independent of political affiliation.

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Letter from the Director and Chairman

Dear Friends,

December 2007 saw us mark the 15th anniversary of the Kurdish Human Rights Project and a true landmark in the ongoing struggle for justice, equality and the rule of law in the Kurdish regions of Iran, Iraq, Syria, Turkey and the Caucasus.

Over the past 15 years the organisation has gone from strength to strength and has made an enormous impact both on the human rights situation in the Kurdish regions and on the continued development of an international human rights culture. Back in 1992 we began as a project working on the use of litigation at the European Court of Human Rights and other international bodies in order to bring states to account for the widespread abuse of human rights there, particularly in the Kurdish

regions. From our humble beginnings we have grown into a truly groundbreaking organisation, renowned not only for the success of our litigation programme, but for our regional training, expert analysis and the publication of leading fact-finding and research reports on key human rights developments.

In our early days the situation in the Kurdish regions was very grave, characterised by discrimination, violence, oppression, displacement, extrajudicial killings and genocide. The situation in the region today has vastly improved but the legacy of those 'dark years' remains. As the events of 2007 demonstrate, the full protection of human rights for all those living in the Kurdish regions is far from being achieved, with the risk of worsening conflict in the region still all too real, underlining the continued urgency and relevance of our work in a region still fraught with war, instability, discrimination and poverty.

The year both began and ended with KHRP sending fact-finding missions to Kurdistan, Iraq in order to assess the human rights and security situation. The need for a coherent human rights framework in Kurdistan, Iraq remains pronounced,

particularly vis-à-vis women's rights. Though there is an express desire in the region to develop a human rights structure, this desire is not being met with adequate political will or international support. Chief amongst the reasons for this is the continued outside threats posed to the stability of the Kurdistan Regional Governate in 2007.

In addition to the spread of violence from the rest of Iraq to the Kurdistan region, 2007 saw Iranian bombardment and continuous threats of Turkish military action against suspected armed groups operating within KRG territory. Rhetoric threatening such action, indeed, was a constant feature of Turkish-Iraqi relations throughout the year, both before and after the Turkish elections, and culminated in the commencement

of air raids and missile strikes in the border regions in October and December.

As we write in early 2008, these military operations have escalated into a full-scale ground incursion involving thousands of Turkish troops. So far there have been many civilian casualties, and a new wave of mass displacement has hit the region. Recent military action in Kurdistan, Iraq has not only demonstrated the irresponsible approach to regional relations adopted by Turkey, Iran and Syria, vis-à-vis their 'Kurdish problem'; it has also underlined the fragile nature of the stability thus far enjoyed by the KRG.

It is in this context that paltry attention is given by relevant parties in the KRG to a coherent framework for the protection of human rights, particularly women's and minority rights. However, more than this, the situation underlines not only the way in which human rights abuses create conflict, but how conflict exacerbates abuses and hinders efforts to end them. KHRP's continued work in the region in highlighting such abuses, and engaging with government and NGOs for the development of a better human rights culture, has therefore never been so important.

The slowdown in the pace of reforms in Turkey which KHRP flagged in the 2006 Impact Report has sadly continued in 2007. Despite several positive signs throughout

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the year, such as the first election of Kurdish MPs to the Turkish parliament in nearly 15 years, the situation on other fronts has been bleak. The year saw us release research on torture in Turkey which demonstrated that the practice is still widespread, albeit in more subtle forms, and despite an official zero-tolerance policy. The murder of Armenian journalist Hrant Dink in January underlined the role of Turkey's draconian laws against free expression in fuelling violent manifestations of intolerance, racism and ultra-nationalism in the country.

In the summer of 2007 we observed the opening trial of Dink's alleged assassins. Media freedom and freedom of expression in Turkey were researched closely throughout the year through our reports on trials of Kurdish publishers and our fact-finding mission report on the freedom of the media. These reports underlined the inadequacy of recent accession-related reforms, and the disturbing culture of intolerance within the Turkish judiciary which allows malicious prosecutions to hinder the livelihoods and endanger the lives of writers, journalists, academics and publishers. This slowdown in reforms has been coupled with continued conflict in south-east Turkey, and an insistence on militarism on both sides which has culminated in the reckless endangerment of civilians on both sides of the border.

In Iran, 2007 saw further deteriorations in the human rights situation, particularly an enormous increase in the use of the death penalty. As mentioned above, Iran was also responsible for earlier artillery bombardments of Kurdistan, Iraq in August which began the mass displacement that has now worsened under Turkish attacks. In Syria tensions have increased in its Kurdish regions in 2007 during the build-up to and commencement of Turkish strikes on the KRG, which the Syrian government vocally supported. Protests and their violent suppression using live ammunition and teargas, along with mass arrests and incommunicado detention have been widely reported to KHRP throughout the year. The year also saw concerns regarding renewed Baathist Arabisation policies in the region buffering the Iraq-Syria border; a tactic, it is feared, designed to further isolate Syria's Kurds from their neighbours in Iraq.

The year was also spent continuing the development of our litigation and training programmes in the Caucasus in order to tackle the human rights abuses that persist there against both Kurds and non-Kurds. We conducted training sessions in Armenia on the protection of human rights defenders, who remain at risk of arbitrary detention and mistreatment in the country. In Azerbaijan we worked closely with victims of land expropriation connected both to the Nagorno-Karabakh conflict and the construction of the Baku-Tbilisi-Ceyhan oil pipeline.

From our base in London KHRP has spent 2007 bringing forward its far reaching institutional development plan. Over the year we have taken on three new members of staff in the Legal, Finance and Executive Director departments. Work has begun in the development of the Feeney Centre, which, when completed, will form an online searchable database of all the human rights materials amassed by KHRP over its 15 years of operations. The year also saw the launch of a brand new website including an online document download library and bookshop. The site has transformed KHRP's profile online, tripling site usage in just three months after its launch, boosting revenue through sales and truly revolutionising the way in which KHRP's work is accessed by the public.

All these developments and more will be discussed in detail by region and by human rights area in the forthcoming pages. Impact Report 2007 is intended to give the reader a comprehensive view of KHRP's activities and impact throughout 2007, while providing those unfamiliar with the organisation an insight into its vision, mission, aims, values and successes. We hope it will be of great interest to all those who seek justice, equality and the rule of law not only in the Kurdish regions, but around the world.

As Chairman and Executive Director, we cannot sign off without extending our heartfelt thanks to KHRP's patrons, directors, advisory group, legal team and staff for their contribution throughout the year. Their skill, expertise and unflagging dedication are crucial to KHRP's aim of addressing comprehensively human rights abuses in the Kurdish regions. We would also like to thank KHRP's interns and volunteers, of which we recruited a record number in 2007. Their work over the year has been outstanding and of the very highest standard. Without such excellence amongst our interns and volunteers, KHRP quite simply could not make the kind of difference it does. Final thanks must, of course, go to our funders and donors whose generous support sustains the organisation. We have said it many times, but supporting KHRP is about much more than supporting Kurdish human rights. It means supporting a human rights culture from the regional to the global by setting international precedents and standards and ensuring accountability and enforcement of human rights norms. Whether big or small, we thank our funders and donors for their faith in KHRP's groundbreaking work in securing justice, equality and the rule of law in the Kurdish regions and beyond.

Kerim Yildiz, Executive Director and Mark Muller QC, Chairman

Introduction



WHO WE ARE AND WHAT WE DO

The Kurdish Human Rights Project is the only human rights NGO working consistently and completely free of political affiliation in the Kurdish regions. It is dedicated to the promotion and protection of the human rights of all persons in the Kurdish regions of Turkey, Iraq, Iran, Syria, the Caucuses and elsewhere. It operates from its base in London and its supporters and beneficiaries include both Kurds and non-Kurds.

We have held a unique position in the international human rights arena over the past 15 years because:

- We have pioneered the use of strategic international litigation at the European Court and UN in order to remedy, expose and prevent human rights abuses across the Kurdish regions.
- Our base in London, coupled with our links with partner organisations in the Kurdish regions makes us well placed to monitor and evaluate developments there in an independent fashion.
- Our independence commands a high degree of public confidence, allowing us to offer an alternative way of engaging in debates on public policy and democratic development in the Kurdish regions.
- We are fully aware of the diversity that exists within the Kurdish regions and we are dedicated to representing this diversity. We therefore give a voice to a much wider range of perspectives, experiences and interests, including those of minority groups who find themselves marginalised.

OUR VALUES

KHRP was founded in 1992 in direct response to an exceptionally bleak human rights situation in the Kurdish regions, one that was characterised by violence, institutional discrimination, displacement and extrajudicial killings. We understood that effectively addressing these abuses demanded an organisation with a consistent presence in the region that coupled an astute understanding of political and cultural sensitivities with extensive expertise in international law. Given the political, economic and social dimensions of the 'Kurdish question', we further appreciated that political independence was entirely necessary to afford us the freedom to work across the political spectrum and maximise the opportunities to effect change.

The name of our organisation is indicative of our belief that a resolution to the 'Kurdish question' can and should be sought through the upholding of human rights standards without recourse to any political agenda. In our first 15 years as an organisation, we have

VISION

For a future based on justice, equality, and the rule of law

MISSION

To pioneer in upholding the human rights of all people in the Kurdish regions and beyond

GOALS/AIMS

KHRP will combine its extensive expertise of international human rights law with local knowledge to:

- Raise awareness of the situation of the Kurds in Iran, Iraq, Syria, Turkey, the Caucasus and elsewhere.
- Bring an end to the violation of the rights of Kurds and others in these countries.
- Promote the protection of the rights of Kurdish people wherever they may live.
- Eradicate torture both in the Kurdish regions and across the globe.

had many successes in bringing ongoing abuses to international attention at the highest level, ensuring that such abuses continue to be condemned and deemed unacceptable by the international community.

KHRP regards the principles of human rights as universally applicable to all people, regardless of ethnic, religious or gender differences. Thus whilst many beneficiaries are of Kurdish origin, our work also serves many other people, particularly minority groups such as those of Turkish, Arab, Armenian, Persian and other origins. In this capacity, we have pioneered the use of personal petition to the international courts to make violations a matter of record in the form of court judgments and to establish precedents in key areas of abuse. By championing individual cases, this model has also proved a resounding success in affecting change at a group level, playing a significant role in the improvement of some of the most engrained human rights abuses. For

example, since 1992 detention periods throughout Turkey have been reduced, and with them, the likelihood of torture and ill-treatment.

In addition to our ongoing focus on the Kurdish regions, we are committed to advancing the cause of human rights globally. Everyone has stronger protection of their human rights as a direct result of our work. Our litigation programme has provided a model for other NGOs working in and outside the Kurdish regions. Thanks to our work, rape is now recognised as a form of torture across all 47 member states of the Council of Europe, while the death penalty has become widely recognised as having no place in modern democratic countries.

Whilst KHRP was initially conceived as a project-based organisation working to advance the use of litigation in the international courts, we have worked tirelessly to develop other methods through which we can affect change. Other key aspects of our work include capacity building in the regions, monitoring on-the-ground developments through fact-finding missions and trial observations, and a dynamic public awareness strategy that consistently focuses international attention on the human rights issues there. Thus KHRP is respected as a broad-based organisation with the capacity to effect real change whilst providing an invaluable source of information on the situation in the Kurdish regions.

All of our methods are interdependent and are detailed in *Our Methods: 2007 Overview*.

In addition to the above, KHRP firmly believes in and seeks to promote the indivisibility and interdependence of human rights. This principle means that civil, political, economic, social and cultural rights are interrelated and are equal in importance. KHRP's extensive litigation and research work continues to underline the fact that without improvements in all of these areas, progress towards a future based upon freedom, justice and the rule of law is severely undermined. This belief continues to frame the activities of our organisation in drawing attention to the multitude of ways in which human rights abuse can occur within and across different countries and contexts.

KHRP's work covers high-profile issues such as **Torture and Ill-Treatment, Freedom of Expression and Political and Judicial Systems**. However, we also highlight issues which are sometimes overlooked within the context of human rights advocacy, such as

Cultural and Linguistic Rights and Environmental Justice. Moreover, developments over the past year have highlighted the urgent need to recognise and address the transnational implications of human rights violations, particularly those brought about by **War and Instability**. Substantial developments have occurred in all of these areas in 2007, which are fully addressed in *Review 2007: Our Impact*.

LOOKING AHEAD

The close of 2007 marked the end of a decade and a half of tireless work for human rights in the Kurdish regions and beyond, and an appropriate juncture at which to assess the challenges which lie ahead for KHRP. Despite the organisation's many successes, the inhabitants of the Kurdish regions continue to suffer from a multitude of human rights abuses; conflict still prevails in many areas, whilst the root causes of these are far from being adequately addressed by governments and the international community. In this sense, KHRP's work is as vital as it ever has been.

Perhaps more pertinent is the fact that the nature of human rights abuses continues to change, often as a result of shifts in the geo-political environments in which they occur. The continued economic and political emergence of Kurdistan, Iraq, along with Turkey's EU accession bid and accompanying reform process, have created substantial opportunities for improvements in the human rights situation in the Kurdish regions and

providing redress for past violations. Yet with these opportunities have come additional risks. **In some cases, close international scrutiny of human rights records has prompted governments to develop new methods of concealing their violations rather than to eliminate the violations themselves** (as with the case of torture in Turkey in the context of EU accession; see *Our Impact: Torture and Ill-treatment*). In other instances, shared suspicions by regional powers towards rising Kurdish autonomy in northern Iraq have led to coordinated efforts to destabilise the regions (see *Our Impact: War and Instability*). In this context, the need for an independent capacity to monitor these developments and identify new methods through which they can be addressed is particularly strong. KHRP's development as an organisation to date makes it well-placed to carry out this mission.

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OUR PARTNERS AND AFFILIATES

Our work is in response to locally and regionally voiced concerns. We work in partnership with victims of human rights violations and their defenders, and aim to link our local and regional programmes with international advocacy initiatives.

Strategic networking and alliance-building are essential parts of what we do. Joint activities frequently include the sharing of information and advice in litigation, the

provision of training, human rights monitoring through trial observations and fact-finding missions, and preparation of joint reports which are circulated among national and international policy makers. The help and cooperation of our partners and affiliates are essential to the work of KHRP. We extend our sincerest thanks to all of them.

Throughout the year we have worked in partnership with:

Armenian Bar Association	<i>Diyarbakır Barosu</i> (Diyarbakır Bar Association)	Limerick University
Article 19	Democratic Society Party (DTP)	<i>Maslum Der</i>
Azerbaijan National Committee of Helsinki Citizens Association (HCA)	ECA Watch, Switzerland and Austria	Medico International E.V.
The Baku-Ceyhan Campaign	EU-Turkey Civic Commission	Platform
The Bar Human Rights Committee of England and Wales	FERN, Belgium	Public Agenda
Berne Declaration	Forum Law Centre, Armenia (formerly Union of Armenian Lawyers)	Rafto International
<i>Çağdaş Gazeteciler Derneği</i> (Contemporary Journalists Association)	<i>Göç Edenler Sosyal Yardımlaşma ve Kültür Derneği</i> (Göç-Der)	Refugee Council
<i>Çağdaş Hukukçular Derneği</i> (Contemporary Lawyers Association)	Hakkari Bar Association	<i>SELİS – Kadın Danışmanlık Merkezi</i> (Women’s Consultation Association)
Centre for Civic Initiatives, Azerbaijan	<i>Hasankeyfî Yaşatma Girişimi</i> (The Initiative to Keep Hasankeyf Alive)	Şırnak Bar Association
Centre for European Studies, Limerick, Ireland	<i>İnsan Hakları Derneği</i> (The Human Rights Association of Turkey – İHD)	<i>Toplum ve Hukuk Araştırmaları Vakfı</i> (The Foundation for Legal and Social Studies - TOHAV)
Civil Development Organisation, Sulaymanya, Iraq	<i>İnsan Hakları Derneği Diyarbakir Subesi</i> (The Human Rights Association of Turkey, Diyarbakir branch)	Van Kadın Derneği (Van Women’s Association – VAKAD)
The Corner House	<i>İnsan Hakları ve Mazlumlar İçin Dayanışma Derneği</i> (Mazlum-Der – The Association of Human Rights and Solidarity for Oppressed People in Turkey)	University of Kurdistan, Hewler
	Index on Censorship	Van Bar Association
		World Economy, Ecology and Development (WEED), Germany
		World Wildlife Fund
		Xorhelat Institute, Iran

Our Methods: 2007 Overview



HUMAN RIGHTS LITIGATION AND ADVOCACY

KHRP has pioneered the strategic use of international human rights mechanisms as a means to tackle human rights abuse. We with our Legal Team continue to represent a huge number of victims and survivors of extra-judicial killings, 'disappearances', torture, unfair trials, censorship and other human rights abuses. By doing so, not only do we find redress for victims and their families, but we also create a culture of compliance among authorities and awareness among communities of their human rights under international law.

The success of our work also depends on maintaining close strategic links with other NGOs working within and outside the regions. For this reason, KHRP regularly attends



Lucy Claridge, Mark Muller, Kerim Yildiz and Rachel Bernu addressing the KHRP Legal Team in June 2007.

KHRP and International Mechanisms for Human Rights Protection

European Court of Human Rights (ECtHR)

The purpose of the ECtHR in Strasbourg is to monitor compliance of signatories to the European Convention on Human Rights. The court can hear cases from individuals, NGOs and groups of individuals who claim to be the victims of human rights abuse. All 47 member states of the Council of Europe (including Turkey, Azerbaijan and Armenia) are signatories of the Convention and likewise to the European Convention for the Prevention of Torture. The Court is thus at the core of KHRP's work in providing redress for the victims of human rights violations in these countries.

Organisation for Security and Cooperation in Europe (OSCE)

The OSCE is the world's largest regional security organisation. As participating states, Turkey, Azerbaijan and Armenia have agreed to ensure full respect for fundamental rights, to abide by the rule of law and to promote democracy. KHRP makes submissions to the OSCE regarding human rights violations in the Kurdish regions and actively participates in its Human Dimension Mechanism.

United Nations (UN) Mechanisms

The UN provides several mechanisms to promote and encourage respect for human rights. All countries in the Kurdish regions are signatories to the UN Charter and are bound to specific legal instruments such as the International Covenant on Civil Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). KHRP uses these mechanisms to highlight the failure of states to meet their obligations, either in the case of individual complaints of human rights abuse as well as for the general human rights situation within a given country.

KHRP International Fellowship Programme

KHRP's International Fellowship programme selects advocates from the Kurdish regions to come to London and work with our legal team. This allows for a further transfer of skills as well as facilitating an exchange of legal and professional expertise, empowering local advocates to bring about lasting change in the human rights situation across the Kurdish regions. The Fellowship also promotes cultural understanding between advocates within the regions and internationally.

In 2007, we took on our first ever fellow, Chnoor Ali Hama Amin, from Kurdistan, Iraq. She provided an invaluable service to KHRP through her research and written work, particularly on our European Parliament-commissioned report into the reportedly high suicide rates amongst women in the Kurdish regions. Chnoor also co-wrote an article on the legal framework and access to justice for Kurdish women in Turkey and Iraq, which was published in Legal Review 11, KHRP, 2007.

Later in the year, we welcomed Serpil Taşkan, a Kurd from Ankara, to London. Serpil contributed to KHRP in advising and reporting on specific issues of human rights, as well as offering her services to our translation projects. Her work on cultural and linguistic rights,



Serpil Taşkan receiving her KHRP Fellowship Certificate.

a key area of our work, and preparing materials for a roundtable discussion on Internally Displaced Persons in Van, southeast Turkey, was invaluable. Upon her departure Serpil explained the benefit she gained from working in an environment where her Kurdish identity was welcomed and valued, as opposed to being a source of discrimination. Working with Chnoor and Serpil was likewise an extremely positive experience for everyone in our organisation.

strategy meetings with our partners, either with regards to the implementation of specific projects with which we are involved, or as part of broader discussions about the advancement of new mechanisms for human rights advocacy as a whole.

In 2007 we:

- Took up 6 new cases representing 12 victims or survivors of human rights abuse to the ECtHR with at least 2 more cases representing at least 13 people currently under consideration following the year's legal consultations;
- Assisted and advised well over 100 potential applicants, lawyers, and NGOs within the regions and in London;
- Received ECtHR judgments in 3 cases;
- Received 1 ECtHR admissibility decision
- Liaised with the ECtHR over several cases that were communicated to the respondent governments;
- Sent 9 urgent communications to the United Nations, as well to the Red Cross and Kurdistan Regional Government (KRG);
- Attended or led several NGO strategy meetings with our partners in the Kurdish regions. These included special meetings in Van, south-east Turkey, on Law 5233, Turkey's controversial compensation law for the internally displaced, and at the Ilisu dam site in Turkey where lawyers and campaigners are working to block the dam's construction.

TRAINING AND FELLOWSHIP

Key to our commitment to protecting human rights in the Kurdish regions is the development of an independent capacity for human rights enforcement. To this end we have developed a coherent programme of regional training seminars for the transferral of skills and capacity building among human rights defenders and advocates in the regions. This involves training on the utilisation of the various legal mechanisms which are available to provide redress to victims and accountability for the perpetrators of abuse. In addition, KHRP believes that the long-term protection of human rights in any environment is contingent upon the existence of an indigenous and robust human rights culture. For this reason, we also seek to

boost public understanding and confidence in the meaning and purpose of human rights, in regions where this is often found wanting. Reflecting our commitment to the broader field of human rights, we also advocate our training programmes as models for the advancement of human rights elsewhere in the world.

In 2007 we:

- Conducted 5 regional training sessions on bringing claims to the ECtHR, the domestic application of the European Convention on Human Rights and Fundamental Freedoms (ECHR) and the UN Convention on Human Rights Defenders, as well as the development of successful NGOs. These sessions were delivered across south-east Turkey, Kurdistan, Iraq and Yerevan, Armenia.
- Conducted a workshop on the application of KHRP's trial observation model for Zimbabwe Lawyers for Human Rights Regional Training, in Lusaka, Zambia.
- Published editions 11 and 12 of our unique and biannual Legal Review dedicated to human rights issues in the Kurdish regions and litigation issues in general.
- Took on our first fellows as part of our International Fellowship programme, which selects advocates from the Kurdish regions to come to London to work with our legal team. In 2007, two advocates completed the programme.

