

# Kurdish Human Rights Project Impact Report

2006

Kurdish Human Rights Project

**KHRP**

Established 1992



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**Impact Report**

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## HOW TO GIVE FEEDBACK ON THE IMPACT REPORT

This impact report covers the period from January to December 2006. 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](mailto:publications@khrp.org) or +44 (0)207 405 3835

Cover Image:

Kurdish couple, Iraqi Kurdistan (Photo: Tom Carrigan)

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

# Our Mission

Founded in London in 1992, we are a registered charity and our supporters include Kurds and non-Kurds.

We seek a future based on justice within the framework of international human rights law, where discrimination and conflict have been overcome and all people live in dignity and security.



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# Letter from the Director and Chairman

Dear Friends,

In the introduction to last year's KHRP Impact Report we remarked that there has never been a time where resolution of the Kurdish question has so dominated the international agenda. This is no less the case as we look back on the impact of our work in 2006.

Sadly, the increased visibility of the Kurdish regions on the international scene is not alone sufficient to end human rights abuses there. Though the situation in the regions has seen vast improvement if compared to when our work began there in 1992, this year can certainly be characterised by a major slowdown, and in some cases regression, in the struggle for the recognition of human rights.

In last year's letter we expressed our disappointment at the failure to place crimes against the Kurds on the indictment against Saddam Hussein for his trial for crimes against humanity. We also expressed optimism about the benefits that enhanced and constitutionally recognised autonomy would bring to South Kurdistan, particularly to the preservation of Kurdish language and culture. At the end of 2006 much has changed. Iraq ended 2006 with the execution of Saddam Hussein after a flawed trial which was widely criticised by the international legal and human rights establishment. Not only is it deplorable that he was

executed, particularly following an unfair trial, but the execution also robbed his Kurdish victims of their day in court. The Anfal trial continues in Saddam's absence, but the true circumstances surrounding the murderous campaign, in which tens of thousands of Kurds were displaced, gassed, shot and bombarded, may have gone to the grave with the former dictator.

There are also many positive observations to be made in the autonomous region under the Kurdish Regional Government (KRG). There is a great sense of optimism and pride in the region and a real desire for development. Problems, however, remain. The development of a strategic human rights framework is urgently needed. The Kurdish Regional Government welcomes this, however more is needed to support its systematic introduction, particularly given the infancy of the KRG and the immediate security concerns

it currently faces. According to information received by KHRP during the year, the lack of a human rights framework has led to numerous human rights violations. There have been great efforts to prevent terror from spilling into the KRG's borders. This leads to strong border security, but little security for those accused of crimes. Marginalisation of women and violence against them is also on the increase, as is the influence of radical Islamic elements in certain cities. It is clear, therefore, that much work needs to

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be done in Iraq's Kurdish regions to improve the human rights situation.

In Turkey, 2006 saw a massive slowdown in the pace of reforms, and a disturbing regression in many areas. Continuing clashes demonstrated the ongoing presence of violence in the Kurdish regions of Turkey despite the PKK ceasefire. Much work remains to be done for stability, peace and justice. 2006 ended with news that the EU brought a halt to eight areas of EU membership negotiations with Turkey after it refused to open its ports and airports to Cyprus. Though it is encouraging to see the EU taking a serious line on accession criteria, it is worrying that it chose this matter as a sticking point when - as has been demonstrated by our work throughout 2006 - the Copenhagen Criteria are not yet being met in the areas of freedom of expression, language rights, freedom of association, torture, detention and redress for internally displaced persons.

Turkey is also failing to promote stability in the region through its continuing threats of border incursions into the KRG and its interference in the question of the status of Kirkuk.

The year also saw a step-up in the use of Article 301 and other articles of the Turkish Penal Code to severely restrict freedom of expression. The Penal Code continues to exert a chilling effect on

free expression. Following the high-profile cases of 2005 there have been many more malicious prosecutions of academics, writers and publishers in Turkey in 2006. This has served not only to frustrate their livelihoods but to expose them to extreme hostility by ultra-nationalists. The murder of Hrant Dink in January 2007 shows the danger this crackdown is posing to many of Turkey's most outspoken advocates of multiculturalism, dialogue and human rights.

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***There have been many challenges to our work in 2006, but our steadfast commitment to the protection of human rights for all in the Kurdish regions is as strong as ever. We could not fulfil this commitment without the help, support and cooperation of the communities and partner organisations in the regions, who work in often hostile and intimidating circumstances.***

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In Iran and Syria the human rights situation continues to be dire. Throughout the year KHRP has documented the persistent practice of torture, arbitrary detention and execution in Iran. Sadly, with the attention of the world on the nuclear issue, the international community has utterly failed to speak out about the systematic abuse of human rights there. In Syria, Kurds continue to be isolated and disenfranchised, while the state continues to ignore its citizens' rights to freedom of expression

and association. Promises to grant citizenship to Syria's hundreds of thousands of stateless Kurds have not been kept. In the Caucasus the problems facing the victims of the ongoing but oft-overlooked Nagorno-Karabakh conflict continue, with many still displaced and dispossessed. Through our litigation, UN correspondence and research, KHRP continues to bring these issues to the attention of

the international community, ensuring that human rights remain a central concern for the region.

There have been many challenges to our work in 2006, but our steadfast commitment to the protection of human rights for all in the Kurdish regions is as strong as ever. We could not fulfil this commitment without the help, support and cooperation of the communities and partner organisations in the regions, who work in often hostile and intimidating circumstances. For their commitment and loyalty to the promotion of human rights we owe them an enormous debt.

In 2006 we have continued the ongoing implementation of our large-scale institutional development project. In January 2006 we relocated to larger office premises in the heart of London's legal quarter while in November we recruited new staff members. We have also made great progress on the redesign and modernisation of our website, with a view to creating a unique portal to key resources for all those working in the human rights field. When the institutional development project is fully implemented, the organisation's capacity to respond to particular human rights issues will be greatly enhanced.

We saw much success in 2006 on the fundraising front, securing three-year grants from the Big Lottery Fund and from Irish Aid (Irish Department of Foreign Affairs). This expansion in our donor base will enable us better to plan and fully carry out our proposed activities and make long-term plans during this critical time of institutional consolidation and expansion. The year also ended with news that we secured our first ever grant from the European Parliament following our successful research proposal into the

reported increase of suicide amongst Kurdish women in Turkey and Iraq.

We would like to take this opportunity to thank our board of patrons, directors, advisory group, legal team and staff for their contribution to KHRP's work in 2006. The skill and dedication they bring to KHRP are crucial to our work of providing a comprehensive response to human rights abuse across an area as wide as the Kurdish regions. We would also like to thank all our excellent interns and volunteers, whose work in 2006 was of the highest standard, and without whom KHRP simply could not function.

We cannot sign off without finally extending our sincere thanks to all our funders and donors whose support is the lifeblood of KHRP. To support KHRP is not simply to support the protection of human rights in the Kurdish regions, but to contribute to the advancement of human rights on a global level through the establishment of new international precedents and standards. However big or small, your support for KHRP is critical to our mission of gaining security, peace and dignity in the Kurdish regions.

Kerim Yildiz  
Executive Director

Mark Muller  
Chairman



# Who we are and What we do

Founded in 1992, 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 Caucasus 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 human rights litigation at the European Court and the 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 very well placed to monitor and evaluate developments there in an independent fashion.
- Our independence commands a high level of public confidence, allowing us to offer an alternative way of



*Kurdish woman with child, Iraqi Kurdistan (Photo: Tom Carrigan).*

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 and ignored.

## Our Aims

- To promote awareness of the situation of the Kurds in Iran, Iraq, Syria, Turkey, the Caucasus and elsewhere,
- To bring an end to the violation of the rights of the Kurds and others in these countries,
- To promote the protection of human rights of Kurdish people everywhere,
- To ensure the eradication of torture both in the Kurdish regions and around the world.

## Our Beneficiaries

Our work benefits all people in the Kurdish regions, particularly the most marginalised groups – those subject to discrimination on ethnic, gender, race or religious grounds. Although many beneficiaries are of Kurdish origin, our work also benefits those of Turkish, Arab, Armenian, Persian and other origins.

Everyone has stronger protection of their human rights as a direct result of our litigation programme which has established precedents on issues ranging from the abolition of the death penalty to detention without trial.

## Our Methods

### HUMAN RIGHTS ADVOCACY AND TRAINING

Central to our work is the strategic use of international human rights mechanisms as a means to tackle human rights abuse. Of particular importance is our European Court of Human Rights (ECtHR) caseload. We have brought cases on behalf of hundreds of victims and survivors of extra-judicial killings, 'disappearances', torture, unfair trials, censorship and other human rights abuses. This allows us not only to find redress for victims and their families, but also to create a culture of compliance among authorities and awareness among communities of their human rights under international law. We also remain in constant contact with the United Nations, sending them communications on issues of concern in the regions, particularly areas that fall outside the jurisdiction of the ECtHR.

In 2006 we:

- Submitted 6 new cases representing 21 victims or survivors of human rights abuse to the ECtHR, with at least 17 more under consideration;
- Assisted and advised well over 100 potential applicants, lawyers, and NGOs within London and the regions;
- Received ECtHR judgments in 6 cases representing 15 individuals;

- Received 1 ECtHR decision of admissibility;
- Liaised with the ECtHR over cases that were communicated to the respondent governments;
- Sent 24 urgent communications to the United Nations, as well as to the Organisation for Security and Cooperation in Europe and the Foreign Affairs Committee.

Key to our commitment to protecting human right in the Kurdish regions is the development of an independent capacity for human rights enforcement in the region. To this end we have developed a coherent programme of regional training seminars which work to promote the rule of law and democracy by transferring skills and building capacity among human rights defenders and advocates in the regions.



*A Kurdish woman surveys the remains of her village in Suresh, Iraqi Kurdistan, destroyed during the Anfal campaign (Photo: Tom Carrigan)*

In 2006 we:

- Conducted and hosted a hugely successful London-based cross-border training for our partners across the regions, focussing on internally displaced persons, the effects of anti-terror legislation and the protection of human rights defenders
- Conducted 2 regional trainings on bringing claims to ECtHR and on the domestic application of the European

Convention on Human Rights and Fundamental Freedoms (ECHR)

- Conducted 2 regional trainings on gender equality and women's rights
- Published editions 9 and 10 our unique and newly designed biannual Legal Review dedicated to human rights developments in and affecting the Kurdish regions.

- Published two training manuals for human rights defenders taking cases to the European Court of Human Rights and taking complaints to the mechanisms of the United Nations. These manuals are soon to be made available in Turkish, Russian, Armenian and Kurdish.

#### **FACT-FINDING AND TRIAL OBSERVATION MISSIONS**

KHRP's expert fact-finding and trial observation delegations to the regions continue to lend a sense of international solidarity to the most disadvantaged living there, while warning perpetrators that their contravention of international human rights norms will not go unchecked. Through independent investigations of allegations and concerns, fact-finding and trial observation missions play an essential part in monitoring human rights abuses. 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 2006 we:

- Conducted 3 fact-finding missions focussing on internally displaced persons, the treatment of refugees in Turkey and the upsurge in indiscriminate state violence witnessed in south-east Turkey in March 2006;
- Conducted 2 trial observations. The first of these was an observation of the trial of the academics Baskın Oran and Ibrahim Özden Kaboğlu for the 'denigration' of the Turkish state. The second was an observation of the trial of the men accused of the Şemdinli bookshop bombing in November 2005. These trials highlighted the still considerable obstacles to freedom of expression and widespread suspicion of 'deep-state' activity in Turkey.

## 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 the development of democracy in the Kurdish regions. All our publications are available both in printed and downloadable form.

In 2006 we:

- Published and disseminated 7 research reports and briefing papers. These covered human rights defenders, Turkey's EU accession bid, gaps in Turkey's implementation of reforms and the ongoing practice of torture in Turkey;
- Published and disseminated 4 trial observation reports. These dealt with the effect of criminal accountability in Turkey and freedom of academic, artistic and political expression;
- Published and disseminated 2 fact-finding mission reports focussed on internally displaced persons in Turkey, and the use of indiscriminate force by Turkish security forces;
- Redesigned our Legal Review to also include updates on decisions and judgments of the UN;
- Improved the marketing of our research and publications to enable wider outreach, including the redesign of our website, due to go online in mid 2007.

## PUBLIC AWARENESS, EDUCATION AND COMMUNICATION STRATEGIES.

It is KHRP's firm belief that if more people were aware of the extent of human rights abuses in the Kurdish regions, sufficient pressure could be brought to bear on those responsible to put

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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 2006 we:

- Achieved worldwide press and broadcast media coverage, including coverage on BBC, CNN, Al Jazeera and regional media;
- Received over 3 million hits on our website, which remains the most valued and reliable online source of information and research on the Kurdish regions;
- Published and disseminated 4000 online and paper copies of our newsletter;
- Highlighted state implementation of ECtHR judgments and the latest situation on the ground, meeting with representatives from partner organisations including TOHAV and Forum, and the Norwegian, Finnish, Swiss and Irish governments;
- Continued to raise concerns for rights violations via advocacy submissions to international bodies from the UNHCR to the OSCE;
- Hosted and participated in conferences and round-table discussions in England, Scotland, Belgium, the USA, the Kurdish regions and Australia as well as co-organising the

Third EUTCC Conference on the EU, Turkey and the Kurds, held in Brussels on 16 and 17 October 2006.

The following are just a few further examples of the events in which KHRP participated in 2006:

- Parliamentary Assembly of the Council of Europe's Committee on Culture, Science and Education hearing on Kurdish Culture, Brussels;
- The Document 4 Glasgow International Human Rights Festival;
- 'Strengthening the Voice of Migrants' at the 'Migrant Voices Learning Tour,' sponsored by Atlantic Philanthropies, Praxis, London;
- Roundtable meeting on women's human rights in Iraq, Foreign and Commonwealth Office, London;
- 'The Kurdish Question', UK Parliament;
- 'Taking CEDAW seriously' conference, Galway, Ireland;
- 'Ongoing Violence against Kurdish Women in Turkey', UK Parliament;
- 'The Situation in Iraq' Home Office meeting, London.
- 'Political and Human Rights Dimensions of the Kurdish Question', University of Melbourne, Australia.



# 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”*

Former Head of the Istanbul Bar Association

**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.

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

***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 Aydın 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***





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.

