

# Kurdish Human Rights Project Impact Report

2008

Kurdish Human Rights Project

**KHRP**

Established 1992





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## Contact Details

Kurdish Human Rights Project (KHRP)  
11 Guilford Street  
London WC1N 1DH United Kingdom  
Tel: +44 (0)207 405 3835  
Fax: +44 (0)207 404 9088  
[www.khrp.org](http://www.khrp.org)  
[khrp@khrp.org](mailto:khrp@khrp.org)

### HOW TO GIVE FEEDBACK ON THE IMPACT REPORT

This impact report covers the period from January to December 2008. 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.

The cover image and the images on pages 8, 14, 22, 54, 72, 76 and 82 were taken by Bea Yates in the Kurdish regions of Turkey. The images on pages 32, 62 and 70 were taken by Tom Carrigan in Kurdistan, Iraq.

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

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# Letter from the Director and Chairman

Dear Friends,

As 2008 came to a close, Michael Mansfield QC hosted an anniversary fundraising dinner for KHRP at the Law Society in London and we launched a book of photography commissioned by the Delfina Foundation to mark 15 years of our struggle for justice, equality and the rule of law in the Kurdish regions. The scale of these events, along with the breadth of our activities throughout the year, underlined just how far we have come since we started out in the early 1990s with the idea of using international mechanisms to tackle entrenched human rights violations in this neglected part of the world.

In the intervening period, the situation in the Kurdish regions has in many respects changed almost unrecognisably. In south-east Turkey, the open warfare, extra-judicial killings and systematic destruction of Kurdish villages that characterised the 1990s subsided, and 2002 saw the end of the lengthy period of emergency rule under which such atrocities had occurred. Meanwhile, a string of states in the Caucasus joined the Council of Europe and became subject to the jurisdiction of the European Court of Human Rights (ECtHR), and Turkey began negotiations to accede to the European Union (EU). Perhaps most dramatically, the war in Iraq in 2003 marked the end of Baath rule there and paved the way for the emergence of the autonomous Kurdistan Regional Governorate (KRG).

For all persons living in the Kurdish regions today, however, human rights violations remain a feature of everyday life – rather than disappearing, threats to fundamental freedoms have simply shifted and evolved. Throughout the region, governments and their security forces continue to stamp out public debate on important issues, obstruct the work of civil society groups, repress peaceful expressions of minority linguistic, ethnic and cultural identities, and restrict democratic participation in politics. Gender inequality and gender-based violence remain endemic, large-scale displacement resulting from past conflicts is yet to be properly addressed, and the threat of brutality, torture, ill-treatment and extra-judicial killings persists. In recent years in particular, a resurgence of armed conflict in Turkey and northern Iraq has also inevitably exacted a terrible toll on civilian populations.

Against this backdrop, KHRP's own work has expanded and developed over the organisation's lifetime in order to adapt to this changing environment and confront new challenges as they arise. In addition to strategic litigation before the ECtHR, our activities now include research, publications, public awareness, capacity-building for human rights defenders on the ground, and advocacy through international human rights mechanisms. Throughout 2008 we continued to strive on all these fronts to uphold the human rights of all people in the Kurdish regions and beyond, as events on the ground continued to underline the continuing relevance and importance of such efforts.

In Turkey, while the government remains publicly committed to pursuing the EU accession process and implementing the terms of the Copenhagen Criteria, the reality on the ground often paints a sharply contrasting picture. Following a period of accession-driven legislative reform, recent years have been characterised by a loss of momentum and even regression in some areas. Unelected proponents of a narrow, staunchly secular and ethnically-exclusive nationalism continue to wield disproportionate power over democratically elected politicians, fuelling political turmoil that reached its latest climax in 2008 with the narrow failure of prosecutors to shut down the country's ruling party. Meanwhile, publishers, authors, journalists and others continue to be dragged through the courts for daring to publicly address taboo subjects. Restrictions on freedom of expression have been further facilitated by recent amendments to anti-terror legislation, which have also undermined custodial safeguards and fair trial rights.

In the Kurdish regions of the country in particular, a resurgence of armed clashes and military operations, coupled with the introduction of special security measures in a number of provinces, has gone hand-in-hand with a deterioration in the human rights situation. A KHRP mission to the region in the course of the year noted that freedom of expression and association have been particularly severely affected, but that there have also been reports of torture and extra-judicial killings, echoing – on a smaller scale – the atrocities witnessed at the height of the conflict.

In Kurdistan, Iraq, our work underlined the devastating impact of the new surge in cross-border bombardments, airstrikes and ground incursions by the Turkish and Iranian militaries, which have left many civilians dead and injured, driven countless families from their homes and done untold damage to livelihoods and local economies. KHRP responded to this alarming development with an unprecedented increase in our ECtHR caseload, filing new legal actions on behalf of no less than 76 Kurdish and non-Kurdish civilian victims of these operations. Across Kurdistan, Iraq, in spite of a real desire for the implementation of international human rights norms, factors including a lack of strategic support from international actors have contributed to unsatisfactory progress. As a result, recent KHRP missions noted a range of serious human rights concerns, such as haphazard application of the rule of law, widespread violence and discrimination against women, and abuses within the detention system.

The actions of the governments of Iran and Syria towards their Kurdish minorities also remained deeply alarming. Throughout the year, KHRP appealed to international human rights mechanisms, including UN bodies, on behalf of individual activists, journalists and other ordinary citizens of these countries who were subject to arbitrary arrest, torture and ill-treatment, unfair trials and application of the death penalty, as well as alleged extrajudicial killings.

We also continued to expand our activities in the Caucasus, including pursuing cases before the ECtHR in defence of free speech and association. Positive outcomes of this work in 2008 included judgments against Armenia in a number of cases involving persons arbitrarily arrested in connection with opposition demonstrations, as well as in another case addressing a *de facto* ban on broadcasting by the country's first independent television channel.

All these developments will be discussed in greater detail in the following pages. It is hoped that this report will provide the reader with a comprehensive insight into the full range of KHRP's activities in 2008, highlighting the ways in which our work has contributed to strengthening the protection of fundamental freedoms and supporting the development of a deep-rooted and resilient culture of respect for human rights in the Kurdish regions and beyond.

At this stage, it remains for us to express our deepest gratitude to KHRP's patrons, directors, advisory group, legal team, staff, interns, volunteers and all

other supporters. In these economically uncertain times, as we look ahead to a period that is likely to prove uniquely challenging for many charities, we are especially thankful to the funders – big and small, longstanding and new – who sustain our work. Without the expertise, skills and unflagging dedication that all of you bring to your various roles in support of KHRP, this organisation could not have become what it is today and would not be able to make the impact that it does. We hope that you are as excited as we are to be a part of the work outlined in this report, and we look forward to achieving many more successes together in the years to come.

Kerim Yıldız, Executive Director and Mark Muller QC, Chairman

# INTRODUCTION





## WHO WE ARE AND WHAT WE DO

The Kurdish Human Rights Project is the only human rights NGO working consistently across the Kurdish regions without any political affiliation or agenda. It is dedicated to the promotion and protection of the human rights of all persons in the Kurdish regions of Turkey, Iran, Iraq, Syria, the Caucasus and elsewhere. KHRP's 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 litigation before the European Court of Human Rights and other international institutions in order to expose, remedy and prevent human rights abuses across the Kurdish regions.
- Our base in London, coupled with our links with partner organisations in the Kurdish regions, puts us in a particularly strong position to monitor and evaluate developments there in an independent fashion.
- Our independence helps to ensure a high level of public confidence in our work, allowing us to offer an alternative way of engaging in debates on public policy and democratic development in the Kurdish regions.
- We are dedicated to representing the diversity that exists within the Kurdish regions and strive to give a voice to a wide range of perspectives, experiences and interests, including those of minority groups who find themselves marginalised.

## OUR VALUES AND OUR WORK

KHRP was originally founded in 1992 with the aim of taking effective action to address endemic and under-reported human rights violations in the Kurdish regions, including displacement, extra-judicial killings, torture and systematic discrimination. We approached this task with an understanding that it would require a unique set of strengths, including a consistent presence in the region and an understanding of the specific political, cultural and historical context, combined with expertise in international law and a solid reputation for political independence.

## VISION

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

## MISSION

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

## GOALS/AIMS

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

- Raise awareness of the human rights situation in the Kurdish regions of Iran, Iraq, Syria, Turkey and the Caucasus
- Bring an end to the violation of the rights of everybody who lives in the Kurdish regions.
- Promote the protection of the rights of Kurdish people wherever they may live.
- Eradicate torture both in the Kurdish regions and across the globe.

We also set out with the emphatic belief that human rights are universally applicable to all people, regardless of differences grounded in ethnicity, religion or gender, and this conviction remains central to our approach to this day. Thus while many beneficiaries of KHRP's work over the years have been Kurds, our activities also serve countless others, including those of Turkish, Arab, Armenian and Persian origins.