FACT-FINDING MISSIONS AND TRIAL OBSERVATIONS

KHRP's successes across its various fields of activity reflect an understanding of the need for an independent and comprehensive capacity for monitoring human rights abuses in the regions. During our 15 years as an organisation, we have dispatched numerous expert fact-finding missions to the region and pioneered a trial observation model that has been used internationally by other organisations. These underpin our litigation work, especially given the high burden of proof required at the ECtHR, and our reputation as a comprehensive source of information on human rights in the Kurdish regions. These missions

Human Rights Violations in the Kurdish Regions in 2007: Overview

- 331 judgments were passed against Turkey by the ECtHR in 2007, 22% of the total number of judgments passed by the Court. Of these judgments, 99 (30%) were for violations of the Right to a Fair Trial, 95 (29%) for the Right to Liberty & Security and 67 (20%) for Length of Proceedings.
- In the latter half of the year, a series of Iranian and Turkish artillery and air bombardments inflicted widespread damage on civilian populations in Kurdistan, Iraq
- Iran reportedly carried out 300 executions in 2007, a 50% increase on the previous year. This escalation was accompanied by routine claims of arbitrary arrests and the torture and ill-treatment of detainees.
- Some 154,000 people living in Baku, Azerbaijan, remained displaced as a result of the Nagorno-Karabakh conflict.
- In Armenia, restrictions to independent media and malicious prosecutions against human rights defenders were reported frequently.
- Syria continued its policy of forced settlement, with a decree to re-settle some 150 Arab families in the predominantly Kurdish al-Hasakah region of north-east Syria.
- Turkey continued to prosecute writers, publishers and intellectuals under its controversial Penal Code. Similarly, a raft of repressive legislation placed severe constraints on the access of pro-Kurdish media outlets to freedom of expression.
- Women in Kurdistan, Iraq, and across the Kurdish regions as a whole, continued to suffer from inadequate protection of their human rights. This was reflected in the alarmingly high female suicide rates in the regions reported to KHRP in 2007.
- In the build-up and aftermath of Turkey's parliamentary elections, pro-Kurdish politicians faced continual harassment, censure and detention.
- Torture remained rife inside prisons and detention centres in Turkey, though the practice was increasingly carried out through less detectable means.
- Financial backing for the Ilisu Dam project resumed in 2007. If it goes ahead, the project will greatly disrupt the downstream flow of water to Iraq, inflict considerable environmental damage and displace some 55,000 people in the surrounding parts of south-east Turkey.
- Syria, Iran and Turkey restricted the cultural and linguistic rights of their Kurdish populations.



Legal Team member Jo Cooper addressing delegates at KHRP Human Rights Training in Yerevan, Armenia, February 2007.



KHRP's Pranjali Acharya and Edel Hughes (University of Limerick) with Abdullah Yetik of Mizgin magazine during a fact-finding mission on media freedom in Turkey, July 2007.

continue to lend a sense of international solidarity to the most disadvantaged living in the regions, while warning perpetrators that their contravention of international human rights norms will not go unchecked. Our fact-finding mission reports provide advice and recommendations to authorities in order to help them better develop a human rights culture. The missions also help maintain vital links with victims and survivors of human rights abuse and their defenders, frequently also the subject of human rights abuse.

In 2007 we:

- Conducted 7 fact-finding missions. Four of these focussed on Turkey, addressing the issue of media freedom, the forced displacement of villagers at the Ilisu dam site, and the situation of women and specifically internally displaced women in the Kurdish regions. A further two focussed on Iraq, addressing the human rights situation in Kurdistan, Iraq, and the impact of Turkey's cross-border military activity in late 2007. A further mission, conducted in coordination with the Corner House, looked at the impact of the Ilisu dam in Turkey on Iraq, its downstream neighbour.
- Conducted 3 trial observations. The first of these was to observe the trial of publisher Songül Özkan in Istanbul for 'incitement to hatred,' in February. The second was an observation in July of the trial re-hearing of the men accused of the Şemdinli bookshop bombing in November 2005. Also in July, KHRP observed the trial of the alleged assassins of Hrant Dink, the Armenian editor and human rights activist. These missions were conducted in coordination with KHRP's partners the Bar Human Rights Committee, Index on Censorship and Article 19.

RESEARCH AND PUBLICATIONS

KHRP produces a vast array of publications, ranging from briefing papers to large-scale research reports. They command high levels of public trust and confidence, offering alternative ways of engaging with public policy debates and approaches to the development of democracy in the Kurdish regions. All our publications are available both in printed and downloadable form. Over the past number of years our research has been translated into Turkish, Armenian, French, Russian, Farsi, Kurmanji, Sorani and Finnish. This year, to mark KHRP's 15th Anniversary, we also branched out into other publications ventures, compiling a new photographic book of the Kurdish regions by renowned international photographers in cooperation with the Delfina Foundation. Ahead of the book's publication in 2008, a pre-launch event was held at the Delfina

Foundation's galleries in December, at which a selection of the chosen photographs was displayed.

In 2007 we:

- Published and disseminated 5 briefing papers. These addressed women's rights in the Kurdish regions, the resurgence in financial backing for the Ilisu dam project, the Turkish elections of mid-2007, education rights and the issue of secularism and nationalism in Turkey.
- Published and disseminated 2 research reports addressing the ongoing practice of torture and the internal displacement of Kurds in Turkey.
- Had our manuals on *Taking Human Rights Complaints to UN Mechanisms* and *Taking Cases to the European Court of Human Rights* translated into Turkish and Russian.
- Submitted to the European Parliament a report entitled *The Increase in Kurdish Women Committing Suicide*, the result of extensive desk research and fact-finding missions to the region. The report was published online by the European Parliament in October.
- Compiled a report on the Third International Conference on the EU, Turkey and the Kurds, which KHRP co-organised in 2006. The report was published in September 2007.
- Published and disseminated 3 trial observation reports focussing on freedom of expression in the context of Turkey's EU accession campaign, and the widespread suspicion of 'deep state' activity in Turkey.
- Published and disseminated 2 fact-finding mission reports focussing on the treatment of refugees and media freedom in Turkey. In conjunction with the Cornerhouse we also published an online fact-finding report on the downstream impacts of the proposed Ilisu dam.
- Published and disseminated Newslines, our quarterly newsletter, and Impact Report 2006, an overview of KHRP's activity during the previous year.
- Undertook the translation of our European Parliament report *The Increase in Kurdish Women Committing Suicide* into French, and our training manual *Taking Human Rights Complaints to UN Mechanisms* into Sorani Kurdish.



Participants using KHRP Manuals at a training session in Şirnak, south-east Turkey, September 2007.



KHRP Chair Mark Muller with Delfina Entrecanales of the Delfina Foundation.



KHRP Executive Director Kerim Yildiz briefing the media at the European Parliament, Brussels, December 2007.

PUBLIC AWARENESS CAMPAIGNS AND COMMUNICATION STRATEGIES

It is KHRP's firm belief that if people were more aware of the extent of human rights abuses in the Kurdish regions, sufficient pressure could be brought to bear on those responsible to put an end to them. KHRP's independence and reputation for high quality analysis make us the first port of call for policy and decision makers, journalists,

academics and civil society organisations seeking updates about human rights and conflict in the Kurdish regions. In a year characterised by significant developments in the regions, from the threat of cross-border military action to developments related to the Turkish elections, KHRP's capacity as a source of expert information proved invaluable once again.

In 2007 we:

- Achieved worldwide press and broadcast media coverage, including outlets such as on BBC, Al Jazeera, Financial Times, Democracy Now, CNN, Press TV and L'Estado de Sao Paulo.
- Released regular public statements drawing attention to developments in the Kurdish regions. These press releases addressed among other things, events surrounding financial backing for the Ilisu Dam project, the continued use of the death penalty in Iran, and condemnation of the military attacks carried out by Turkey on Kurdistan, Iraq in late 2007.
- Continued to brief representatives of governments from the EU, Council of Europe, Kurdish regions and the Americas along with other international organisations on the findings of our research and impact of our human rights advocacy. These included the governments of the UK, US, Ireland, Belgium, Iraq, Switzerland and Norway alongside the United Nations and the European Parliament and Commission.
- Held briefing meetings and discussions with NGOs, think tanks and other organisations from across the world. The Brookings Institute, Ashoka Foundation, International Center for Transitional Justice, Bar Human Rights Committee of England and Wales, ACAT Suisse, and the Open Society Institute, are just a few of the groups with which we collaborate.
- Continued to raise concerns for rights violations via advocacy submissions to the Organisation for Security and Cooperation in Europe. In October, we attended the OSCE Human Dimension Implementation Meeting in Warsaw, Poland where we made several written submissions for the working sessions and gave an oral presentation on freedom of expression in Turkey.
- Hosted and participated in conferences and round-table discussions in the UK at the House of Lords and Conservative Party Human Rights Commission, and elsewhere in Switzerland, the United States and the Kurdish regions. We also co-organised the Fourth EUTCC Conference on the EU, Turkey and the Kurds, in the

European Parliament, Brussels, on the 3rd and 4th December. The event is a vital opportunity for dialogue and debate on how to solve the ongoing conflict in the Kurdish regions and the central importance of this to Turkey's EU accession bid.

- Launched our new and expanded website and an online shop.
- Published and distributed 1200 paper copies as well as online copies of Newline, our quarterly newsletter.
- Began a major renovation of the Feeney Centre for Research and Dialogue, our resource centre. KHRP has been working to fully systematise and catalogue its extensive collection of research compiled during its 15 years in operations. Once completed, the Feeney Centre will make KHRP's resources further accessible to the public through the KHRP website, enhancing our reputation as the first port of call for information and research on the Kurdish regions

The following are just a few further examples of the events in which KHRP participated in 2007:

- 'Freedom and Repression: Kurdish Publications from 1898 to 2007', Berlin, Germany;
- KHRP observed discussions at the UN in Geneva on the drafting of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- We participated in an NGO strategy meeting led by the Halifax Initiative on public finance initiatives in the context of human rights.
- 'Women, Peace and Security,' organised by the Foreign and Commonwealth Office in London.
- 'Involving Men in the Implementation of UN Security Council Resolution 1325', organised by Gender Action for Peace and Security (GAPS UK), London
- 'Kurds in Turkey: Main Requirements for a Peace Process', organised by the Diyarbakır Bar Association and the Heinrich Boll Foundation in Diyarbakır, Turkey.
- 'The Kurdish conundrum: Does it mean stability or disorder for the Middle East?', panel discussion for the online channel '18 Doughty Street'.



Mark Muller on Al Jazeera, 30 October 2007.

- KHRP Executive Director Kerim Yildiz was interviewed by the renowned US journalist Amy Goodman for Pacifica network's 'Democracy Now' program.
- FFM delegation conducted press conference in Diyarbakır to Turkish & Kurdish media on media freedoms in Turkey.

The Kurdish Regions in 2007: Developments and Concerns



IRAQ

Thanks to its relative stability, natural resources and economic development, the Kurdistan region of Iraq is often touted as Iraq's post-2003 success story. Despite this, new challenges requiring immediate attention came to prominence in 2007 as the Kurdistan region continued its emergence from a past characterised by repression and conflict. Above all, the year highlighted how far the Erbil-based KRG and central government in Baghdad have to go before adequately meeting their obligations to provide both effective mechanisms through which the crimes of the past can be redressed, and a strategy for the protection of the human rights of all Iraqis in the long-term. In addition, instability in the wider national and international arenas, caused especially by suspicion and hostility towards the development of Kurdish autonomy, consistently threatened to derail this process. In particular, the resumption of Turkish military aggression towards northern Iraq towards the end of the year, and the failure of the international community to adequately condemn this, showed that economic and political development can be both a blessing and a curse.

Following the execution of Saddam Hussein in December 2006, the Iraqi High Tribunal (IHT) continued to try senior officials from the former Baathist government. These included the placing on death row of 'Chemical' Ali Hassan al-Majid for war crimes and crimes against humanity for his role in the Anfal campaign in the late 1980s. The death penalty has no place in a modern, democratic society and its implementation in several of these instances has also denied the possibility of individuals being brought to justice for the full extent of their crimes. Bringing the perpetrators of past crimes to justice is an essential aspect of the reconciliation process between Iraq's various communities, but any partiality or unfairness in this process is only likely to inflame existing tensions.

In January 2007, a KHRP mission to Kurdistan, Iraq, noted serious shortcomings in the local human rights situation. These included poor standards of pre-trial detention, mismanagement of the KRG prison system and violence against and marginalisation of women. The failure of local authorities in Mosul to intervene to prevent the stoning to death in April of a 17-year-old Yazidi Kurdish woman was emblematic of the latter. Equally, the issuing in February of a death threat against Houzan Mahmoud of the Organization for Women's Freedom in Iraq signified the challenges faced by civil society groups wishing to campaign for political and constitutional change without fear of intimidation and violent threats.

The murder of more than 500 Yazidi Kurds in a series of suicide bomb attacks near Mosul in August showed that the Kurdistan region is still vulnerable to the violence



Kurdish woman and member of Kurdish Peshmerga, Kurdistan, Iraq, 2005. Photo: Tom Carrigan



KHRP's Rachel Bernu with Falakaden Kakei, Kurdistan Minister of Culture, Erbil, January 2007.

which plagues the rest of the country, and may even be a target by insurgents precisely because of its relative stability. Moreover, the inadequate response of the local emergency services to the attack highlighted the unevenness of development in region. The same applies for the provision of basic health services, as demonstrated by the outbreak of cholera in late August, which resulted in some 4,000 suspected cases.

Unfortunately, such incidences of rights abuse and government failure are not isolated, but indicative of a broader absence of strategy and international support for institutional and infrastructural development in the region to safe-guard human rights in the long-term. In this regard, KHRP's mission noted the failure of the government to systematically implement the rule of law, alongside a prevailing sense of confusion as to the role of competing legal systems, be they federal, regional, old Baathist or religious. Equally, the absence of a robust human rights culture was typified by widespread ignorance of the meaning and purpose of upholding human rights, particularly with regards to women (see *Our Impact: Gender Equality*), and the dearth in educational and training strategies to correct this.

Uncertainties in the wider national arena over the issue of Kurdish autonomy continued to undermine the development of the Kurdistan region in 2007, particularly as a number of the key areas of contestation between the KRG and central government remained unresolved at the close of the year. The management of Iraq's energy sector was chief amongst these. Equally, the failure to implement Article 140 of the Iraqi constitution, calling for a referendum on the final status of the oil-rich and multi-ethnic city of Kirkuk means that this sensitive issue remains outstanding in 2008.

Kirkuk has long been the site of ethnic tension, largely due to Saddam Hussein's policy of 'Arabisation', which forced out the city's long-standing Kurdish population. It is

imperative that this issue is resolved in a manner which equally represents the interests of all of the city's current inhabitants and its displaced former residents who may or may not wish to return. The possible accession of Kirkuk to KRG jurisdiction would further test its ability to recognise and protect the rights of the region's non-Kurdish inhabitants, which include Turkmen, Chaldo-Assyrians and Arabs.

In addition, the continual threat and actual resumption in 2007 of Turkish and Iranian cross-border military activity greatly overshadowed the development of the Kurdistan region (see *Our Impact: War and Instability*). Through the indiscriminate targeting of civilian populations, these campaigns directly caused widespread human rights violations, from the loss of life, property and livelihood to the mass displacement of villagers. KHRP believes that it is precisely the pervading sense of uncertainty caused by nationwide instability and the violation of Iraq's sovereignty by its neighbours that is leading to an emphasis on security at the expense of human rights and civil development in Kurdistan, Iraq.

KHRP was extremely concerned with the sentencing to death in July of two Kurdish journalists and activists, Adnan Hassanpour and Hiwa Butimar, for committing 'acts against national security and spying for Western countries and enmity against God.' Both men were the victims of arbitrary arrest, unfair trial and appalling detention conditions, abuses which violate Iran's obligations under the International Covenant on Civil and Political Rights.

THE ISLAMIC REPUBLIC OF IRAN

A number of extremely concerning developments occurred during 2007 in the Islamic Republic of Iran. Crackdowns on freedom of expression and association occurred routinely on the basis of spurious national security charges, to which

many human rights defenders, opposition activists, union leaders and journalists fell victim. Arbitrary detentions were reported throughout the year, whilst torture and other forms of ill-treatment remained common inside prisons and detention centres. This was accompanied by a more pervasive security clampdown on homosexuals and those accused of extra-marital affairs. Of extreme concern was the drastic increase in executions, with reports that Iran had conducted some 300 executions in 2007 (a 50%

increase on 2006), often using some of the most abhorrent methods, including public stoning.

This deterioration in the nationwide human rights situation boded particularly badly for the 6.5 million Kurds living in Iran. Although the Iranian constitution officially guarantees equal rights to ethnic and recognised religious minorities, this does not apply to the overwhelming majority of Kurds. Discrimination against Kurds stems from their ethnic minority status and is further complicated by the added religious dimension; most Kurds are Sunni Muslims living under a Shi'a-dominated government. Despite this, the international community has largely failed to be consistent in its criticism of Iran, with intense scrutiny of its nuclear programme and foreign policy overshadowing the marginalisation of Iran's Kurds and other minorities.

In addition, the Kurds are often labelled as separatists and a threat to the integrity of the Iranian Republic. For this reason, state motives for repression of Kurds are often based on 'security' as much as other factors.

KHRP was extremely concerned with the sentencing to death in July of two Kurdish journalists and activists, Adnan Hassanpour and Hiwa Butimar, for committing 'acts against national security and spying for Western countries and enmity against God.' Hassanpour's sentence was upheld in October, despite widespread international condemnation and hunger strikes by the detainees. Both men were the victims of arbitrary arrest, unfair trial and appalling detention conditions, abuses which violate Iran's obligations under the International Covenant on Civil and Political Rights.

This, sadly, is only one of countless cases emblematic of the discrimination levied against Kurds in the legal system. The denial of linguistic and cultural rights was also a persistent issue in 2007. This was evident in January when Iran banned the award-winning filmmaker Bahman Ghobadi, who had been accused of pursuing a separatist agenda, from filming in Iran.

Throughout the year Iran's Kurdish regions continued to be marred by frequent raids and arrests by state security forces, targeting Kurdish journalists, students and activists, who were often held for long periods without charge and denied legal representation. Oppression against Kurdish women activists and Kurdish female students also continued in 2007. In addition, fighting between the PJAK, an Iranian Kurdish armed group and Iran's Revolutionary Guards occurred periodically. As with the case of south-east Turkey, this conflict took on an inter-state nature in 2007. During cross-border shelling campaigns against armed groups in the Qandil mountains on the Iran-Iraq border that



Protesters in Qamishli, being fired upon with teargas, 2 November 2007.

began in mid-August, some 1,000 Kurdish families were forced to flee their homes in Kurdistan, Iraq.

THE SYRIAN ARAB REPUBLIC

In many regards, the challenges faced by Syria's Kurds are similar to those faced by many people in Syria. Whilst President Bashar al-Assad's inauguration in 2000 inspired a degree of optimism that the new leader would initiate both economic and political reforms, movement towards the latter has stalled almost entirely. The state security apparatus continues to operate with impunity in employing brutal methods of repression against journalists, activists and human rights defenders. An ongoing state of emergency that has been in place since 1963, officially justified by the alleged threat of Israeli military aggression, barely disguises its attempt to stifle free speech, political opposition and



KHRP's Kerim Yildiz with Mr Akın Birdal, human rights activist and member of the Turkish National Assembly.

non-Arab cultural identity. Indeed, monitoring human rights abuses in Syria presents additional challenges, given the dearth of information which comes out of the country.

However, as Syria's largest ethnic minority group, Kurds face additional human rights abuses of a systematic and widespread nature. These have often been overlooked by the international community, which has largely focussed criticism of Syria on other issues such as its foreign policy towards Lebanon and Iraq. Over the past four decades the implementation of Arab nationalist policies has resulted in a wholesale failure to acknowledge or address the rights of the Kurdish population, and the denial of the Kurdish question altogether. As a result of a 1962 census, 360,000 Kurds were made stateless by the stripping of their citizenship, a situation which deprived them of basic social and economic rights. As with the previous two years, a pledge to reinstate citizenship to some Kurds failed to materialise in 2007. More generally, Kurdish linguistic and cultural rights are officially excluded in their entirety from the public domain, either in terms of business or education.

Unrest in Syria's Kurdish regions continued to feature in 2007. In November, security forces intervened in a Kurdish demonstration in Qamishli related to Turkey's authorisation of military operations in Kurdistan, Iraq, using tear gas, truncheons and live ammunition. This was reminiscent of 2004 when 30 Kurds were killed in clashes with security forces in the same town. These episodes provide evidence of the heavy-handed security methods employed by the state to crush all forms of dissent. Moreover, though Syria's Kurds have often been regarded as a politically quietist group when compared to Kurds elsewhere, recent events in Syria are further evidence of the destabilising potential of developments in the wider Kurdish regions.

2007 also saw renewed fears of a state campaign of Arabisation targeting the Kurdish regions of north-east Syria. This followed the issuing of a decree by the Syrian Minister of Agriculture and Agrarian Reform approving the resettlement of 150 Arab families from south Abdulaziz to the Hasakeh region. The policy rekindled memories of a previous Baathist campaign of forced re-settlement which began in the early 1960s, which sought to create an 'Arab belt' to undermine Kurdish majority in these regions. Though this policy echoes the infamous Arabisation campaigns of Saddam Hussein's Iraq, Syria's actions have sadly generated little international interest. This campaign is most likely further linked to the recent discovery of oil in the Hasakeh region, at a time when the Syrian economy is suffering under its transition to becoming a net oil importer. The move may also point towards a broad campaign conducted in cooperation with Turkey and Iran to further isolate and destabilise the Kurdistan Regional Government of Iraq.

TURKEY

Since the foundation of the Turkish Republic in 1923, the Turkish state has not recognised the existence of a separate Kurdish ethnic community inside its borders. This failure has for decades been manifested in a sustained record of human rights abuses against the estimated 20 million Kurds in Turkey. This population (roughly 23% of the total population) has been subjected to economic and political disadvantage, as well as the denial of cultural and linguistic rights in all public domains, in what has amounted to a systematic campaign to disregard Kurdish identity, or assimilate it altogether.