***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***

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

***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 Diyarbakır, Turkey, 2005***





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

### 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.

***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 Tahsin 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***

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.”*

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



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

## 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.



# The Kurds: A Background

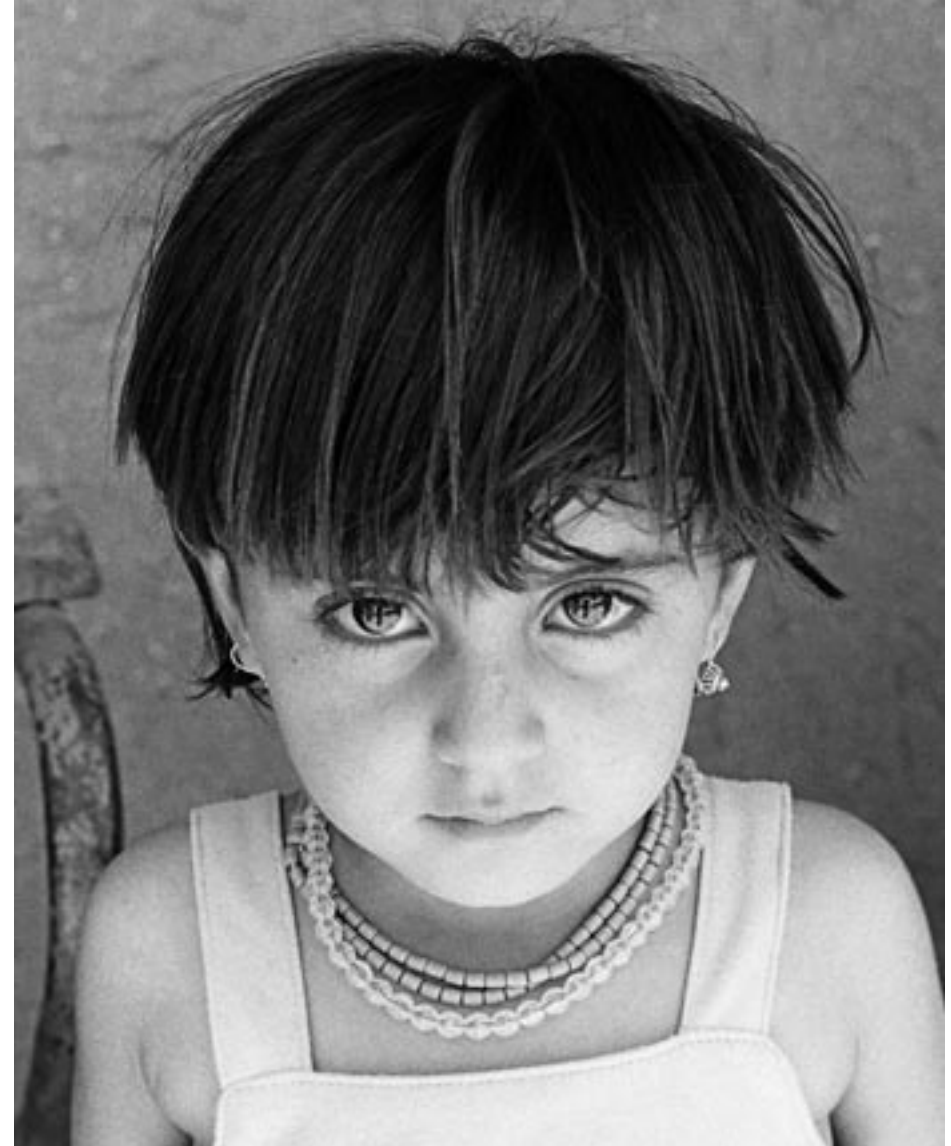
**T**he Kurds are the largest ethnic group without their own state. Perceived as posing a separatist threat and without any formal representation on the world stage, they have been subject to genocide, crimes against humanity and a host of other human rights abuses.

Many of the Kurds' problems emerged from the aftermath of the First World War. Following the collapse of the Ottoman Empire, the regional powers signed a peace treaty - the Treaty of Sevres - envisaging, among other provisions, the future establishment of an independent Kurdish state. However, following the Turkish war of independence under Mustafa 'Kemal' Atatürk and his followers, the Treaty of Lausanne was enacted instead. That treaty sidelined the Kurdish question altogether and finalised the division of the Kurdish regions between modern-day Turkey, Iraq, Iran and Syria.

Kurdish culture stems back to the migration of Indo-European tribes some 4,000 years ago to the Zagros Mountains, now the heart of the Kurdish region. Although no formal censuses exist, there are estimated to be between 25 and 30 million Kurds originating from the mountainous region bordering modern Turkey, Iraq, Iran and Syria. Despite their cross-border spread and the large number of different languages and religions, Kurds share a strong overarching sense of identity.

The geopolitical importance of the region combined with significant oil and water resources there always appears to have hindered, not helped, the Kurds.

The issues faced by Kurds in each country vary in nature and intensity, but there are undeniably common threads. In almost all regions, Kurds face suspicion of harbouring separatist sympathies



*Kurdish child, Iraqi Kurdistan (Photo: Tom Carrigan)*

simply by virtue of their ethnic origin. Ethnic cleansing programmes, 'Arabisation' and 'Turkification' have been implemented, accompanied by mass killings, displacement and prohibitions on Kurdish culture and language. Over the last twenty years, the Kurdish regions have been the scenes of genocide, crimes against humanity, extra-judicial killings, torture, mass displacement and censorship, among other abuses of international law.

Today, millions of Kurds live as internally displaced persons within state borders – physically prevented from returning to their former land and livelihoods following armed conflict. Millions more live as migrants, refugees and asylum seekers across the world.

## The Kurdish Regions in 2006: Developments and Concerns

### ISLAMIC REPUBLIC OF IRAN

The Islamic Republic of Iran's constitution officially guarantees equal rights to ethnic and recognised religious minorities, but this does not apply to the overwhelming majority of the Kurdish population.

The source of discrimination against Kurds in Iran stems not only from their ethnic minority status but also, just as importantly, from the fact that the majority of them are Sunnis in a country dominated by Shi'ites. Moreover, the current president Mahmoud Ahmadinejad has a history of enmity with Iran's Kurds, and has distanced himself from the Kurdish leadership there since taking office. Of all ethnic and religious minorities, the Kurds have presented the most active sustained resistance over time and thus,

are the most worrisome to the state. Iranian Kurds find their day-to-day lives becoming more difficult as they are increasingly perceived as an internal threat to the integrity of the Iranian republic. Iran has turned to brutal oppression as it counters pressure from both inside and outside its borders by making an offensive show of force in the Kurdish regions. With the world's scrutiny of Iran focused on the nuclear issue, these human rights abuses continue unchecked.

Significant loss of life has occurred under the guise of keeping order. Beginning in the summer of 2005, violence rose strikingly during a 10 month period of protests and civil unrest as cities across the country protested for increased recognition of the rights of the Kurdish population. With the major build-up of military forces in the Kurdish regions, numerous people have been detained, including human rights defenders and civil activists, accused of threatening the integrity of the republic. The number of executions, 'disappearances' and extrajudicial killings of political prisoners in the Kurdish provinces has also increased (see section on Death Penalty). One such incident involves the killing of a 17-year-old Kurdish civilian who was tortured to death by Iranian security forces in the courtyard of the Sanadaj police station. Also, an increased number of non-political crimes, such as drinking alcohol, have resulted in death sentences.

Like Turkey, Iran has also been pursuing harsher measures to deter human rights defenders from working within its borders. Harassment and intimidation, including phone taps and infiltration of peaceful, non-political NGOs and charity organisations in the Kurdish regions, has also become commonplace. Even suspicion of working against the regime, against Islam, or of spreading



separatist propaganda (which often includes peaceful expression of cultural identity) are grounds for harsh, immediate punishment.

## IRAQ

Saddam Hussein's regime did not provide any effective measures to protect the rights of ethnic or religious minorities in Iraq, such as Kurds, Turkmen, Chaldo-Assyrians and others. His fall from power has presented something of an opportunity for these groups to tackle the discrimination they have faced and to contribute positively to the country's development.

While the trial of Saddam Hussein and seven others in the Iraqi High Tribunal for Crimes against Humanity (IHT) concluded on 5 November with the sentencing of Saddam and two others to death by hanging, the circumstances surrounding the trial revealed grave shortcomings regarding its fairness and impartiality. Furthermore, the execution of Saddam on 30 December before the completion of the Anfal trial meant he never had to face the charges brought against him in August concerning the murder of up to 182,000 Kurdish men, women and children in 1988. These developments are a worrying precedent which has damaged the perceived integrity of the High Tribunal in its infancy.

*RIGHT (from top): Masoud Barzani of the KDP (right) and Jalal Talabani of the PUK (left) after signing their Unification Agreement in January 2006.*

*Monument commemorating the chemical attack on Halabja, Iraqi Kurdistan in 1988 (Photo: Tom Carrigan)*



Prospects for long-term stability in Iraqi Kurdistan took a significant step forward in January 2006 when the dominant parties of the Kurdish Regional Government (KRG) signed a Unification Agreement that provides a strategy for cooperation and power sharing, thereby creating a single government for the region. This Unification Agreement fulfils a promise that the Kurdish Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) made to their voters in the 2005 Iraqi election campaigns, during which the two groups ran together under the banner of the Kurdish Alliance List.

Despite democratic progress in the KRG, growing insurgency and sectarian struggles have provoked escalating violence elsewhere, including in Kirkuk, and threatened security in the area. Kirkuk has long been the site of ethnic tension, largely due to Saddam Hussein's implementation of 'Arabisation', which forced out the city's long-standing Kurdish population. The Iraqi constitution requires that a referendum be held on the multi-ethnic city's final status, with Kurds eager for its inclusion within the jurisdiction of the KRG. This issue was an ongoing point of controversy throughout 2006, with Turkey strongly opposed to any change in Kirkuk's status and rumours abounding of possible military intervention to prevent it. One result of this constant threat of violence spilling into the KRG from the rest of Iraq or from Turkey is an overriding focus on security, while more needs to be done in the areas of human rights and civil development.

## **ARAB REPUBLIC OF SYRIA**

**D**espite constituting the country's largest minority, Kurds in Syria are subject to ongoing human rights abuses. Discriminatory legislation prevents thousands of Kurds from marrying, working, obtaining travel documents or even speaking

their language freely. A state of emergency has been in place for 41 years and up to 360,000 Kurds are stateless, as a result of a 1962 census that stripped citizenship from them overnight. The 2005 promise of reinstatement of citizenship to some has not yet materialised.

As the country sensed a greater threat from the international community throughout 2006, Syria has heightened security measures, reflecting its insecurities and posing a more serious problem to its dissenting or minority citizens. Arbitrary detention and torture continue unchecked.

The country tightened its restrictions on freedom of expression, arresting 12 activists, intellectuals and human rights defenders linked to the signing of the Beirut-Damascus Declaration of 20 May 2006, appealing for improved relations between Syria and Lebanon. Furthermore, the National Organisation for Human Rights in Syria reported that the State dismissed 17 government workers as a punishment for signing the declaration. Prominent writer and democracy activist Michel Kilo, human rights lawyer Anwar al-Bunni, and former prisoners of conscience Fateh Jamus and Kamal al-Labwani were among those arrested. Another human rights lawyer, Abdolfattah Soltani, was sentenced to five years imprisonment on charges of disclosing confidential information and opposing the national government. In addition, members of the Jamal Al-Atassi Forum for National Dialogue were charged with insulting government employees after reading a statement calling for reforms, pluralism and the establishment of a modern civil society in Syria. The situation in Syria therefore remains extremely serious for human rights defenders, and continues to make the struggle for the human rights of Syria's citizens a dangerous and difficult one.

## TURKEY

Turkey has an established record of human rights abuses against its Kurdish population – a population of nearly 13 million. While movement toward EU accession has dramatically altered the prospects of the Kurds and the range of possibilities open to the international community to stimulate positive and effective change, Turkey continues to condone violence and discrimination as well as limit freedom of expression across its Kurdish regions. The Kurds remain marginalized and are repeatedly denied basic human rights.

Proposed amendments to Turkey's Anti-Terror legislation, which have now been approved by both the Parliament and the President, do not meet international human rights standards, threatening the right to life, prohibition of torture as well as freedoms of thought, expression, communication, press, belief, conscience and assembly. Other setbacks include the likelihood that the amendments' definition of 'terrorist' will incriminate non-violent, peaceful protest such as conscientious objection while simultaneously overlooking the threat of state terror. In addition, security forces will be allowed to use a gun 'without hesitation', and they will have jurisdiction to detain suspects for the first 24 hours 'incommunicado', meaning the suspects will have no access to legal counsel.

While Turkey claims a 'zero tolerance' policy on torture, reports have surfaced detailing incidents of torture outside detention centres which are therefore more difficult to monitor. Detainees are most vulnerable during transport to detention centres and civilians are at most risk during local demonstrations.

Armed conflict has escalated in the south-eastern regions of Turkey in 2006. In March the funerals of four Kurdish guerrilla fighters in south-east Turkey provoked fighting between Turkish security forces, police and civilians, resulting in dozens of fatalities and hundreds of injuries. (see section on Extrajudicial Killing)

During KHRP fact-finding missions in Turkey in the summer of 2006, evidence collected has revealed that many internally displaced persons (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 refugees. (see sections on Internal Displacement and Expropriation and on Refugees)

The year saw continuing restrictions on freedom of expression in Turkey. The work of intellectuals, publishers, academics and writers has been continually frustrated through malicious prosecutions for the peaceful expression of opinion. The most absurd example is that of two professors, Baskin Oran and İbrahim Kaboğlu, who were put on trial after they peacefully expressed their views on minorities policy in an official government report (see section on Freedom of Expression).

Kurdish cultural and language rights continue to face restrictions. While the Turkish state broadcasting board has made concessions to private companies to air Kurdish language programmes, these companies have limited broadcasting rights restricting the content and duration of their programmes. Education in the Kurdish language is an ongoing struggle as it can only be offered by private education institutions. Still, even the teaching of Kurdish by private education facilities faces an uphill battle due to technical

requirements, lack of financial resources, and restrictions on the curriculum, appointment of teachers, timetables and attendees.

### ***Turkey, the Copenhagen Criteria and EU Accession***

On balance, we are supportive of Turkey's eventual accession to the EU. The prediction that full accession will not take place until at least 2014 may allow enough time for fully implementing human rights reforms and facilitating dialogue on important issues including the Kurdish question. However, there are numerous indications that the human rights environment in Turkey deteriorated during 2006 and we remain convinced of the need for the Copenhagen Criteria – the EU standards on human rights, minority rights and democracy – to be robustly enforced. Turkey's EU accession process made the headlines in December when the Cyprus dispute nearly completely derailed official membership talks. This episode sadly overshadowed a far wider slowdown of reforms in Turkey; the questions of freedom of expression, minority rights and human rights remain to be addressed for Turkey's accession to go ahead. The Kurdish issue is central to a stable, democratic and peaceful Turkey – and by extension, Europe.