In addition, we are proud that our efforts contribute to the cause of human rights not only in the Kurdish regions, but also globally. Thanks to precedents set through our legal casework before the European Court of Human Rights, for example, rape is now acknowledged as a form of torture in all member states of

the Council of Europe. Our litigation programme also provides a model that has been emulated by human rights organisations both within the Kurdish regions and elsewhere.

While KHRP started out in the early 1990s with a focus on conducting **litigation** in the international courts, we have worked ceaselessly since those early years to develop and expand our methods. Today, KHRP has developed into a multidimensional organisation whose work also encompasses **fact-finding and trial observation missions, an influential public awareness strategy** that serves to keep human rights violations in the Kurdish regions on the international agenda, highly-regarded **publications** which serve to disseminate the findings of our research, and a **training** programme geared towards consolidating an independent capacity for human rights work by activists in the region. These interdependent methods and their specific applications in the course of the year are explored in more detail in *Our Methods: 2008 Overview*.

In recognition of the indivisibility and interdependence of human rights – and, indeed, of violations of these rights – KHRP seeks to be as comprehensive as possible in its approach to abuses in the Kurdish regions. Thus, while high-profile issues such as **freedom of expression, torture and ill-treatment and political and judicial** systems are central to our work, we also focus on areas that fall under the remit of international human rights law but typically receive less attention, including **culture and language and environmental justice**. Given the persistence of conflict in the Kurdish regions and the effect that this has in fuelling human rights violations, we also focus closely on the fallout of **war and instability**. Our findings, work and achievements in relation to all of these areas in the course of the year is covered in more detail in *Review 2008: Our Impact*.

## LOOKING AHEAD

Despite the many positive developments witnessed in the Kurdish regions, and indeed KHRP's own achievements over the past decade and a half, a great deal of work remains to be done in order to ensure the protection of the human rights of all those living in this part of the world. As 2008 drew to a close, a number of specific challenges loomed on the horizon.

Foremost amongst these are the ongoing bombardments of Kurdistan, Iraq by the Turkish and Iranian militaries, which continue to wreak havoc in the lives of countless civilians, causing death, injury, displacement and the destruction of property and livelihoods. KHRP will continue to use meetings with representatives of governments around the world to emphasise the human rights implications of these operations, which have so far received the tacit support of the international community. We will also dispatch further missions to the region to investigate the consequences, including credible reports of long-term environmental damage. In the meantime, our strategic litigation on behalf of victims before the European Court of Human Rights continues to break new ground, pushing the boundaries of international human

rights law on issues such as the responsibility of states for actions perpetrated by their agents outside their own territory.

Another ongoing focus will be the patterns of displacement seen across the Kurdish regions as a result not only of these cross-border attacks, but also wider instability in Iraq, a long history of conflict in Turkey, Iran and the Caucasus, and 'development' projects such as the Ilisu Dam. KHRP will continue to press for justice and adequate compensation for the millions who have been driven from their homes, and speak out on behalf of the many more who currently face the same prospect.

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*'Thanks to KHRP, I have understood the importance of taking my case to the European Court of Human Rights even now that I am safe, in order to prevent such horrible things from happening to other human beings in other parts of the world. This is what the struggle for human rights should be about.'*

*KHRP Applicant who was allegedly abducted and assaulted following a meeting with Turkish gendarmes in 2004*

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In addition, we will persist in the struggle against discrimination in all its forms throughout the Kurdish region. To this day, Kurds and other ethnic, linguistic and cultural minorities continue to face institutionalised prejudice, including bans on mother tongue education, prohibition of the Kurdish language in politics, and severe restrictions on its use in the media and other spheres of public life. At the core of KHRP's approach to this issue is the organisation's strategic litigation, which consistently invokes the prohibition of discrimination embodied in Article 14 of the European Convention on Human Rights.

Besides discrimination on grounds such as race, language and religion, we will also continue to focus on advancing the cause of women's rights in all aspects of life, including tackling gender-based violence and promoting an expanded role for women in the public sphere.

While the human rights environment in the Kurdish regions is constantly shifting and evolving, there remains an ongoing need for independent monitoring of the situation and concerted long-term efforts to address the many deep-seated factors that underlie these and other core concerns.

## OUR PARTNERS AND AFFILIATES

KHRP's work benefits from close relationships with a wide range of partner organisations in the Kurdish regions and elsewhere. These mutually-beneficial alliances help to facilitate the organisation of trial observation and fact-finding missions to the region, the provision of training for local human rights defenders, the sharing of information, experiences and advice, and the preparation of joint reports. The help and cooperation of our partners and affiliates are essential to KHRP's work, and we extend our heartfelt thanks to all of them.

In 2008 KHRP worked in partnership with:

- Advocates for International Development (A4ID)
- Armenian Bar Association
- Azerbaijan National Committee of the Helsinki Citizen's Association (HCA)
- Bağlar Municipality, Diyarbakır, Turkey
- Bar Human Rights Committee of England and Wales (BHRC)
- Batman Bar Association
- Berne Declaration
- Bindman & Partner Solicitors
- Birnberg Peirce & Partners
- Bostaniçi Municipality, Van, Turkey
- Çağdaş Gazeteciler Derneği (Contemporary Journalists Association)
- Center for Civic Initiatives
- Civil Development Organization (CDO)
- Delfina Foundation
- Diyarbakır Barosu (Diyarbakır Bar Association)
- Diyarbakır Metropolitan Municipality, Turkey
- ECA Watch
- EU-Turkey Civic Commission (EUTCC)
- Forests and the European Union Resource Network (FERN)
- Forum Law Centre, Armenia
- Toplum ve Hukuk Araştırmaları Vakfı (The Foundation for Society and Legal Studies, TOHAV)
- Garden Court North
- Göç-Der (The Association for Internally Displaced People), Diyarbakır Branch
- Göç-Der (The Association for Internally Displaced People), İstanbul
- Göç-Der (The Association for Internally Displaced People), Van Branch
- Hakkari Bar Association
- Harikar
- Human Rights Centre, Azerbaijan
- Human Rights Watch (HRW)

- Initiative to Keep Hasankeyf Alive, Turkey
- Initiative for Freedom of Expression, Turkey
- İnsan Hakları Derneği (Human Rights Association, İHD)
- İnsan Hakları Derneği (Human Rights Association, İHD), Batman Branch
- İnsan Hakları Derneği (Human Association, İHD), Bingöl Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), Diyarbakır Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), Hakkari Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), İstanbul Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), Mardin Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), Şırnak Branch
- İnsan Hakları Derneği (Human Rights Association, İHD), Tunceli representative office
- International Rivers Network
- Kurdistan Refugee Women's Organisation
- Kurdistan Regional Government Ministry of Trade
- Mazlum-Der (The Association of Human Rights & Solidarity for the Oppressed People in Turkey)
- Medico International E.V.
- Norwegian Bar Association
- Peri Yayınları (Peri Publishing House)
- Platform
- Rafto Foundation
- Refugee Council
- Refugee Legal Centre
- SELİS - Kadın Danışmanlık Merkezi (Women's Consultation Association)
- Şırnak Bar Association
- The Corner House
- The Kurdish Women's Project
- Tooks Chambers
- Trott & Gentry Solicitors
- Union of Kurdistan Writers, Dohuk
- University of Kurdistan, Hewler
- Van Bar Association
- Van Women's Association (VAKAD)
- Widows for Peace through Democracy (WPD)
- Women's Rights Organisation Against Discrimination (AKDER), Turkey
- World Economy, Ecology & Development (WEED)
- Xorhelat Institute, Iran
- Yenişehir Municipality, Diyarbakır, Turkey
- Young Lawyers Bar Association, Armenia
- Zimbabwe Benefit Foundation



*Guests at the book launch.*



*Lord Avebury gives a speech opening the evening.*



*Mark Thomas auctions images from the book.*

## CELEBRATING 15 YEARS OF THE KHRP

KHRP celebrated its 15th anniversary with the launch of a collection of photography and two successful fundraising events in late 2008.

On 19 November, KHRP Patron Michael Mansfield QC and Executive Director Kerim Yıldız hosted a dinner at the Law Society to raise funds for the organisation's pioneering cases before the European Court of Human Rights (ECtHR) on behalf of dozens of Kurdish and non-Kurdish civilians who have suffered as a result of attacks by the Turkish military in Kurdistan, Iraq.

KHRP's Honorary President Lord Avebury opened the evening with a speech on the history of the organisation and the challenges involved in carrying out human rights work in Turkey. Michael Mansfield QC spoke about the role of civil society in overcoming prejudice and building a human rights culture in the wake of social division, and thanked funders and supporters for their unwavering backing which has allowed the organisation to make tremendous contributions to international human rights law and the situation in the Kurdish regions.

KHRP Chairman Mark Muller QC also described his experiences of working with the organisation since its founding in 1992, expressing our gratitude for the support received over the years from the many high-profile figures in attendance on the night.

Later in the evening, Lord Avebury presented a certificate to Turkish lawyer Zeynep İnan Çam to mark her completion of four months working in KHRP's London office as a Sigrid Rausing Fellow.