Movement towards EU accession has provided significant opportunities for improvements in the human rights situation in the Kurdish regions, with the enactment of new legislation designed to bring the rights of the Kurds closer to parity with those of the rest of the Turkish citizenry. Broadly speaking however, 2007 proved to be a year of setbacks, disappointments and even reversals in this reform process, underscoring just how far Turkey still has to go before it adequately meets the terms of the Copenhagen criteria for EU accession.

Above all, developments in 2007 demonstrated that Turkey is still committed to a narrow and militaristic approach towards resolving its Kurdish question, which completely fails to address the political, economic and social roots of the problem. Turkey was once again listed by the ECtHR's annual Survey of Activities as the member state with the most judgements against it (331 judgments out of a total of 1503 - a negligible improvement on its 2006 record). Many of these violations referred to the right to a fair trial and the right to liberty and security (see *Our Impact: Political and Judicial Systems*).

The tone of the Turkish political agenda in 2007 was very much defined by the parliamentary and presidential elections of the summer. In one respect, the election of Turkey's first Kurdish MPs in 14 years heralded a small opening for real dialogue between representatives of the Kurdish community and the ruling *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP). However, this achievement was registered in spite of restrictive legislation requiring that parties achieve 10% of the national vote in order to win seats in the National Assembly. Likewise, continual moves by the government to clamp down on the pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party, DTP) underscored the likelihood that this opportunity to lift fundamental constraints on the political representation of the Kurds will be missed.

Turkey, EU Accession and the EUTCC

On balance, KHRP is supportive of Turkey's bid to join the EU. In theory, encouraging and insisting that Turkey meet all of the Copenhagen Criteria for accession offers a vital mechanism for improvements in the human rights situation in the Kurdish regions. However, as this report attests, the past few years have witnessed deterioration in the human rights environment in Turkey, in parallel with a general slowdown in the accession and reform process. Indeed, disillusionment and hostility towards Turkey's accession prevail within some quarters on both sides, in certain European countries and sections of the Turkish government and society.

In these circumstances, it is imperative that the EU maintains the integrity of its accession requirements and holds Turkey to account for all of the Copenhagen criteria. Quite simply, reforms in the areas of democracy and human rights must be held as equal in importance as economic or other factors. Likewise, if the EU is genuinely committed to Turkey's membership, it is obliged not only to monitor Turkey's progress in the field of human rights, but to positively encourage this process and assist where possible in providing mechanisms for the development of a stable, democratic and peaceful society.

As a founding member of the EU-Turkey Civic Commission (EUTCC), KHRP has long contributed to the wider debate on how the above can be realised. At the close of 2007, we co-hosted the Fourth Annual EU-Turkey Civic Commission Conference at the European Parliament in Brussels, which proved once again to be a vital forum for constructive dialogue on human rights and fundamental freedoms in the context of the accession process.



Lively discussion at the 2007 EUTCC conference.



EUTCC board members Jon Rud and Hans Branscheidt.

Unfortunately, any semblance of constructive public discourse on the Kurdish question in the build-up to and aftermath of the elections was overshadowed by the visibly aggressive stance taken by the Turkish Armed Forces towards the Kurdish people and other minority groups not just within the Turkey's borders, but also across the border in Kurdistan, Iraq. This stance is paradigmatic of the reactionary nationalist rhetoric espoused by Turkey's conservative political establishment in recent years, which has accentuated the preservation of Turkey's integrity, unitary system and secular structure at all costs and identified the Kurds as a specific threat in this regard. Moreover, this rhetoric reflects the continuing undue influence within Turkish politics of the military, which has repeatedly clashed with the ruling AK party on issues ranging from EU accession to constitutional reform and the place of Islamic dress codes in public spaces.

In this context, the broad dimensions of the conflict in the south-east between state security forces and the PKK remained the same as in previous years, characterised by periodic fighting resulting in human rights abuses ranging from extra-judicial killings to displacement and torture. In June, the regions of Siirt, Hakkari and Şırnak were declared High Security Zones, effectively returning them to state of emergency rule, causing enormous disruption to daily civilian life through checkpoints, arrests and military activity. The authorisation and carrying out of cross-border shelling and bombing campaigns in late 2007 on Kurdistan, Iraq, rekindled the conflict's inter-state dimension, which threatens to destabilise the wider Kurdish regions (see *Our Impact: War and Instability*). This campaign rekindled memories of Turkish aggression towards northern Iraq in the 1990s, indicating the extent to which its behaviour has regressed.

Ongoing limitations to freedom of expression in 2007 similarly highlighted the failure of peaceful and open dialogue over the Kurdish question to prevail. Frustrations to the work of intellectuals, journalists and publishers through malicious prosecutions were reported throughout the year. The trial of publisher Songül Özkan, which KHRP attended in February, highlighted the repressive impact of Turkey's revised penal code. Indeed, its restrictive interpretation by the judiciary further demonstrates the influence of a conservative constituency within the Turkish state which opposes EU accession and the reform process that this should entail.

In addition, the murder in January of Hrant Dink, the high-profile Armenian publisher was particularly telling of the extent to which draconian legislation has fostered a dangerous culture of intolerance and violence within ultra-nationalist circles. The trial of Dink's alleged killer underlined the state's disinclination to protect minority groups in general. Indeed, KHRP's work in 2007 covered several instances of government failure

to prosecute the perpetrators of extra-judicial killings and other crimes against such groups, thus seriously undermining the rule of law itself.

Just as Kurdish voices continued to be repressed in politics and the media, progress was sorely lacking in terms of lifting restraints on Kurdish cultural and linguistic rights. Whilst in recent years Turkey has made concessions to private companies to air Kurdish language programmes, these companies have limited broadcasting rights which restrict the duration and content of their programmes. Education in the Kurdish language is an ongoing struggle due to manifold legal, financial and curricular restraints. The dismissal in June of the mayor of the Sur municipality and prominent local advocate of multiculturalism, Abdullah Demirbaş, for providing multi-lingual public services within an official capacity, was exemplary of the continuing hostile attitude in the Turkish establishment to multiculturalism.

Turkey claims that it implements a zero-tolerance policy on torture and has initiated a number of reforms since the early 2000s. However, KHRP research published in 2007 indicated that Turkey has simply shifted from flagrant to more subtle forms of ill-treatment, leaving few long-term physical traces, as well as an increase in incidences of ill-treatment outside official detention centres. In addition, the increasing use of anti-terrorism legislation to erode custodial safeguards points towards the emergence of a 'two-tier' legal system, whereby improvements in these protections are restricted to those detained under 'regular' offences.'

Turkey failed to produce an effective national strategy in 2007 addressing the issue of Internally Displaced Persons (IDPs). Research published by KHRP revealed that many IDPs face obstacles to accessing compensation and endure regular intimidation and harassment by state agents. These impediments signal serious shortcomings in the current legal framework to address the situations of IDPs and can equally be applied to the situation of refugees.

Finally, 2007 registered an additional setback on the environmental front, with the resumption in financial backing for the Ilisu dam project (see *Our Impact: Environmental Justice*). KHRP opposes the project, alongside other regional projects such as the Baku-Tbilisi-Ceyhan pipeline project, because of the failure of governments to adequately address the rights of the thousands of people who are to be affected by them, as well as the sizeable environmental costs associated.

THE CAUCUSES

The Caucasus region is also home to significant populations of Kurds, though these constitute small minorities within the countries as a whole. There are an estimated 75,000 Kurds in the Republic of Armenia (1.8% of the population) where the capital, Yerevan, has been considered a centre for Kurdish culture and art. Some 200,000 Kurds live in the Republic of Azerbaijan (2.8% of the population) and an additional 40,000 live in the Republic of Georgia (0.9%). These regions are an important area for KHRP litigation, not least because their membership to the Council of Europe makes them party to the European Convention of Human Rights and Fundamental Freedoms.

Kurds living in the Caucasus, particularly the small indigenous population living in the disputed enclave of Nagorno-Karabakh, have been caught up in fighting between Armenia and Azerbaijan since the collapse of the Soviet Union. The Nagorno-Karabakh conflict has resulted in the displacement of an estimated 528,000 Azerbaijanis from Armenian occupied territories in the region, while 220,000 Azeris, 18,000 Kurds and 3,500 Russians fled from Armenia to Azerbaijan from 1988 to 1989.

In its efforts to provide redress for the victims of this conflict, KHRP's litigation programme has been instrumental in highlighting its ethnic and religious dimension. In 2007, KHRP continued to represent applicants who were allegedly displaced from the town of Lachin by Armenian forces in 1992 and claim that they were discriminated against chiefly as a result of their being Muslim and Kurdish, as opposed to Christian and Armenian.

The disputed status of Nagorno-Karabakh remains an issue of great concern with regards to the human rights picture in the region, especially given the continued presence of Armenian troops there and in several of the surrounding regions of Azerbaijan, more than a decade after the brokering of a ceasefire. Presidential elections were staged within the enclave in July, but these were condemned as being illegal by Azerbaijan, which has labelled the local government as an Armenia-backed separatist regime. Moreover, there remain some 154,000 displaced people living in Baku, Azerbaijan. This puts tremendous pressure on the local human rights situation there because of heavy restrictions on the economic and social rights of individuals living without fixed residences. There is an urgent need for a strategy to address the displacement of all individuals in the region, whether they be Kurdish, Azeri, Armenian or otherwise.

In both Armenia and Azerbaijan, other areas of human rights abuse persisted in 2007. A KHRP training session in Armenia in February addressed the situation of human rights defenders there, who are frequently prosecuted by local judges for alleged misconduct or

contempt of court, as a result of speaking out about human rights violations. In addition KHRP lawyers assisted Meltex Limited, one of few independent voices in television broadcasting in Armenia, in challenging the denial of a broadcasting license in several cases before the ECtHR.

Likewise, a visit by the UN Special Rapporteur on Freedom of Expression to Azerbaijan later in the year highlighted the plight of media professionals who are routinely subjected to violence and persecution by law enforcement officials. Azerbaijan was also found in violation of Articles 2 and 22 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in August over the extradition to Turkey of Kurdish journalist Elif Pelit, who had refugee status in Germany due to having suffered torture in Turkey in the 1990s.

Review 2007: Our Impact



Political and Judicial Systems

The denial of legitimate expression of people's democratic wishes often leads to violent conflict and human rights abuses. Moreover, in countries where international democratic standards have yet to be reached, human rights violations are most often committed against those who question official policy. Inextricably linked to the values of democracy is the rule of law. Without the rule of law, it is impossible to ensure proper adherence to human rights standards. Only a genuinely impartial judiciary can effectively protect the rights of individuals and only truly independent scrutiny of authority can effectively prevent its abuse.



Abdullah Gül, the AK Party's presidential candidate, addressing DTP supporters and press during the run up to the 2007 Turkish presidential election.

Political repression

The 2007 parliamentary and presidential elections in Turkey represented an important opportunity for gauging the state of democracy in Turkey and the extent of the representation of minority groups. KHRP's publications and work in advising the media once again provided an invaluable source of information on the elections in the broader context of the Kurdish question, highlighting aspects often overlooked in public debate.

KHRP's briefing paper, *Upcoming Elections in Turkey*, addressed the restrictive electoral laws that have been designed to prevent Kurdish parties from gaining seats in the Turkish Grand National Assembly, despite these parties representing a considerable majority in the Kurdish regions. Most specifically, the country's largest pro-Kurdish party, the Democratic Society Party (DTP), was forced to circumvent the restrictive requirement that a party gain at least 10% of the national vote in order to earn parliamentary representation, by fielding independent candidates.

Our press statements and quarterly publications also brought attention to reports of the arrest and ill-treatment of candidates as well as the intimidation of voters in the build-up to the elections. Other regulations, such as the prohibition of any language other than Turkish in electoral campaigning, further indicated the inequalities that prevail within the electoral system.

KHRP believes that the fundamental failure of Turkey to provide for the legitimate representation of Kurds is at the heart of the ongoing conflict. Until political and economic root causes are addressed, the overall human rights situation in the region will remain bleak. The elections did ultimately result in some positive developments. In particular, the election of Turkey's first MPs from a pro-Kurdish bloc in 14 years to the National Assembly indicated the possibility of dialogue between the Kurdish leadership and the ruling party. Nonetheless, our publications demonstrated how this outcome was *in spite* of the myriad restrictions that thwart the representation of Kurds at the national level. Moreover, as the elections took place, the Kurdish provinces of Siirt, Hakkari and Şırnak were declared a High Security Zone, restricting freedom of movement and rendering voting and campaigning impossible.

As the spotlight fell on the Turkish elections, attention was likewise drawn to the undue influence wielded by the military within the Turkish political system and its vehement opposition to any attempts to question aspects of traditional state ideology. In April, threats by the military to intervene to prevent the nomination of Foreign Minister Abdullah Gül, a devout Muslim, for the Turkish presidency unleashed a constitutional



Şemdinli trial observation mission member Sandra Conway with Cüneyt Caniş, head of İHD, Van Branch.

crisis that resulted in the presidential elections being postponed for several months (Gül was subsequently voted into office by a clear majority in August).

Independence of the court

KHRP continued to highlight the wider impact of the failure of civilian democratic power to prevail in Turkey, especially the part played by the military and state in compromising the independence of the judicial system. Central here was our work in monitoring developments surrounding the trial of two non-commissioned Turkish military officers for the unprovoked bomb attack on a Kurdish-owned bookstore in Şemdinli, Hakkari province in 2005. The case initially grabbed domestic and international attention because of the extent to which it exposed the involvement of the Turkish military in so-called 'deep

state' activity. Although such activity has been suspected in many other incidences, the Şemdinli incident was significant because the perpetrators were essentially caught red handed committing a violent act against a civilian target in a region already marred by civil conflict. Thus the case presented a vital opportunity to test the Turkish authorities' commitment to the rule of law and due process guaranteed by a genuine and effective democracy.

KHRP's observation of the first trial session in May 2006, at the Van 3rd Heavy Penal Court raised serious concerns with regards to the independence of the prosecution from military influence and the ability of the state to carry out a swift and impartial investigation into the case (see *Promoting Conflict – The Şemdinli Bombing*, KHRP, 2006). Moreover, the reluctance of the court to convict the perpetrators of the attack under Article 302, (which relates to the serious charge of 'undertaking activities aimed at destroying the unity of the state and territorial integrity of the country') raised serious doubts about the evenness of the application of the law. Article 302 has long been seen as specifically tailored for use against Kurds.

In July 2007, KHRP attended a re-hearing of the trial after an earlier ruling by the 9th Criminal Chamber of the Court of Appeal to re-open the case. Our subsequent trial observation report (see *State Accountability? The Semdinli Trial Re-Hearing*, KHRP, 2007) noted very similar concerns with regards to the judicial proceedings as with the first trial, particularly the failure to address concerns regarding the insufficient investigation into the case. The mission also identified worries over the restriction of public access to the trial. However, the decision to place the re-trial under military court jurisdiction was especially concerning. Given that an essential element of the case addresses military interference in the judicial process, this decision suggested that attempts were being made to whitewash the whole episode.

Elsewhere, KHRP continued to monitor developments in the prosecution of state security officers allegedly involved in the killing of Mehmet Şerif Avşar, who died in police custody in Diyarbakır in 1994. In a KHRP-assisted case in 2002, the ECtHR found Turkey responsible for his death, in violation of the Right to Life under Article 2 of the ECHR, amongst other transgressions. Whilst several individuals were convicted in 2000 for involvement in Avşar's death, Gültekin Sütçü, a former member of the Turkish security forces thought to be equally culpable, has so far escaped prosecution. Having been arrested in October 2006, it was decided at Sütçü's initial hearing in August 2007 that he would not be remanded in custody. This was of grave concern to KHRP, as Sütçü has shown himself to be a serious flight risk, having been in hiding up until his arrest.

As with the Şemdinli case, this case is further indicative of Turkey's negligence in bringing to justice members of its own security forces for torture, abductions and murder. Indeed, the ultimate casualty of this widespread failure is the integrity of the rule of law, which is severely undermined by a culture of impunity.

Improving access to justice

KHRP actively promotes adherence to international democratic standards and regards cultural diversity and political freedom as positive and necessary elements of a true democracy. However, we understand that in order to achieve this, not only is greater state accountability necessary, but also an independent local capacity for monitoring abuses, coupled with awareness of how these can be dealt with through domestic and international legal mechanisms. KHRP has therefore devised a groundbreaking training programme to oversee the transfer of skills and expertise to human rights defenders in the regions – be they lawyers, teachers, journalists or representatives of NGOs, trade unions and local government.

In February we conducted a training session with Forum Law centre in Yerevan, Armenia. The principle aim of the session was to address the problems faced by human rights defenders, particularly the frequency with which criminal lawyers are prosecuted by local judges for alleged misconduct or contempt of court, as a result of their challenge to human rights violations in Armenia.

In May, we delivered a training session entitled "How to Bring a Claim before the ECtHR" at the Hakkari Bar Association in south-east Turkey. The session covered a variety of subjects, particularly questions of village destruction and evacuation, difficulties encountered by applicants in the ECtHR's procedures and inadequacies in Turkey's mechanisms for compensating the victims of such violations.

The same session was delivered in September in front of 33 mostly young lawyers from the Şırnak Bar Association, in Cizre district, Sirnak province. Having been under a state of emergency from 1987 to the present, and given its location close to the Iraqi border, this province has a sizeable population of internally displaced persons, many of whom now suffer impoverished conditions in cities with little access to justice or social welfare (see also Our Impact: Internal Displacement, Migrants, Refugees, and Expropriation).



Delegates at the Hakkari Training, May 2007.



At NGO training, Sulemanya, Nov 2007 - Olivia Kraus, Johanna Nykanen, Sarteeep Ali, Taniel Taysi, Janet Benshoof, Kerim Yildiz, Atta Muhammad, Catriona Vine.

Other training sessions which we conducted in the year addressing specific areas of human rights abuse are dealt with in subsequent sections.

Arbitrary detention

Arbitrary detention remained a serious problem in the Kurdish regions in 2007. During the build-up to the Turkish elections, there were frequent reports of the detention of Kurdish activists and politicians. In the case of Kurdistan, Iraq KHRP sent an urgent communication to the KRG regarding the detention of three men at the Harbur border crossing between Turkey and Iraq one year earlier. Human rights defenders and political dissidents routinely suffer summary detention without trial in both Armenia and Azerbaijan and KHRP continued its ECtHR casework in several cases of this kind. Arbitrary detention and executions following unfair trials were also widespread across Iran in 2007, particularly in the country's Kurdish regions. KHRP's work in this sphere will be further dealt with in *Our Impact: Right to Life*.

In 2007 we also worked on three new cases concerning individuals whose rights to a fair trial and to liberty have been violated:

- KHRP lodged a case challenging the failure of Turkish authorities to offer **Abdullah Öcalan**, the leader of the PKK, a full retrial, after his original trial was judged to be unfair by the ECtHR. Violations to Öcalan's right to a fair trial include the inadequate time and facilities allowed for the preparation of the defence, restrictions on legal assistance and the fact that Öcalan did not have access to the 17,000 page case file until two weeks before the trial began. A review by Turkey's 14th Assize Court concluded that further investigations or hearings were unnecessary, asserting that any potential findings would not alter the applicant's conviction and the outcome of the case. This review was deemed to be sufficient by a subsequent ruling by the Council of Europe Committee of Ministers. KHRP strongly contests this ruling, hence its decision to take the matter to the ECtHR. (For information on KHRP's litigation work regarding the conditions of Öcalan's detention, see *Our Impact: Torture and Ill-treatment*).
- KHRP took up representation of four members of the **Yöyler family** in a case concerning the expropriation of the Applicants' land by the State in the Malazgirt region of south-east Turkey, without the provision of compensation (see *Our Impact:*

Internal Displacement, Migrants and Refugees for further information on this issue). In 1985, the domestic courts recognised that the Applicants were the rightful owners of the land. However, after the Applicants registered for their title deeds the courts handed the land to the state treasury. The Court of Appeal subsequently rejected the Applicants' appeal in September 2006. KHRP is arguing that Turkey's actions have violated Article 1 of Protocol No. 1 and Articles 6, 8, 13 and 14 of the ECHR.

- In August 2005 **Fikret Karaoğlan**, a Turkish national of Kurdish origin, was detained arbitrarily whilst travelling in Spain, as a result of the illegitimate use of a Red Notice circulated by Interpol to various European states at the behest of Turkey. He was unable to challenge the decision due to a lack of effective and available remedies and submits further that the violations are continuing, due to Turkey's continued illegitimate use of the said Red Notice. The Applicant believes that the Red Notice has been lodged by Turkey as means of intimidating him due to another case lodged before the ECtHR regarding his alleged ill-treatment by the Turkish authorities. The case raises issues concerning Articles 3, 5, 6, 8, 11, 13, Article 2(2), Fourth Protocol and Article 4, Seventh Protocol of the ECHR .

KHRP also received an ECtHR judgement against Turkey in another case:

- In June 1995, Turkish security forces destroyed the dwellings and farmland belonging to **Halis Aksakal** in Görbeyli, a village in south-east Turkey. Later that year, the Applicant brought a case, with KHRP's assistance, before the ECtHR, seeking redress under ECHR Articles 3 (freedom from torture and ill-treatment), 8 (right to respect of family and home), and 13 (right to an effective domestic remedy). In February 2007, the court held that Turkey's failure to provide an adequate investigation into the Applicant's complaints subsequent to the events of June 1995, did indeed constitute a violation of Article 13. This failure is further indicative of Turkey's failure to hold its security services to account for its systematic campaign of village destruction in the Kurdish regions in the 1980s and 1990s. Despite this, the judgment was extremely disappointing in its failure to hold Turkey in violation of Articles 3 and 8, despite an established case history at the ECtHR of state involvement in village destruction. Indeed this case was exemplary of the often unreasonably high burden of proof placed on victims of rights abuse at the ECtHR.

Rape as a Form of Torture: KHRP's Litigation Programme at Work



Şukran Aydın

Rape is a crime of violence, domination and coercion, which affects women disproportionately, but also men, especially in times of conflict. Moreover, during times of conflict, it is often used as a systematic method of torture and intimidation by state security forces. Despite this, until relatively recently rape was deemed to be merely a criminal act in most countries.