With the Kurds neither occupying a seat in Europe nor having access to mainstream politics in Turkey, there is a particular duty on all parties to the accession process to ensure that Turkey's Kurdish population is adequately represented. We have worked with people at all levels of the political spectrum – from grassroots groups to high-level policy and decision-makers – to ensure,

as much as possible, that the perspectives of minority groups including Kurds are represented in the discussions. We have done this particularly as a founding member of the EU-Turkey Civic Commission (EUTCC), a non-profit association aimed at monitoring the accession process and making recommendations. In October we co-organised and attended their third conference on the EU, Turkey and the Kurds at the European Parliament.



***Kerim Yildiz and Mayor Osman Baydemir of Diyarbakir Municipality at the Third International Conference on the EU, Turkey and the Kurds, October 2006.***

The conference was supported by Archbishop Emeritus Desmond Tutu, Dr. Shirin Ebadi, Bianca Jagger, Harold Pinter, Mehmed Uzun and Professor Noam Chomsky as well as by members of the European Parliament. The aim of the conference was to exchange ideas and generate dialogue on the Kurdish issue and the Turkey-EU accession process. It provided a democratic platform for discussion of the critical role the EU should play in establishing the parameters of peaceful dialogue with all the

stakeholders in the Kurdish question. The Conference heard from a range of experts in human and minority rights issues. Speakers discussed a wide range of pertinent concerns such as Turkey's new Anti-Terror law, obstacles to peace and reconciliation, judicial independence, freedom of expression and association, as well as the protection of the rights of minorities, women and internally displaced persons. The conference concluded with the discussion of resolutions. The prime aim of these is to help to guarantee respect for human and minority rights and to promote a peaceful, democratic and long-term solution to the Kurdish situation as well as the accession of Turkey as a member of the EU.

# Review 2006: Our Impact



Kurdish Human Rights Project

**KHRP**

Established 1992

## Political and Judicial Systems

**W**ithout 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.

We are representing several individuals whose rights to a fair trial and to liberty have been violated by Turkish authorities. We submitted our most recent such case to the ECtHR in 2006 on behalf of Abdulaziz Ayaz, a seasonal worker living and working in the Siirt province, Turkey. He was arrested on suspicion of involvement with the PKK in December 1994. The indictment against him had been issued over 5 months before his arrest, but he was not at any stage informed. Charges were brought against him on 9 Jan 1995 and he was detained on the same day. During his detention he could not work, and though promised he would be re-employed after his release this did not happen. In April 2002, the case against him was closed since it was not concluded in reasonable time. KHRP has submitted a case on his behalf to the ECtHR arguing that Turkey failed to provide him an effective remedy, unlawfully interfered with his private and family life and discriminated against him on the basis of his ethnicity.

### *Independence of the court*

When the rule of law and the integrity of judicial institutions are undermined, it is often justified in the name of combating terrorism and protecting national security. Turkey's State Security Courts



***ABOVE (From top): Kurdish woman on trial in a Diyarbakir Military court in the Kurdish regions of Turkey (Photo: Ed Kasbi); Mark Muller addressing 2006 KHRP Legal Team Meeting***

were a case in point, characterised by the presence of a military judge on the panel. This of course meant that the military retained undue influence over the country's systems of justice. Since the courts often dealt with accusations of terrorism and other activity against the Turkish military, the presence of a member of the military on the bench made trials inherently partial and biased. Through our strategic litigation, we have sought to challenge and undo the damaging legacy of these institutions.

In 2006 we made a great step in this direction, securing justice in the case of Fikret Karaođlan. Karaođlan is a Turkish citizen living in Belgium who was convicted and charged for involvement in an illegal organisation. Because a military judge was sitting on the bench, the applicant contested that he did not receive a fair trial. In addition, he objected that his statement to the police was taken under duress and that he was not given an opportunity to cross-examine the co-defendants'

testimonies. After being sentenced to twelve and a half years in prison, the applicant fled to Belgium where he was granted asylum. In 2006 our case at the ECtHR received a favourable judgement; the Court held that Turkey had not upheld Karaođlan's right to a fair trial and was therefore in violation of Article 6 of the ECHR.

#### *Political repression and arbitrary detention*

In countries where international democratic standards have yet to be reached, human rights violations are most often committed against those who pose a challenge to authority. Political dissidents

and human rights defenders are most at risk. The denial of legitimate expression of people's democratic wishes often leads to violent conflict and further human rights abuses. KHRP therefore actively promotes adherence to international democratic standards and regards cultural diversity and political freedom as positive and necessary elements of a true democracy.

In 2006 we continued our activity in the Caucasus where we worked extensively on adherence to democratic standards, particularly in Armenia where there were many cases of political repression and unlawful and arbitrary detention after the presidential elections of 2003 and opposition protests in 2004. There are concerns that similar

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***When the rule of law and the integrity of judicial institutions are undermined, it is often justified in the name of combating terrorism and protecting national security.***

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repression will characterise the upcoming 2007 parliamentary and presidential elections. These concerns underline the importance of our casework in Armenia; it is hoped that once the cases listed below reach their conclusion the resulting judgements will engender vast improvement in

democratic standards while setting precedents and examples for other states to follow. In the meantime KHRP and its partners continue to monitor points of concern for democracy in the region. Cases we worked on in 2006 were all brought with the assistance of the Forum Law Centre and included the following:

- **Hakob Hakobyan, Gor Martirosyan and Hamlet Petrosyan**, are Armenian citizens and members of Armenian opposition parties. At police request, Mr. Hakobyan went to the station where he was subsequently arrested on suspicion of illegal possession of firearms. Afterwards, it was reported

that he resisted arrest. Mr. Martirosyan and Mr. Petrosyan were also arrested; the first on suspicion of hiding a wanted person and the second on charges of foul language. Mr. Petrosyan was not told of the reason for his arrest until three hours later when he was asked to sign a document admitting to the accusations. All three were denied legal representation and not permitted to make submissions or examine witnesses. The three men served their full sentences of 4-7 days. KHRP is helping them in their claim to the ECtHR that Armenia violated their right to a fair trial on the basis of their political beliefs.

- **Myasnik Tadevosyan**, an Armenian citizen, is Chairman of the Armavir regional branch of the National Unity party. In April 2004 he was taken to the Metsamor Police Station for alleged offensive language towards officers. He was later informed by the Chief of Police that he was being held so that he could not participate in the opposition demonstrations taking place. During his hearing, he was allowed no legal representation or examination of witnesses. He was charged with 'maliciously disobeying the lawful order of the police officer' and sentenced to 10 days imprisonment in a bedless cell with 9 other inmates. While in detention he was deprived of adequate sanitation, food and water. KHRP is working on his case at the ECtHR arguing multiple violations of his human rights, including the right to a fair trial and the right to freedom from inhuman treatment.
- **Maksim Gasparyan** was taken from his home by the police in February 2003 in order to speak with the police chief. He was detained on suspicion of participation in an unlawful rally and demonstration on 23 February. He spent ten

days in administrative detention, during which time he was denied the opportunity to make any representation and was forced to sign a statement incriminating himself. KHRP has brought a case on his behalf against Armenia for his unlawful/ arbitrary detention.

- **Zhora Sapeyan** is the Chair of the Hanrapetutyun Party. On 26 February 2003 he and two others drove to attend a demonstration. On the way they were stopped by an unmarked car. The men in the car wore civilian clothes but claimed to be from the Criminal Investigation Department of Aragatsotn District Police. They did not produce identification. They were taken to the police department and detained in separate cells for 2-3 hours. Sapeyan was transferred to another department without explanation. He was questioned and signed a written document of the recordings. He was later sentenced to 10 days administrative detention and only released early in exchange for a 100 dram fine. KHRP has brought a case on his behalf against Armenia for his unlawful/ arbitrary detention.

Three Armenian cases we worked on in 2006 involved unlawful and arbitrary detention of three men following a demonstration on 21 March 2003 protesting irregularities in the presidential election of that year.

- **Armen Mkhitryan** was arrested on 22 March 2003 for his participation in the demonstration. There is no official written record of his detention, nor any record that he was informed of the reasons for his arrest. His health deteriorated as a result of his time in prison. KHRP is working on his



case at the ECtHR arguing that he was detained due to his political beliefs.

- **Lavrenti Kirakosyan**, a farmer, received a visit from 2 police officers on 22 March 2003 and was required to accompany them to the police station following his participation in the demonstration with Mkhitarian. He was found guilty of 'maliciously' refusing to follow the orders of police officers, using offensive language and preventing them from carrying out their duties. Sentenced to 10 days in detention, he was denied food and had to pay to receive water. He tried to get a fine in place of detention as his wife was due to give birth. He was refused and his wife gave birth while he was in detention. His farm was also damaged during this time. KHRP is working on his case arguing multiple violations of his human rights, including mistreatment and the violation of the right to a fair trial.
- **Zaven Karapetyan** is a schoolteacher with no previous convictions. On 22 March 2003 he was taken to a police station in the early hours after getting a lift from Mkhitarian and Kirakosyan the previous night on their return from the demonstration. He was made to sign documents that he was unable to read since he did not have his glasses. He remained in administrative detention for 10 days for public order offences despite not having attended the demonstration. During this time his health suffered due to a cardio-vascular condition exacerbated by the conditions of detention. KHRP is working on his case, also arguing multiple violations of his human rights.

## Torture and Ill-Treatment

**The past five years have been very worrying for anti-torture campaigners. The fight against international terrorism has undermined much of the progress made on the abolition of torture and other cruel, inhuman and degrading treatment, with governments deeming such practices justifiable and necessary.**

We have been unyielding in our efforts to defend the precious ground won on the eradication of torture and ill-treatment, particularly in Turkey but increasingly also in the Caucasus. Our pioneering work in strategic litigation and advocacy has been at the forefront of this. We have ensured the reduction of detention periods and the redefinition of rape as a form of torture under the European Convention on Human Rights (ECHR). We have therefore revolutionised how rape by or with the acquiescence of a state actor is seen in international law.

Our experience has taught us that there are many practical measures capable of dramatically reducing incidents of torture and ill-treatment. The central means of doing so is independent supervision of law enforcement and security authorities coupled with effective criminal accountability.

Despite what we have achieved since our establishment in 1992, reports of torture or ill-treatment in the Kurdish regions and beyond persist with a troubling regularity. A two tier criminal justice system is increasingly evident in Turkey, characterised by 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. Those suspected of or arrested /detained for 'terrorist' offences are more at risk. Through regular meetings with survivors of torture or ill-treatment and their defenders, we continuously monitor the behaviour of law enforcement and security authorities. The Human Rights Foundation of Turkey estimates that in the first half of 2006 there were 113 reported cases of torture and ill-treatment filed against law enforcement officials. According to The Human Rights Association (İHD), 165 people were subjected to torture and ill treatment in Turkey between January and May 2006. The true figures are most likely far higher, but fear of the authorities means that the majority of incidences of torture go unreported. The scarcity of convictions and the light sentences imposed on police and gendarmerie for killings and torture, along with the intimidation of victims and witnesses has fostered a climate of impunity and a belief that reporting torture is a futile exercise.

We strive to obtain effective criminal accountability through domestic or international courts. We monitor domestic cases against police and other officials accused of violating the prohibition of torture or ill-treatment. When these cases fail to achieve redress for victims, submitting complaints to international human rights courts provides an incentive for states to bring future torturers to justice. For example, following the acquittal of all eleven of the police

officials accused of ill-treating Ferhat Kaya - a local politician and human rights defender who has worked to mitigate the impact of BP's Baku-Tbilisi-Ceyhan pipeline in north-east Turkey - we submitted a new case to the ECtHR complaining that his human rights had been violated. Such cases have strong results since they compel the Turkish government to bear the cost of pecuniary and non-pecuniary damages.



***ABOVE: KHRP applicant Grisha Virabyan, who was detained and badly beaten by police in Armenia in 2004.***

Naturally, it is inadequate to pigeonhole cases brought before the ECtHR under just one heading. Typically a case will combine torture or ill-treatment with other human rights violations. For example, the ECtHR has recognised in many of our right to life cases that the mental anguish experienced by individuals following the 'disappearance' of a relative was a violation of the prohibition of torture or ill-treatment. Similarly, it has held that the destruction of family homes and possessions before an individual's eyes is a form of psychological torture sufficient to breach the ECHR. In the landmark Abdullah Öcalan v. Turkey judgment, the Grand Chamber in 2005 confirmed the ECtHR's strongest statements yet in condemning recourse to the death penalty, describing it as an inhuman or degrading form of punishment. Details of our right to life litigation are dealt with below.

We did extensive work in 2006 on the right to be free of torture or ill-treatment. We made three new submissions along with our

ongoing casework at the ECtHR. These included the following cases:

- **Grisha Virabyan** was detained in Armenia on 23 April 2004 for allegedly carrying a gun at a political rally. In detention he was kicked and beaten over a period of 6 hours by a number of police officers. He was so badly injured he required major surgery. During the assault he attempted to defend himself, though handcuffed, and was thus charged with assaulting a police officer. The initial charges for possession of a weapon were never brought any further. KHRP submitted a case in 2006 arguing that Armenia acted in violation of Article 3 of the ECHR (prohibition of torture), amongst other articles.
- **Hayati Kaytan** was arrested in Syria in 2003 and after almost a month in incommunicado detention was handed over to the Turkish authorities. In Turkish custody he was subjected to inhuman and degrading treatment including being left hungry and thirsty, deprived of sleep and subjected to constant threats of arbitrary execution. He was sentenced to life imprisonment by the State Security Courts. KHRP has submitted a case arguing that Turkey violated several articles of the ECHR including Article 3 (prohibition of torture) and Article 6 (right to a fair trial).
- **Ercan Ayaz**, a Turkish citizen living in Germany, was arrested at Atatürk Airport in Istanbul along with five others on their way to Iraq. He was beaten and threatened by police before he was released at the airport the next day. Following the incident, he went to the Human Rights Foundation in Istanbul where he reported the abuse and

was given a physical examination, revealing several serious injuries. KHRP is working on his case in the ECtHR complaining of ill-treatment and the denial of an effective remedy.