'The longstanding financial support and flexibility of Sigrid Rausing and the Sigrid Rausing Trust has made an enormous difference to KHRP's work over the years,' Lord Avebury said. 'The fellowship in particular has helped to transform the human rights environment in the Kurdish regions by creating a unique opportunity for advocates from all of the area's diverse communities to exchange skills, experiences and perspectives with KHRP's Legal Team.'

The following day, Lord Avebury also hosted an event to launch *Kurds: Through the Photographer's Lens*, a collection of poetry, photographs and writing commissioned by the Delfina Foundation to commemorate a decade and a half of work by the KHRP. The book documents and celebrates the lives of the Kurds throughout that time through the eyes of some of the best-known photographers and photojournalists who have travelled to the region. Over the course of the evening images from the book were auctioned by comedian and human rights activist Mark Thomas, a long-standing supporter of KHRP, raising some £5,000 towards the organisation's work.

'It is a real honour that we continue to enjoy such proactive and enduring backing from people whose reputation and influence can help to bring about real changes in the human rights situation in the Kurdish regions,' said Executive Director Kerim Yıldız at the anniversary dinner. 'Without them, KHRP would not be what it is and the extraordinary progress that has been achieved through our litigation, advocacy and public awareness work over the past 15 years would not have been possible. We are immensely grateful for everything that they have done.'



*The Law Society event gets underway with speeches.*



*Kerim Yıldız, Lord Avebury and Mark Muller at the fundraising dinner.*



*Michael Mansfield QC addresses guests at the Law Society.*

# OUR METHODS: 2008 OVERVIEW





*KHRP's annual Legal Team meeting, Brick Court Chambers, London, June.*

## HUMAN RIGHTS LITIGATION AND ADVOCACY

When KHRP was launched back in 1992, it was with the aim of using litigation in international courts to bring about redress for human rights abuses. Throughout our evolution as an organisation, we have pioneered the strategic use of European and international human rights mechanisms as a means to tackle such abuses. Litigation therefore remains a cornerstone of our work. Not only does it provide actual redress for victims and their families, it also helps to publicise the wider contexts that encourage human rights abuses. In setting precedents through our litigation work, KHRP hopes to foster greater compliance among governments and state authorities with international human rights standards, and also to increase awareness among the wider public of their rights under international human rights law.

In 2008 we:

- Began work on 12 new cases representing an unprecedented 82 victims or survivors of human rights abuse before the European Court of Human Rights (ECtHR).
- Received favourable ECtHR judgements in eight cases representing a total of nine applicants.
- Received one ECtHR admissibility decision.

## KHRP AND INTERNATIONAL HUMAN RIGHTS MECHANISMS

### European Court of Human Rights (ECtHR)

The ECtHR is responsible for monitoring compliance with the European Convention on Human Rights, which is binding on all member states of the Council of Europe including Turkey, Armenia and Azerbaijan. KHRP pioneered the practice of taking cases to the ECtHR on behalf of individuals from the Kurdish regions whose rights under the Convention have been violated and who have been unable to secure justice before domestic courts.

### Organisation for Security and Cooperation in Europe (OSCE)

The OSCE is the world's largest regional security organisation, covering territory from Vancouver to Vladivostok. As participating states, Turkey, Armenia and Azerbaijan have pledged to uphold the rule of law, promote democracy and respect human rights. KHRP's submissions to the OSCE and active participation in its Human Dimension Mechanism provide an important forum for highlighting human rights violations in the Kurdish regions.

### United Nations Mechanisms

All states in the Kurdish regions are bound by international human rights agreements within the UN framework, including at least some out of: the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention for the Elimination of Racial Discrimination (CERD); the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). KHRP makes submissions to the UN committees responsible for overseeing the implementation of these agreements. We also make submissions to UN Special Rapporteurs, individual experts responsible for monitoring and recommending solutions to human rights problems within specific thematic or geographical areas.

## SIGRID RAUSING INTERNATIONAL FELLOWSHIP PROGRAMME

Zeynep İnan Çam, a Turkish lawyer with ten years of experience in commercial and criminal law, spent four months working in KHRP's London office in 2008 as part of the Sigrid Rausing International Fellowship Programme. The programme offers selected female advocates from the Kurdish regions the chance to work alongside KHRP's Legal Team, allowing for an exchange of expertise, experience and skills. Zeynep's placement also included a visit to Strasbourg to participate in a seminar on freedom of expression organised by the Open Society Justice Initiative.

KHRP would like to extend heartfelt thanks to Sigrid Rausing and the Sigrid Rausing Trust for making this programme possible.

On completing the fellowship, Zeynep had the following to say:

*'The first time I heard that I had been selected for the fellowship program at KHRP, I was inundated with questions posed by people around me: You have been a lawyer for ten years, what can you learn in a country which you don't know and in which another language is spoken? Yet I was aware of the opportunity that*



***Zeynep İnan Çam receives a certificate from KHRP Honorary President Lord Avebury to mark her completion of the fellowship.***

*was given and the contributions that this program would make to me.*

*I view my days at KHRP as the experience of a mature student. I had the chance to see the meticulous work of KHRP. I also had the chance to speak with a range of lawyers and to see the European Court of Human Rights. This was a moment that I have dreamt of for a long time. Understanding the universality of law and finding out about the human rights situation in other countries enabled me to think in different ways about my country and my profession.*

*Now that I am back in Turkey, I intend to take part in human rights institutions as much as I can. I would like to thank KHRP for giving me the opportunity to be a fellow and to acquire knowledge about human rights issues. I would also like to thank KHRP's staff for their support, interest and sincerity.'*

- Assisted and advised over 100 potential applicants, lawyers and NGOs both within the Kurdish Regions and in London.
- Continued to highlight human rights violations in submissions to international bodies including the Organisation for Security and Cooperation in Europe and the UN Committee on the Elimination of Racial Discrimination.

## TRAINING AND FELLOWSHIP

Another of KHRP's core aims is to build independent local capacity for human rights enforcement. We aim to achieve this through our programme of regional training seminars designed to equip local activists, lawyers and officials throughout the Kurdish regions with the capacity to understand and practically apply international human rights standards and law. This not only provides local human rights defenders with more tools with which to seek redress for abuses, but also helps more broadly to facilitate the growth of a robust human rights culture. Training is a vital means of developing public awareness and confidence in human rights in areas where abuses occur frequently. KHRP endeavours



***KHRP Board member Raj Kumar Rai leads a training on Freedom of Expression in Yerevan, Armenia in September.***





*Training on 'Gender and Human Rights' at the KHRP office in October.*

to create training programmes that can serve as models to be replicated in the Kurdish regions and beyond.

In 2008 we:

- Conducted a total of five regional training sessions on using international human rights mechanisms to address human rights violations including torture and restrictions on free speech. These included seminars on how to effectively investigate violations of the European Convention on Human Rights (ECHR) and how to report such violations. Trainings were conducted across Turkey, in Kurdistan, Iraq and in Yerevan, Armenia.
- Conducted a total of four trainings on international mechanisms for the protection of women's rights, including the Convention for the Elimination of Discrimination Against Women (CEDAW). These were held in Turkey, Kurdistan, Iraq and London.



*KRG officials taking part in the training on human rights and investment in Arbil in December: Muhammad Rauf Muha, Minister of Trade; Swar Aziz, General Director, Ministry of Trade Diwan; Saeed Zebari, Consultant to the Ministry of Trade; Muhammad Farag Ahmad, Head of the Parliamentary Human Rights Commission; and Parween Nuri Aziz, General Director of the Ministry of Trade Company Registration Directorate.*

- Carried out our unique annual cross-border training in Dohuk in Kurdistan, Iraq on the rule of law in the Kurdish regions and capacity-building for local civil society organisations, bringing together human rights advocates from across the Kurdish regions.
- Conducted seminars on attracting foreign investment through strict adherence to human rights standards in Arbil in Kurdistan, Iraq.
- Continued to distribute our manuals on Taking Human Rights Complaints to UN Mechanisms and Taking Cases to the European Court of Human Rights, with the latter also translated into Armenian in the course of the year and the former translated into Sorani.



*KHRP representatives Josee Filion (left) and Julianne Stevenson (second from right) with Şırnak Bar Association members İlknur Yokuş Tanış (right) and Rojhat Dilsiz.*



*KHRP mission member Mary Hughes with members of the Yenişehir Children's Choir, prosecuted for performing a Kurdish song.*

In addition, we continued to run our International Fellowship Programme, through which selected advocates from the Kurdish regions come to London to work with our experienced Legal Team. This allows an exchange of legal and professional expertise and skills, empowering local advocates and engendering lasting change in the human rights climate across the Kurdish regions. The Fellowship also promotes cultural understanding between advocates within the regions and internationally. In 2008 KHRP hosted Sigrid Rausing Fellow Zeynep İnan Çam, a female lawyer from İzmir, Turkey, for four months.

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

Fact-finding missions and trial observations give KHRP the capacity to independently monitor patterns of human rights abuses in the Kurdish regions, thus underpinning all other aspects of our work. These missions also allow us to develop and maintain contacts and partnerships in the regions, to uphold links with victims and survivors of human rights violations and provide them with a sense of international solidarity, as well as sending a message to perpetrators that contraventions of international human rights norms will not go unchecked.