Thanks to KHRP's strategic litigation programme, the status of rape under international law has been revolutionised. In a landmark case (*Aydın v. Turkey*) before the ECtHR in 1997, KHRP represented Şukran Aydın, a Kurdish teenage girl who had been detained, tortured and raped by security officers in 1993. In this case, the Commission judged that 'the nature of the act of rape, which strikes at the heart of the victim's physical and moral integrity must be characterised as particularly cruel and involving acute physical suffering...and must be regarded as torture' (see KHRP's report, *Aksoy v Turkey, Aydın v Turkey, 1997*), therefore finding Turkey in violation of Article 3 of the ECHR (prohibiting torture, inhuman and degrading treatment).

This case is exemplary of how, through setting ground-breaking legal precedents, our litigation work contributes to the broader world of human rights advocacy. Thanks to this judgment, rape carried out by or with the acquiescence of the state is now classified as a form of torture across all 47 member states of the Council of Europe. By increasing the capacity for accountability in incidences of rape, our work has provided an incentive for survivors of sexual violence to come forward in and beyond the Kurdish regions.

Torture and Ill-Treatment

The past six years have been very worrying for anti-torture campaigners. The language of the global 'war on terror' has made it all too easy to sweep aside many of the gains made in the struggle to abolish torture and other cruel, inhuman and degrading treatment, with governments increasingly deeming such practices necessary and justifiable in certain circumstances.

Despite reforms initiated under the EU accession process, grave concerns remain regarding the persistence of torture and ill-treatment in Turkey. In 2007, KHRP continued to receive regular reports, particularly from the Southeast, of instances of torture, ill-treatment and deaths in custody. Similarly, the situation of human rights defenders and lawyers attempting to protect and represent victims of abuse remained a concern.

Unfortunately, the recent slow-down in the EU reform process, coupled with the degree of 'latitude' granted to Turkey in the interests of wider geo-strategic concerns governing accession negotiations, has facilitated the survival of a mentality within Turkey's security forces that is conducive towards the practice. In addition, the persistence of the conflict in the Southeast has meant that one of the root causes of the problem remains unaddressed.

KHRP's capacity as a centre of research proved instrumental in 2007 in tracking changes in the practice of torture and ill-treatment in the Kurdish regions in the context of shifting geo-political realities. In August, we published a comprehensive report entitled *An Ongoing Practice: Torture in Turkey* (KHRP, 2007). The report highlights the attempts by Turkey to conceal its lack of progress in abolishing these practices, such as a shift from flagrant to more subtle forms of abuse, which leave few lasting physical signs of harm, and the increase in cases of ill-treatment outside of detention centres. The report also draws attention to the legal framework surrounding the persistence of torture in Turkey, particularly the impact of regressive anti-terror legislation initiated in 2006. In response to an alleged escalation in 'terrorism', these reforms have essentially expanded the definition of what constitutes terrorism, as well as the mandate of security officers to treat suspects according to an 'alternative regime' in such cases. This amounts to a 'two-

tier' criminal justice system, whereby increases in custodial and procedural safeguards for those held under conventional offences are matched by the erosion of protections for suspects held on anti-terror charges.

We believe that there are many practical measures capable of dramatically reducing incidents of torture and ill-treatment. The central means of doing so are independent supervision of law enforcement and security agencies coupled with effective criminal accountability. We monitor domestic cases against police and other officials accused of violating the prohibition of torture or ill-treatment. If these cases fail to achieve sufficient redress for victims, we submit cases to the ECtHR, thus providing an incentive for states to bring future perpetrators to justice. Since KHRP came into existence it has assisted numerous individuals in bringing cases of torture and ill-treatment before the ECtHR. In 2007, we continued in this vein:

- **Ercan Ayaz** was assaulted by Turkish border police having been detained at Ataturk airport in Istanbul in 1993. Two separate medical sources subsequently confirmed that the Applicant had suffered spinal bruising, abdominal pain and superficial scratches as a result of his ordeal. Having failed to receive justice in the Turkish courts, he brought a claim before the ECtHR. In January 2008 the ECtHR found that Mr Ayaz was the victim of police brutality, and thus held Turkey responsible for inhuman and degrading treatment (in violation of Article 3 ECHR).
- In 2007 KHRP continued to make submissions to the ECtHR on behalf of **Abdullah Öcalan**, regarding the conditions of his detention. Öcalan was abducted from Kenya in 1999 and sentenced to death in Turkish courts. Despite KHRP's groundbreaking success in forcing Turkey to commute this sentence to life imprisonment (see *Our Impact: Right to Life*), Öcalan has remained in solitary confinement as the sole inmate on Imrali island since his abduction. In the context of its ongoing case regarding the conditions of Öcalan's detention, which violate Article 3 of the ECHR, in March 2007 KHRP and its partners drew attention to concerns for the health of Mr. Öcalan after samples of his hair submitted for testing were found to contain elevated levels of chromium and strontium, suggesting either acute or chronic exposure to the substance. KHRP immediately drew the matter to the attention of the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT), as well as to the ECtHR.



Arant Dink with Stuart Kerr of the KHRP Legal Team, Istanbul, December 2005.



Kurdish author Ahmet Kabraman.

Freedom of Expression

Freedom of expression forms the foundation of the right to hold particular beliefs, thoughts or convictions; to adhere to a particular religion; or to associate with others sharing similar beliefs. Collectively these rights are not only essential for allowing individuals to realise their full human potential, but are also intertwined with the functioning of a healthy democratic system. Providing a capacity for internal criticism and the articulation of a plurality of beliefs and opinions should not be viewed as a concession or threat by governments, but as a vital mechanism for the positive and constructive development of society.

Monitoring abuses of freedom of expression was an essential part of KHRP's work in 2007. The issue remained one of great concern throughout the year, despite having been identified as a core aspect in Turkey's EU accession reform process and the implementation in recent years of measures to bring Turkish legislation in line with European standards.

As with the previous year, headlines were dominated by the implementation of Turkey's Penal Code. Though this was revised in 2005, some of the most infamous articles under the new code bore a striking resemblance to those of the previous code, particularly in criminalising the expression of non-violent opinion and providing prosecutors and the judiciary with the tools to limit fundamental concepts of freedom of expression. Article 301 in particular, which criminalises the denigration of 'Turkishness', was frequently employed in prosecutions against academics, journalists, artists, human rights defenders and publishers.

It is ironic that whilst these archaic and highly ambiguous formulations claim to protect the Turkish nation and state from alleged threats to its unity and integrity, they are in practice mainly used to intimidate, prosecute and endanger the safety of the very individuals seeking to engage in constructive and peaceful discussion of the state and its history, politics and people. By erecting barriers to dialogue over such issues as the Kurdish question, the Armenian genocide, the role of the army in Turkish politics and other issues, Turkey is further inhibiting the possibility of these issues being addressed in a legitimate, peaceful and democratic fashion. If it is to adequately protect the right to freedom of expression, additional reforms are required to bring legislation in line with international standards.



Professor Baskın Oran with Turkish journalist and former KHRP applicant Koray Düzgören.

A key priority for KHRP in 2007 was to draw attention to the wider political and social implications of such draconian restrictions on freedom expression, particularly the dangerous culture of intolerance and violence that has been allowed to prevail in Turkey through the failure to protect freedom of expression and implement the rule of law. In July, KHRP organised a joint mission with BHRC, Index on Censorship and Article 19 to observe the opening of the trial of the alleged assassins of Hrant Dink, the prominent Armenian journalist, whose killing in January in Istanbul reflected these failures. Our subsequent report (see *Freedom of Media in Turkey and the Killing of Hrant Dink*, KHRP, 2007), documents the government's role in fuelling the nationalism that caused the attack by repeatedly trying Dink under Article 301, effectively labelling him an enemy of "Turkishness".

Despite official condemnation of Dink's murder, the report further highlights evidence that the state may have been aware of the plot beforehand and the shocking allegations



Rajesh Kumar Rai (left) and Morten Thorsted (right) with defendant Songül Özkan (front) and associates of Doğa Basım Publishing House.

that Turkish police were seen to congratulate the alleged killer following his arrest. Only a few short months after his killing, Dink's son Arat and Serkis Seropyan, the editor of Agos newspaper, were charged under Article 301 in relation to Hrant Dink's statement that an Armenian genocide had taken place.

Though disturbing, such high-profile 'Article 301' cases barely scratch the surface of the abuses that take place in Turkey on an almost daily basis. In October, KHRP participated in a fact-finding mission to Istanbul and the Kurdish regions in Turkey to investigate restrictions on media freedoms there. From its findings (which were published in *Reform and Regression: Freedom of the Media in Turkey*) the mission was particularly keen to draw attention to the everyday utilisation of a raft of legislation beyond the high-profile Article 301, such as the revised Anti-Terror Law, Press Law and Police Law. The mission noted that in practice, the legislation was used particularly to suppress the pro-Kurdish, Islamist and socialist media, that is, any non-mainstream sources of news and opinion. Indeed, throughout the year we reported on closures of pro-Kurdish media outlets, particularly in the build up to the elections.

In 2007 KHRP also raised several concerns with regards to the fairness and integrity of the judicial process, demonstrating that writers, publishers and human rights defenders are not only vulnerable to attack from intolerant elements on the street, but also from

anti-democratic forces operating within the state itself (see also *Our Impact: Political and Judicial Systems*). It is not simply the formulation of Turkey's anti-terror legislation that causes a strong impediment to free expression, but also the manner in which the judiciary chooses to interpret this legislation. In February KHRP observed the prosecution of the publisher Songül Özkan, under Article 312 of the former Penal Code (Law No. 765) for 'openly inciting people to resentment and enmity with regard to differences in race and religion.' This followed the publication of 'Kurdish Uprisings' by exiled Kurdish author Ahmet Kahraman; a history book examining the various bouts of unrest and violence in Turkey's Kurdish regions since the early twentieth century. Özkan's case, which opened in November 2003, typifies the malicious tactic employed by certain prosecutors of repeatedly indicting publishers and journalists for similar crimes and delaying their trial, so as to cause them severe business disruptions. The findings of the mission were made available in the Trial Observation Report *Publishers on Trial: Freedom of Expression in the Context of EU Accession*, which further draws attention to cases of other publishers facing prosecutions in Turkey.

In addition to our extensive body of fact-finding on the issue, other areas of our work dealt specifically with the issue of freedom of expression in 2007. In October we delivered a seminar entitled "Taking a Case to the European Court of Human Rights: Freedom of Expression", in Van, south-east Turkey, in an event co-hosted by the Van Bar Association and İHD, Van Branch. A specific aim of the event was to strengthen the capacity of local lawyers to represent clients whose rights have been violated. In addition, during the annual OSCE Human Dimension Implementation Meeting in Warsaw, we made an oral presentation addressing freedom of expression violations in Turkey.

Freedom of expression remained an issue in 2007 not just in Turkey but right across the regions. Issues of women's and minority rights remain topics where discussion is extremely restricted. Our ECtHR litigation work continued in several cases from across the Kurdish regions in which violations were reported:

- In 2007 KHRP continued to make submissions to the ECtHR on behalf of **Meltex Limited**, an independent Armenian television company, in one of its cases against Armenia. The network, which was widely recognised as one of the few independent voices in the Armenian television media, has been repeatedly denied authorisation to broadcast since its license was revoked in 2002. The refusal, it appears, was due to the broadcaster's inclusion of opposition parties in its presidential election coverage. The case alleges violations by Armenia to the right to freedom of expression as well as to the right to a fair trial (under Articles 10 and 6 respectively

of the ECHR), because the applicant was not provided basic procedural safeguards or an opportunity to have a fair and public hearing in the domestic courts.

- We have continued our case work on behalf of **Artak Zeynalyan**, an Armenian war veteran and surgeon who lost leg fighting in 1992. He is also a senior member of the Hanrapetutyun opposition party and previously held high positions with the State, including Deputy Minister of Health. The applicant alleges that he was repeatedly denied access by the police and appeals court to the electoral register for the referendum over constitutional amendments of 27 November 2005. KHRP is arguing before the ECtHR that the applicant's right to receive information should fall within Article 10 (Freedom of Expression) of the ECHR, along with the rights to a fair trial and an effective remedy (Articles 6 and 13).
- In Istanbul in July 1999, **Şanar Yurdatapan** distributed leaflets on the issue of freedom of thought, which contained statements opposing conscription to the Turkish military. The Applicant was subsequently tried by a military court for seeking to dissuade persons from serving in the military and sentenced to two months imprisonment and a fine. In a judgment in early 2008 the court ruled that the sentence violated Yurdatapan's right to an impartial tribunal (Article 6 ECHR), since he was tried by a military court. It further ruled that his right to free expression (Article 10 ECHR) had also been violated. The case is exemplary of the trials faced by those who wish to peacefully exercise their right to freedom of expression, and the military's intolerance of all voices critical of its policies.

We also assisted an advised in two cases involving freedom of expression in Turkey, both of which registered significant developments;

- Turkey's Supreme Court of Appeals case confirmed it had definitively dropped its prosecution against **Orhan Pamuk** under Article 301. The charges followed politically sensitive comments made to a Swiss newspaper by Pamuk, a widely-respected novelist and Nobel laureate, acknowledging the deaths of Armenians and Kurds in Turkey. Like Hrant Dink, Pamuk has been subjected to death threats following his legal ordeal.
- In September KHRP learned that the acquittals of Professors **İbrahim Kaboğlu** and **Baskın Oran** had been overturned at appeal. The accused were first brought to the dock under Articles 301 and 216 of the Penal Code (see *Suppressing Academic Debate: The Turkish Penal Code*, KHRP, 2006) at a trial in February 2006 which KHRP observed, for criticising Turkey's minorities policy and suggesting that the official

use of the work 'Turk' to describe citizens of Turkey was discriminatory toward non-ethnically Turkish citizens. The appeal court argued that a "redefinition of the term 'minority' would represent a danger to the unitary state and the indivisibility of the nation" and that "the limits of freedom of criticism and thought had been overstepped with the discussions of super and sub-identities". If found guilty in a re-trial, the professors could face up to four and a half years in prison.

Cultural and Linguistic Rights

The protection of linguistic and cultural rights is essential in any open and dynamic society. Without this it is impossible for the individual to live a rich and fulfilling life. The denial of these rights to cultural and linguistic minorities plays an enormous part in restricting access to other basic rights such as justice, education and political representation.

The regions inhabited by Kurdish people have historically been characterised by cultural vibrancy and heterogeneity. In modern times, however, the distinct identity of the Kurds has played a significant part in the perception of them as a threat to the unity and integrity of the states in which they live. In this way, Kurdish cultural and linguistic rights have become a highly politicised issue, and one that has played a big role in their suppression. Policies of assimilation or complete intolerance of manifestations of Kurdish identity have been a major feature of policies towards the Kurds by all the states in the region. These policies constitute violations of the Universal Declaration of Human Rights, the International Covenant of Economic, Social and Cultural Rights and the International Covenant of Civil and Political Rights amongst other provisions which protect language and cultural rights. In the case of Turkey and the Caucuses, these also violate its obligations under the ECHR and its protocols.

Beyond issues of freedom of expression in the media, the repression of Kurdish language and cultural rights extends to many other public domains, including business, public administration and education. Non-political Kurdish cultural organisations, or important events in the Kurdish calendar (such as the Newroz celebrations) are often heavily suppressed by security forces. Over 2007 KHRP endeavoured to spread awareness of the case of Abdullah Demirbaş, former mayor of the Sur municipality in Diyarbakır who was dismissed for providing public service information in several languages for



Abdullah Demirbaş, former mayor of Sur district in Diyarbakır .

the town's multilingual population. The Diyarbakır chief prosecutor further demanded that Demirbaş and Diyarbakır metropolitan mayor Osman Baydemir be sentenced to prison terms of three and a half years. Indeed, in recent years many politicians, human rights advocates, journalists and other public figures have been prosecuted for using the Kurdish language in the public domain.

The case of Abdullah Demirbaş underscores the ways in which the denial of basic cultural and linguistic rights deprives many Kurds of access to education, health and other social services, thus exacerbating poverty and other problems prevalent in the Kurdish regions. Demirbaş is renowned for his advocacy of multiculturalism, an approach which he argues is essential in practical terms to provide public services in areas where Turkish is not the sole language understood. This point was underlined

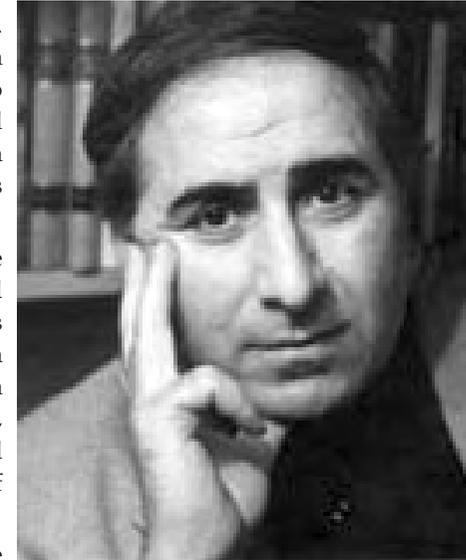
by a draft report which KHRP compiled in 2007 entitled *Education Rights in Turkey*. The report offers an exhaustive analysis of the education rights of Kurdish people in Turkey in the context of the international treaties and obligations to which Turkey is party. The report demonstrates that education in the Kurdish language remains difficult to implement due to manifold legal, financial and curricular restraints, indicating an ongoing policy of discrimination in this area.

In August, Cymdeithas y Cymod (The Fellowship of Reconciliation in Wales) held a panel discussion in response to KHRP's awareness-raising efforts of Kurdish cultural and language issues. The discussion featured three speakers, Ann Clywd MP, Hywel Williams MP and Jill Evans MEP, all of whom criticised the ongoing violations of these rights in the Kurdish regions.

KHRP was also extremely saddened at the death in October of Kurdish writer Mehmed Uzun after a long battle with cancer. Uzun was an honoured member of the KHRP

board of patrons and an outspoken advocate of the protection, promotion and revival of the Kurdish language.

KHRP believes that cultural and linguistic rights are an integral aspect of human rights and should be treated as inseparable from political and civil rights, which have traditionally dominated Western discourse on human rights. In July, we visited Geneva to observe discussions in the UN on the drafting of an Optional Protocol to the Economic Covenant on Economic, Social and Cultural Rights. This protocol would allow victims of violations in these areas to submit complaints to a UN body, therefore advancing the global cause of human rights as an indivisible and interdependent body of values. **From our own work in the Kurdish regions, we understand that the denial of cultural and linguistic rights is just as indicative of the failure of states to integrate their Kurdish populations as the prevalence of conflict.** Indeed, this conflict can only be resolved through a holistic approach that takes into account all its roots, including the denial of culture and language rights.



Mehmed Uzun, renowned Kurdish writer and KHRP patron, who passed away in October.

Environmental Justice

Environmental justice is an essential aspect of human rights. Not only does damage to the natural environment impact on the health and livelihood of those who live there, but large-scale development projects often lead to disruptions to local life and displacement, often without appropriate compensation. Moreover issues of environmental justice often have trans-national ramifications. Natural resources are often not confined exclusively within state borders, hence their management and protection requires the cooperation of all parties who have, or should have access to them. Failure to do so can result in conflict and further human rights violations.

Southeast Anatolian Dams (GAP) Project

2007 was a troubling year for KHRP and its partners campaigning against the GAP project's proposed Ilisu and Cizre dams. In 2002, financial support for these projects collapsed following an exemplary international campaign to defend the area's ancient sites of archaeological significance as well as the thousands of people, mostly Kurds, who stood to be displaced by the project (see text box on the numbers involved). Unfortunately, the plan was revived after the German, Austrian and Swiss governments approved export credit guarantees for the project, despite its continuing failure to abide by international legal obligations.

Many people in Turkey, Syria and Iraq depend on the Tigris-Euphrates river system which the proposed Ilisu dam will affect. In March KHRP and Cornerhouse carried out a fact-finding mission to Iraq to assess the potential downstream impact of the dam. The findings of the mission (which were published in the report *Ilisu Dam: Downstream Water Impacts and Iraq*), raised serious questions about efforts made by Turkey and the export credit agencies (ECAs) backing the project to meet their obligations under international law.

Turkey is obliged to consult its riparian neighbours, negotiate and raise any concerns before interfering with the supply of water. However, the mission learned that Turkey had failed to provide Iraq with requested information on the dam, just as the ECAs had mischaracterised a meeting between the riparian countries in March 2006 as an agreement on the project. Moreover, the report details how the requirements set by



Legal Director Catriona Vine in Town of Hasankeyf, September 2007.

The Ilisu Dam and GAP project: by Numbers

7 international and local NGOs are campaigning together under the Ilisu Dam Campaign.

19 dams are planned under the Southern Anatolia Project (GAP), which will primarily affect Turkey's Kurdish regions.

183 villages and hamlets will be submerged or partially submerged by the Ilisu Dam project

400 kilometres of the Tigris river system ecosystem are projected to be destroyed by the Ilisu dam project

9,000 years is the estimated age of Hasankeyf, the ancient city set to be submerged.

55,000 people at least are likely to be displaced in Hasankeyf and surrounding villages should the Ilisu project go ahead, adding to Turkey's 3 million already displaced civilians.

2,000,000,000 euros is the estimated cost of the Ilisu dam project.

the ECAs in order for Turkey to qualify for funding do not reflect those stipulated under international law, particularly regarding guarantees of downstream flows to the lower reaches of the Tigris River. The report concludes that in agreeing to fund the project prior to negotiations between the three riparian states, the ECAs are complicit in the violation of international law. KHRP and Cornerhouse also briefed Mahmoud Othman, an Iraqi MP, on these developments, and the possible repercussions of the dam project on water supplies in Iraq.

In May, KHRP published a comprehensive briefing paper (*The Ilisu Dam Project: A Flawed Plan is Revived Unchanged*), assessing the manifold damage the Ilisu dam is likely to cause. In addition, the report places the dam in the broader socio-political context of the GAP project, which is being used by the state partly as a means to assimilate Kurds into mainstream Turkish culture by eradicating local history and culture and concealing evidence of past government oppression committed in the region.