- In 2006 we also submitted along with our partners a further case at the ECtHR on behalf of Abdullah Öcalan regarding serious concerns about the conditions of his detention at İmralı Island prison, where he has been held as the sole inmate in solitary confinement since 1999. The physical conditions of his cell are cramped and dark, he suffers sensory deprivation and his access to legal advice and to visitors is unlawfully restricted. His health is in decline as a result of these conditions.

## Environmental Justice

### *Baku-Tbilisi-Ceyhan oil pipeline*

**The social and environmental impacts of BP's Baku-Tbilisi-Ceyhan pipeline through Azerbaijan, Georgia and Turkey are set to worsen ever since its inauguration on 13 July.**

The pipeline, whose construction began three and a half years ago, is expected to transport 1 million barrels of oil per day by 2008. It has had a severe impact on the people and environment of Azerbaijan, Georgia and Turkey. A majority of people living on the route initially supported the pipeline before construction began, but now most oppose it, having seen the promises that it would bring development and prosperity broken.



*Human rights defender Ferhat Kaya has faced harassment, ill-treatment and a prison sentence for his work to mitigate the impact of the Baku-Tbilisi-Ceyhan oil pipeline in Turkey. Pictured: Ferhat Kaya, photographed during a fact-finding mission to Turkey, 2005*

People have lost their land and their livelihoods, often with minimal or no compensation. In Georgia compensation disputes persist. In Azerbaijan, people had to sign compensation documents written in the Latin script, whereas they can only read in Cyrillic. Similarly, in Turkey, many of the expropriation documents were in English.

Far from bringing promised long-term, well-paid employment, international labour standards have been violated in all three countries. Workers from the three countries themselves have been paid a fraction of what foreigners have earned for the same jobs, have been kept in inadequate living conditions, and have been subject to short-term contracts and arbitrary dismissal.

The project has damaged protected areas, and has violated its environmental permits. In the vital Borjomi-Kharagauli National Park in Georgia, through which the pipeline passes, experts assert that BP has yet to give any realistic assessment of the risk to the area or to the mineral water produced there.

Critics of the project, such as human rights defender Ferhat Kaya (see *The Trials of Ferhat Kaya – Trial Observation Report*, KHRP, 2004), have been subject to intimidation and arrest. A central question will be whether the revenues are distributed accountably and fairly, or whether they will increase corruption and strengthen undemocratic institutions.

There are major concerns over flaws in construction standards, particularly regarding the pipeline's coating, which experts maintain is unsuitable and subject to corrosion and leakages. In 2006 BP came under enormous criticism for its patchy safety record following a March 2005 explosion in a Texas oil refinery which killed 15, and a devastating oil leak due to pipeline corrosion in Alaska in March 2006. These incidents are currently

under investigation by the US Department of Justice. Further, as 2006 drew to a close, environmental campaigners awaited the release of a scathing report headed by former US Secretary of State James Baker which was to be a damning indictment of BP's safety culture. These developments add further weight to the concerns of KHRP and its partners regarding the safety of the pipeline and its potential effect on the welfare of those living in its vicinity.

Since 2005, we, together with our partner organisations in the Baku-Ceyhan Campaign - Friends of the Earth England, Wales and Northern Ireland, the Corner House and Platform - have joined forces with other civil society organisations including CEE Bankwatch Network (Europe), Urgewald (Germany), Green Alternatives (Georgia), Center for Civic Initiatives (Azerbaijan) and the Committee for the Protection of Oil Workers' Rights (Azerbaijan) to:

- Enhance systems for monitoring the impacts of the pipeline, both in the three countries and through international fact-finding missions. Full reports of the group's September 2005 fact-finding missions to the affected areas were published in 2006 and are available to download at [www.khrp.org](http://www.khrp.org)

***RIGHT (from top): Some of our partners in our environmental work, from left: Nick Hildyard, The Corner House; Heike Drillisch, WEED; Judith Neyer, FERN; Joanna Hunt, KHRP; Christine Eberlein, BERN Declaration; Ercan Ayboga, Initiative to Keep Hasankeyf Alive***

***The ancient city Hasankeyf in south-east Turkey stands to be flooded by the proposed Ilisu dam (photo: John Wreford)***





*A view of the ancient city of Hasankeyf*

- Help individuals and communities whose rights have been violated to seek redress through local, national and international courts and international recourse mechanisms, and to press for independent and accessible mechanisms for redress
- Examine the broader economic, social and environmental impacts of the pipeline in the three countries
- Hold to account the companies and financial institutions that backed the pipeline and push for their urgent reform. This included providing expert evidence to a UK House of Commons Trade and Industry Select Committee investigation into the Export Credit Guarantees Department (ECGD), which ultimately criticised the ECGD's lack of transparency over the project. We also continue to raise awareness of the project through regular press releases, supporters' updates and press and broadcast media interviews.

#### *Southeast Anatolian Dams (Gap) Project*

**In 2002, financial support for the GAP project's proposed Ilisu and Cizre dams in Turkey collapsed following an exemplary international campaign to defend the area's ancient sites of archaeological significance as well as the welfare of up to 78,000 people, mostly Kurds, who stood to be displaced by the project. Unfortunately, in 2006 a new consortium was gearing up to revive the discredited project.**

Formal applications for public funding support were still being considered by the export credit agencies (ECAs) of Austria, Switzerland and Germany at the end of 2006, and there is grave concern that these applications will be approved without due



***Kerim Yildiz addresses meeting on Ilisu Dam at the European Parliament in May 2006***

consideration of the dams' impact on the riverine populations of Turkey, Iraq and Syria. KHRP research has documented that there exists an overwhelming local opposition to the dam project. Local communities have vigorously disputed the claim that 100 per cent of locals have been consulted, as suggested by the company leading the consortium, VA Tech Hydro.

The planned project poses a grave risk to water supplies and threatens to make water another weapon of war in this already unstable region. It is estimated that if the Ilisu and Cizre dams go ahead, the water supply to Iraq and Syria will be severely reduced, affecting the lives of millions of people, particularly those who rely on the waters for floodplain agriculture. The Ilisu issue

is therefore not simply one of security, but of the basic human right to an equitable share in natural resources. The Turkish government and the governments considering providing funding to this project are bound by the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses. This requires Turkey to adequately notify, consult, and negotiate with Iraq and Syria before beginning this project. KHRP has learnt that this has not been done, and as such both Turkey and the Swiss, German and Austrian governments risk running in contravention of international law if they approve the dams' funding.

Throughout 2006 we have worked with local, regional, national and international civil society organisations to:

- Enhance systems for monitoring the dam, through regular liaison with communities on the ground and through international fact-finding missions. See our joint publication with the National University of Ireland, Galway, *The Cultural and Environmental Impact of Large Dams in Southeast Turkey*, KHRP, 2005
- Examine the broader political, economic, social and environmental impacts of the dam. On 12 May we and our partners attended a European Parliament debate on the implications of the dam project in the context of Turkey's EU accession process.
- Hold to account the companies and financial institutions that are backing the project. Throughout 2006 this included raising awareness of the project through our newsletter, website, press releases and press and broadcast media.

## Freedom of Expression

**F**reedom of expression forms the foundation of the rights to hold particular beliefs, thoughts or conscience; to adhere to a particular religion; or to associate or assemble with others sharing similar beliefs. These rights all combine to allow individuals to realise their full human potential and to have a constructive impact on the world in which they live.

Turkey is officially committed to the right to freedom of expression through its constitution and its international obligations. It has made this commitment more explicit and more binding since the start of the EU accession process which has required Turkey to institute numerous reforms in this area. Yet despite extensive new legislation passed in 2005 there remain serious concerns about censorship. This apprehension has proven to be well-founded with prosecutions against publishers, human rights defenders, writers, artists, and journalists on the increase ever since 2005's legislative reforms. Article 301 of the Turkish Penal Code has most frequently been used in such prosecutions, which showed no signs of letting up in 2006.

The freedoms of expression, association, thought, conscience, belief and religion continue to be priority areas for our work in Turkey. The year began with the KHRP-documented case against Orhan Pamuk for 'denigrating Turkishness' being thrown out of court. Since then, however, there have been many more. In February 2006 KHRP conducted an observation of the trial of two academics who fell foul of Articles 301 and 216 of the Penal Code (see *Suppressing*

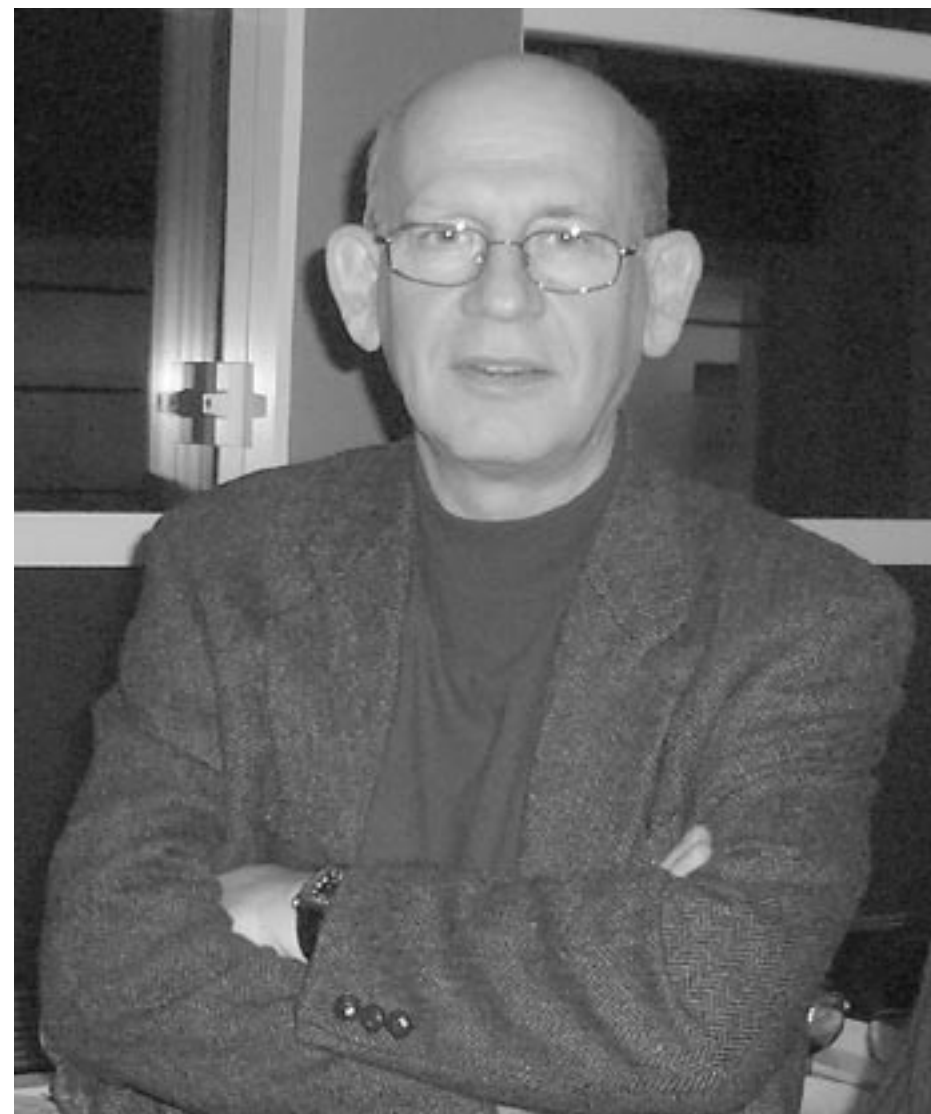


*Academic Debate: The Turkish Penal Code*, KHRP, 2006). The accused, Baskın Oran and İbrahim Kaboğlu were brought to the dock for criticising Turkey's minorities policy and suggesting that the official use of the word 'Turk' to describe citizens of Turkey is insufficient, since the state has citizens of other backgrounds, such as Kurdish, Arab, Greek and Armenian. For this, they were accused of 'denigrating Turkishness'. The irony of the case was the fact the professors peacefully expressed these sentiments under the aegis of an official report commissioned by the Prime Minister's office.

Though the professors were eventually acquitted, their case is illustrative of the problems that persist with freedom of expression in Turkey. As it stands, the current laws are being used not only to maliciously prosecute those who speak in a dissenting or alternative voice, but further leave those maligned open to physical danger. This was illustrated in 2006 by the death threats issued against Orhan Pamuk, Fatih Taş and Hrant Dink amongst many others.

Despite the EU accession process there remains, therefore, a raft of provisions in the Penal Code which continue to allow the criminalisation of the non-violent expression of political opinion. If Turkey is to adequately protect the right to freedom of expression, additional reforms are needed to bring legislation in line with international standards. Along with our partners in the region KHRP continues to closely monitor freedom of expression cases in Turkey, and encourages the European Commission do the same.

It also came out in our partner meeting in February that freedom of expression remains an issue not just in Turkey but right across the regions. Issues of women's and minority rights remain topics where discussion is extremely restricted, particularly in Iran, but also in the Kurdish Regional Government's (KRG) administration. In the



***Exiled Turkish journalist Koray Düzgören, whose KHRP-assisted case received a positive judgement in 2006***



KRG, though conditions for freedom of expression are generally better than for Kurds in Iran or Turkey, concerns remain about the scope of such freedom and the level of public and government understanding of its import.

As well as examining the overall practice of violations of freedom of expression and of association, our work on individual cases continued in 2006, and included two positive judgements at the ECtHR:

- In November we received a positive judgement from the ECtHR in the case of **Koray Düzgören**. Düzgören, a Turkish citizen now living in London, was indicted for inciting others to evade military service and subsequently sentenced to two month's imprisonment and fined. In June 1998, he distributed leaflets outside Ankara State Security Court and collected a petition stating that he should be prosecuted for having committed a crime. The applicant contested that the prosecution infringed upon his freedom of expression. In addition, he objected that the General Staff Court was not an independent and impartial tribunal because two military judges were on the bench. On 9 November 2006, the Court held that there was a violation of Article 6(1), the right to a fair trial, and Article 10, the right to freedom of expression.
- **Abdullah Mehmet Varlı, Kazım Yakmaz, Mehmet Reşit Irgat, Mehmet Yağmur, Kerem Soylu, Ali Şola, Reşit Koçeroğlu, İsmet Kılıçarslan and Mehmet Gürkey**, are all Turkish citizens, all but one of whom were members of HADEP, the People's Democratic Party. In 1996, each was prosecuted and sentenced to two years in prison and fined 1,720,000 TRL for distributing propaganda against



*LEFT (top to bottom): Ed Grieves of the KHRP Legal Team (right) with Prof. Baskin Oran (left), who was prosecuted in 2006 for criticising Turkey's minorities policies in a Government-commissioned report*

*Orhan Pamuk entering court during his 2005 trial for 'insulting Turkishness'*

the State, inciting racial and regional discrimination and claiming a Kurdish nation within Turkey. The applicants contend they did not receive a fair trial as there was a military judge on the panel of judges, and they were subject to discrimination since they were religious and political figures. After serving seven months, the remainder of their sentences was suspended for three years. The European Court's judgment on 27 April 2006 declared violations of both Articles 6 and 10, the right to a fair trial and freedom of expression.