In 2008 we:

- Conducted four fact-finding missions, including three to Turkey and one to Kurdistan, Iraq. One mission to Turkey assessed the human rights situation in the Kurdish regions of the country, in the context of an upsurge in military activity and the establishment of a number of 'high security zones'. Another investigated the rights and treatment of Kurdish children in Turkish society, while a final mission to Turkey focused on the rights of prisoners and their families. The mission to Iraq concentrated on the human rights situation in the Kurdistan Regional Governorate (KRG) and the state of the region's human rights infrastructure. It also assessed the effects of cross-border bombardments and ground incursions by the Turkish military on local civilian populations.
- Conducted two trial observations in Turkey. The first took place in March and focused on proceedings against Ahmet Önal, a publisher accused of disseminating terrorist propaganda with a book on the Kurdish Diaspora. The second monitored the trial of members of the Yenişehir Children's

Choir who were tried in an adult court under anti-terror laws for singing a Kurdish song at a world music festival in San Francisco.

## RESEARCH AND PUBLICATIONS

KHRP produces a varied and dynamic selection of research, ranging from concise briefing papers to larger-scale reports based on desk research and/or missions to the region. All of KHRP's publications are made available free of charge through our website, with the aim of enhancing understanding of the human rights situation in the Kurdish regions. All publications are also available in print format and many have been translated into languages including Kurmanji, Sorani, Turkish, Persian, French, Russian and Armenian.

In 2008 we:

- Published and disseminated three fact-finding mission reports, one assessing the human rights implications of the escalation of military activity and the establishment of high security zones in south-east Turkey; another focusing on children's rights in Turkey; and another analysing the human rights infrastructure in Kurdistan, Iraq.
- Published and disseminated two trial observation reports focusing on legal proceedings against the publisher Ahmet Önal, who was accused of disseminating terrorist propaganda, and members of a children's choir charged with terror offences for performing a Kurdish song during an international tour.
- Published issues 13 and 14 of our *Legal Review*, a unique biannual journal dedicated to human rights issues and strategic litigation of relevance to the Kurdish regions and beyond.
- Published and disseminated *Newsline*, our quarterly newsletter, and *Impact Report 2007*, an overview of KHRP's activities during the previous year.
- Published and disseminated four briefing papers dealing with: the Turkish military intervention in Kurdistan, Iraq; the ongoing efforts to close down political parties in Turkey; the human rights implications of amendments to Turkish anti-terror laws; and the situation of trade unions in Turkey.



*KHRP Deputy Director Rachel Bernu speaks at an event at the House of Commons in October on the human rights situation facing Kurds in Syria.*



*KHRP Development and Outreach Officer Anna Irvin answers journalists' questions about the Ilisu Dam at the Zaragoza Expo on 'Water and Sustainability' in July.*



*KHRP Consultant on Women and Children's Rights Margaret Owen addresses a seminar organised by Kurdish Women's Rights in London in November.*

- Published the texts of three speeches by KHRP staff: one on the role of Kurdish women in dialogue, conflict resolution and human rights; another on the human rights implications of the Ilisu Dam Project; and one outlining the human rights situation faced by Kurds in Syria. We also published submissions made by KHRP to the Organisation for Security and Co-operation in Europe (OSCE) and the UN Committee on the Elimination of Racial Discrimination.
- Aided in the translation and posting of the UN Guiding Principles on Internationally Displaced Persons in January.

#### **PUBLIC AWARENESS CAMPAIGNS AND COMMUNICATION STRATEGIES**

It is KHRP's firm belief that if public awareness of human rights violations in the Kurdish regions was raised more consistently then greater efforts would

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*'In addition to securing redress for individual victims, KHRP's strategic litigation has broken new ground in Strasbourg and set precedents that advance the cause of human rights throughout Europe.'*

*Michael Mansfield QC, KHRP Patron*

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be made, and more pressure would be brought to bear, to stop such abuses. Over the past 15 years, KHRP has forged a reputation for producing high-quality, independent analysis, such that our input is increasingly sought after by policymakers, journalists, academics and civil society actors seeking the most up-to-date information on the human rights situation across the Kurdish regions.

In 2008 we:

- Achieved worldwide press and broadcast media coverage, including through outlets such as the BBC, the Guardian, Democracy Now, Press TV, Middle East Panorama, the Henry Jackson Society, DEM-TV (a UK-based Alevi TV station), al-Sharq al-Aswat and CKUT Radio News Collective (a station at McGill University in Canada).
- Released regular public statements on our own activities and wider developments in the Kurdish regions. Our press releases covered, among other topics, progress in our strategic litigation work, the continued restrictions on freedom of expression in the Kurdish regions and condemnation of the military actions carried out by Turkey and Iran in Kurdistan, Iraq throughout 2008.
- Liaised with a cross-section of state and non-state actors on the findings of our research and the impact of our human rights advocacy. These included US, UK, Irish, Swedish, Dutch and Norwegian officials, as well as representatives of the UN, the OSCE and the World Organisation Against

Torture (OMCT), and the respective offices of Barack Obama and Hillary Clinton.

- Delivered speeches and participated in seminars with NGOs, think tanks and other organisations from around the world. These included The Brookings Institution; the Institute for Policy Studies; City University, New York; Roehampton University; International PEN; and the Open Society Institute.
- Hosted and intervened in conferences and roundtable discussions in the United Kingdom, France, Colombia, Norway, Finland, the Netherlands and the United States.
- Continued to provide information and advice on a daily basis in response to inquiries from academics, journalists, researchers and other individuals with an interest in the Kurdish regions.
- Received nearly 60,000 unique visitors to our new website, amounting to a total of almost 110,000 visits, and welcomed over 800 new registered users.

The following is just a small sample of the events which KHRP hosted or participated in during the course of 2008:

- Hosted two roundtable meetings to help foster dialogue within the Kurdish diaspora: one for Syrian Kurds living in London, to discuss escalations in the repression of the country's Kurdish population; and another for members of the wider Kurdish community in London, to help identify and begin to address problems faced by diaspora organisations.
- Executive Director Kerim Yıldız delivered a speech titled 'Turkey, the Kurds and the EU' at the House of Commons, focusing on his observations during recent visits to the Kurdish regions (May).
- Deputy Director Rachel Bernu spoke on 'The Role of Kurdish Women in Dialogue, Conflict Resolution and Reconstruction' at an event at Garden Court Chambers, London alongside Kurdish politician and Sakharov Prize winner Leyla Zana (May).
- Development and Outreach Officer Anna Irvin delivered a speech on those likely to be effected through internal displacement by completion of the Ilisu Dam at the 'Water and Sustainability' themed Zaragoza Expo (July).

- Resources and Communications Coordinator Walter Jayawardene addressed a meeting of the London International Model United Nations on the subject of internal displacement in Turkey and the Iraqi border crisis (February).

In the course of 2008, KHRP also held two fundraising events and was honoured with the publication of a collection of photography from the Kurdish regions to mark our 15<sup>th</sup> anniversary (see page 13).



THE KURDISH REGIONS IN 2008: DEVELOPMENTS AND CONCERNS



*Map of the Kurdish regions (designed by Mark Ellison Jr.).*

## THE CAUCASUS

Kurds comprise small minorities in the republics of the Caucasus. Approximately 75,000 live in Armenia, making up 1.8 per cent of the overall population, whilst 200,000 Kurds (2.8 per cent of the populations) live in Azerbaijan. Additionally, Georgia is home to 40,000 Kurds (1.9 per cent of the population).

Freedom of expression remained a central area of concern in the Caucasus in 2008. In a KHRP-assisted case, the European Court of Human Rights (ECtHR) ruled in June that Armenia had illegitimately restricted freedom of expression in relation to its treatment of the country's first independent television station *AI+*,

## HUMAN RIGHTS VIOLATIONS IN THE KURDISH REGIONS IN 2008: OVERVIEW

- Turkey and Iran continued military action inside Kurdistan, Iraq, killing, injuring and displacing civilians, destroying property and agricultural infrastructure, and wrecking livelihoods.
- Iran reportedly carried out over 340 executions, continuing the trend witnessed in recent years of consistently increasing application of the death penalty.
- The European Court of Human Rights passed 264 judgments in cases involving Turkey in the course of the year, more than any other country and representing 16 per cent of the total number of judgments handed down by the Court. Of these, 257 found at least one violation of the European Convention on Human Rights.
- Writers, publishers, journalists and others throughout the Kurdish regions exercising their right to free speech continued to face harassment, intimidation, prosecution and in some cases assassination.
- Following disputed presidential elections and protests in Armenia, a state of emergency was declared and opposition figures were rounded up amid reports of brutality.
- Unelected officials in Turkey continued to target elected politicians who question the secular, ethnically exclusive nationalism associated with the political establishment, including taking steps to lift the immunity of MPs, file charges against them and ban their parties.
- Detainees throughout the region continued to face abuses including torture, ill-treatment and restrictions on their access to legal counsel.
- Syria introduced a new law compounding longstanding discrimination by severely restricting ownership and use of land in border areas heavily populated by Kurds.
- Provinces in southeast Turkey declared part of a 'high security zone' the previous year continued to witness severe restrictions on freedom of expression and association, as well as reports of torture and ill-treatment.
- Kurds in Syria, Iran and Turkey faced ongoing restrictions on the legitimate expression of their cultural and linguistic identity.