Immediate environmental problems noted in the report include damage to soil, water and river life. In this regard, the project fails to meet both the EU Directive on Environmental Impact Assessment and similar World Bank standards for impact assessments. In the process of its construction, the project will also drown hundreds of surrounding villages. Despite this, plans for resettlement and compensation of the displaced were found wanting due to inconsistencies with regard to the number of people who will be displaced, complexities regarding the local landowning system and the failure of the authorities to consult widely with locals (especially women) regarding the plans. In short, the project is likely to exacerbate Turkey's already severe internal displacement problems, putting tremendous pressure on nearby cities. The destruction of homes and farms will likewise see the loss of the area's rich historic and archaeological legacy, including the ancient town of Hasankeyf, and with this the culture and history of the region.

In September KHRP travelled to the affected areas to investigate expropriation in relation to the Ilisu Dam. We met with representatives of the local Initiative to Keep Hasankeyf Alive as well as lawyers who represent villagers whose land has already been expropriated. The mission reinforced our previous concerns regarding inadequacies in compensation, which is significantly less than the amounts proposed by court-appointed independent experts.



The historic town of Hasankeyf, as photographed by KHRP fact-finding mission, July 2007.



Demonstrations against the Ilisu Dam at Hasankeyf, 20 May 2007.

Our work in 2007 to bring international attention to the revival in financial interest in the project contributed to the decision by the Swiss bank Zuercher Kantonalbank to pull out of the project, though sadly, other financiers have since taken the bank's place.

The Baku-Tbilisi-Ceyhan (BTC) Pipeline

Severe concerns remained in 2007 surrounding the BTC pipeline. Construction of the pipeline, which will eventually transport 1 million barrels of oil per day, began four and a half years ago and has already caused great damage to the people and environment of Azerbaijan, Georgia and Turkey.

In 2007 KHRP and its partners in the Baku-Ceyhan Campaign, Friends of the Earth, The Corner House and Platform, continued to highlight developments with regards to the pipeline. Chief amongst these regarded leaked documents which uphold allegations by several NGOs and activists that the BP-led BTC construction consortium had failed to disclose information about cracks in the pipeline's coating. BP already has a questionable reputation with regards to construction standards and was recently criticised in a report carried out by the US Department of Justice regarding safety lapses in its projects elsewhere. These allegations are in addition to the demonstrable harm that the pipeline has already caused to protected areas, in violation of its environmental permits, and the further risks it poses to the Borjomi-Kharagauli National Park in Georgia.

Initial hopes by many people that the BTC pipeline would bring development and prosperity have been severely undermined by appalling working and wage conditions that workers from the three countries have suffered. Moreover, many people have lost their land and livelihood under the project, often without consultation and adequate compensation. In September KHRP met with representatives of the Center for Civic Initiatives (Azerbaijan) in Baku to discuss possible compensation cases regarding the pipeline.

In 2007 KHRP also took active part in the broader public discussion on developing measures to prevent the future financing of questionable projects such as the BTC pipeline and Ilisu dam. We attended a strategy meeting organised by the Halifax Initiative, a Canadian NGO which primarily aims to transform the international financial system, export credit agencies, the World Bank and the International Monetary Fund. During the meeting KHRP made a presentation on the ECtHR and UN human rights mechanism with regards to how these can be applied to public financial institutions.

Gender Equality

Discrimination and violence against women are relentless and systematic across the world and are all the more damaging when compounded by ethnic discrimination and violent conflict. Indeed, women in the Kurdish regions face multiple forms of discrimination on gender, ethnic and religious fronts, often without access to political or legal remedies. These make women especially vulnerable to the effects of state violence, internal displacement and economic underdevelopment.

In conflict situations women are often the primary targets of human rights abuses. Women also occupy key roles in post-conflict society, often as widows and lone heads of households. Through training, research and public awareness activities KHRP endeavours to ensure the full recognition of women as victims and survivors of human rights abuses, and actively supports and encourages the role of women in peace work and community reconstruction.

2007 proved to be a very productive year on all these fronts for KHRP. In January we conducted a fact-finding mission to investigate the general human rights situation in Kurdistan, Iraq (for more general insights into this fact-finding mission see *Our Impact:*



Left to right - Gillian Higgins, Pırl Akkuş, Handan Coşkun and Margaret Owen in Van, January 2007 during a KHRP fact-finding mission on female suicides in the Kurdish regions.



Legal Director Catriona Vine visits Chiragov Applicants in Baku, Azerbaijan, September 2007.



Rachel Bernu and camp representative Hussein Karimi (right) in Baryka UNHCR Refugee Camp, Iraq, January 2007.

War and Instability). The mission was particularly concerned with the negative impact of ongoing insecurity, the spread of Islamic fundamentalism, the lack of fully developed civil society, and vagueness in laws governing the region, were having on women and children. KHRP subsequently briefed several organisations on its findings, including the Bar Human Rights Committee of England and Wales and representatives of the office of Ann Clwyd MP. Following the issuing of a death threat in February against Houzan Mahmoud of the Organization for Women's Freedom in Iraq, a KHRP press statement and urgent communication sent to the UNHRC spread further awareness of the challenges faced by civil society and women's groups operating inside Iraq.

Another fact-finding mission to the Kurdish regions of Turkey and Iraq investigating the reportedly escalating female suicide rates in the region likewise greatly contributed to public discussion of the plight of women in conflict or post-conflict environments. Commissioned by the European Parliament, the mission's findings have provided invaluable documentation of an issue which, due to official records not being disaggregated by ethnicity and the subject itself being seen as taboo, was not being appropriately addressed.

The report brought to attention several factors common to Turkey and Iraq which contribute to the suicide rate. These include a lack of penetration of the rule of law within family or tribal structures, patriarchal society and family pressures alongside forced marriage, 'honour' killings and polygamy. In September KHRP travelled to Brussels to present its findings to the European Parliament. A final report entitled *The Increase in Kurdish Women Committing Suicide* was submitted to and published online by the European Parliament in October.

An additional concern which persisted throughout our work in 2007 was the tendency of governments and the international community to ignore aspects of abuse against women deemed to be culturally or politically sensitive. This was particularly the case with the perpetration of 'honour' killings. KHRP's European Parliament mission found these to be widespread in Turkey and Iraq, as well as the phenomenon of families pressuring female relatives to commit suicide to redeem 'lost honour'. Whilst it is imperative to acknowledge that violence towards women is neither inherent within nor exclusive to Kurdish society and culture, it is equally vital that human rights are treated as universally applicable standards that are guaranteed for both men and women regardless of the environment in which they live, or who the perpetrators of violations may be.

In a similar vein, and without downplaying the very real threats to the security of women which occur routinely in the regions, KHRP's work also continued to correct the

perception, frequently held in the region, that women's rights exclusively concern the need to protect women from violence. This ignores the bigger picture, namely, the need for equality in all domains of life, for example through access to education, justice and political representation.

KHRP has long understood the need to bring women's rights discourse into the public domain. Our trainings have proved instrumental in raising awareness of the international standards to which many states are committed, such as the Convention for the Elimination of Discrimination against Women (CEDAW), the UN Security Council Resolution 1325 on Women, Peace and Security and the Millennium Development Goals (MDGs). In early 2007 we hosted a 'Women's roundtable on human rights, honour killings and suicide' with 12 leading Civil Society Organisations in Sulaymanya, Iraq, about the importance of including both women and men in advancing access to human rights. At home in London, KHRP also contributed to the global discussion on women's rights by participating in several events, including 'Women, Peace and Security,' organised by the Foreign and Commonwealth Office, and 'Involving Men in the Implementation of UN Security Council Resolution 1325,' organised by Gender Action for Peace and Security (GAPS UK).

Internal Displacement, Migrants, Refugees and Expropriation

Whilst war, civil conflict and political instability may last for finite periods of time, the damage inflicted on civilian populations can last for decades beyond. Displacement is one of the most serious lingering effects of conflict. Because of uncertainties in their legal status, refugees and internally displaced people find themselves particularly vulnerable to human rights abuses. It is essential that governments meet their obligations in providing adequate humanitarian assistance and compensation for those affected.

Refugees in Turkey and Iraq

A very high proportion of the world's refugees and asylum seekers come from the Kurdish regions due to the prevalence of human rights abuses and conflicts there. Turkey

Displacement in the Kurdish Regions: By Numbers

- 150** Arab families were to be re-settled in al-Hasakeh, a predominantly Kurdish region in Syria, according to a 2007 state decree.
- 3,500** towns and villages in the Kurdish regions of Turkey were destroyed by Turkish security forces in the 1980s and 1990s.
- 4,000** villages were destroyed in Kurdistan, Iraq, during the Anfal campaign.
- 360,000** Kurds were made stateless in Syria as a result of a 1962 census stripping them of citizenship rights.
- 528,000** Azerbaijanis were evicted from Armenian occupied territories in the Caucasus region during the Nagorno-Karabakh conflict.
- 3,000,000** Estimated number of people that have been displaced from their homes because of the conflict in south-east Turkey in the 1980s and 1990s. The vast majority of these internally displaced persons have yet to receive adequate redress.

lies along major migration routes linking Africa, the Middle East and south and south-west Asia with Europe, and shares borders with Iraq and Iran which have generated large numbers of refugees in past decades through war and internal conflicts.

In February KHRP published a report, *Refusing Refuge: Investigating the Treatment of Refugees in Turkey*, based on research carried out in a fact-finding mission of 2006. In its assessment of the status of humanitarian and legal protection of refugees arriving in Turkey, the report noted some serious shortcomings. Chief amongst these was the fact that Turkey continues to exercise an outdated 'geographical limitation' policy towards refugees, leaving non-European refugees with no chance of asylum. Having entered Turkey, refugees thus face great problems in accessing healthcare, shelter and employment.

In addition, the report noted grave failures with regards to Turkey's refugee status determination (RSD) process. KHRP was particularly concerned with the plight of several hundred Iranian Kurds who entered Turkey through Iraq around four years ago, and are currently being denied refugee status in Turkey. With no possibility for a safe return home, and having been denied the opportunity for re-settlement in a third country by Turkey, these people are effectively stranded in Turkey without basic rights. The report concludes by urging Turkey to initiate genuine reform in its refugee policy within the framework of its EU accession reforms, specifically through lifting its 'geographical limitation policy' and making further reforms to meet international standards for dealing with the problem. Early in 2008 KHRP learned that due to the lack of movement on this issue many of the refugees affected have chosen to leave the country by illegal and often dangerous means.

The Kurdish Regional Government in Iraq also faces enormous challenges with regards to Kurdish refugees from other states, especially those from Iran. Since the Iran-Iraq war, tens of thousands of refugees have remained in UNHCR camps in Kurdistan, Iraq, where there are minimal prospects for the settlement of their legal status due to prevailing uncertainties in the regional legal framework.

Internal displacement and expropriation

Much of the world's armed conflict occurs not between states, but within them. This often accounts for the disinclination of the international community or other states to ensure adequate restitution for civilians caught in such conflicts, while allowing human rights abuses to continue without the exposure that it would receive in interstate conflict.

The numbers of people in the Kurdish regions who have been affected by internal displacement as a result of internal conflicts and state violence in recent decades are startling (see text box). During the 1980s and 1990s, Turkish state security forces forcibly evacuated thousands of rural communities in the Kurdish regions of Turkey. Likewise, the impact of the Nagorno-Karabakh conflict between Armenia and Azerbaijan continues to be felt by the hundreds of thousands of IDPs living in Azerbaijan. The Baathist Anfal campaign of the 1980s in Kurdistan, Iraq, was similarly devastating, whilst the insurgency and violence that has characterised most of Iraq since 2003 has resulted in an additional influx of IDPs towards this region. Indeed, the displacement of Iraqi Kurdish families in late 2007 during Iranian and Turkish cross-border attacks indicates that the causes of displacement have yet to disappear (see Our Impact: War and Instability).

In September, KHRP published a report entitled, *The Internally Displaced Kurds of Turkey: Ongoing Issues of Responsibility, Redress and Resettlement*. The report evaluates the human cost of the conflict in the Kurdish regions in the 1980s and 1990s, and the excessive use of state force during the conflict, ostensibly to defeat the PKK insurgency but also to attempt to eliminate Kurdish dominance in the region. As a consequence of this, Turkey's estimated 3 million IDPs face huge challenges ranging from deficiencies in infrastructure, social services and education to acute poverty and a climate of impunity that reinforces their disadvantage. Displacement has particularly compounded problems already faced by women in the region, as was underlined when in September a KHRP delegation was sent to investigate the plight of internally displaced women. The report also notes difficulties faced by IDPs seeking to return to their homes, such as the paramilitary 'village guard system' in place since the mid-1980s, along with the persistence of conflict in the region.

The issues of accountability and redress are also highlighted in the report. The Turkish government has attempted to resolve the situation of IDPs through a series of financial compensation agreements and limited programmes for return. However, the report underlines the severe legal and practical shortcomings in these measures, whilst also pointing out the failure of the EU and international community to provide measures to assist Turkey in resolving the problem.

KHRP's advocacy work in 2007 also addressed the issue of compensation for IDPs in Turkey. In September we held a strategy meeting in Van, south-east Turkey, in partnership with the Van Bar Association, Diyarbakır Bar Association and the BHRC on Turkey's Law 5233, which is designed to compensate for material damages inflicted by armed groups or security forces combating these groups. As our report on internal displacement demonstrates, this law falls short of the requisite international standards of redress, despite being deemed adequate by the ECtHR. For example, serious concerns remain with regards to restrictive terms detailing which applicants can apply for compensation and the unrealistic burden of proof requiring victims to provide documentary evidence of damage inflicted by state forces. In spite of these shortcomings, the meeting discussed ways in which the legislation could nonetheless be used to acquire adequate compensation for internally displaced persons at the domestic and European level. Following this hugely successful event, KHRP's Deputy Director travelled to Ankara to liaise with representatives of the Austrian, Dutch, UK, Belgian, Swiss, Irish and Norwegian governments to inform them on the ongoing issue of internal displacement in Turkey.

Issues related to internal displacement touched many aspects of our work in 2007, as this report testifies. For example, several of our training sessions on accessing international litigation mechanisms targeted regions severely affected by displacement and village destruction (See *Our Impact: Political and Judicial Systems*).

Outside of Turkey, KHRP continued to provide submissions to the ECtHR in its representation of 6 Azerbaijani Kurds (*Chiragov and Others v. Armenia*) who were forced to leave their homes in the town of Lachin in Nagorno-Karabakh when it was seized by Armenian forces in May 1992. They now live in Baku amongst an estimated 154,000 persons displaced by the conflict, unable to return to their homes. KHRP is arguing that as Muslim Kurds, the Applicants' religious and ethnic identity is the reason for their displacement. The Applicants have submitted that Articles 8, 12, 14 and Article 1 of Protocol No. 1 of the ECHR have been violated by Armenia. In September, KHRP's legal team visited Baku to take additional Applicant statements in the case, which has been communicated to the Government of Armenia.

- KHRP also took up representation of **Ashot Poghosyan, Tigran Poghosyan, Marine Poghosyan** and **Anahit Melkonyan**, whose property in Yerevan was expropriated by the Armenian state. KHRP is arguing that the deprivation of their property was in violation of Articles 6 and 8 and Article 1 of Protocol No.1 of the ECHR.

Right to Life

The people of the Kurdish regions face constant threats to their lives from both state and non-state actors. The persistence of conflict makes personal security extremely vulnerable, whilst the absence of reliable and impartial political and judicial systems adds further danger to people's lives.

There are several ways in which the right to life is frequently violated in the Kurdish regions. These include deaths in custody, 'disappearances', extrajudicial killings and the death penalty. Often the true circumstances surrounding these abuses are never fully uncovered due to a persistent failure by the authorities to investigate. This can either be due to discrimination against the victims, complacency, or a desire to cover up the truth behind what occurred.



Hiwa Butimar



Adnan Hassanpour

Turkey has the worst established track record for breaches of the right to life (Article 2 of the ECHR) out of all 47 member states of the Council of Europe. However, the high burden of evidence required at the ECtHR to prove such violations means that more often than not, it is the authorities' failure to investigate deaths, rather than the violation of the right to life itself, that leads to court judgments against Turkey. A central part of our litigation programme is thus to address this concern, and make sure that governments are held accountable for the full extent of their crimes. 2007 was a prolific year for KHRP in terms of litigation activity, and one that resulted in important developments in several KHRP-assisted cases.

Deaths in custody and disappearances

Many violations of the right to life in Turkey have occurred and continue to occur in the context of the conflict in the Kurdish regions. Countless prisoners and detainees have died in custody as a result of torture and ill-treatment by police and security forces.

The Death Penalty

In a KHRP-assisted case, *Öcalan v. Turkey*, a 2003 ECtHR judgment resulted in the Court's strongest statement yet in condemning the use of the death penalty. Its highest judicial panel confirmed that the imposition of capital punishment on the PKK leader Abdullah Öcalan violated his human rights in several respects.



KHRP's Mustafa Gündoğdu (right) and Ibrahim Bilmez of Öcalan's legal team.

The Grand Chamber took the exceptional step of declaring its view that, in principle, the Applicant should be provided a retrial without delay to compensate for deficiencies in his earlier trial. He has remained in solitary confinement as the sole inmate on Imrali island since 1999 (see *Our Impact: Torture and Ill-treatment*).

Having been abducted from Kenya in 1999, Öcalan was sentenced to death in Turkish courts. It was clear from the outset that if condemned by the ECtHR, Turkey would be forced into making a humiliating climb-down in the treatment of its longstanding opponent in order to meet EU accession requirements. In any case, the court accepted KHRP's argument that, in principle, the imposition of the death penalty would violate the prohibition on inhuman and degrading treatment under the ECtHR. Consequently, capital punishment is now regarded as "an unacceptable form of punishment" which could "no longer be seen as having any legitimate place in a democratic society". This constitutes a landmark in the advancement towards the global abolition of the death penalty, with important implications for the practise in the USA and elsewhere.

Collecting evidence and seeking redress for relatives in such circumstances constitutes an immense challenge.

A similar situation prevails with regards to the hundreds of human rights defenders, journalists and opposition political party members who 'disappeared' in southeast Turkey in the 1990s, often after having been in police custody. During our 15 years as an organisation, we have represented many individuals affected by such 'disappearances.'

Extra-judicial killings

International law dictates that the circumstances in which a person's life can be taken are strictly construed. These laws do not vary according to circumstances, and must be abided by at all times. However, authorities all too often act outside of their legal mandate, especially during times of conflict, deeming that such circumstances make violations of the right to life more acceptable.

In March 2007, KHRP submitted a new case to the ECtHR representing Yaşar Cerf, the spouse of **Sefer Cerf**, a HADEP politician who was shot dead along with Rebih Çabuk while sitting in front of a café in the Mutlu neighbourhood of Adana in 1994. The circumstances surrounding the incident have already formed the basis of two ECtHR cases. Ahmet Dizman, who assisted in taking Rebih Çabuk to hospital after he was shot, and two days later was detained and tortured, brought a successful case before the ECtHR. Hacı Sait Macir, a member of the provincial committee of HADEP, was the owner of the café and witnessed the killings. He was shot later in the year and died in hospital, which was also the subject of a case before the ECtHR ending in a friendly settlement agreement. KHRP is arguing in this new case that Turkey has violated Articles 2 (right to life), 13 (right to an effective remedy), and 14 (prohibition of discrimination).

In May the ECtHR reached a judgment in the KHRP-assisted case *Uzun v. Turkey*. The case concerned the killing of the Applicants' mother, **Pakize Uzun**, by a mortar bomb in Yayladere district. Whilst the court found a procedural violation of Article 2 in relation to the failure to adequately investigate the death, it did not hold Turkey responsible for the actual killing. This was in spite of the fact the mortar bomb undoubtedly passed through local surveillance points. This disappointing result was thus further indicative of the difficulties faced by applicants in overcoming the high burden of proof required by the ECtHR, especially when they are unable to obtain information from local authorities.

Death penalty

KHRP firmly believes that the death penalty has no place in a modern democratic society. Our opposition to this practice has been a cornerstone of our litigation programme and has succeeded in securing its abolition in Turkey, thus making an immense contribution to the fight to eliminate the death penalty globally.

Unfortunately, grave concerns remain with regards to the continued use of the death penalty in other parts of the Kurdish regions. Throughout 2007, our public awareness mechanisms and communications strategy came to the fore in highlighting and condemning this practice. The sharp increase during the year in executions in Iran, often through the most abhorrent methods such as public stoning, was a matter of extreme concern.

In July two Kurdish journalists and activists, Adnan Hassanpour and Hiwa Butimar, were sentenced to death for alleged 'acts against national security, spying for Western countries, and enmity against God.' Hassanpour's sentence was upheld in October, despite widespread international condemnation and hunger strikes by the detainees. In addressing their plight, KHRP dispatched two urgent communications to the UN, highlighting that both men were the victims of arbitrary arrest, unfair trial and appalling detention conditions, abuses which violate Iran's obligations under the International Covenant on Civil and Political Rights. Having learned in August from the men's families that they had undergone a hunger strike, KHRP also appealed to the International Committee of the Red Cross to intervene with the Iranian prison authorities and ensure that they receive medical treatment.

During the year, KHRP also brought to attention the Iraqi High Tribunal's (IHT) continued trials of senior officials from the former Baathist government, following the execution of Saddam Hussein in December 2006. These included the placing on death row of 'Chemical' Ali Hassan al-Majid for war crimes and crimes against humanity for his role in the Anfal campaign in the late 1980s. As well as re-stating our uncompromising opposition to capital punishment in all forms, our statements sought to place these developments in the context of Iraq's reconciliation process, demonstrating how the execution of former officials, often through unfair judicial procedures, serves to undermine the rule of law and in some cases deny the possibility of individuals being brought to justice for the full extent of their crimes.

War and Instability



Johanna Nykanen and Kerim Yildiz in Sersenk district together with the Mayor. The area was affected by Turkish bombardment in October 2007.

War and instability and human rights abuses form a vicious cycle. The denial of political, economic, cultural and other rights creates resentment, disenfranchisement and fertile ground for conflict. Likewise, conflict creates an environment in which human rights abuses go unchecked and efforts to tackle their root causes are hindered.

War and Conflict

People living in the Kurdish regions have experienced many instances of war, instability and human rights abuse throughout their history. However, because of the trans-national dimensions of the Kurdish question, conflicts are rarely contained within borders, hence the outbreak of conflict in one part of the Kurdish regions typically threatens to



In Sersenk district with Chaldean Christian victims of Turkish shelling.