We have also continued our work on Armenian cases which touch both on freedom of expression and the right to a fair hearing:

- **Mesrop Movsesyan** is the chairman of Meltex Ltd., an independent Armenian television company. After commencing broadcasting, the applicant submitted license applications for seven different frequencies, but was refused the license in each instance by the National Commission of Television. No reasons were given for the refusal of the license applications. The applicant took complaints to the Commercial Court and to the Court of Cassation, but with no result. The applicant believes the decisions had political motivation, given that the members of the Commission of Television are appointed by the President of Armenia. KHRP is working on a case at the ECtHR arguing that Armenia violated the applicant's right to freedom of expression, the right to a fair hearing, and discriminated against him for political reasons.
- **Artak Zeynalyan** is a war veteran and a surgeon who lost his leg in 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 in the Ministry of Health. The applicant requested access to the electoral register for the referendum of 27 Nov 2005, a referendum to amend the constitution. Following failed requests to the police and unsuccessful appeals to the Court to grant him access to the electoral register, he took a case to the ECtHR with KHRP. KHRP is arguing that the applicant's right to receive information should fall within article 10 (Freedom of Expression) and that therefore this right, as well as his right to a reasoned judgment and an effective remedy had been violated. The applicant's case is particularly pressing after the previous April 2004 referendum fell under suspicion of electoral fraud.

## Gender Equality

**Discrimination and violence against women are relentless and systematic throughout the world and are all the more damaging when compounded by ethnic discrimination and violent conflict. Women in the Kurdish regions face multiple discrimination on ethnic, gender and religious fronts, often without access to political or legal remedies.**

Women bear the brunt of human rights abuses in conflict situations, while having key roles in post-conflict society, often as widows and lone heads of the household. Through training, research, and public awareness activities KHRP works hard to ensure the full recognition of women as survivors of human rights abuses, and

actively supports and encourages the role of women in peace work and community reconstruction.

Our trainings focus on how women access their internationally and nationally recognised human rights. We have committed ourselves to advancing gender equality by 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 2006 we conducted our first ever women's rights trainings in Van in south-east Turkey. Many women were widowed or lost family members during the

conflict between Kurdish armed groups and the Turkish state in the Southeast. State funds have typically been directed towards the conflict, rather than to much-needed employment, educational and related programmes, leaving these women and their children with a lack of access to education and justice. Social, political, religious, cultural and economic barriers persist, making it very difficult to ameliorate their situation. On 11 February KHRP organised a training entitled 'Women, Conflict and Poverty' in conjunction with our partner Van Women's Association (VAKAD). Attended by over forty delegates from regional women's rights groups, human rights groups and other NGOs, the training's focus was CEDAW, the primary UN convention on women's rights. The training explored the practical ways in which this international mechanism can be used by women and men to demand full gender equality in the context of conflict and poverty. The session's particular

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***O**ur trainings focus on how women  
access their internationally and  
nationally recognised human rights.*

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success lay in the fact that attendance was split down the middle along gender lines – an encouraging sign that men can also see the value of promoting gender equality in Turkey. In response to the February training's enormous success and popularity we followed it up with a further one in July entitled 'CEDAW is Not the Only UN Mechanism'. This training, which we organised in conjunction with VAKAD and BIKAD KOOP, was attended by twenty-eight human rights advocates. It sought to look beyond CEDAW at how all UN mechanisms can be used in the pursuance of gender equality.

In addition to our training, we have made significant steps in our research on gender issues in the regions. One of the more pressing issues concerning Kurdish women that came to

light in 2006 was the reportedly escalating rate of suicide amongst them. KHRP believes that by studying such a serious problem, targeted solutions and strategies aimed at reducing the high suicide rate can be devised. In response to a call for proposals from the European Parliament we made an application for a grant to research the issue. In November we were awarded the full grant and began preparations for a comprehensive fact-finding mission to the regions to be carried out by KHRP legal team members and several women's NGOs in the regions.

Throughout the year we have also worked to raise public awareness of the discrimination faced by women in the Kurdish regions, including delivering public talks and being featured several times on national and international media.

## Internal Displacement and Expropriation

**Nearly all 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 carry on without the exposure that it would get in interstate conflict.**

During the armed conflict in south-east Turkey between 1984 and 1999 an estimated 3 million people were internally displaced. The majority has been unable to return home since being evacuated or forcibly evicted from towns and villages during state security operations in the early 1990s. Although their right to return home is recognised in domestic and international law, very few have been able to do so. The government has failed to provide infrastructure such as electricity, telephone lines and schooling to returning communities. There is an 80 per cent rate of unemployment among internally displaced people (IDPs) in major south-east Kurdish cities. In some areas, the government's paramilitary village guards intimidate, attack and sometimes even kill returnees, further discouraging return. The major upsurge in violence by both state and non-state armed groups in 2006, particularly during the month of March (see our report *Indiscriminate Use of Force*, KHRP, 2006), has made the need to secure redress for these marginalised groups even more pressing.

The European Commission has consistently described the situation of IDPs in Turkey as 'critical' in its progress reports, though it has

done little else to improve matters. In July 2004, Turkey introduced a law purporting to grant compensation to people who had suffered a loss of property during 'anti-terror' operations (Law 5233), along with a project for the return and rehabilitation of IDPs. However, research we have conducted in the regions over the past two years has found this appeals process to be seriously flawed, leaving the overwhelming majority of IDPs without any effective remedy for the loss of their property and livelihoods.

Our most recent research on the question of IDPs in Turkey took the form of a fact-finding mission to Van and Ankara in the summer of 2006, conducted in cooperation with the Bar Human Rights Committee of England and Wales. The mission's aim was to obtain a full understanding of the policy and practice regarding IDPs in Turkey, and the extent to which reforms have been effective, particularly in the light of a recent judgement by the European Court of Human Rights that Law 5233 provides effective redress to IDPs. The mission's findings cast serious doubt on the soundness of this judgement, concluding that Law 5233 and the Return to Village and Rehabilitation Project fall far short of requisite international standards of redress.

In addition to our research and fact-finding work, KHRP trainings such as those mentioned above in the 'Gender Equality' section help to equip internally displaced people and those defending them with the tools necessary to approach international human rights mechanisms for resolution of their cases and for the improvement of their material situations.

Recent European Court of Human Rights judgments have suggested that restoration of properties and compensation for 'loss of use' could be an effective remedy (see *Xenides-Arestis v. Turkey*



*Taşcanak (Xirabedar in Kurdish) is a returned IDP village in Van province. It was evacuated by the security forces in 1994, but some of the villagers returned in 2001. They have been rebuilding their village and trying to rebuild their lives ever since. The mission visited Taşcanak on 4 July 2006 to investigate the living conditions in the village'*



*Özlüce, a Kurdish village which was evacuated and burnt by the Turkish security forces in 1996. Of its population of 500 fewer than 200 returned in 2001. The returnees receive some assistance under the Return to Villages and Rehabilitation Project, but facilities are extremely basic, with only two taps serving the village's water needs. There are no medical facilities of any kind. Though the assistance provided it welcomed, it is not sufficient to fully address the villagers' needs, or compensate them for what they have lost.*



in KHRP Legal Review 9, June 2006). We continue to examine how this could prove significant in cases affecting Kurdish IDPs. Our ECtHR case-work in relation to internal displacement and expropriation of property in 2006 suffered a setback with an inadmissibility decision by the ECtHR in the case of **Siddika Süleymanoğlu** and **Meliha Yasul**. Süleymanoğlu and Yasul are Turkish nationals living in Diyarbakır, Turkey. Following forced evacuation of their village in Ağartı during the months of November and May 1999, the applicants' houses were set on fire by security forces. The government maintains they evacuated of their own accord and that damage to their homes was a result of winter conditions and lack of regular upkeep. On 13 July 2006, the case was declared inadmissible due to non-exhaustion of Law 5233. This decision reflects the general approach the ECtHR has taken towards IDPs since the case of *İçer v. Turkey*, which assumes that Law 5233 is a sufficient means of redress. KHRP's research has demonstrated this to be far from the case, rendering this decision all the more disappointing.

Despite this setback, we continued our work on IDP cases in 2006. This included the ongoing case of six Azerbaijani Kurds who were forced to leave their homes in the town of Lachin in Nagorno-Karabakh when it was captured by Armenian forces in May 1992 and have since been unable to return to their homes. KHRP is conducting an ongoing case in the ECtHR on their behalf, arguing that the applicants' ethnic and religious affiliations are the reason for their current displacement. KHRP is also closely monitoring the IDP situation in Iraqi Kurdistan. The Baathist Anfal campaign of the 1980s caused the displacement of hundreds of thousands of Kurds in the region. By 2006 the Kurdish Regional Government managed to close all Anfal IDP refugee camps and provided

housing for most of the displaced. However, as this problem is on its way to some form of solution, insurgency and violence in the rest of Iraq are causing a worsening IDP situation in Iraq as a whole. Many of these IDPs have made their way to the relative calm of the KRG. It remains to be seen how the KRG administration will deal with this new influx of dispossessed IDPs, who are in great need of assistance.

## Migrants, Refugees and Asylum-Seekers in and from the Kurdish Regions

A very high proportion of the world's refugees and asylum seekers come from the Kurdish regions due to the widespread human rights abuses there. Due to its position on the meeting point of the Middle-East and the European Union, Turkey is a destination for many Kurdish and other refugees from Iran, Iraq, Syria and elsewhere. Given Turkey's existing difficulties with its 3 million internally displaced, the influx of refugees from other states has proven doubly difficult to manage.

In July 2006 KHRP and the Bar Human Rights Committee of England and Wales conducted a fact-finding mission to Turkey in order to gather information on the situation of persons arriving in Turkey seeking asylum and humanitarian protection. As with the question of IDPs, the mission found serious shortcomings in the legal framework in place to address the problems faced by refugees. Chief amongst these is the fact that Turkey still exercises an outdated 'geographical limitation' in its international obligations to provide asylum, leaving non-European refugees with no chance of asylum in Turkey. Further reforms are necessary for Turkey to



meet international standards in dealing with the difficult issue of refugees and asylum-seekers in its territory. With this in mind, KHRP sent several urgent communications to the United Nations Special Procedures (the various Special Rapporteurs) throughout 2006 drawing the organisation's attention to the shortcomings in Turkey's refugee and asylum policy.

The Kurdish Regional Government in Northern Iraq also faces many challenges with regard to Kurdish refugees from other states, particularly Iran. Tens of thousands of Iranian Kurds remain in UNHCR refugee camps in Iraqi Kurdistan ever since the Iran-Iraq war. These refugees suffer from many problems such as high unemployment and poor health. There are few prospects for them in the KRG since authorities there are not authorised to give them Iraqi citizenship and are therefore unable fully to absorb them. Urgent action is required to provide these refugees with a meaningful future after 25 years of dispossession and displacement.

Due to the presence of many refugees and asylum seekers from these countries arriving in Europe we are also frequently approached for assistance and advice about refugee and migration policy in general. Throughout the year on an ad hoc basis, we provided independent expert reports which evaluated the case and, where applicable, the government's reasons for refusal. Our unique position also enables us to participate in consultations with governments about immigration issues pertaining to the Kurdish regions and in general.



*Young boy from a Kurdish family from Iran seeking refuge in Turkey*



*A six year old boy shot dead by security forces at the scene of a demonstration, Diyarbakır, Turkey, March 2006*

## Right to Life

**T**he people of the Kurdish regions face constant threats to their lives from both state and non-state actors. Persistent conditions of conflict make personal security extremely precarious. The lack of reliable and discrimination-free political and judicial systems in the Kurdish regions further add to the danger to people's lives. The major ways in which the right to life is violated in the Kurdish regions are the following:

- Death in custody
- 'Disappearances'
- Extrajudicial killings
- Death penalty

Turkey has the worst established track record for breaches of the right to life (Article 2 of the European Convention on Human Rights) out of all member states in the Council of Europe. The true circumstances surrounding deaths in custody, 'disappearance' and extrajudicial killings are often never fully uncovered due a persistent failure by 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. Indeed, in our work at the ECtHR it is often the authorities' failure to investigate deaths, and not the violation of the right to life itself, that leads the Court to rule against the state.

We have therefore stepped up our efforts to ensure that right to life cases brought to the ECtHR result in more findings of a violation of Article 2. Our training programme plays a key role in this. Most recently we delivered a training seminar focusing on the right to life in Diyarbakır, south-east Turkey in conjunction with Diyarbakır Bar Association on 6 May 2006. Over twenty-five human rights defenders attended, including men and women, young and senior lawyers and law students.

### *Death in custody*

Without effective controls and legal protection, individuals in detention are particularly vulnerable and death in custody can become commonplace. Countless prisoners and detainees have died in custody as a result of torture and ill-treatment by police and security forces in the Kurdish regions. Collecting evidence and seeking redress for relatives is an immense and sometimes insurmountable task. We have long fought to bring justice to victims and their families and worked to institute effective systems and controls in order to prevent future abuses.

Our cases relating to deaths in custody in 2006 included a successful judgement in the case of **Cemal Uçar**, who was kept blindfolded, deprived of food and subjected to electric shocks while being detained from 5 October to 2 November 1999 following abduction by four persons believed to be policemen. Upon his release, he was immediately arrested by police and forced to sign a statement declaring his responsibility for organising Hizbullah activities

in Diyarbakır. After appearing before the public prosecutor and denying involvement in such activities, he was further detained by State law ordering him back into custody. He was then transferred to an E-type prison in Diyarbakır where he died on 24 November 1999. Further investigation cited cause of death as suicide. KHRP brought the case to the ECtHR on behalf of his father Seydo Uçar. On 11 March 2006 the Court ruled that Article 13, right to an effective remedy, had been breached since the authorities failed fully to investigate the circumstances of Cemal's detention and death.