*Crowds gather in Yerevan to protest presidential elections in 2008.*

which lost its broadcasting licence in 2002 and was repeatedly denied a new one (see *Our Impact: Freedom of Expression*). Following this landmark ruling, however, Armenia introduced several amendments to legislation governing television and radio broadcasting, which were ostensibly related to the planned switchover to digital technology but again served to prevent the station from returning to the air.

Also in Armenia, presidential elections in February were followed by a period of the worst political violence witnessed since independence. For three weeks in March the government declared a state of emergency amid arrests and alleged brutality, and a number of opposition figures were put on trial. The unrest and the repressive response of the authorities echoed similar developments that have also accompanied voting in previous years. In late 2008 and early 2009 the ECtHR found Armenia in violation of the European Convention on Human Rights in

a series of KHRP-assisted cases involving individuals who were detained and punished for alleged involvement in opposition activities following elections in February 2003.

Historically, the conflict over Nagorno-Karabakh remains one of the longest-standing concerns from the point of view of human rights in the Caucasus. Some 220,000 Azeris, 3,500 Russians and 18,000 Kurds were displaced in fighting between Armenia and Azerbaijan over the disputed enclave, which was at its worst from early 1991, when both countries declared independence from the defunct Soviet Union, until a Russian-brokered ceasefire in 1994. With no peace treaty yet in place, they remain technically at war with one another and many of those who were displaced during the conflict remain so to this day. Although the presidents of Azerbaijan and Armenia met with their Russian counterpart in Moscow in November 2008, this was simply to pledge to intensify negotiations rather than to draft the terms of a final peace.

The Caucasus saw a new eruption of conflict and associated human rights violations in 2008 with the war between Russia and Georgia over the constitutional and political status of South Ossetia. The violence added hundreds of thousands to the already-high number of displaced persons and refugees in the region. Accusation of war crimes and disproportionate use of force accompanied accounts of both the initial Georgian assault on Tshkinvali and the subsequent Russian retaliation. Ethnic Georgians also fled reprisals led by irregular South Ossetian militia, following which their homes were either systematically looted or razed to the ground.

## IRAN

The human rights situation in Iran remained dire in 2008, with many concerns – including widespread application of the death penalty, torture, arbitrary arrest, systematic violations of women’s rights and the brutal suppression of dissent – carrying over from previous years. The country’s 6.5 million-strong Kurdish population were particularly vulnerable in the context of the regime’s ongoing conflict with the Party for a Free Life in Kurdistan (PJAK) and its consistent framing of any form of opposition from the Kurdish regions as being intimately linked to a wider ‘separatist’ agenda. The situation of Kurds in Iran is further



complicated by the fact that most subscribe to Sunni Islam rather than the Shi'ism endorsed by the state.

The authorities employed arbitrary detention and prosecutions throughout the year as a means of clamping down on the expression of views seen as a threat to the status quo, with particular targets including human rights defenders, political and social activists, students, teachers and union leaders. In the month of January alone, 150 arrests were carried out against students. In one particular crackdown in the Kurdish regions between 14 and 16 July, 86 people were reportedly arrested following a strike to mark the 19<sup>th</sup> anniversary of the assassination of Kurdish leader Dr Abdulrahman Ghassemlou. In the same period, security forces were said to have confiscated satellite dishes from Kurdish homes and padlocked Kurdish shops in the cities of Piranshahr and Oshnavieh.

Kurdish journalists were also particularly vulnerable to this kind of treatment. In July, for example an activist and contributor to the pro-reform news website Rooz, was arrested after taking part in a demonstration in support of the imprisoned Kurdish journalists Adnan Hassanpour and Hiwa Butimar. Later that summer, another journalist was detained in Sanandaj, having received a telephone call the previous day from an individual who identified himself as a security official and warned him that he had 'crossed red lines'. In October, an appeals court upheld an 11-year jail sentence against the Kurdish journalist Mohammed Sadiq Kabudvand, accused of 'propaganda against the system' following his attempts to establish a human rights organisation.

Activists who dare to question the Iranian regime's notorious treatment of women are another particular target of the authorities. On 23 August, for instance, women's rights activist Zeynab Bayzeydi was handed a four-year sentence of imprisonment and internal exile for membership of 'unauthorised human rights associations'.

In Iran's detention facilities, torture and ill-treatment are rife. For example, January saw the death in custody of Ebrahim Lotf-Allahi, a Kurdish student and activist whose body reportedly showed clear signs of torture. Though the authorities claimed that he had committed suicide in custody, reports suggested that his corpse was buried before anyone in his family could see it and that cement was used to prevent it being exhumed for an autopsy.

The use of torture to coerce confessions and other systematic violations of fair trial rights are particularly concerning when considered in conjunction with the enormous number of executions carried out in Iran. Thirteen people were hanged on New Year's Day 2008 alone and the authorities reportedly carried out over 340 executions in the course of the year. This was a significant increase from the 317 executions that took place in 2007, which had in turn represented a massive 50 per cent leap from the figures for 2006. The death penalty was again used to punish and deter the expression of views seen as a threat to the regime, including in cases where the accused were clearly denied a fair hearing. Following an October 2007 Supreme Court ruling overturning a death sentence against the Kurdish journalist Hiwa Butimar for supposed acts against national security, his case was sent back to the same court in Marivan that had passed the original sentence. In April 2008, the Marivan court duly sentenced him to death for a second time. Both Butimar and another Kurdish journalist who was arrested around the same time, Adnan Hassanpour, are believed to have been tortured in custody.

In addition to the domestic patterns of human rights violations described above, the Iranian armed forces, in conjunction with their Turkish counterparts, also continued bombardments of, and incursion into, northern Iraq, ostensibly targeting the PJAK. Carried out with the tacit support of the international community, the attacks had an appalling impact on the lives of civilians. In March, for example, Iranian attacks in the Pishder region reportedly led to six villages being evacuated, four houses burned and hundreds of people fleeing.

## IRAQ

In the course of 2008 some tangible improvements were seen in the situation with regard to security and political stability in Iraq as a whole. Against this welcome backdrop, however, long-standing human rights concerns remained in the foreground, including in the Kurdistan Regional Governorate (KRG) and other parts of the country with large Kurdish populations.

During visits to the region in 2008, KHRP observed an enormous desire for the implementation of human rights norms and mechanisms. However, factors including a history of Baathist repression and inadequate support from the international community contributed to a situation in which the reality on the

ground in Kurdistan, Iraq continued to fall short of such aspirations. KHRP's research in Iraq uncovered little evidence of long-term training or education in human rights norms and mechanisms, either amongst public officials or the wider populace. This has fed into problems including a lack of awareness and understanding of human rights, violence against and marginalisation of women and minorities, abuses within the detention system, and weaknesses in the rule of law. What training did exist was *ad hoc* rather than systematic, with little evidence of the kind of consistent programmes needed to contribute to large-scale, long-term improvements.

Parallel developments in the political apparatus were of equal concern, significantly hindering the development of participatory democracy. KHRP found that many cases of interaction between state institutions and the public reflected patron-client mechanisms based on family or party networks, resembling the system of government institutionalised by the Baath Party. With regard to the mobilisation

of civil society in support of human rights, KHRP found that whilst NGOs have grown and developed in the KRG in recent years, they are yet to break free of political ties.

The human rights situation was especially worrying in Kirkuk and other 'disputed areas' whose status in relation to the central government and the KRG is as yet unconfirmed. The lack of resolution has led to a wholesale absence of effective government in these areas and they have essentially been left in limbo, deprived of basic services, rule of law and human rights protection. A planned referendum to decide the future status of Kirkuk failed to take place by the end of the year and upcoming elections across the country have been postponed in the KRG largely because of the disputed status of major urban centres like Kirkuk and Mosul.

## REMEMBERING HALABJA: 20 YEARS ON

Thousands of people gathered in Halabja in March 2008 to mark the 20th anniversary of the atrocities committed by Iraqi forces against civilians in the town in the closing stages of the Iran-Iraq war.

On 16 March 1988, Iraqi forces responded to an Iranian assault in the area with an overwhelming series of air strikes and shelling in which napalm, phosphorous and later chemical weapons were used. After subsequently retaking the town, they razed it to the ground. Estimates of the numbers killed range from 4,000 to 7,000.

The attacks on Halabja occurred at the height of the Anfal campaigns in northern Iraq, a brutal programme of military and chemical attacks, mass executions of civilians and forced displacement during which an estimated 3,000 villages were destroyed, some 1.5 million people were driven from their homes and up to 180,000 were killed.