Kerim Yildiz and Johanna Nykanen in the Sersenk district. Note area in the background; farmland scorched after Turkish bombardment.

destabilise the region as a whole. Given this reality, the long-term survival of peace and stability can only be achieved with the cooperation of all governments in the region, with consistent support from the international community.

Unfortunately, at present the opposite scenario prevails. In 2007, routine clashes between Turkish security forces and the PKK, as well as the declaration once more of the regions of Siirt, Hakkari and Şırnak as High Security Zones, underlined the persistence of the conflict in south-east Turkey, one that has for over two decades caused widespread human rights abuses, displacement and continuous interruption to daily civilian life. More worrying however, was the constant rhetoric from the Turkish military threatening to carry the fight across the border into Kurdistan, Iraq. In mid to late 2007 this threat became a reality. Following Iranian cross-border artillery bombardments in August and September which displaced at least a thousand Kurdish families, Turkey launched several shelling and air raid campaigns in Iraq's border regions throughout late 2007. At the time of writing this had evolved into a fully-fledged Turkish ground invasion.

These attacks threaten to destabilise the only part of Iraq to have enjoyed a modicum of stability in recent years, and have already created unrest in the wider Kurdish regions. This was evident in November when security forces fought with Kurdish demonstrators in Qamishli, Syria, following Turkey's authorisation of military operations in Kurdistan, Iraq.

During the border crisis KHRP was widely sought after in the media, featuring in such outlets as the BBC, al-Jazeera and the Financial Times. In this regard we worked tirelessly to draw attention to the broader geo-political and historical context of the military operations which, lamentably, have often been overlooked in public debates on the subject. In particular, we demonstrated that the cross-border campaigns were not isolated incidents, but rather reflective of a sustained and coordinated campaign by Turkey, Iran and Syria (which vocally supported Turkey's actions) to undermine the KRG since its de facto establishment in the 1990s. Our publications in recent years have highlighted the suspicious mentality of these countries towards the political and economic development of the KRG, and the impact that this might have on their own Kurdish populations.

In order to meet the urgent requirement of an independent source of information regarding the crisis in the region, we sent a fact-finding mission to Kurdistan, Iraq, in November to investigate the impact of the cross-border military attacks. During this mission KHRP took statements from a number of villagers affected and learned that these operations resulted in deaths and injuries to civilians, and severe damage

to livelihoods, farmland and property. They also caused extensive traumatising of local people, particularly children, as well as exacerbating Iraq's internal displacement problem through the destruction of homes and villages. This contradicted claims by Turkey that the attacks only affected military targets. Such actions are in violation of the provisions of the Geneva Conventions, which stipulate that belligerent forces must apply the principles of necessity, discrimination and proportionality. KHRP is currently considering the possibility of assisting these villagers in any cases they may wish to take before the European Court of Human Rights.

It is our belief that military approaches towards the Kurdish question, whether in Turkey, Iraq or elsewhere in the region, will never bring about lasting peace and security. In 2007 we consistently demonstrated the counter-productive nature of military action; not only because this often lacks strategic viability, but also because it can only exacerbate the grievances of people who already suffer human rights violations of many kinds. Moreover, we endeavoured to highlight that in violating Iraq's sovereignty, Turkey has created a dangerous precedent which might be used by other states, including so-called 'rogue' states, to act in a similar manner. In this regard, the international community must take responsibility for its failure to appropriately condemn these actions, and in the case of the US, for its tacit cooperation the attacks through the provision of intelligence and air-space clearance.

Domestic and regional instability

If our work in the latter half of the 2007 demonstrated the devastation and suffering caused by war, our work earlier in the year investigated the more pervasive risks posed by instability and the threat of war to the human rights situation. As mentioned earlier, in January we sent a fact-finding mission to Kurdistan, Iraq, which included visits to Sulaymaniyah, Dohuk and Erbil in the KRG as well as to Kirkuk. The mission was particularly concerned that the continued threat of cross-border attacks by Turkey, as well as uncertainties in the relationship between the KRG and the Iraqi central government were causing deference towards security issues on the part of the KRG. This was at the expense of investing resources into the development of strategies for institutional and infrastructural development to safe-guard human rights in the long-term.

A further manifestation of this problem which the mission noted was the failure of the rule of law to penetrate local, tribal or religious structures of law enforcement. This was coupled with a dearth in effective civil society organisations which might increase government accountability, as well as training mechanisms to educate people with regards to meaning and purpose of human rights. In this regard, on our return to

Kurdistan, Iraq, in November, we conducted a training session in Sulaymaniyah entitled 'Building Civil Society Organisations', in partnership with the University of Kurdistan, Hawler. The session addressed basic issues regarding the nature and purpose of NGOs, as well as how to develop effective and credible NGOs on a national and international level.

There are many challenges which lie ahead for the KRG and central government in Baghdad, particularly in reconciling the issues that have in the past resulted in conflict between Iraq's various ethnic and religious communities. These issues include the final status of the city of Kirkuk, the development of Iraq's sizeable natural resources and the trial of officials from the former Baathist regime. However, the international community must also play a part in fostering the environment in which this process can take place in an equitable and just manner.



Kerim Yildiz with Dr. Yousif Aziz, KRG Minister for Human Rights Kurdistan, Iraq, December 2007.

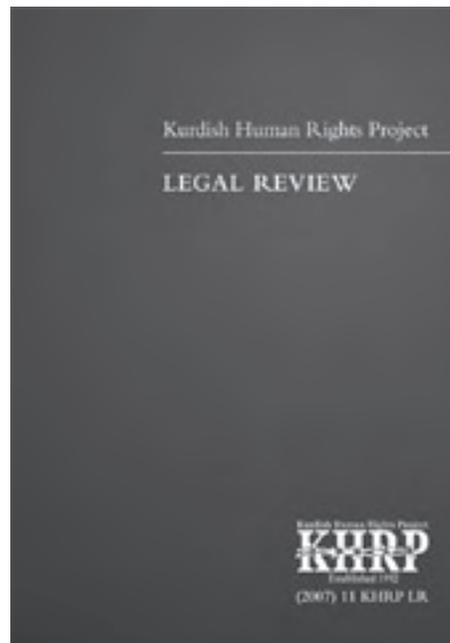
Resources and Publications in 2007



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ADVOCACY AND TRAINING RESOURCES



Legal Reviews 11 & 12

June and December 2007 (Biannual)

ISSN 1462-6535

The two 2007 issues of KHRP's biannual Legal Review, the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus.

These editions cover the period from December 2006 to December 2007. They feature news and updates from the Kurdish regions, and summaries and analysis of the most significant decisions of the ECtHR, ECJ, ICJ, UN and UK Courts. Uniquely, the journal covers new cases that have not yet reached any judicial decision, but nonetheless provide invaluable updates of the most

recent allegations of human rights violations to be submitted to international courts and mechanisms.

The journal is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria and the Caucasus.

FACT-FINDING AND TRIAL OBSERVATION REPORTS

Reform and Regression: Freedom of the Media in Turkey Fact-Finding Mission Report

October 2007

ISBN: 9781905592142

In July 2007, the Kurdish Human Rights Project (KHRP) carried out a joint fact-finding mission to Turkey to investigate the current situation for freedom of the media. The mission was co-organised with Article 19, Index on Censorship, the Bar Human Rights Committee of England and Wales (BHRC) and the Centre for European Studies, Limerick, Ireland in response to reports of rapidly increasing violations of the right to freedom of expression.

The mission found that today's retrogressive legislation, rising harassment on the ground and the increased powers that have been conferred to the police, have led many to regard the situation for freedom of the media to have become reminiscent of the 'dark years'. The report thus provides a background to the 1980s and 1990s and the backdrop against which media freedom has substantially deteriorated since the reforms of 2003 to 2004. It looks at Turkey's legal obligations with respect to the international human rights instruments to which it is party; outlines recent amendments to its domestic legislation; and highlights the frequent accounts of violations of the right to freedom of expression experienced increasingly by the opposition, mainly pro-Kurdish media.



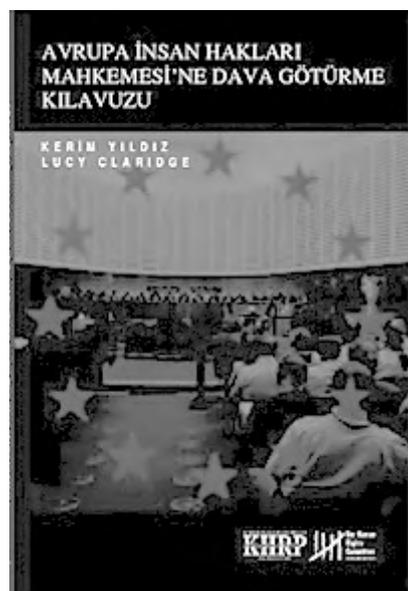
Taking Human Rights Complaints to UN Mechanisms: A Manual (Russian and Turkish Language Editions)

&

Taking Cases to the European Court of Human Rights: A Manual (Turkish Language Edition)

May 2007

These 2006 manuals, written by KHRP Executive Director Kerim Yildiz and Legal Officer Lucy Claridge have now been published in Turkish and Russian. The UN manual has also been translated into Russian and is in production. The UN manual provides an overview of the different mechanisms and guides to their use, and includes updated versions of 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. The European Court manual provides commentaries on the practice and procedure of the Court, in addition to key texts such as the European Convention, the Court's application form and details of legal aid available from the Court. It also includes updated sections on admissibility rules, just satisfaction claims and enforcing judgments, together with information regarding the changes to be introduced by Protocol 14.



**State Accountability?
The Şemdinli Trial Re-Hearing
Trial Observation Report**

September 2007

ISBN 978-1-905592-13-5

On 11 July 2007 KHRP sent a mission to observe the opening of the Şemdinli bombing trial re-hearing at Van 3rd Heavy Penal Court. The November 2005 bombing of the Kurdish-owned *Umut* bookstore in the town of Şemdinli in south-east Turkey killed one man and injured two others. The incident sent shock waves throughout Turkey and internationally because the three individuals accused of planting the explosives were apprehended by a crowd of civilians at the scene. Two of the men were non-commissioned army officers, raising the spectre of 'deep state' involvement in the attacks. The trial of the two officers, Ali Kaya and Özcan İlideniz, began in May 2006 and was observed reported by KHRP in 2006's *Promoting Conflict – The Şemdinli Bombing*. On 19 June 2006 both men were sentenced to 39 years imprisonment each for "forming a criminal organisation, killing people, attempting to kill people and causing injury". However, on 16 May 2007 the Court of Appeal overturned the verdict, ordering the case to be re-heard.

In *State Accountability? The Şemdinli Trial Re-Hearing*, the mission who observed the re-hearing on 11 July 2007 upholds the concerns of the 2006 mission. Indeed, in light of the events surrounding the ruling of the Court of Appeal and the subsequent handing over of military jurisdiction, concerns regarding State impunity the independence of the judiciary have been greatly amplified.





Freedom of the Media in Turkey and the Killing of Hrant Dink Trial Observation Report

September 2007

ISBN 978-1-905592-11-1

This trial observation report illustrates how the failure of the State to safeguard the right to freedom of expression and the media led to the death of one of Turkey's most prominent journalists, Hrant Dink.

In July 2007 KHRP organised a joint mission with BHRC, Index on Censorship and Article 19 to observe the opening of the trial of Dink's alleged assassins. This report attempts to outline the background to the killing of Hrant Dink and examines the indictment against the alleged perpetrators as well as claims of State complicity in the

murder.

The mission noted, inter alia, that the proceedings raised numerous concerns with regard to substantive issues, namely the scope of the investigation and the possible participation of the police, gendarmerie and intelligence services as evidence suggests that these were aware of the assassination plot and failed to take any action. More broadly however, the report highlights the restrictive legislation which encroaches on the right to free speech and provides support for the argument that '301 killed Hrant Dink'.

Publishers on Trial: Freedom of Expression in Turkey in the Context of EU Accession

May 2007

ISBN 978-1-905592-07-4

This report was published in May 2007 following a trial observation mission to Istanbul, Turkey to observe the trial of publisher Songül Özkan who faces charges of 'openly inciting people to hatred' by publishing the book Kürt İsyanları (Kurdish Uprisings), written by Kurdish journalist and author Ahmet Kahraman.. Written by KHRP mission members Rajesh Kumar Rai and Morten Thorsted, the report provides background information regarding the situation surrounding freedom of expression in Turkey generally and of the trial in particular. It also examines the trial in the context of recurring attacks on freedom of expression in Turkey with respect to the EU accession process. The report incorporates recommendations for Turkey, the EU and the Organization for Security and Co-operation in Europe.





Refusing Refuge: Investigating the Treatment of Refugees in Turkey

February 2007

ISBN: 9781905592067

In July 2006, Kurdish Human Rights Project carried out a fact-finding mission to Van and Ankara in Turkey. It discovered worrying trends concerning the situation of refugees and asylum seekers. KHRP is concerned about the welfare of these marginalised and vulnerable people. Of particular concern are twelve hundred Iranian citizens of Kurdish origin currently stranded in Turkey with no access to social provisions or the option of resettlement in a third country.

The mission established serious shortcomings in the legal framework

in place to address the problems faced by refugees. If Turkey is to institute the necessary mechanisms to remedy the situation of refugees, the mission recommends a series of reforms which conform to international standards.

CONFERENCE REPORTING

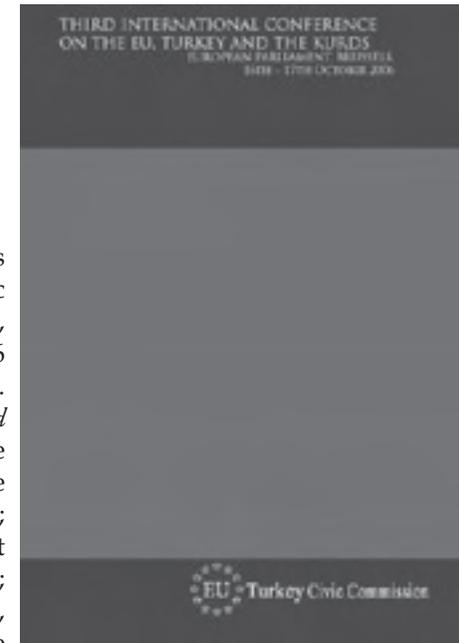
**Third International Conference on the EU, Turkey and the Kurds
European Parliament, Brussels
16th-17th October 2006**

September 2007

ISBN: 9781905592159

This report covers the key proceedings of the Third Annual EU-Turkey Civic Commission (EUTCC) Conference, which was held on 16-17 October 2006 at the European Parliament in Brussels. Themed *Time for Justice, Dialogue and Solution*, the event was hosted by the founders of the EUTCC, namely the Bar Human Rights Committee (UK); the Kurdish Human Rights Project (UK); medico international (Germany); and the Rafto Foundation (Norway), and was supported by members of the European Parliament.

The 2006 Conference focused on implementing a solution to the Kurdish Problem – the most difficult issue for Turkey in its bid to develop democracy. The Conference also focused on the need for fundamental changes to the judiciary; on the situation of internally displaced people; on continued violations of human rights; and on suggestions for compliance with the Copenhagen Criteria, specifically the obligation to respect and promote the rights of minority groups. The Conference concluded with the adoption of new resolutions.



RESEARCH



The Internally Displaced Kurds of Turkey: Ongoing issues of Responsibility, Redress and Resettlement by Mark Muller and Sharon Linzey

September 2007

ISBN 978-1-905592-12-8

Becoming a candidate for accession to the European Union (EU) in 1999, Turkey has received a greater level of attention from the international community, particularly in relation to its progress towards meeting the standards required for EU membership, including various human rights standards. However, comparatively little attention

has been given to the specific issue of the vast number of Internally Displaced Persons (IDPs) in Turkey. The Turkish Government has purported to resolve the situation of internally displaced people in Turkey through monetary compensation arrangements and limited programmes for return. These measures have been plagued with legal and practical deficiencies, yet there has been no intergovernmental financial or other support structure designated to assist Turkey in better addressing this massive humanitarian catastrophe.

This report provides an overview and critique of the Turkish Government's programmes for return, resettlement and redress. It also addresses the issue of responsibility, both in the context of the EU and the international community more generally. It further provides a survey of the current and continuing difficulties facing IDPs in Turkey. The issue of internal displacement remains a critical one for the Kurds in south-east Turkey, the Turkish state, the European Union and the region overall. This report and its recommendations will be essential to all those working for significant change to the benefit of IDPs.

European Parliament Project: The Increase in Kurdish Women Committing Suicide, Final Report

Having combined the observations of its January fact-finding mission to the Kurdish regions with several months of desk research, KHRP submitted its full commissioned report on suicide amongst women in the Kurdish regions of Iraq

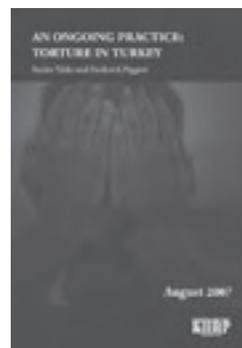


and Turkey to the European Parliament in April. The 120 page report gives a snapshot of the situation of women in the Kurdish regions, and discusses the possible reasons for the comparatively high female suicide rate there, linking this to issues of conflict, widowhood, education, health and patriarchal society.

The report has been published in both English and French on the European Parliament website and can be accessed free of charge.

Please go to:

<http://www.europarl.europa.eu/activities/expert/eStudies/download.do?file=17573#search=%20Kurdish%20>



An Ongoing Practice: Torture in Turkey by Kerim Yildiz and Frederick Piggott

August 2007

ISBN 978-1-905592-10-4

This report, which is an update of KHRP's 2004 book *Torture in Turkey the Ongoing Practice of Torture and Ill-Treatment*, addresses the continuing practice throughout Turkey of the torture and ill-treatment of detainees in light of the reforms of the early 2000s. While the government has made significant progress toward reform, inadequate implementation, legislative loop-holes and a surviving

mentality conducive to the practice, see the torture, cruel, inhuman and degrading treatment of detainees persist as systematic.

In light of reform having slowed, the report looks at the approach of the EU and the influence of geo-political strategic concerns that see a 'margin of latitude' afforded to Turkey in meeting accession criteria. Assessing the impact of the reforms carried out in the early 2000s, this report identifies firstly a shift from flagrant to more subtle forms of ill-treatment, leaving few traces or physical signs, as well as an increase in incidences of ill-treatment outside official detention centres. Secondly, an increasingly 'two tier' criminal justice system is evident, with increased procedural and custodial safeguards for those detained for 'regular' offences and the simultaneous erosion of custodial safeguards for those held under anti-terror legislation.

KHRP
Kurdish Human Rights Project

For a future based on justice, equality and the rule of law

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 info@khrp.org

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- Turkish military forces cause two border deaths in heavy clashes in northern Iraq [2007/0008]
- Kurdish military forces in Iraq in Iraq [2007/0008]
- THE KHRP RELEASES RESEARCH REPORT ON THE SITUATION IN THE KURDISH REGIONS [2007/0008]
- KHRP Releases Report of Human Rights Violations in the Kurdistan Region [2007/0008]
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FEATURE ARTICLE

KHRP Conducts Fact-finding Mission in Border Regions
Wednesday, 13 December 2007

From left and right: Adnan Haktanir, KHRP Director, and Dr. Aydin Haktanir, KHRP Director.

At the end of November, KHRP sent a fact-finding mission to Kurdistan, Iraq to conduct research on the recent human rights developments in the region and to follow up on the findings from the KHRP Human Rights Report issued in January 2007. The mission consisted of KHRP's Executive Director, Dr. Aydin Haktanir, KHRP's Director of Human Rights, Dr. Adnan Haktanir, and Dr. Aydin Haktanir, who is currently working at the University of Sunderland.

During the 10 days, of which the first six were spent in the KHRP training in Sulaymaniyah, the mission travelled extensively around the Kurdistan region meeting with a large number of organisations and individuals. Among these were representatives of the two ruling parties, Patriotic Union of Kurdistan (PUK) and Kurdistan Democratic Party (KDP), intellectuals, lawyers and human rights activists.

LATEST NEWS

Download the latest KHRP report on the situation in the Kurdish regions.

REPORT REPORT

Download the latest KHRP report on the situation in the Kurdish regions.

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KHRP'S NEW WEBSITE

Our website has consistently provided the most valued and reliable source of information on human rights developments in the Kurdish regions. In October 2007 we launched a brand new website (www.khrp.org), enhancing many of its features. The new site boasts a simplified structure and navigation functions, allowing users to access more information, more quickly and easily. The content of the site is regularly updated, allowing users to keep up to date with developments in the Kurdish regions on a daily basis, as well as access our comprehensive downloads library. This is complemented by a selection of images from the Kurdish regions taken by renowned photographers. Moreover, once complete, the Feeny Centre for Research and Dialogue will be fully searchable online, thus transforming the way users engage with our publications.

The launch of the new site has already yielded extremely encouraging results. Since the launch we have sold three times as many publications as we did in the previous months of 2007, thanks to an online purchase facility and additional publicity generated by the site. Moreover, the number of pages users looked at increased by almost 300%, indicating a substantial increase in the benefit users derive from their visit.



NEWSLINE AND IMPACT REPORT

Our newsletter is one of the best human rights resources available for readers seeking an up-to-date and objective view of developments in the Kurdish regions. Newsline offers a quarterly overview of news and events combined with updates on human and minority rights. It also updates readers with information about the organisation's activities, including its litigation, advocacy, training, monitoring missions, research and publications.

Impact Report 2006 comprehensively covered KHRP's impact in Turkey, Iraq, Iran, Syria and the Caucasus over 2006 and was widely disseminated. It featured a brand new format, reproduced in the Impact Report 2007, and received widespread praise for its quality and accessibility.



PRESS RELEASES

We firmly believe that if people knew the extent of the human rights abuses in the Kurdish regions, they could be stopped. Through press releases and complementary public awareness activities, we provide regular updates to policy and decision makers, journalists, academics and civil society organisations and others.

Our press releases are available to those with email access. To subscribe, send an email to wjayawardene@khrp.org with 'subscribe' in the subject line

INFORMATION REQUESTS

We have an extensive resources library on human rights in the Kurdish regions, packed with thousands of articles, reports, documents and books from all around the world.