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***Without effective controls and legal protection, individuals in detention are particularly vulnerable and death in custody can become commonplace.***

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### *'Disappearances'*

During the 1990s, hundreds of human rights defenders, journalists and opposition political party representatives in the Kurdish region of south-east Turkey 'disappeared', often after last being seen in the custody of

Turkish security forces. Far from aiming to achieve reconciliation, the Turkish government has impeded investigations into these disappearances. More disturbing still, such incidents continue.

Over the past 15 years we have secured justice in many such 'disappearance' cases. Each was brought by relatives of the disappeared men and represented the final landmarks in lengthy legal battles. Many of the cases involved the disappearance of political figures or human rights advocates, whose outspokenness on the Kurdish issue made them targets. These cases included the following:

- **Hüseyin Koku** was a prominent politician with the Democracy Party (DEP) and later the People's Democracy Party (HADEP). He was abducted by armed police officers in 2004. He suffered inhuman and degrading treatment and was found dead six months later. The ECtHR said that it was unclear whether state agents had killed him, but that he had not been sufficiently protected and that the authorities had failed to investigate his disappearance and death.

- **Serdar Tanış** and **Ebubekir Deniz**, both prominent members of the People's Democratic Party (DEHAP) and of Kurdish origin, were requested to go to the Silopi police station in August 2000. In January 2001, both men disappeared. The ECtHR found that Turkey's failure to provide a credible explanation for the disappearances violated the right to life and that the right to a fair trial and the prohibition of torture and inhuman and degrading treatment had also been breached.

- **Mehmet Şen** was leading member of the DEP party and a mayoral candidate, for which he suffered police intimidation. The case was brought by his wife, Nuray Şen.

On 25 March 1994, he was abducted by plain-clothes police officers, tortured, shot and killed. Turkey was found to have violated the right to life for its failure to investigate the killing of the applicant's husband. We undertook further work on the case following the Strasbourg court's 2004 judgment condemning the Turkish Government.



*Barrister Ajanta Kaza delivers training on Article 2 of the ECHR, Diyarbakır, May 2006*

We also worked on behalf of the relatives of many people not involved in human rights or political work who disappeared. Two such cases saw great progress in 2006:

- **Attila Osmanoğlu** disappeared in March 1995 after eyewitnesses saw him being taken away by armed policemen. His father complains that his petitions to local authorities seeking answers about Attila's fate have been ignored. We submitted a new case to the ECtHR complaining of multiple breaches of his human rights. The case was declared admissible by the Court in 2006.

- **Mehmet Şah Şeker** was 23-years-old when he was abducted and disappeared on 9 October 1999. In the month before he disappeared, Mehmet had been involved in a fight with policemen, was followed and suffered threats from the police. Reports surfaced that he was forced into a car on the night he disappeared. Mehmet's father, after trying numerous times to request an

investigation regarding the disappearance, was called by the public prosecutor to give a blood sample to compare his DNA with that of alleged Hizbullah members' bodies. Nearly four years later, it was concluded that there was insufficient DNA in the bones of the bodies to carry out a DNA analysis. Mr Şeker believes that his son was abducted and killed by agents of the state and brought a case against Turkey with the assistance of KHRP. In February 2005, the case was unanimously declared admissible by the ECtHR and on 21 February 2006, the Court ruled that there had been a breach of Article 13, the right to an effective remedy, since Turkey failed to sufficiently investigate Mehmet's disappearance.



*Şiar Perinçek, son of Mehdi Perinçek, a member of the Human Rights Association of Turkey killed during an operation conducted by the anti-terror branch of the Adana Security Directorate in Adana, Turkey on 28 May 2004*

Further cases brought by KHRP involving the disappearance and death of Turkish citizens over the years included those of:

- **Abdulkadir Çelikbilek**, who was abducted by plain-clothes police officers in December 1994. He was killed and his body found on a rubbish heap near a cemetery eight days

later. The ECtHR judged that Turkey was responsible for his death and had violated the right to an effective remedy. The Turkish Government failed to provide documents about the case and this allowed the Court to draw inferences regarding their involvement in the victim's death.

- **Ihsan Haran**, who was witnessed being abducted from his village by security forces in 1994. His wife Nesibe brought the case after being repeatedly prevented from finding out where her husband was and from petitioning local courts. The ECtHR agreed that the authorities had not investigated Ihsan Haran's disappearance and there had accordingly been violations of the right to life, as well as other rights under the Convention.

- **Mehdi Akdeniz**, who was detained after Turkish Security forces arrived at his hamlet, Semversen in 1994. Villagers were ordered out of their homes which were burned and destroyed. Mehdi was beaten, tortured and never seen again. The Court found that the Turkish Government was responsible for his disappearance and death; guilty of torture and ill-treatment, and failing to investigate sufficiently.

### *Extrajudicial killings*

International law dictates that the circumstances in which a person's life can be taken are strictly construed. However, authorities all too often act outside of their legal authority, particularly in conflict situations. The circumstances of conflict make violations of the right to life no more acceptable. It is vital that the same ethical and legal principles which apply generally are also applied in times of conflict. We are determined to bring an end to such lawless killings.

In July 2006 we submitted a case to the ECtHR on behalf of the families of **Kasım Cağdavul** and others killed while attending a peaceful demonstration on 14 August 1993 in the eastern Turkish region of Kars. Around 17 people were killed and 63 seriously wounded by Turkish security forces. Without making any attempt to stop the demonstration in an orderly fashion, the security forces fired into the crowd, resulting in numerous casualties- none of the demonstrators was armed. In addition, witnesses saw bodies of victims being dragged along the ground behind the Security forces' armoured vehicles. We are pleading that the victims' rights to life, a fair trial, effective remedy, freedom from torture and discrimination, and freedom of expression and assembly, were violated.

Such incidents continue 13 years on. 2006 witnessed a grave escalation of state violence in south-east Turkey, particularly during the period of Newroz, Kurdish New Year. Clashes in the

district of Mardin between demonstrators and security forces left 17 dead, including four children. They also resulted in the injury and unlawful detention of hundreds more. Furthermore, there was speculation that chemical weapons were used. In April 2006 we sent a fact-finding mission to the region to investigate the impetus for and the implications of these violent clashes. The mission concluded that excessive, disproportionate and indiscriminate force was used by the police and security forces, inflaming otherwise peaceful protests and causing the spread of violence across the region. The mission's report, *Indiscriminate Use of Force: Violence in South-east Turkey*, was published in October 2006.

We also sent top-priority communications to the Organisation for Security and Cooperation in Europe (OSCE) and to the United Nations Special Procedures in order to draw urgent attention to the ongoing use of extrajudicial killing and indiscriminate force by the Turkish state.

We continue to work to ensure that signatories to the European Convention on Human Rights (ECHR) are compelled to comply with their extra-territorial human rights obligations when intervening in the territory of third states, and when under different jurisdictions. Our case *Mansur Pad and Others v. Turkey* concerns one Iraqi and seven Iranian citizens, all Kurds, who were abused and killed when Turkish troops crossed the border into Iran in 1999. The Turkish government has expressed responsibility for the killings. A case was communicated to the government in March 2005. We have made further representations in the case throughout 2006 and continue to await a judgement from

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***2006 witnessed a grave escalation of state violence in south-east Turkey, particularly during the period of Newroz, Kurdish New Year.***

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the Court. Such cases are of key importance not just for Turkey, but for all signatories of the ECHR, since they are instrumental in defining the human rights obligations of states with troops stationed abroad, for example British, Danish, Polish and other troops serving in Iraq.

### *Death penalty*

In May 2005 a KHRP case to the European Court of Human Rights resulted in the Court's strongest statement yet in condemning recourse to the death penalty. Its highest panel of judges confirmed that the imposition of capital punishment on Kurdish rebel leader Abdullah Öcalan violated his human rights in several respects.

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 prisoner on Imrali Island since 1999.

Öcalan was abducted from Kenya in 1999 and sentenced to death in Turkish courts. It was clear from the outset that if condemned by the ECtHR, Turkey would be forced to make a humiliating climb-down in the treatment of its longstanding opponent in order to accede to the EU. It is widely believed that this concern influenced Turkey's decision to reduce his sentence in 2002 to life imprisonment with no chance of parole or amnesty. In any event, the ECtHR held that the original imposition of the death penalty

had violated the prohibition of inhuman and degrading treatment, as well as the applicant's right to liberty, security and a fair trial.

Turkey's approach to upholding this ruling will be seen by many as a test of its commitment to the universal application of basic human rights and fundamental freedoms for all, irrespective of ethnic or political status. Indeed, KHRP has worked throughout 2006 to ensure that Turkey fulfils its obligations under the ruling and provides Öcalan a full retrial.

Despite the enormous influence of our work in securing the abolition of the death penalty in Turkey, it sadly persists in other parts of

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***Despite the enormous influence of our work in securing the abolition of the death penalty in Turkey, it sadly persists in other parts of the Kurdish regions.***

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the Kurdish regions, particularly in East Kurdistan, which falls within the borders of Iran. The human rights situation there has deteriorated across the board in 2006, particularly for ethnic and religious minorities. In March 2006 we reported that a Kurdish teenager was tortured to death by

security forces in western Iran; such incidents are commonplace. Executions for both political and non political crimes have sharply increased, as have extra-judicial killings. Human rights defenders and civil society campaigners are at the greatest risk. With the international community's attention turned on Iran's growing nuclear ambitions and the attending geo-political considerations, the focus has been diverted from Iran's appalling human rights record. We are working continuously to counteract this failure on the part of the international community and to highlight the ongoing human rights violations committed in Iran.





# Resources in 2006

## ADVOCACY AND TRAINING RESOURCES



### **Taking Human Rights Complaints to UN Mechanisms: A Manual**

ISBN 1905592035

Aiming to provide a guide to taking human rights complaints to UN mechanisms, this manual provides an update to the 2003 edition. Written by Kerim Yildiz, Executive Director, and Lucy Claridge, Legal Officer, the manual provides an overview of the different mechanisms and guides to their use. In addition, the manual also 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.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*

### **Taking Cases to the European Court of Human Rights: A Manual**

ISBN 1905592043

KHRP has published an update to its manual, Taking Cases to the European Court of Human Rights, intended to inform practitioners and interested individuals on the practical usage of the Strasbourg mechanisms. Written by Kerim Yildiz, Executive Director, and



Lucy Claridge, Legal Officer, the manual provides commentaries on the practice and procedure of the European Court, in addition to key texts such as the European Convention, the Court's application form and details of the legal aid available from the Court.

The manual has been distributed to human rights lawyers and individuals at KHRP's training sessions in Turkey and the Caucasus in order to aid them in utilising the European Court of Human Rights to improve respect for human

rights on the ground. Updates in Turkish and Russian languages will be available shortly.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



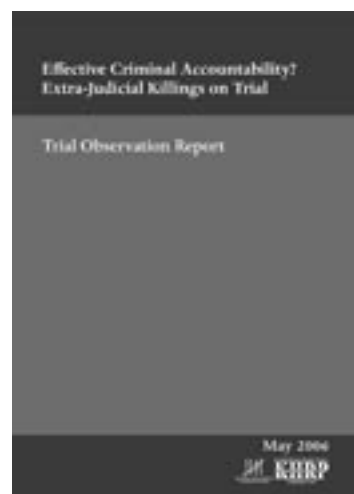
### **KHRP Legal Review (Biannual)**

ISSN 1462-6535

This is the only existing legal journal covering significant legislative and policy developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. Published biannually the legal review includes summaries and analysis of the most significant decisions of the ECtHR and UN mechanisms.

It is essential reading for anyone interested in monitoring legal developments in Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan. For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)

## FACT-FINDING AND TRIAL OBSERVATION REPORTS

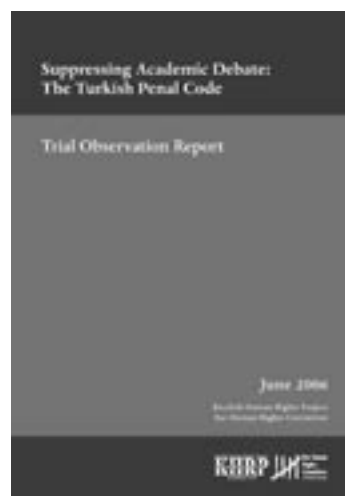


### Effective Criminal Accountability? Extra-Judicial Killings on Trial - Trial Observation Report

ISBN 1900175959

On 21 November 2004 Ahmet Kaymaz, 31, and his son Uğur, 12, were killed by undercover police officers in Kızıltepe, south-east Turkey. Proceedings were opened against four police officers on 27 December 2004, accusing them of using excessive force. This report comprises the findings of a joint trial observation mission by KHRP and the Bar Human

Rights Committee of England and Wales of the third hearing in the trial which took place in Eskisehir on 24 October 2005. The mission concluded there are grave concerns over the lack of effective criminal accountability for extra-judicial killings in south-east Turkey. For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)



### Suppressing Academic Debate: The Turkish Penal Code - Trial Observation Report

ISBN 1900175975

KHRP sent a trial observation mission to Turkey in February 2006 to observe the trials of Professor Baskın Oran and Professor İbrahim Özden Kaboğlu, members of the Human Rights Advisory Board of the Prime Ministry. These two individuals were charged under articles 301 and 216 of the revised Turkish Penal Code. The report concludes that despite

the amendments that have been enacted, the Turkish Penal Code continues to exert a “chilling effect” on free expression in Turkey.

For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)



### Turkey on Trial: The Prosecutions of Orhan Pamuk & Other Writers - Trial Observation Report

ISBN 1900175967

The Turkish government continues to deny the extent of the human rights violations and genocide committed against Kurds and Armenians in Turkey during the twentieth century. The renowned Turkish novelist Orhan Pamuk

referred to this in a media interview in Switzerland in February 2005. His comments attracted the attention of a Turkish prosecutor, who brought an indictment against Pamuk for ‘publicly insulting Turkish national identity.’ The prosecution became a flashpoint of concern over Turkey’s protection of freedom of expression, and a litmus test for its suitability for accession to the EU.

KHRP and the BHRC sent a mission to observe his trial and to interview others facing similar charges. Charges against Pamuk were subsequently dropped, but the question remains: why was the prosecution originally brought? And what will happen/ has happened to other lesser-known writers, editors, publishers and journalists facing similar prosecutions in Turkey?

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



**Promoting Conflict - the Şemdinli Bombing. Trial Observation Report**

ISBN 1905592019

In April 2006, KHRP Legal Team member Ajanta Kaza travelled to Turkey to observe the trial of two of three men accused of involvement in the bombing of a bookshop in the town of Şemdinli in the province of Hakkari.