KHRP is supporting a project by photographer Tom Carrigan to construct a playground on disused wasteland in Halabja, in an effort to address the lack of community facilities in the town. Tom first visited Halabja in 2005 to make the documentary 'The Widows of Anfal'. He returned in 2008 to photograph the 20th anniversary and subsequently developed the idea for the playground in



*Monument in Halabja commemorating the 1988 massacre (Photo by Tom Carrigan).*

conjunction with community representative Nariman Ali. Local officials have since provided planning permission and land, and in December KHRP co-hosted an exhibition of Tom's work at Toaks Chambers in London to help raise funds for the project.



*Cross-border training on the rule of law and capacity-building for civil society organisations, under way in Dohuk in September.*

A further concern both in the KRG and the 'disputed areas' in 2008 was the intimidation, harassment and even killings of journalists that was witnessed throughout the year. On 1 July, for example, Azad Arkuchi, the head of the satellite television station *Newroz*, was ambushed and beaten near Arbil by men dressed in military uniforms. On 21 July, Soran Mama Hama, a reporter with the Sulaymanya-based *Livin* magazine who had been critical of police corruption, was shot and killed in Kirkuk. Three *al-Sharqiya* employees were also found dead after being kidnapped during filming in Mosul in September and Kurdish reporter Diyar Abas Ahmed was also shot dead in Kirkuk on 10 October.

Despite the improvement in the security situation in Iraq in comparison with previous years, instability and outbreaks of violence remained a serious problem throughout 2008, with the 'disputed areas' proving especially vulnerable in this regard. In January, for example, a suicide bomber killed Mosul's Chief of Police



*KHRP Executive Director Kerim Yıldız with Xaman Zror Asad and Arez Abdullah, members of the Kurdistan Regional Governorate parliament, in February 2008.*

Brigadier Salih Mohammad Hassan, as well as his bodyguards and onlookers. He was at the time touring the site of an explosion the previous day which was said to have killed 34 people and injured over 220, and which was also blamed by police on insurgents. In October, some 13,000 Christians fled Mosul after a spate of threats, intimidation and killings, and on 15 December, seven members of a Yezidi family were murdered by gunmen in the town of Sinjar, west of Mosul. The latter episode echoed the killing of hundreds of Yezidis in a series of bomb blasts in the same area the previous year.

Finally, civilians in Kurdistan, Iraq continued to suffer throughout the year as a result of indiscriminate cross-border attacks – including airstrikes, artillery bombardments and ground incursions – by the Turkish and Iranian militaries (see *Developments and Concerns: Turkey* and *Developments and Concerns: Iran*).

## SYRIA

Kurds comprise approximately 10 per cent of the population of Syria, numbering just over one million. Besides sharing with the rest of the populace the challenges of living under authoritarian single-party rule, they also face several unique forms of discrimination and repression, tied in part to the refusal of the authorities to find a place for minority identities in a country that officially identifies itself as an 'Arab Republic'.

As a consequence of a census in October 1962, at least 120,000 Kurds were stripped of Syrian citizenship, thus denying them basic social and economic rights. Their descendents remain 'stateless' to this day. In October 2008, an attempt to change Syria's discriminatory citizenship laws to allow children with 'stateless' fathers to inherit citizenship from a Syrian mother was defeated in parliament.

Discrimination against Kurds was further consolidated in September when President Bashar al-Assad signed into law a decree preventing people living in border regions - including majority-Kurdish areas along the border with Turkey - from selling property without first obtaining permission from the Ministries of Defence, Agriculture or Interior. According to the regulations, permission must also be secured from the authorities if property is to be rented out for a period of over three years. The economic impact of the new law has hit the construction industry particularly hard and declining numbers of property registrations are reported to have forced many Kurds from the north to seek work in Damascus. There were reports of large numbers of arrests of Kurdish protestors who demonstrated in Damascus against the new rules in November.

Kurdish cultural and language rights also remain severely restricted by measures including the suppression of use of the Kurdish language in schools and prevention of the use of Kurdish names for children, businesses or places.

Those involved in political activity in Syria outside the confines of the Baathist framework risk arbitrary arrest and prosecution. Kurdish political activists in particular are vulnerable to such accusations as 'attempting to sever part of the Syrian territory' or 'challenging the Arabic identity of the Syrian people', especially in light of the authorities' fears that recent constitutional gains made by Kurds in Iraq could have a potentially destabilising effect in Syria. On 19 July, for example, the secretary of the Kurdish Leftist Party in Syria, Mohamed Mousa, was reportedly arrested and transferred to a military intelligence facility in Damascus. On 15 August Meshaal Tammo, spokesperson for the banned Kurdish Future Current party, was said to have been seized by Syrian Air Force Security at a checkpoint in the north of the country and charged with 'joining an international organisation without government permission and inciting sectarian strife', for which he could face the death penalty. Two Kurdish members of the Democratic Union Party who were arrested in November 2007, Aisha Afandi and Kawthar Taifour, were reported to still be in detention in 2008.

On 20 March several protesters were shot dead in the Syrian town of Qamishli when security forces used live ammunition on crowds celebrating the Newroz

festival. Hundreds more were arbitrarily detained and KHRP received reports that those detained suffered torture and ill-treatment.

## TURKEY

The human rights situation in Turkey remains a matter of serious concern, despite earlier optimism in many quarters about the opportunities for improvement presented by the country's moves towards EU accession. While the period from 2002 to 2005 saw a raft of legislative reforms pushed through in a bid to advance the process, recent years have been characterised by stagnation and even regression, and the country still has a very long way to go before it can claim to meet the

human rights standards set out in the Copenhagen Criteria and international law.

Ethnic, cultural and linguistic minorities in particular continue to suffer disproportionately from patterns of rights violations that have persisted ever since the modern republic was established on an ethnic nationalist footing in 1923. The extremely narrow official definition of minorities fails to recognise groups such as the country's estimated 20 million Kurds (representing approximately 23 per cent of the total population) whose linguistic and cultural rights are consequently systematically disregarded.



*Participants at a KHRP training in Şırnak, Turkey in June 2008.*

The armed conflict in the Kurdish regions of Turkey showed no signs of letting up in the course of the year. Of particular concern from a human rights perspective was the situation in the provinces of Şırnak, Hakkari and Siirt, which were declared 'high-security zones' in June 2007 and were subject to extraordinary security measures. A KHRP mission to these areas in March 2008 noted alarming echoes of the situation at the height of the violence in the 1990s, when the region was under emergency rule and human rights violations were rife. The scale of abuses now is of course not comparable with that under the state of emergency, when over 3,000 Kurdish towns and villages were destroyed by the security forces and more than 35,000 people, mostly civilians, were killed. Nonetheless, the mission heard that freedom of expression, thought and association were particularly restricted, while NGOs and human rights groups also faced heightened difficulties in

## HUMAN RIGHTS, THE ERGENEKON TRIAL AND THE TURKISH 'DEEP STATE'

The year 2008 saw the launch of unprecedented court proceedings in Turkey against alleged members of an underground ultranationalist network known as 'Ergenekon', suspected of crimes including extrajudicial killings and bombings. Amongst the dozens of people who have been arrested and charged in the case are retired military officers and politicians, as well as high-profile journalists, academics, lawyers and other public figures.

KHRP welcomed the moves, which pushed to the fore questions for which we have long sought answers, concerning the suspected involvement of such 'deep state' groups in systematic human rights violations targeting anyone seen as threatening an ethnically homogenous and staunchly secular vision for Turkey. This includes allegations, which have surfaced once more in the Ergenekon trial, of brutal methods employed by unofficial units within the security forces in the context of the conflict in the Kurdish regions.

Since the early 1990s, KHRP has consistently assembled evidence of such illegal activities by Turkish state agents, including assisting countless applicants before the European Court of Human Rights (ECtHR) who suffered as a direct result. In July 2001, for example, the ECtHR ruled in favour of the family of Mehmet Şerif Avşar, a young Kurdish man who was abducted by armed men in southeast Turkey in 1994 and taken to a gendarme headquarters. His body was discovered in a field 16 days later with two gunshot wounds to the head. Five village guards in the pay of the Turkish state later confessed to their involvement in the murder, and they and a sixth individual were eventually convicted in March 2000. However, the ECtHR found that Turkey had failed to properly investigate the full extent of official connivance in the killing. In 2006 the Turkish authorities finally arrested a seventh



*KHRP representative Sandra Conway with Ayban Çabuk of the Van Bar Association during the mission to observe the Şemdinli bombing trial proceedings in July 2007.*

suspect in the case, a former member of an unofficial state security unit known as Jandarma İstihbarat ve Terörle Mücadele (Gendarmerie Intelligence and Counter-terrorism, JİTEM), which prosecutors are now linking with Ergenekon. Despite being a clear flight risk, this individual was released during the

trial process and, although he was convicted and sentenced to 30 years in jail in absentia, he had by that stage already fled.

At the time of writing, excavations are also underway in the Kurdish regions of Turkey in a search for the remains of Fethi Yildirim, a farmer involved in pro-Kurdish political parties who disappeared after being taken into custody in the mid-1990s. KHRP assisted his brother, Süleyman Yildirim, in filing an application to the ECtHR in 2002 in relation to the disappearance, though the case was at the time declared inadmissible. The search for Fethi Yildirim's remains has been revived in response to information supplied by Abdülkadir Aygan, a former member of the PKK who was allegedly also involved with JİTEM.