As an objective source of advice and information about the situation in the Kurdish regions, we receive numerous requests for information from academics, researchers, human rights defenders, victims or survivors of human rights abuse, lawyers, journalists and interested members of the public. We aim to share our expertise and knowledge as widely as possible, and, where possible, respond to all such requests within ten days.

Our Structure



KHRP is subject to the legal and regulatory framework surrounding registered charities in England and Wales.

To protect its international, apolitical nature, KHRP feels it is vital to be managed by those representing the broader human rights community, not only those in the regions. The Board of Directors meets on a quarterly basis and is ultimately responsible for KHRP's direction. Both the Executive and Deputy Directors report to the board on a regular basis. To ensure that management corresponds with its human rights and equal opportunities ethos, KHRP also has regular consultation with its International Board of Patrons, Advisory Group, extensive pro-bono Legal Team and partners.

We also make ourselves accountable to stakeholders by publishing information about our methodologies and procedures and inviting feedback. For information about our trial observation, fact-finding and training methodologies, guidelines on in-house terminologies and definitions or to feed back on any aspect of our work, contact us at +44 (0) 207 405-3835 or email khrp@khrp.org.



KHRP Patron Prof. Noam Chomsky with Kerim Yildiz, April 2007.

BOARD, PATRONS AND STAFF

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Lord Avebury

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Michael Ivers (Secretary), Barrister

Ed Grieves (Treasurer), Barrister

Julian Ozanne, Journalist

Rajesh Kumar Rai, Ecologist

Tertia Bailey, Development Consultant

Gareth Peirce, Solicitor

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David McDowall (Writer)

Chris Milroy MD (Forensic Pathologist)

Caroline Nolan (Solicitor)

Nathalie Prouvez (Lawyer)

Colin Wells (Barrister)

Consultant on Women and Children's Rights:

Margaret Owen (Barrister)

Staff:

Executive Director – Kerim Yildiz

Deputy Director – Rachel Bernu

Assistant to the Executive Director – Charlotte Alfred
(beginning 27/08/07)

Turkey and Iraq Desk Officer – Mustafa Gündoğdu

Development Officer – Pranjali Acharya

Development & Outreach Officer (from September 2007;
formerly held post of Administrator) – Anna Irvin

Development & Outreach Assistant – Rebecca Sammut
(through 11/05/07)

Finance Officer – Folake Ogundele
(through 17/08/07)

Finance Officer – Kenneth Appiah-Kyeremeh
(beginning 17/10/07)

Legal Officer – Catriona Vine
(beginning 27/06/07)

Legal Officer – Lucy Claridge
(through 01/06/07)

Resources & Communications Co-ordinator –
Walter Jayawardene

International Fellows:

Chnoor Ali Hama Amin

Serpil Taşkan

Contractors:

Morten Thorsted

Esra Türk

Ingrid Tamborin

PRO-BONO

KHRP’s pro-bono team is an integral part of our organisation, without which our many successes would be impossible. This section details the work carried out by our legal team and voluntary staff, lists those who worked with us in 2007 and documents some of their personal experiences during their time at KHRP. We would like to extend our warmest thanks to all members of our pro-bono team for their great contribution to KHRP and to the cause of human rights in general.

KHRP Legal Team

Our Legal Team is at the core of many aspects of our work, including litigation, advocacy and training. Members of the team represent KHRP by attending court hearings; speaking at events; conducting regional training sessions on a range of subjects; preparing legal opinions and advice; drafting cases; and participating in strategy working groups.

***Catriona Vine,
KHRP Legal Director and former Legal Team member.***

“I started working with KHRP when I was a pupil barrister in 2002. I joined the legal team in 2005 and was appointed legal officer in 2007. I have recently been promoted to Legal Director. As a legal team member I was involved in many of the aspects of KHRP’s work from conducting fact finding missions, trial observations and training seminars to drafting applications to the European Court of Human Rights. A fact finding mission which I conducted in 2004 particularly sticks out in my mind. It was a joint mission conducted with The Cornerhouse and the Bar Human Rights Committee of England and Wales. We travelled to Ardahan in rural eastern Turkey to investigate human rights abuses linked to the construction of the Baku-Tbilisi-Ceyhan oil pipeline. The gratitude of the villagers with whom we met, the bravery of Ferhat Kaya, a local human rights defender working to assist individuals whose land and livelihood was being destroyed by the construction and the relentless interference and intimidation which we experienced from the local security forces brought home to me the importance of KHRP’s work. Working as a part of such a wide network of experienced and dedicated international lawyers who give their time freely to advise and support the organisation and the hundreds of individual victims of human rights abuses that it represents has been a fantastic experience. Being a member of the legal team affords individual lawyers an opportunity to make a real contribution to the development of international human rights law and legal policy.”

***Tim Otty
QC, Legal Team member***

“I have had the great privilege of working pro bono on a number of human rights cases for the KHRP since 1994. These cases have involved the most fundamental of human rights: the right to life, the right not to be tortured, the right to liberty and the right to a fair trial. Over the course of these cases – conducted both in Turkey and in Strasbourg – I have worked with the KHRP’s in-house legal team and local lawyers. It has been a tremendous honour to be involved in these cases and to have met the courageous clients and Turkish lawyers concerned. I am glad to say that in most if not all of these cases we have managed to achieve real success for the clients both in terms of damages awards but also by providing them with the dignity of access to a proper judicial process in order to gain some measure of accountability for the very serious human rights abuses they have faced. From a personal and professional perspective these cases have without doubt been among the most rewarding of my career.”

Legal Team Members in 2007:

David Anderson QC
Bill McGivern
Michael Birnbaum QC
Ola Maeland
Miriam Benitez-Carrion
Eric Metcalfe
Professor Bill Bowring
Mark Muller Q.C.
Parosha Chandran
Sajjad Nabi
Louis Charalambous
Caroline Nolan
Louise Christian
Hugo Norton-Taylor
Brenda Campbell
Declan O'Callaghan
Fiona Darroch
Mark O'Connor
Ben Emmerson QC
Øvind Østberg
Tim Eicke
Tim Otty Q.C.
Joanna Evans
Gita Parihar
Alice Faure-Walker
Gareth Peirce
Edward Grieves
Rajesh Kumar Rai

Matthew Happold
Paul Richmond
Gill Higgins
William Robinson
Mark Himsworth
Knut Rognlien
Andrea Hopkins
Jon Rud
Mary Hughes
Jessica Simor
Arild Humlen
Keir Starmer QC
Michael Ivers
Nicholas Stewart QC
Chris Jacobs
Jemima Stratford
Ajanta Kaza
Paul Troop
Stuart Kerr
Catriona Vine
Sydney Kentridge QC
Colin Wells
Philip Leach
Chris Williams
Fiona McKay
Joanna Wood
Peter Lowrie
Nigel Wray

Interns, Externs and Volunteers

Interns, externs and volunteers play an integral role in all aspects of KHRP's work. Over the years we have welcomed interns from Turkey, Armenia, Azerbaijan, Europe, the US, and the Middle East. At any one time there are between six and ten interns in our office and internships normally last for a minimum of three months. Interns respond extremely positively to their time with us, and benefit from their work at KHRP by progressing professionally.

In 2007 we recruited over 40 interns. They included:

Esra Türk **Research Intern**



"I found my time as an intern really rewarding, especially because of the flexibility of the work I was involved in. Working at KHRP you really feel that interns are a highly valued part of the team as both staff and interns are very supportive towards each other and the work they are doing. By working closely with members of staff and attending regular staff meetings, I gained a really good insight into the broader dimensions of KHRP's work, as well as the NGO sector in which it operates. I have no doubt this will prove extremely beneficial for me in terms of future employment."

Sara Vanore **Development/ Resources and Communications Intern**



"The average internship at KHRP is approximately 3 months; I managed to stick around for 10 months. Obviously, I enjoyed my time there! My experience at KHRP was more than editing reports, cataloguing publications, researching news articles and writing press releases - which incidentally have been invaluable skills for later jobs - as I also gained a growing awareness of the international issues affecting the Kurds. Just from writing legal case summaries for the KHRP Impact Report, I learned about the European Convention of Human Rights and how KHRP brings cases to the ECtHR. What made the experience even more worthwhile were the amazing people I had the privilege of working with. I had colleagues from the UK, Ireland, Italy, France, Finland, Sweden, Denmark, Switzerland, Singapore and Kurdistan - it was a truly international experience. Over the months, my initial interest in human rights and the Middle East grew into a more personal connection that I am most grateful for, and I highly recommend anyone to pursue opportunities with KHRP."

Marina Themistocleous
Legal Intern



"My time at KHRP has been extremely rewarding. I have worked on various projects including research topics on Turkey and the EU, a presentation on international mechanisms to NGOs in

Leicester, case summaries for the Legal Review and many other things. KHRP allows interns to develop their knowledge of Kurdish issues and human rights in general. They give you real responsibilities and treat you as a member of staff by including you in all aspects of their work. I have been privileged to work with many friendly and interesting people from all over the globe. I will definitely miss the work and comfortable environment of KHRP."

Simon Flacks
Legal Intern



"I worked as an intern for six or seven weeks on the European Parliament report on women and suicide. I particularly enjoyed working with really nice people and the good atmosphere among the interns. It was great

that interns were given responsibility rather than just photocopying duties, and I really appreciated the non-hierarchical culture."

Tai's Jost
Legal Intern



"I was a legal intern at KHRP and although my internship was not very long, it was very memorable. During that short time, I helped with work on the Legal Review, summarising a UNAMI report and cases. I also worked on some case commentaries and helped prepare a presentation on internal displacement for the London International Model United Nations.

As I had not worked in an NGO, I was particularly struck by the fact that although their team is relatively small, young and down to earth, there is a true sense of purpose at KHRP. I learnt a lot from everybody there and how they are able to do so much to protect the human rights of the Kurds."

Ellinor Hamrén
Research Intern



"KHRP is a great place to do an internship because interns are treated as a part of the team and are given responsibility for real projects. I also appreciated the flexible attitude among the staff that made it possible for me to combine the internship with full-time studies. I have really enjoyed my time at KHRP and it will always have a special place in my heart."

Georges Younes
Resources and Communications Intern



"Usually you would expect the work of an intern to revolve around the coffee-maker and the photocopy machine; but KHRP has truly made me feel like an essential part of the team. I truly valued my time here as an intern, and this experience will accompany me not only throughout my academic and professional career but also personal life. It is KHRP's excellence combined with its motivating and interactive atmosphere, which made me enjoy my time here."

Morten Thorsted
Legal Intern



"Being a legal intern at KHRP proved to be a valuable experience for me, both on a professional and personal level. Interning with KHRP provided me with the opportunity to gain first hand knowledge from the NGO sector, just as working on specific human rights and development projects allowed me to apply and develop my skills and knowledge in this regard. Through the high level of responsibility that I was given while working on projects for KHRP, I further gained experience in relation to communication and

project management; valuable skills that I am using daily in my present job. There is a unique social and international vibe in the office, and I have enjoyed interning with KHRP as much for these reasons, as for the professional opportunities that the internship offered me."

Kari Erickson
Legal Intern



"I spent just under 3 months at KHRP over the summer of 2007, and my experience was everything I had hoped it would be. I started in May, just a few short weeks after the end of my exams in the United States, and was immediately assigned a project that would make use of my developing legal skills: writing KHRP's submissions

to the OSCE Human Dimension Meeting. I was tasked with researching, summarizing and analysing human rights violations occurring in Turkey vis-à-vis not only the Kurds, but also other ethnic and religious minorities. One of the reasons KHRP is such an impressive NGO is that it has a wide network of resources, and I was able to make use of all of them as I conducted my research and attempted to discern what it would mean to the OSCE. In the process, I met fantastic people and gained a new and in-depth understanding of the human rights landscape in not only Turkey, but also Iran, Iraq and Syria. Although I had a single, focussed project, I had exposure to a wide variety of human rights practice areas and was also able to assist in the production of KHRP's Newline

and Legal Review. The time I spent with KHRP has already impacted on my study of law, and will inform the choices I make going forward as a lawyer instilled with a commitment to human rights advocacy.”

Amy Pepper
Research Intern



“I was a research intern at KHRP for six months during 2007. The internship was particularly worthwhile for me, as it gave me experience working in a human rights NGO that gives its interns real responsibility and

the chance to contribute in a meaningful way to projects. I was very happy to be given the chance to co-author publications, giving me a concrete benefit while enabling me to apply my skills and knowledge in a way that was useful to KHRP. The environment at KHRP is also really conducive to learning about human rights in practice and the diversity of staff and interns means that there are always different points of view to consider. My experience at KHRP gave me a good foundation of knowledge for working as a volunteer Adviser at the Refugee Council and I am now working as a paid Caseworker in a small charity. I will definitely remember my time at KHRP both for the long-lasting friendships I have made and for the platform into full-time work that it proved to be”.

Esra Türk
Kristen Maule
Susanna Thomas
Kari Erickson
Morten Thorsted
Anthony Davis
Ingrid Tamborin
Megan Stewart
Mustafa Tin
Johanna Nykanen
Yaprak Yıldız
Elizabeth Horn
Simon Flacks
Bilal Khan
Gabriella Tau
Ellinor Hamrén
Louisa Cox

Interns in 2007:

Şule Bayrak
Eva Csergö
Sara Capogna
Christina Wilson
Adanne Wadibia-Anyanwu
Heidi Öst
Sara Vanore
Osman Suoor
Nitya Menon
Amy Pepper
Megan Mellem
Ella Rolfe
Marika Somero
Kathryn Achilles
Karin Lindahl
Amanda Nunn
Marina Themistocleous

Bayan Karimi
Margot Herrmann
Federica Pantaleone
Julianne Stevenson
Taïs Jost
Dashnye Daloye
Georges Younes

Volunteers:

Isabelle Sykes
Deborah Johnson
Sam Moody
Giovanni Lo Porto
Matthew Nunn
Inkeri Tuomola
Patrick Johnson
Amina Ibrahim



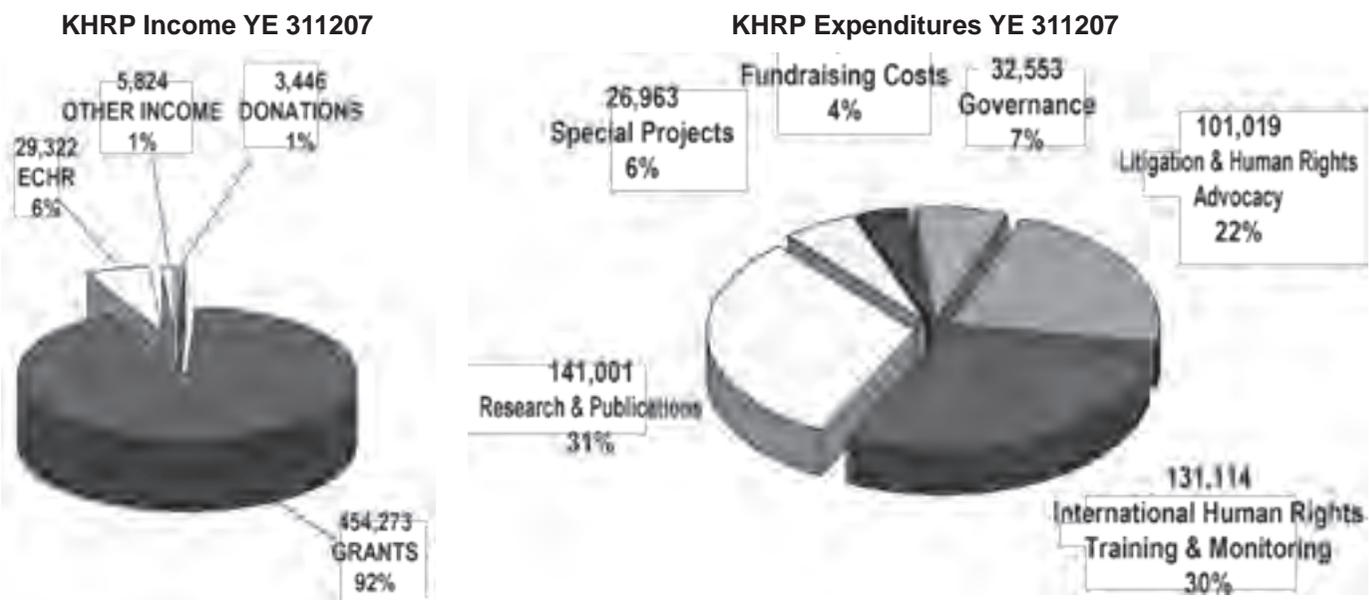
KHRP Financial Support

To maintain our independence, Kurdish Human Rights Project does not accept money from any organisations or institutions, governmental or non-governmental, in the Kurdish regions – or anyone with ties to them. Our funding derives from charitable grant-making foundations and non-statutory sources. In addition we receive money from a number of private institutions and individuals.

Our funders in 2007 included:

- UN Voluntary Fund for Victims of Torture (UNVFT)
- The Rowan Charitable Trust
- The Corner House
- The Oakdale Trust
- Stichting Cizera Botan (CIBO)
- Oak Foundation
- Big Lottery Fund
- Irish Aid
- Bishop’s Subcommission for Misereor
- Sigrid Rausing Trust
- The Bromley Trust

A graphic representation of KHRP’s Finances in 2007 according to draft audited accounts, as of March 2008.



All figures are in pounds sterling.

Thank You



We would like to acknowledge the contributions, assistance and cooperation given by the following individuals and organisations:

Individuals:

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Asylum Seekers and Migrants (ASAM) in Ankara, Azadiya Welat Newspaper, Bağlar Municipality, Bar Human Rights Committee of England and Wales, Batman Bar Association, Batman Mayor's Office, Batman Journalist's Association, Bianet, BİKAD-KOOP, Bostaniçi Municipality, Burton, CDO, Chantrey Vellacott DFK LLP, The Cornerhouse, Cumhuriyet Halk Partisi (Republican People's Party, CHP), Delfina Foundation, Demokratik Toplum Partisi (Democratic Society Party, DTP), Dicle News Agency, DİKASUM, Diyarbakır Democracy Platform, Diyarbakır Metropolitan Municipality, Diyarbakır Shopkeeper's Association, Doz Publishing House, Dutch Ministry of Foreign Affairs, Environmental Defence, Esmer Magazine, Evrensel Publishing House, Fırat News Agency, Foreign and Commonwealth Office, Garden Court Chambers, Gün TV and Radio, Gündem Newspaper, Günlük Helsinki Citizen's Assembly Turkey, Halwest Group, The Human Resource Development Foundation (HRDF) in Ankara, Human Rights Association Headquarter in Ankara, Human Rights Association Batman, Diyarbakır, İstanbul and Van Branches, Initiative for Freedom of Expression, Journalist Union of Turkey (TGC), JUSTICE, Kardelen Women House, Karis Law, Key Travel Kurdish Women's Project, Kurdish Association of Victoria, Kurdistan TV, Lawyers Association, London Kurdish Film Festival Organising Committee, Kurdish Youth Empowerment Organization, Mailboxes Etc, Medico International, Mizgin Magazine, Nickleodeon, Norwegian Bar Association, Özgür Radio İstanbul, Peri Publishing House, The Platform of Solidarity for Imprisoned Journalists (TGDP), Rafto Foundation, Rhyme Systems, ROJ TV, SELİS, Southeast Journalists' Society, Söz Newspaper and TV, St. John the Divine Community Centre, Sterry Communications, Swiss Ministry of Foreign Affairs, Torske and Sterling Legal Marketing, UNAMI Human Rights Office, Erbil, UNHCR Van and Ankara Offices, Union of Kurdish Writers, Dohuk, University of Kurdistan, Hawler, Van Bar Association, Widows for Peace and Democracy and Yenişehir Municipality.

We also thank all our applicants and those on the advisory board, board of patrons, board of directors, staff, interns and volunteers, past and present.

How to Help - Join KHRP in celebrating 15 years of success



Our supporters not only help protect the lives of 30 million people; they support the advancement of human rights on a global level. We will continue fighting injustice and changing the law for as long as injustice continues – but we need your support.

Easy ways to make a difference

- **Make a donation online.** Visit our website (www.khrp.org) or fill in the form below and make a difference with a one-off donation today. Your support will go a long way - from helping us bring a new case of torture to the European Court, conduct a women's rights training for in-country lawyers, to undertaking fact-finding and trial observations missions to find out more about and lend international support to those repeatedly persecuted.
- **Give regularly – become a Friend of KHRP.** Regular donations are vitally important. Ongoing support allows us to plan with confidence for the future. With regular support, we can provide not only immediate relief to victims of human rights abuse, but also challenge its long-term and underlying causes. You can also opt to receive our quarterly newsletter

updates. Details about how to give are provided overleaf.

- **Gift-aid your donations** – if you are a current UK tax payer, whether you are making a one-off donation or giving regularly, please do not forget that you can gift-aid your donations to increase their value by up to 28% at no extra cost to yourself.
- **Recommending Charitable Trusts and Foundations.** We rely on charitable trusts, foundations and institutions to help us obtain redress for victims and survivors of human rights abuse and are always looking for potential donors. If you know of a trust or source of funds that we could apply to we always welcome suggestions. You can also help by advising us of the names of contacts at private or government trusts and other grant-making bodies or by nominating us for funds from trusts and companies that do not accept unsolicited nominations.
- **Raise Awareness.** We firmly believe that if people knew the extent of the human rights abuses in the Kurdish regions, they could be stopped. If you are able to arrange or invite us to a speaking event, to provide details

of press or media contacts or to disseminate flyers about our work at your event, please contact us.

- **Legacies.** The drawing up of a will, or the adding of a codicil to an existing will, is a serious and personal matter. But, once family and other loved ones are catered for, a bequest to a charity is one way of ensuring that the causes you espouse during your lifetime continue to flourish. A legacy to a charity is also tax-efficient in that it is exempt from inheritance tax and does not count as part of an estate.
- **Donate Shares.** Donating shares is an easy tax effective method of donating to KHRP. Shares donated are exempt from Capital Gains Tax, you may also be able to reduce your taxable income by the value of the donations. For shares to qualify they must be dealt on a recognised stock exchange, must be UK Authorised Unit Trust Units and be UK Open-ended investment company shares. Transferral of shares to KHRP can be arranged through your stockbroker or alternatively through the Charities Aid Foundation (www.cafonline.org).