The incident sent shock waves throughout Turkey and internationally because the three individuals accused

of planting the explosive devices – together with incriminating material – 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 report expresses concern that no investigation was conducted of higher level official involvement and at the high degree of political involvement in the Şemdinli incident by the government, state officials and senior military personnel.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



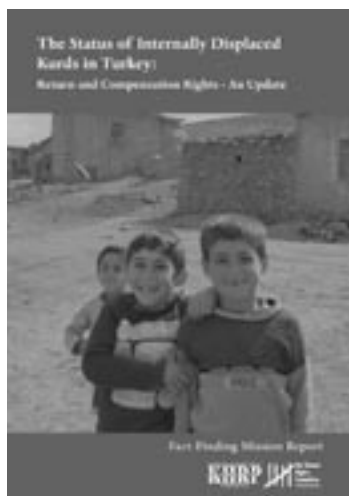
**Indiscriminate Use of Force: Violence in Southeast Turkey - Fact-Finding Mission Report**

ISBN 1905592027

On 24 March 2006, fourteen Kurdistan Workers’ Party (PKK) guerrillas were killed in the mountains outside Diyarbakır by the Turkish army. Thousands of people attended the funerals. Although they passed peacefully, some funeral goers threw stones and rocks when passing a police station. The police responded with tear gas, water cannons, batons and firearms, apparently indiscriminately. The security thereafter deteriorated and Special Forces were deployed. Violence rapidly spread to other Kurdish cities; many were killed, including children, and hundreds more were injured.

KHRP mission members, Michael Ivers and Brenda Campbell, visited the region between 19 and 24 April in order to monitor and document the situation on the ground. They spoke with witnesses of the violence and local human rights organisations. This report documents the mission's findings.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



### **The Status of Internally Displaced Kurds in Turkey : Return and Compensation Rights - An Update**

ISBN 1 905592 05 1

KHRP recently returned from Turkey where it gathered evidence on the situation and status of internally displaced persons (IDPs) in Turkey. The mission was carried out by KHRP Legal Officer, Lucy Claridge and Legal Team member, barrister Catriona Vine to investigate state policy and practise regarding measures to provide redress to persons

displaced during the armed conflict in east and south-east Turkey in the 1980s and 1990s. The mission discovered severe failings in the legislative mechanisms designed to deal fairly with IDPs and their claims for compensation. Without essential reforms to ameliorate the legal provisions available to displaced persons, this already marginalised group may never receive a just solution to their plight.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*

## **NEWSLINE**



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.

*To order back issues of Newsline, available from 1998 onwards, contact us at [khrp@khrp.org](mailto:khrp@khrp.org). The complete collection of back issues from issues 1 to 30 is available for 30.00 GBP. To become a Friend of KHRP and receive Newsline regularly, contact us.*

## **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](mailto:wjayawardene@khrp.org) with 'subscribe' in the subject line*

## RESEARCH



### **Turkey's Accession to the EU: Democracy, Human Rights and the Kurds**

ISBN 19001750991

This publication on the background to Turkey's accession to the EU was presented at the 2nd annual EUTCC conference on Turkey, the Kurds and the EU in September 2005. It evaluates the likely impact of EU membership on the democratisation process within Turkey and its likely benefits for human rights and fundamental freedoms and for

Turkey's Kurdish population. The publication goes on to assess the reforms that have been enacted thus far as part of the accession process, particularly the amendments that have been made to the Turkish Penal Code. Whilst acknowledging that great strides have been made, it ultimately concludes that a lot of work remains to be done on the part of the Turkish administration if the accession process is to fulfil the promise that it has engendered.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



### **Human Rights Defenders in Turkey**

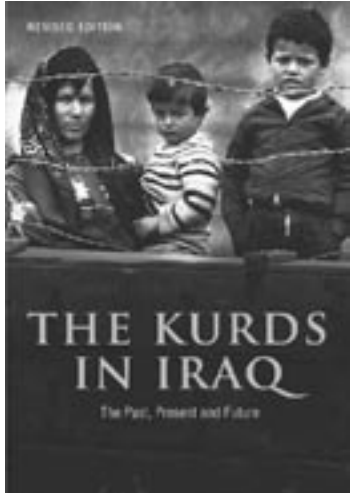
ISBN 978-1-905592-00-5

Turkey has a vibrant and dynamic human rights movement which has defied the odds to form an effective force for bringing the Turkish government to account for breaches of human rights. It is of crucial importance to Turkey's democratisation effort that Turkey acknowledges the validity of Human Rights Defenders' (HRDs) activities and respects their rights.

Because of their tendency to expose and criticise state actions violating human rights and to seek to impose government accountability, HRDs frequently themselves become primary targets of repressive state practices in breach of human rights.

KHRP has been instrumental in documenting abuses committed against HRDs, through pressing for improvements in their treatment and using international mechanisms to achieve justice for HRDs whose rights have been violated. This report is the result of research carried out by KHRP in London and representatives in Turkey. The aim of this report is to contribute to analysis and debate on the reform process as part of the EU accession by examining how far it is progressing in the direction of European standards in its treatment of HRDs.

*For ordering information see Order Form (page 75) or available to download at [www.khrp.org](http://www.khrp.org)*



**The Kurds in Iraq - The Past, Present and Future, Revised Edition, by Kerim Yildiz (in association with Pluto Press)**

ISBN 978 0 7453 2663 4

This new edition of *The Kurds in Iraq* brings the book fully up-to-date in the light of recent events in Iraq, and the civil war that threatens to engulf the region.

Yildiz explores the impact of occupation and escalating violence. There is an entirely new chapter on Kirkuk, which continues to be of major strategic interest

to the various powers in the region. There is also a new chapter on insurgency and sectarianism that examines the motivations behind the insurgency, and tactics that are used, and outlines possible ways to deal with it.

The book is a unique account of the problems that all political groups face in bringing stability to the country, as well as exploring Kurdish links and international relations in the broader sense. It should be required reading for policy-makers and anyone interested in the current position of Kurds in Iraq.

*Hardback*

*Publication available for 25 GBP from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 405 3835*



**The Kurds in Iran - The Past, Present and Future by Kerim Yildiz and Tanyel B. Taysi (in association with Pluto Press)**

ISBN 978 0 7453 2669 6

This book offers a historical overview of Iran's development since the First World War through to the revolution of 1979, the war with Iraq, and the emergent state policy towards its Kurdish population. It provides a thorough critique of Iran's human rights record, especially for minorities and women. Yildiz and Taysi address Iran's relationship with its neighbours and the

West, the implications of Ahmadinejad's rise to power and the impact of the Islamic state on human rights. They analyse Iran's prospects for the future and how the resolution of the Kurdish issue in Iran affects the future of the region as a whole as well as Iran's international policy and relations.

*Publication available for 25 GBP from [publications@khrp.org](mailto:publications@khrp.org) or +44 (0) 207 405 3835 – Hardback*

## **WEBSITE**

The KHRP website ([www.khrp.org](http://www.khrp.org)) has grown significantly in terms of content and scope since it began. Today, it is consistently ranked among the best resources available on Kurdish issues, being both a source of updates as well as featuring an archive of reports, publications and submissions to international conferences and mechanisms. Including information about all of the organisation's



*Kurdish children playing, Iraqi Kurdistan (Photo: Tom Carrigan)*

activities since its establishment in 1992, it attracted over 3 million hits in 2006.

The website is currently in the process of being redesigned and modernised. The new site is expected to go live in mid-2007.

## **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.

On an ad hoc basis, we provide independent expert reports in asylum cases which evaluate the case and, where applicable, the government's reasons for refusal (see Migrants, Refugees and Asylum Seekers, page X).





# 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 trusts and foundations and non-statutory sources. In addition we receive money from a number of private institutions and individuals.

## **Our funders in 2006 included:**

Bishop's Subcommission for Misereor ( Germany )

The Bromley Trust ( UK )

Finnish Ministry for Foreign Affairs ( Finland )

Oak Foundation ( USA )

The Sigrid Rausing Trust ( UK )

Stiching Cizera Botan ( Netherlands )

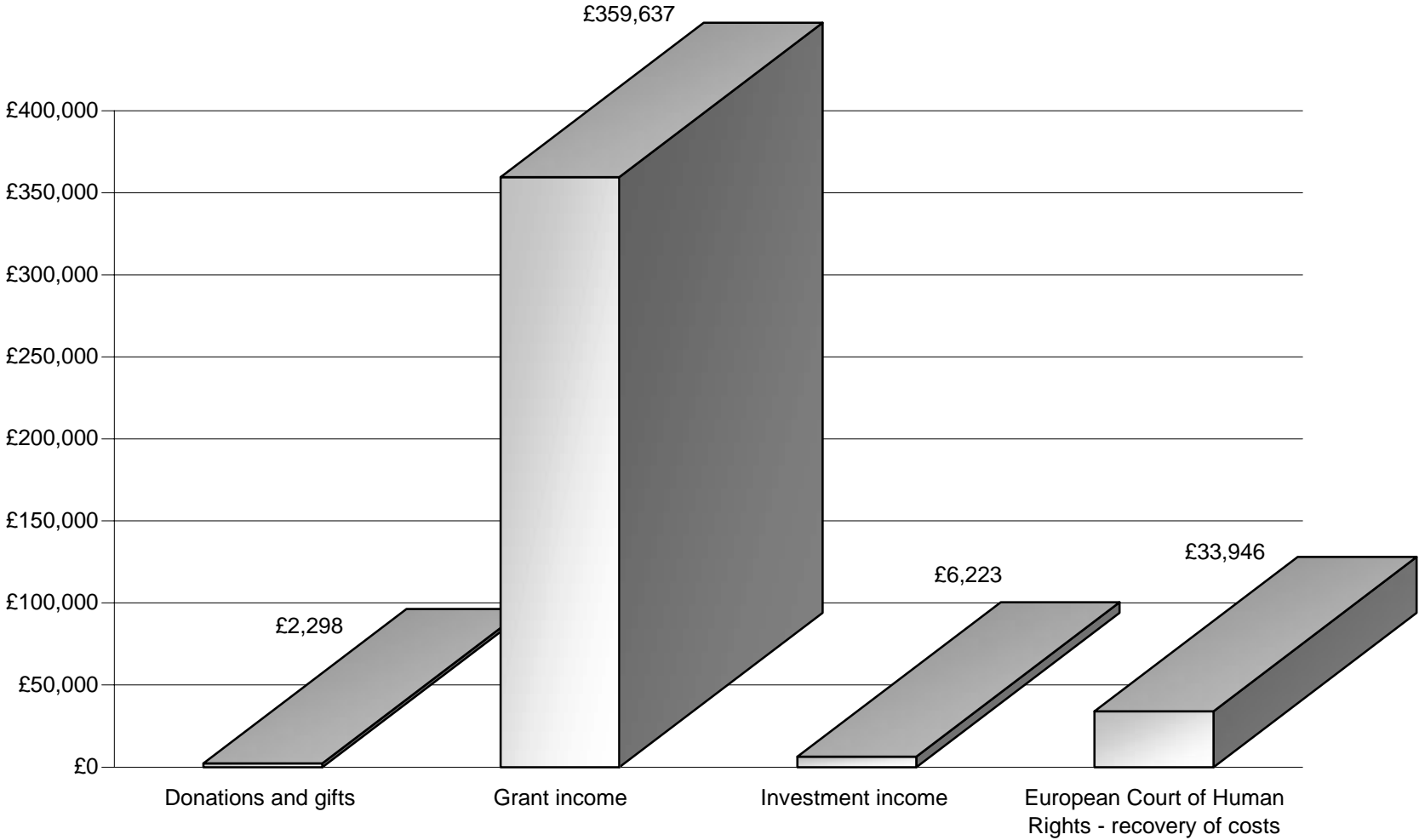
UN Voluntary Fund for Victims of Torture ( Switzerland )

Irish Aid (Ireland)

Big Lottery Fund (UK)

Bar Human Rights Committee for England and Wales (UK)

**KHRP: Sources of funding 2006**



“In our opinion:

the financial statements give a true and fair view, in accordance with United Kingdom Generally Accepted Accounting Practice, of the state of the charitable company’s affairs as at 31 December 2006 and of its incoming resources and application of resources, including income and expenditure for the year then ended; and the financial statements have been properly prepared in accordance with the Companies Act 1985; and the information given in the Management Committee’s Report is consistent with the financial statements.”

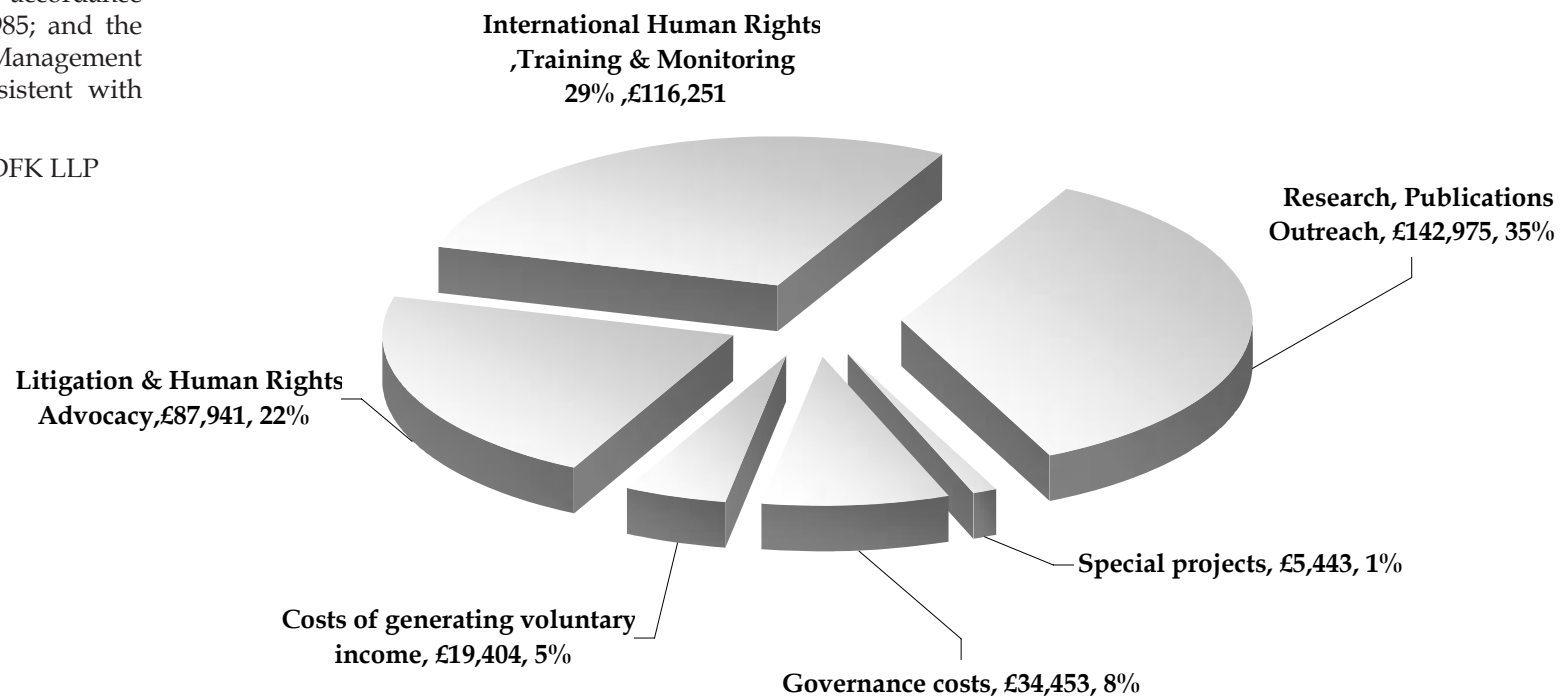
CHANTREY VELLACOTT DFK LLP

Chartered Accountants

Registered Auditor

LONDON

### KHRP: Resources expended 2006





# Our Partners and Affiliates

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

Where possible, we encourage strategic networking and issue-based alliances. 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 in the regions, the UK and worldwide are essential to the work of the KHRP. We extend our sincerest thanks to all of them.