In addition to its ECtHR casework, KHRP has also dispatched missions to Turkey to monitor the authorities' investigations of alleged 'deep state' crimes. In 2006 and 2007, for instance, we observed trial proceedings against individuals accused of involvement in the bombing of a Kurdish-owned bookshop in the town of Şemdinli in 2005. Two of the three suspects were non-commissioned army officers widely believed to have links with JİTEM. KHRP's missions raised serious concerns about the independence of the judiciary and impunity of state agents.

If pursued thoroughly and effectively, the Ergenekon investigation has the potential to make significant progress in uncovering the extent of state involvement in human rights violations in Turkey. It is KHRP's sincere hope that all parties involved will take full advantage of this important opportunity to begin a process of facing up to dark periods in the country's recent history and moving towards a more inclusive future.

carrying out their work. In addition to increased economic hardship, there were also reports of ill-treatment, torture and extra-judicial killings.

Besides the ongoing fighting within its own borders, Turkey also continued to carry out shelling, air strikes and ground incursions into Kurdistan, Iraq, in cooperation with the Iranian military and with the tacit support of the international community, leading to civilian deaths and the destruction of livestock and property. While Ankara claims that operations in the region were part of its ongoing battle against the Kurdistan Workers' Party (PKK), such attacks have resulted in loss of civilian life, permanent displacement and extensive destruction of agricultural land, livestock and other civilian property. Between December 2007 and January 2008 alone, an estimated 600 families were displaced in the wider Qandil area as a consequence of air raids and shelling.

The enormously negative impact on civilians underlined Turkey's failure to adhere to the *jus in bello* principles of necessity, distinction and proportionality in undertaking cross-border attacks. Rather than bringing about a lasting resolution of the root causes of Turkey's conflict in the Kurdish regions, military action that impacts on civilian populations and violates international law in the ways described is only likely to further inflame existing tensions.

Throughout Turkey, concerns remained over patterns of arbitrary detention, and torture and ill-treatment in custody. In one particularly high-profile case, Justice Minister Mehmet Ali Şahin issued a public apology after Engin Çeber, an activist who was arrested during a press conference in October, died of an apparent brain haemorrhage following alleged beatings in custody. While 60 prison guards, police officers and gendarmes were subsequently charged in connection with this particular episode, KHRP's research suggested that it was not an isolated incident but in fact reflected a much broader culture of impunity, lack of oversight and routine ill-treatment within the Turkish detention system. Particular concerns exist in relation to Turkish anti-terror laws, amendments to which in June 2006 served to further facilitate arbitrary detentions and undermine safeguards in custody. This includes restricting suspects' access to legal counsel and family visits.

The Turkish authorities also continued to place severe restrictions on freedom of expression. In the first quarter of the year alone 186 people, including 71

journalists, appeared before courts in cases relating to their exercise of this right, 42 of whom were charged under the notorious Article 301 of the Penal Code. A small step forward occurred in April with amendments to this latter article, which previously criminalised 'denigration of Turkishness, the Republic and institutions and organs of the State' and has in the past been used to prosecute high-profile defendants such as the Nobel Laureate Orhan Pamuk. The amendments included replacing the article's reference to 'Turkishness' with 'the Turkish Nation', reducing the maximum punishment from three to two years' imprisonment and requiring the permission of the justice minister for prosecutions to go ahead. Nonetheless, the new text still represents an illegitimate restriction on the kind of free and open criticism of the state and its organs that is central to a democratic system.

Turkish legislation governing terror offences poses a particular threat to freedom of expression and association, especially in relation to members of minority groups and those who publicly speak out on minority issues. Prosecutors have repeatedly used provisions governing the offence of disseminating terrorist propaganda, which is extremely broadly defined and punishable with lengthy jail terms, to shut down legitimate debate. In February, for example, a KHRP mission observed trial proceedings against publisher Ahmet Önal, charged with this offence in connection with a book he published which included references to the role of the PKK amongst Kurds in the former Soviet Union. Despite ending in an acquittal, this case and countless others like it served to send a clear message about the potential consequences of overstepping the boundaries of debate deemed permissible by powerful elements within the state apparatus. The fact that at the time of this trial there were reportedly 12 cases pending against Önal is indicative of the level of harassment and persecution faced by those who risk stepping out of line.

Violations of the right to freedom of expression are frequently interwoven with far-reaching restrictions on cultural and language rights. Turkish law imposes harsh restrictions on the use of languages other than Turkish in the media and official contexts. In 2008, for example, Kurdish mayors Osman Baydemir and Yurdusev Özsökmenler were prosecuted and faced potential sentences of up to two years in prison for printing brochures on waste disposal in Kurdish. Expressions of Kurdish culture outside of official contexts are also subject to restrictions of a more *ad hoc* nature. In June, KHRP observed the trial of members of a children's choir

from Diyarbakır charged with disseminating terrorist propaganda for singing a Kurdish song at a world music festival in San Francisco the previous year. All were between the ages of 13 and 17 at the time of the supposed 'offence'.

There were some limited signs of progress in 2008 in relation to cultural and language rights. At the end of the year, the state-run Turkish Radio and Television Corporation (TRT) began broadcasting *TRT-6*, its first ever Kurdish-language channel. However, there were widespread suspicions that the intention was to provide the ruling *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) with a platform from which to court the Kurdish vote in the run-up to the local elections scheduled for March 2009. Privately-operated Kurdish-language broadcasters continued to face oppressive regulations and, according to existing legislation, it seemed that even *TRT-6* would still be barred from broadcasting educational or children's programming in Kurdish. Officials at Turkey's Higher Education Board (YÖK) also suggested in late 2008 that some universities could soon establish Kurdish language departments. However, it remained to be seen what would come of this development and in the meantime Turkish law continues to ban public schooling in Kurdish.

Throughout the year, unelected agents took advantage of mechanisms for the closure of political parties and the inadequacy of Turkey's system of parliamentary immunity in order to interfere in the political process in ways that undermined democratic governance. In a headline-grabbing episode in July 2008, the ruling AKP narrowly avoided closure in a legal case launched against it by Turkey's Chief Prosecutor Abdurrahman Yalçınkaya based on accusations that it was pursuing an Islamist agenda. While deciding against banning the party, the Constitutional Court halved its treasury funding as a 'serious warning' over alleged 'anti-secular activities'.

Less well-publicised was the closure case against the pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party, DTP), which remained ongoing throughout the year. The creation of a DTP group in parliament following elections in July 2007 was the first time that a pro-Kurdish party had secured representation in this forum in 14 years. In November 2007, however, Yalçınkaya launched a legal case to have it closed. Numerous DTP MPs also faced requests to have their parliamentary immunity lifted in order to pave the way for prosecutions

in connection with 'offences' including playing Kurdish songs and even asking for water in Kurdish.

The moves against the AKP and DTP are just the latest manifestations of decades of turbulence in Turkish politics and illegitimate restrictions on the democratic representation of views that conflict with the secular nationalist ideology that underlies the state framework. In addition to direct intervention of this kind, Kurdish participation in the political system also remains restricted by regulations including a requirement that any given party must secure 10 per cent of the national vote in order to win a seat in parliament.

In addition to ongoing human rights violations of the types described thus far, Turkey is also yet to satisfactorily address abuses committed during the height of the conflict in the south-east in the 1990s and other dark periods of the country's history. Though the high-profile trial of alleged members of the ultranationalist 'Ergenekon' network in 2008 suggested some limited progress on this front it remained to be seen whether relevant parties would take full advantage of this opportunity to begin the process of facing up to past violations. In the meantime, millions of people displaced by years of violence and unrest remain unable to return home or access adequate compensation and support.

Finally, KHRP welcomed news at the end of the year that the Ilisu Dam project in south-east Turkey had ground to a halt following the suspension of Austrian, German and Swiss financial backing. KHRP and its partners have long campaigned to draw attention to the fallout of the project, which would displace up to 78,000 people, flood heritage sites like the ancient city of Hasankeyf and impact on the region's environment. Planning for the provision of support and compensation to those who would be affected has been shamefully inadequate. However, while the suspension of European funding was a major victory for campaigners, it was anticipated that the Turkish authorities would seek alternative ways of continuing with the dam.

REVIEW 2008: OUR IMPACT





## Political and Judicial Systems

Protection of human rights is inextricably linked to the implementation of democratic values and the rule of law, both of which are alarmingly lacking in the Kurdish regions. In the course of 2008, KHRP employed a combination of research, training, strategic litigation and trial observations in order to promote democratic political frameworks and practices, the enfranchisement of minority communities, and the development of fair, impartial and politically neutral judicial systems.

### *Rule of Law, Arbitrary Detentions and Access to Justice*

Throughout the Kurdish regions, weaknesses in the rule of law pave the way for a culture of impunity for state officials, increased scope for abuses of power such as arbitrary arrests and detention, and obstacles to justice for those who suffer violations of their rights or are accused of committing crimes.