- **Corporate support.** We welcome support from companies who want to see a future based on hope, tolerance and social justice. Many companies choose to help a cause by nominating a particular charity for its support over the year. Another way UK-based companies can help is by establishing a Payroll Giving scheme that includes KHRP as one of its preferred charities. By deducting donations before tax, payroll giving is another tax efficient way of giving - costing employees less to give more. Employers can even choose to match staff donations to boost the overall contribution to KHRP. We are happy to come to your workplace to talk about our charity, and how you can help.

Other Ways of Giving

- **Volunteer.** Contact us about volunteering opportunities at KHRP offices - if you can contribute your time, this commitment may be more valuable to us than a financial donation (see Our Structure: Pro Bono: Interns and Volunteers).
- **Set Everyclick or Easyfundraising as your home page.** Select KHRP as your designated charity at www.everyclick.com

or www.easyfundraising.org and raise free money for KHRP while you search the web;

- **Generate income when shopping online.** Select KHRP as your designated charity at www.buy.at, www.easyfundraising.org, or www.everyclick.com and raise money when you shop at Amazon.co.uk, Expedia.co.uk, or JohnLewis.com. KHRP benefits from every purchase at no extra cost to yourself (as long as you adjust your internet security settings to 'medium' to enable cookies);
- **Sell items on ebay.** Visit www.ebay.co.uk, select KHRP as your designated charity and donate a percentage of the income to KHRP;
- **Apply for a Wedge card - the loyalty card for local shops in London.** Not only does it support hundreds of independent traders but it offers great discounts and special offers to shoppers, and KHRP will receive £5 out of the £10 cost of the card, plus a donation every time you use it. To apply for a card or for more information visit www.wedgocard.co.uk
- **Select KHRP as your designated charity at www.officegreen.co.uk** and

donate the value of your used inkjet and toner printer cartridges and old mobile phones to KHRP.

- **Give an In-Kind Donation.** Moving offices? Updating your IT systems? Got a skill? KHRP is always grateful for any services, or equipment that is needed and can be donated. This can help save the need to throw away or recycle items whilst being extremely useful to a good cause at little cost to your business.

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Donations & Order Form

To donate immediately, visit our website (www.khrp.org); alternatively, fill in the form below, indicating how you would like to show your support.

- YES I would like to receive a standing order form so that I can donate regularly
- YES I would like to make a one-off donation to join your cause. Please find enclosed (amount)
- YES I confirm that I am a UK tax payer and I consent to KHRP claiming 1.28% GiftAid on this donation and any donations I might make in the future
- YES I would like to free email updates about your work
- YES I would like to receive information about all the publications and briefings you have published
- YES I would like to receive further information on payroll giving so that my organisation can consider setting up a scheme so it costs less for employees to donate more
- YES I would like you to contact me to discuss leaving a bequest to you as a legacy, so that the causes I espouse during my lifetime continue to flourish

I would also like to order the following 2007 publications:

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	An Ongoing Practice: Torture in Turkey, August 2007	10.00	
	The Kurds in Iraq - The Past, Present and Future, Revised Edition, by Kerim Yildiz (in association with Pluto Press)	RRP. 25.00 Available at discount price of 20.00	
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A black and white photograph of a group of young boys. In the foreground, a boy on the left is smiling broadly, looking towards the camera. To his right, another boy is also smiling, with his hand on the first boy's shoulder. Behind them, several other boys are visible, some with serious or slightly distressed expressions. One boy in the center background has a pained or angry expression. The background is out of focus, showing an outdoor setting. The word "Appendix" is overlaid in the upper right corner in a white, serif font.

Appendix

Our History and Achievements

1992

KHRP, the first non-partisan organisation dedicated to the human rights of all people in the Kurdish regions, is established.

“KHRP opened the gate to Strasbourg for Turkey and the Kurds”

Osman Ergin, Lawyer

1993

Fact-finding missions investigate human rights abuses by Iran, Iraq and Turkish authorities including alleged use of napalm.

KHRP observes trials of first Kurdish/Turkish-language newspaper *Özgür Gündem* and of several human rights lawyers.

RIGHT (top to bottom): In the KHRP case Akdivar v. Turkey, the ECtHR ruled for the first time that Turkish authorities had destroyed a village inhabited by Kurds deliberately. Pictured: Villagers surrounded by the wreckage of their former homes; KHRP applicant Nuriye Akman, whose 22-year old son was fatally shot by Turkish security forces; Sukran Aydin was 19-years-old when she was blindfolded, beaten, stripped naked, placed in a tyre and hosed with pressurised water while in custody. She was then raped by a member of the security forces. KHRP fought her case at the ECtHR, which in 1998 ruled for the first time that rape constituted a form of torture contrary to the European Convention on Human Rights.

Urgent action appeals and submissions made to European Commission on Human Rights, OSCE and several UN mechanisms.

“I believe that the role played by KHRP is not confined solely towards convicting Turkey for violations of human rights, but that their work is also an important and useful tool as far as the improvement of legislation and human rights practice in Turkey.”

Koray Düzgören, Exiled Turkish journalist

1994

KHRP hosts truly historic international conference on conflict in south-east Turkey, aiming to give a democratic platform to both Turkish and Kurdish human rights and civil society groups.

KHRP begins provision of advice and formal training to lawyers and human rights defenders from Turkey and the Kurdish regions as part of





its aim of empowering people locally through the transfer of knowledge and skills.

Turkey tops the league of countries with the most human rights allegations against it at the ECtHR; a direct result of KHRP's continuing applications.

Charity Commission accepts KHRP's argument that 'procurement of the abolition of torture by all lawful means' is a legitimate charitable objective for the first time. KHRP becomes a registered charity.

"The work of KHRP is invaluable. The information it provides is both regular and reliable. Without it the task of campaigning for human rights would be much more difficult."

Bruce Kent, peace campaigner

1995

Publication of research on the Kurdish safe haven in Northern Iraq provokes public debate.

Fact-finding and trial observation visits to Iraq and Turkey focus on violations of freedom of expression and association.

Cases on torture, IDPs and freedom of expression continue to be submitted to European Commission on Human Rights.

"Every single day we receive a petition from Kurdish people who have been forcibly removed from their land, whose relatives have disappeared or have been killed, or who have been tortured. We in turn approach the Kurdish Human Rights Project, and ask them to evaluate the information and decide whether the legal mechanisms exist to highlight the issue and provide redress for the victim."

IHD Bingöl

1996

Strasbourg mechanisms give first binding consideration to Kurdish cases. All KHRP cases declared admissible.

The first KHRP-assisted cases to be brought to the ECtHR - *Akdivar v. Turkey* and *Aksoy v. Turkey*



LEFT (top to bottom): KHRP applicant Unsal Öztürk reviewing his case file with Executive Director Kerim Yildiz; intellectual and writer Fikret Baskaya, who has been prosecuted in Turkey on numerous occasions for his opinions, addresses the press outside the courtroom. KHRP observed the trial to ensure adherence to international standards, 2005; writer Ragıp Zarakolu, who was indicted after expressing his non-violent opinion about Kurdish rights and self-determination. KHRP observed his trial in March 2005.

-reach successful judgements. In the *Akdivar* case, concerning the destruction of Kurdish homes by security forces, Turkish authorities are forced to allow Kurdish to be used in a courtroom for the first time when witnesses give oral testimony. The case establishes the destruction was deliberate. The Aksoy case becomes a landmark in prohibition of torture.

KHRP founder and Director Kerim Yildiz receives Lawyers Committee for Human Rights (USA) award for services to promote rule of law and protect human rights.

“The Akdivar judgment validated the Kurdish villagers’ claims that they were being forced out of their homes by the most brutal methods. It put the program of village destruction on the agenda in Turkey as well as abroad. It showed that the poorest displaced peasant could find international justice.”

Human Rights Watch, 2002

1997

KHRP case *Aydin v. Turkey* revolutionises the status of rape in international law. Until this judgment, rape was merely a criminal act in most countries,

despite its common use as a systematic method of warfare in times of conflict. This judgment classifies rape by or with the acquiescence of state actors as ‘torture’. The case encourages other survivors of sexual violence to come forward.

KHRP attends UN Commission on Human Rights.

Council of Europe invites KHRP to deliver training in Ukraine and Albania on ECHR.

KHRP represents survivors of rights violations in 14 ECtHR fact-finding hearings.

“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.”

Kurdish human rights defender Yavuz Binbay

1998

Five years of work culminates with ECtHR judgments upholding Turkish state’s responsibility for burning villages, inhumane & degrading treatment, & failures to investigate

RIGHT (top to bottom): Nobel Laureate and member of KHRP’s board of patrons, Harold Pinter, opened the organisation’s 10th Anniversary Lecture at St. Paul’s Cathedral, 2002; internally displaced children in Diyarbakir, Turkey, 2005.





allegations of ill-treatment by security forces, in 8 separate KHRP cases.

Judgment in *Selcuk & Asker v. Turkey* determines for the first time, that the burning of homes before the applicant's eyes amounts to a breach of the prohibition of torture or ill-treatment as well as a breach of property rights.

KHRP publishes research on minorities in Turkey, Armenia and Azerbaijan and observes trial of 10 human rights defenders (see for example, *The Kurds of Azerbaijan and Armenia* by Julie Flint, KHRP, 1998).

"KHRP has pioneered the use of international human rights mechanisms in the fight for the human right of the Kurdish and Turkish people. By sharing their knowledge and practical experience with us through training programmes, we become more empowered in our own fight against human rights violations perpetrated within the Turkish state."

Human Rights NGO, Turkey



LEFT (top to bottom): Professor Noam Chomsky delivers the keynote speech to 2000 assembled supporters at KHRP's 10th Anniversary Lecture, St Paul's Cathedral, London, 2002; Executive Director Kerim Yildiz with the applicant in the landmark Taksin Acar v. Turkey case, outside the European Court of Human Rights, Strasbourg, KHRP intern Zeina Talbouni with Atta Muhamed & Sartep Ali of Civil Development Organisation at the Cross-Border Training, November 2006.

1999

Committee of Ministers calls upon Turkey to make fundamental changes to bring an end to human rights abuses in Kurdish regions. Its unprecedented resolution cites 13 cases as evidence of human rights abuse - 12 of them brought by KHRP.

KHRP and partner organisations launch sustained campaign against controversial Ilisu Dam, generating widespread public opposition and media coverage.

"KHRP has been the most effective force for bringing the human rights violations of the Turkish government to the Bar at Strasbourg, and to the court of public opinion throughout Europe. Its work in combining legal challenge & the raising of public awareness is unique."

Professor Laurence Lustgarten, currently visiting professor at Kings College London and Commissioner at the Independence Police Complaints Commission

2000

KHRP sets a precedent in Turkish legal history by questioning the applicant directly in Kurdish rather than using a translator during an ECHR fact-finding hearing in Ankara.

KHRP prompts Strasbourg mechanisms to set precedent that a series of incremental events – not only one event - could constitute a human rights violation.

In a case of critical importance for non-state media in general, KHRP case *Özgür Gündem v. Turkey* for the first time places a positive obligation on states to protect free expression. The case establishes that Turkey had violated rights of the Kurdish-language newspaper.

“The continuous stream of cases against Turkey would simply not be there without the help of the KHRP. The mere fact that many of these cases result in judgements in favour of the applicant provides conclusive proof of the immense importance of KHRP’s work.”



Campaigners protest outside Balfour Beatty at its Annual General Meeting, in protest at the Ilisu dam project, 2001.

Ties Prakken, Professor of Law

2001

The controversial Ilisu Dam project in south-east Turkey, which threatened to displace up to 78,000 people in Kurdish communities, was brought to a standstill. Its primary financial backers withdraw following a highly effective campaign by KHRP and local and partner organisations.

ECtHR ruling in KHRP case *Akman v. Turkey* is at very forefront of debate over controversial reform of the Court itself.

KHRP lodges new cases about killings of Kurdish conscripts in Turkish army.

KHRP mourns passing of one of its founders, Michael Feeney, a longstanding supporter of Kurdish rights

“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 & destroyed, prisoners of conscience & those who had been tortured, for they know the KHRP better.”

Can Dündar, Turkish Journalist & Author

2002

Noam Chomsky, Harold Pinter, Michael Mansfield QC, Baroness Helena Kennedy QC & 2000 other supporters attend KHRP Tenth Anniversary celebration at St Paul’s Cathedral,

London.

KHRP Executive Director nominated for Redwood Award for Best Environmental Campaign of the year for his work on the Ilisu Dam Campaign.

Major funding is withdrawn from controversial Yusufeli dam project 24-hours before launch of an Ilisu dam-inspired campaign by KHRP and partner organisations.

KHRP Legal Director nominated for Liberty/ Justice/ Law Society Young Human Rights Lawyer of Year award.

KHRP lodges first cases against Armenia, a new signatory to the European Convention on Human Rights and Fundamental Freedoms.

By 2002, KHRP has represented in over 90% of all fact-finding hearings in ECtHR's history.

KHRP fact-finding missions in Turkey, Iraq and Syria highlight the risk of 'water wars'.

KHRP and partner organisations launch a campaign against BP's planned Baku-Tbilisi-Ceyhan oil pipeline

"KHRP's work in bringing cases to the European Court of Human Rights, seeking justice for the victims of human rights violations has been ground-breaking... Amnesty International salutes the work of this organisation over the last 10 years in defending human rights."

Kate Allen, director Amnesty International UK

2003

Grand Chamber delivers landmark decision in KHRP case *Acar v. Turkey*: the strongest legal challenge yet to the inappropriate use of 'strike out' procedure, an issue closely allied to the ECHR's planned reforms.

ECtHR accepts KHRP's arguments & delivers strongest statements yet in condemning recourse to the death penalty in *Öcalan v. Turkey*. Judgment represents a landmark in the advancement towards abolition of capital punishment, with global implications.

KHRP is inundated with requests for information concerning the crisis in Iraq, following the launch of war in March.

KHRP Executive Director Kerim Yildiz publishes "The Kurds: Culture and Linguistic Rights" (KHRP, London).

"KHRP has set a standard of excellence in human rights advocacy for a region of the world where citizens have been and continue to be victims of state violence."

Professor Amir Hassanpour, University of Toronto

2004

KHRP short-listed for the Liberty/ Justice/ Law Society Human Rights Awards.

KHRP Executive Director publishes 'The Kurds in Iraq: Past, Present and Future' (Pluto Press, UK and Ann Arbor, MI, USA).

Independent feasibility study concludes evaluation of KHRP's expansion & recommends plan for organisational restructure.

A successful KHRP challenge to the ECtHR directly contributed to the release of Leyla Zana and other Kurdish former MPs in Turkey are released after 10 years incarceration.

ECtHR ruling in *Issa & Others v. Turkey* is of major significance for the interpretation & application of the ECHR, particularly surrounding the issue of extra-territorial jurisdiction.

KHRP case *Ipek v. Turkey* compels ECtHR to make one of its strongest condemnations yet against actions of Turkish security forces.

“The Kurdish Human Rights Project has consistently taken the many questions that surround the Kurdish nation and its diaspora and answered with hard evidence, documentation and results. A voice for justice that will not be drowned out.”

William Archer, theatre producer

2005

Director Kerim Yildiz & KHRP are awarded Sigrid Rausing Trust Award for Outstanding Leadership in Minority and Indigenous Rights.

Several ECtHR judgments signal it may be willing to reconsider its approach in Kurdish discrimination cases.

KHRP expands its work in the Caucasus, taking on several cases to combat political repression in Armenia as well as organising human rights training in the region. KHRP Executive Director publishes ‘The Kurds in Syria: The Forgotten People’ and ‘The Kurds in Turkey: EU Accession and Human Rights’, featuring an introduction by Professor Noam Chomsky (both Pluto Press, UK and Ann Arbor, MI, USA).

“We are so happy for you that KHRP got the [Sigrid Rausing] award. It is a world-wide recognition of the work that you do. We appreciate your work also and are always amazed about your struggle for the Kurds who are suffering because their rights are not respected.”

Dutch religious, community-based organisation CIBO

2006

Successful judgements are reached in five KHRP-assisted cases, including that of exiled Turkish journalist Koray Düzgören

(section on Freedom of Expression), while new ECtHR litigation continues.

KHRP conducts two trial observations in Turkey which go to the heart of issues of freedom of expression and ongoing state involvement in acts of violence against Kurds in Turkey. It also identifies grave shortcomings in Turkey’s policies towards refugees and the internally displaced during two fact-finding missions.

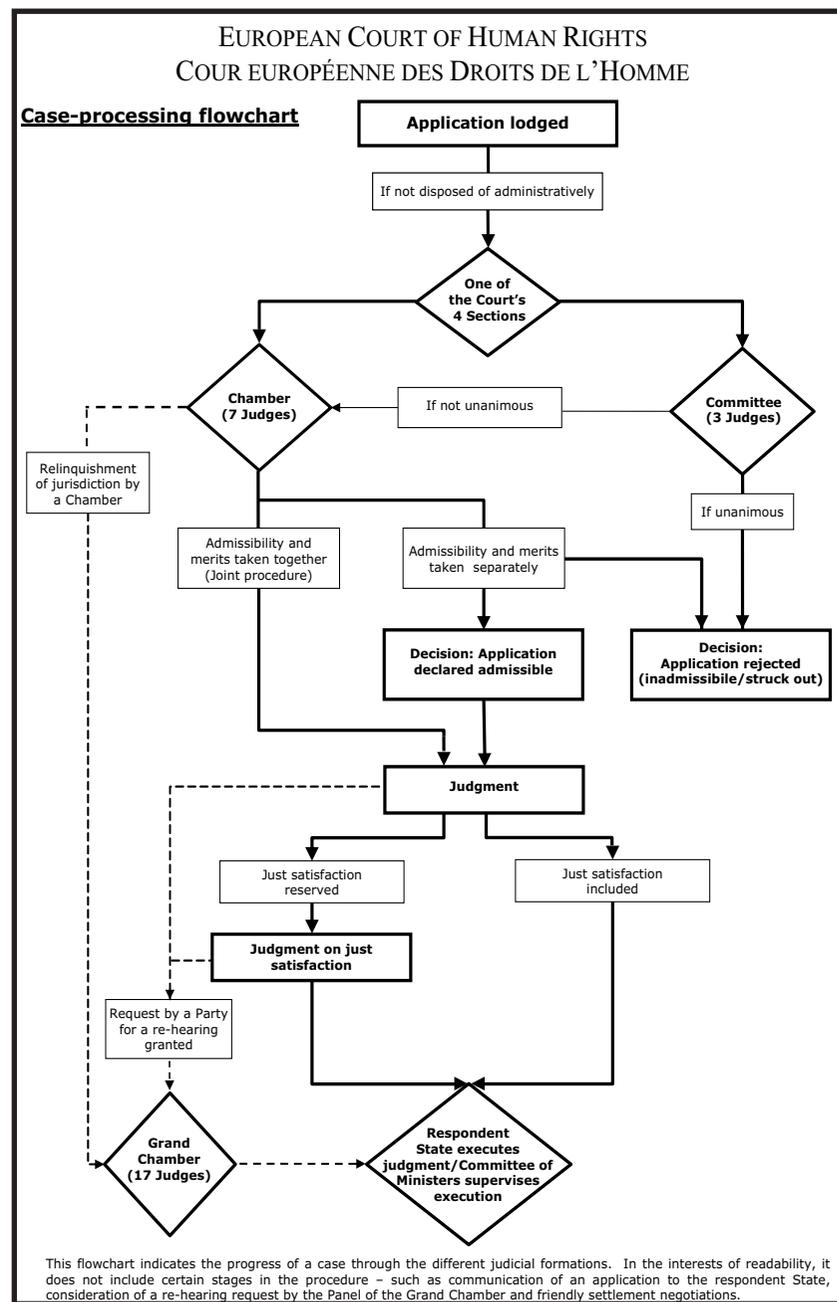
KHRP conducts and hosts its first London-based Cross-Border training. The training brings together human rights defenders and NGOs from across the regions in the first-ever opportunity for all KHRP’s partners – dispersed as they are across the regions and the globe – to meet face to face.

KHRP publishes two comprehensive training manuals for human rights defenders on taking cases to the European Court of Human Rights and taking complaints to the mechanisms of the United Nations. Translation work is begun for Turkish, Russian, Armenian and Kurdish versions.

Executive Director Kerim Yildiz’s book *The Kurds in Turkey: EU Accession and Human Rights* is translated into Finnish and published as *Turkki, Kurdit ja EU* by LIKE press.

“At KHRP I have learned a lot about the mechanisms enforcing international law, the role of the international community in global conflicts, human rights, the dynamics of Middle Eastern politics... Observing a country go through stages of reform has been particularly interesting, especially how this period... is hopefully working towards such ideals as transparency, accountability, and the development of mutual trust.”

Christina Wilson, KHRP intern. KHRP runs legal and research internships all year round. Interns’ work is essential to KHRP. We could not operate without their valuable contribution.



“Kerim and KHRP have succeeded in changing the landscape for the world’s 28 million Kurds.”

Sigrid Rausing Trust

“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

“No organisation has had more impact both in Strasbourg at the European Court of Human Rights, and in Turkey’s political-legal configuration.”

Stephen Solly QC, barrister

“As a Kurd who is victimised by the state I feel more confident when I realise that there is an institution that knows our reality and defends our rights. Knowing that KHRP exists I feel that a heavy burden has been taken off our shoulders by the candid, honest and realistic approach of the organisation and its staff. You give confidence to Kurdish people and make them feel that they are not alone. Ours was a 14 year marathon to seek justice and you never left us alone. I would like to thank you all at KHRP on behalf of my family. What good fortune that we have KHRP, what good fortune that we have people like you as friends. I wish you success for your future works.”

Kamil Uzun (applicant in KHRP case Kamil Uzun v Turkey whose mother was killed by a mortar fired by the Turkish army in the 1990s)

“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.”

Can Dunder, journalist

“KHRP’s work in bringing cases to the European Court of Human Rights, seeking justice for the victims of human rights violations including torture and extra-judicial killings, has been groundbreaking. In many of these cases the European Court of Human Rights has concluded that the Turkish authorities have violated individuals’ rights under the European Convention on Human Rights. Amnesty International salutes the work of this organisation... in defending human rights.”

Kate Allen, Director Amnesty International UK

The cover image and the images introducing each section were taken in 1991 and 2005 by Tom Carrigan in Kurdistan, Iraq.