## Our partners and affiliates are:

The Baku-Ceyhan Campaign

The Bar Human Rights Committee of England and Wales

Berne Declaration

*Çağdaş Gazeteciler Derneği* (Contemporary Journalists' Association)

Centre for Civic Initiatives, Azerbaijan

Civil Development Organisation, Sulemanya, Iraq

The Corner House

*Diyarbakır Barosu* (Diyarbakır Bar Association)

ECA Watch, Switzerland and Austria

EU-Turkey Civic Commission

FERN, Belgium

Forum Law Centre, Armenia (formerly Union of Armenian Lawyers)

*Göç Edenler Sosyal Yardımlaşma ve Kültür Derneği* (Göç-Der)

*Hasankeyfi Yaşatma Girişimi* (The Initiative to Keep Hasankeyf Alive)

*İnsan Hakları Derneği* (The Human Rights Association of Turkey - İHD)

*İnsan Hakları ve Mazlumlar İçin Dayanışma Derneği* (Mazlum-Der - The Association of Human Rights and Solidarity for Oppressed People in Turkey)

Kurdish Human Rights Watch, Iraq

Platform

*Toplum ve Hukuk Araştırmaları Vakfı* (The Foundation for Legal and Social Studies - TOHAV)

*Van Kadın Derneği* (Van Women's Association - VAKAD)

World Economy, Ecology and Development (WEED), Germany

World Wildlife Fund

Xorhelat Institute, Iran



# Thank You

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

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## **Organisations:**

25 Bedford Row, Adalet ve Kalkınma Partisi (Justice and Development Party, AKP), AKDER (Women's Rights Organisation Against Discrimination, Appichar, Bağlar Municipality, Batman Bar Association, Batman Mayor's Office, Batman Journalist's Association, Bianet, BİKAD-KOOP, Bostaniçi Municipality, Chantrey Vellacott DFK LLP, Cumhuriyet Halk Partisi (Republican People's Party, CHP), Demokratik Toplum Partisi (Democratic Society Party, DTP), DİKASUM, Diyarbakır Democracy Platform, Diyarbakır Metropolitan Municipality, Diyarbakır Shopkeeper's Association, Environmental Defence, Dutch Ministry of Foreign Affairs, Foreign and Commonwealth Office, Garden Court Chambers, JUSTICE, Kardelen Women House, Karis Law, Key Travel Kurdish Women's Project, Kurdish Association of Victoria, Lawyers Association of Istanbul, London Kurdish Film Festival Organising Committee, Mailboxes Etc, Medico International, Rafto Foundation, Rhyme Systems, SELİS, Sterry Communications, Swiss Ministry of Foreign Affairs, Torske and Sterling Legal Marketing, Van Regional 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 You Can Help

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.

Please consider helping us in one of the following ways.



*Kurdish IDP children, south-east Turkey, 2003.*

**Give regularly and 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. Details about how to give are provided overleaf. If you are a current UK tax payer, 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. You can also opt to receive our quarterly newsletter updates.

**Give now** - 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, conducting a women's rights training for in-country lawyers, to undertaking fact-finding & trial observations missions to find out more about, & lend international support to those repeatedly persecuted. Details about how to give are provided overleaf. If you are a current UK tax payer, please do not forget that you can gift-aid your donation to increase its value by up to 28% at no extra cost to yourself. You can also opt to receive our quarterly newsletter updates.

**Legacies** - The drawing up of a will, or the adding of 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.

**Grants and Trusts** – We rely on charitable trusts, foundations and institutions to help us obtain redress for victims and survivors of human rights abuse. You can help by advising us of the names of contacts at private or government trusts and other grant-making bodies or nominating us for funds from trusts/ companies that do not accept unsolicited nominations.

**Corporate** – 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.

**Raising 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.

### Other Ways of Giving -

- 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
- Go to [www.everyclick.com](http://www.everyclick.com) and select KHRP as your designated charity – help raise free money for KHRP while you search the web
- Go to [www.buy.at](http://www.buy.at), [www.easyfundraising.org](http://www.easyfundraising.org), or [www.everyclick.com](http://www.everyclick.com) and select KHRP as your designated charity to generate commission when you shop online. **Retailers include 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)
- Go to [www.ebay.co.uk](http://www.ebay.co.uk) and select KHRP as your designated charity - sell items on ebay and donate a percentage of the income to KHRP
- Go to [www.officegreen.co.uk](http://www.officegreen.co.uk) and select KHRP as your designated charity - donate the value of your used inkjet and toner printer cartridges and old mobile phones to KHRP

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The management is responsible to the board of directors, who retain responsibility for the organisation's compliance with its aims, objectives and charitable mandate. We are also subject to the legal and regulatory framework surrounding registered charities in England and Wales.

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Gareth Peirce (Solicitor)

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Tim Otty QC (Barrister)

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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](mailto:khrp@khrp.org).

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Development & Outreach Assistant -  
Rebecca Sammut (from November 2006)  
Special Assistant to the Executive Director  
- Joanna Hunt (resigned 23<sup>rd</sup> August 2006)  
Public Relations Officer - Rochelle Harris  
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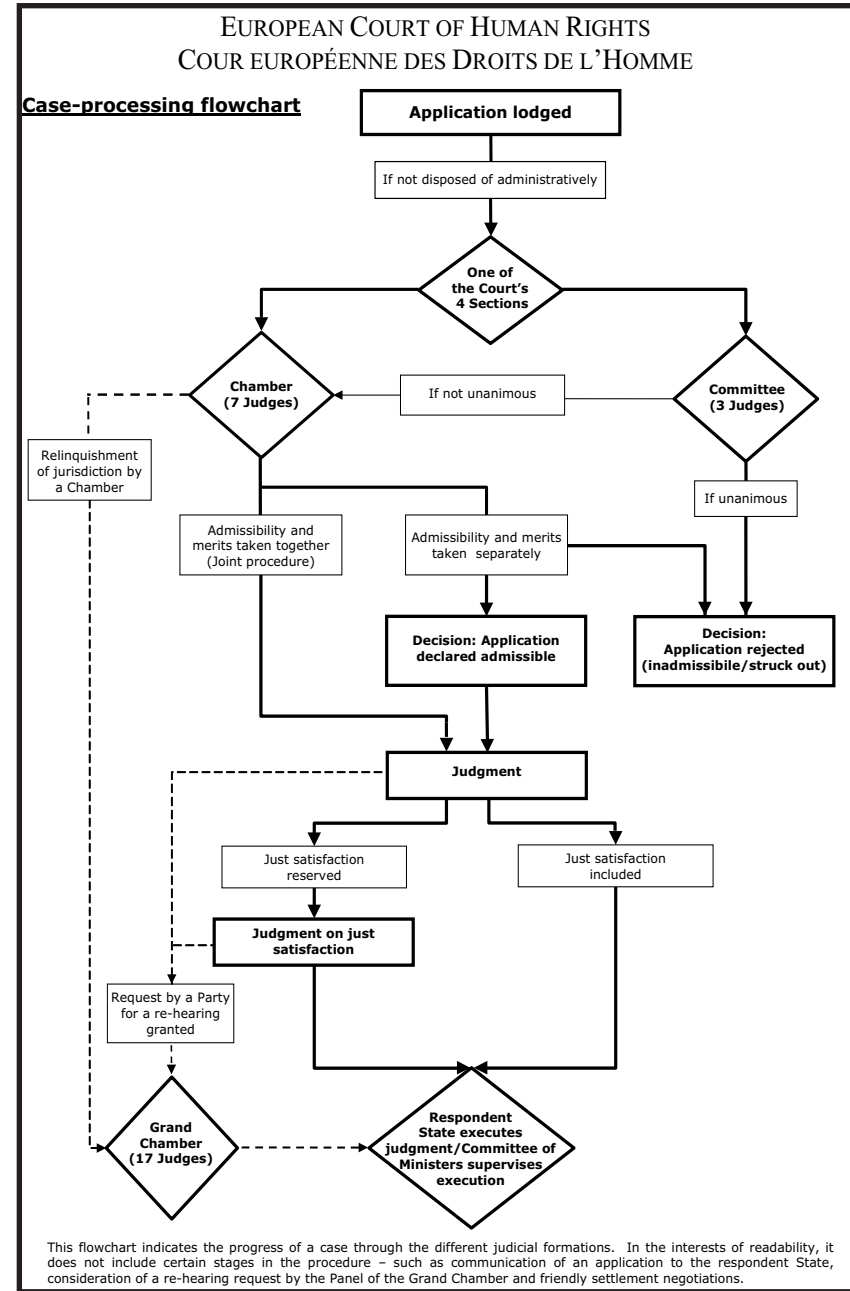
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Kasumaza Saito  
Sara Ingeski  
Medya Doğan

#### **Contractors**

Olvan de Ianello  
Tom Mills

# Appendix

*Diagram 1: Practice and Procedure of the European Court of Human Rights*





**Diagram 2: Our Activities: Overview**

Thematic Area	Region	Related Countries/Regions	Title
<b>TOOLS FOR PUBLIC PARTICIPATION IN SECURING THEIR HUMAN RIGHTS</b>			
	Caucasus, Eurasia	Armenia, Azerbaijan, Turkey	Human Rights Training
	Eurasia	Turkey	Trial Observation and Fact-Finding Missions
	Eurasia, Middle East	Iraq	Human Rights Litigation and Advocacy
<b>DETENTION, TORTURE AND ILL-TREATMENT</b>			
	Caucasus, Eurasia	CoE Region, Armenia, Azerbaijan, Turkey	Human Rights Litigation and Advocacy
<b>DISCRIMINATION</b>			
	Eurasia, Middle East, Europe	CoE Region, OSCE Region, Turkey, Syria, Iran, EU	Public Awareness, Education and Communication Strategies
	Eurasia, Europe	CoE Region, OSCE Region, Turkey, EU	Human Rights Litigation and Advocacy
	Eurasia, Middle East	CoE Region, Turkey, Syria	Trial Observations and Fact-Finding Missions
<b>ENVIRONMENTAL JUSTICE</b>			
	Caucasus, Eurasia	Georgia, Turkey	Trial Observation and Fact-Finding Missions
	Caucasus, Eurasia	Azerbaijan, Georgia, Turkey, OECD Region	Human Rights Litigation and Advocacy
	Caucasus, Eurasia	Azerbaijan, Georgia, Turkey	Public Awareness, Education and Communication Strategies
<b>EXTRA-TERRITORIAL HUMAN RIGHTS OBLIGATIONS</b>			
	Worldwide	Turkey, Iraq, Iran	Human Rights Litigation and Advocacy
<b>FREEDOM OF EXPRESSION, THOUGHT, CONSCIENCE AND RELIGION</b>			
	Caucasus, Eurasia	CoE Region, Armenia, Turkey	Human Rights Litigation and Advocacy
	Eurasia	Turkey	Trial Observation and Fact-Finding Missions
	Eurasia	Turkey	Research and Publications

Thematic Area	Region	Related Countries/Regions	Title
<b>GENDER EQUALITY</b>			
	Middle East, Eurasia	Iraq, Turkey	Human Rights Litigation and Advocacy
	Middle East, Eurasia	Iraq, Turkey	Human Rights Training
	Middle East, Eurasia	Syrian, Turkey	Trial Observation and Fact-Finding Missions
	Middle East, Eurasia, Caucasus	Armenia, Azerbaijan, Iraq, Iran, Syria, Turkey, EU	Public Awareness, Education and Communication Strategies
<b>INTERNAL DISPLACEMENT AND EXPROPRIATION</b>			
	Caucasus, Eurasia	Azerbaijan, Georgia, Turkey, Armenia	Human Rights Litigation and Advocacy
	Eurasia	Turkey	Human Rights Training
	Eurasia	Turkey	Trial Observation and Fact-Finding Missions
	Eurasia	Turkey	Public Awareness, Education and Communication Strategies
<b>REFUGEES, ASYLUM SEEKERS AND MIGRANTS</b>			
	Eurasia, Europe, Middle East	Iraq, Syria, Turkey, several EU countries	Public Awareness, Education and Communication Strategies
	Eurasia, Europe, Middle East	Iraq, Syria, Turkey, several EU countries	Human Rights Litigation and Advocacy
<b>RIGHT TO LIFE</b>			
	Caucasus, Asia, Middle East	CoE Region, Iraq, Iran, Turkey, Azerbaijan	Human Rights Litigation and Advocacy
	Eurasia	Turkey	Trial Observation and Fact-Finding Missions
<b>PROTECTION OF HUMAN RIGHTS AND LAW</b>			
	Caucasus, Eurasia	CoE Region, Armenia, Azerbaijan, Turkey	Human Rights Litigation and Advocacy
	Caucasus, Eurasia	Armenia, Azerbaijan, Turkey	Human Rights Training



*“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*

*“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 Dundar, 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*