KHRP's research in 2008 continued to highlight specific new and ongoing problems in this regard. In March, for example, a KHRP mission travelled to three provinces in the Kurdish regions of Turkey which had been designated part of a 'high security zone' amid a deteriorating security situation the previous year, and which remained subject to special security measures. Mission members interviewed local observers, including lawyers, officials, human rights defenders and representatives of political parties, and presented their findings in the report, *Return to a State of Emergency? Protecting Human Rights in South-East Turkey*. They noted a consensus amongst interviewees that the resurgence of conflict in the region had been matched by a decline in the rule of law, including an increase in the number of arbitrary arrests, especially in connection with peaceful demonstrations. In such cases, interviewees reported that the authorities find pretexts for targeting Kurds and fail to provide valid explanations for the arrests.

In the Kurdish regions, as elsewhere, the problems of arbitrary detention and obstacles to justice have been exacerbated by amendments to Turkish anti-terror legislation introduced in 2006, which has effectively created a two-tier system



*Participants discuss displacement and the rule of law at the cross-border training in Dohuk in September.*

with fewer safeguards for those accused of terror offences. A KHRP briefing paper published in August, *Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights*, noted that unacceptable features of this legislation include restrictions on suspects' access to legal counsel in the first 24 hours of detention, restrictions on lawyers' access to the evidence against their client and the potential for indefinite prison sentences.

KHRP's research in 2008 also highlighted the ways in which arbitrary detention and obstacles to justice impact on children in particular. *The Situation of Kurdish Children in Turkey*, a report based on substantial desk research and a fact-finding mission to İstanbul, Diyarbakır and Şırnak in June, acknowledged that judicial protection for children throughout Turkey has been subject to extensive reform since the beginning of the EU accession process, and that much legislation exists which affirms the right of juveniles to a fair trial. However, it also noted reports of mass arrests of children in connection with demonstrations and underlined the

scope under the amended anti-terror legislation for children over the age of 15 to face trial before adult courts.

In Kurdistan, Iraq, on the other hand, KHRP research revealed that ongoing rivalry between several different systems that compete to handle legal matters remains a central problem with respect to the rule of law. While federal Iraqi legislation is theoretically supreme in the Kurdistan Regional Governorate (KRG), our report published in July, *A Fact-Finding Mission to Kurdistan, Iraq: Gaps in the Human Rights Infrastructure*, noted that state legal codes are forced to compete with regional codes, old Baathist law, religious law and local custom. The report underlined the detrimental effect this has had on public confidence in government and the law, and the particularly dire consequences for women, detainees and minority groups.

Against this background, KHRP carried out trainings in 2008 aimed at promoting the rule of law throughout the Kurdish regions, including the latest in our series of unique annual cross-border training sessions, which took place in Dohuk on 13 and 14 September and was attended by more than 30 human rights defenders from Turkey, Iraq, Syria and Iran. The event, which was held in conjunction with the Civil Development Organisation and Harikar, and was hosted by the Union of Kurdistan Writers, included discussion of obstacles to implementing the rule of law in the Kurdish regions and the effect that this has on the protection of human rights. It also focused on capacity building for local civil society organisations, strategies for increasing cross-regional cooperation and possible areas for collaboration in the coming year.

Besides such research and training, KHRP also continued to dispatch expert missions to observe court proceedings in the Kurdish regions in order to monitor

the effectiveness and neutrality of domestic justice systems, and to promote equality before the law and the protection of fair trial rights:

- In February, KHRP observed trial proceedings in İstanbul against the publisher **Ahmet Önal**, accused of disseminating propaganda on behalf of a terrorist organisation under Articles 220/8 of the Turkish Penal Code over a book he had published that included discussion of the role and influence

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***‘KHRP has attacked the bland denials of human rights abuse made by the Turkish government with righteous vigour and determination, and has played a wondrous role in extending human rights to the most vulnerable and dispossessed people across Turkey and the Kurdish region.’***

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*Mark Thomas, comedian, presenter, political activist and writer*

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of the Kurdistan Workers’ Party (PKK) amongst Kurds in the former Soviet Union. While welcoming the eventual decision to acquit Mr Önal, KHRP nonetheless considered the episode to have been a clear case of harassment and persecution, and also raised serious concerns about aspects of the legal process itself. Mr Önal’s defence counsel stated that in 2005, at the very start of the proceedings, it had been indicated that his client would be acquitted if he paid a fine of 20,000 YTL. Such an offer would have represented a departure from the presumption of innocence under Article 6 of the European Convention on Human Rights (ECHR) and other international human rights instruments. The findings of the KHRP

trial observation mission were published in the report *Persecuting Publishers, Stifling Debate: Freedom of Expression in Turkey* (see also *Our Impact: Freedom of Expression and Association*).

- In June, a KHRP mission observed proceedings against three members of a children’s choir from Diyarbakır, aged between 15 and 17, who were facing trial before an adult court under anti-terror legislation for performing a Kurdish song at a music festival in San Francisco, an act which prosecutors said amounted to disseminating terrorist propaganda. A further six younger members of the choir were also standing trial for the same alleged offence in a separate case behind closed doors in a juvenile court. While all were

eventually acquitted, they had by that time spent many months with the possibility of lengthy prison terms hanging over their heads. The mission raised a number of specific concerns about the decision to prosecute the children and the manner in which the case against them was conducted, including a fundamental failure to respect international laws and guidelines designed to afford special protections to juveniles in recognition of their particular vulnerability. The report of the mission's findings – *A Children's Choir Face Terrorism Charges: Juveniles in the Turkish Justice System* – places the case in the context of broader issues relating to the treatment of juveniles in the Turkish justice system and restrictions on freedom of expression and cultural and language rights (see also *Our Impact: Cultural and Linguistic Rights*).

KHRP also continued to pursue its strategic litigation programme before the European Court of Human Rights (ECtHR), offering a further recourse to those who have tried and failed to secure justice in the domestic courts of their home country. This approach secured a major victory on 23 September, when the ECtHR ruled against Turkey in the KHRP-assisted case of **Emine Araç**, a theology student who was barred from Marmara University in İstanbul for wearing the hijab. Having tried and failed to appeal her case before the İstanbul 4th Administrative Court and secure a stay of execution of the university's decision, Ms Araç sought redress in Strasbourg under Article 6 (right to a fair trial) of the ECHR. In their ruling in her favour, the judges noted that they considered the Applicant's right of access to an institution of higher education a civil right. It is KHRP's hope that this precedent will help to ensure that fair procedure is followed in future cases involving similar issues and will thus help to challenge this obstacle to women in Turkey accessing higher education.

Other developments in relation to KHRP's strategic litigation on behalf of those who have been denied justice in their home countries included the following:

- In May, KHRP lodged a case with the ECtHR on behalf of a lawyer accused by the Diyarbakır State Security Court of membership of Hezbollah, an illegal organisation under Turkish law. The Applicant was arrested in April 2000 and subsequently released in May 2000. He was finally convicted following six years of trial proceedings, during which time he had been denied legal



*KHRP Deputy Director Rachel Bernu with Atta Mubamad and Sarteeep Jaf of the Civil Development Organisation at the cross-border training in Dobuk, Iraq in September.*

assistance and the right to cross-examine witnesses against him, and had not been permitted to examine all of the evidence against him.

- Also in May, KHRP lodged a case with the ECtHR on behalf of **Ferhat Kaya**, who was arrested in Turkey in July 2003 in connection with a speech he had delivered in April of that year about solitary confinement in Turkish prisons. During the speech, Mr Kaya cited the example of PKK founder Abdullah Öcalan, who has been held in isolation since his capture in 1999. Prosecutors said the Applicant's use of the prefix *sayın*, or 'Mr', to refer to Abdullah Öcalan amounted to praising an offence and an offender. On 9 October 2003, he was convicted by the Erzurum State Security Court in accordance with Article 312/1 of the Turkish Penal Code (Law no 765) on the basis of the speech and sentenced to six months' imprisonment. Following a further four years of legal proceedings, the Applicant was eventually sentenced to one month's imprisonment for praising an offence and an offender. KHRP contends that his treatment breached several rights enshrined under the

ECHR, including his right to free expression.

- In October 2008, KHRP lodged a case with the ECtHR on behalf of a medical student at the faculty of medicine at the state-run Sivas Cumhuriyet University, who was repeatedly told to shave his beard before eventually being permanently excluded in 2000, leaving him unable to complete his studies. The Applicant points out that other students and university staff wore beards and argues that he was singled out because of his religious opinions. He is seeking redress under several ECHR Articles including Articles 14 (right to freedom from discrimination) and Article 2 of Protocol 1 (right to education).

### ***Political Repression***

Throughout the Kurdish regions, opportunities for democratic participation in politics are severely restricted. While this situation by no means affects only minority communities, members of such communities are often particularly badly affected, finding themselves intentionally marginalised and their representatives specifically targeted. In the course of 2008, KHRP's research, publications and public awareness activities highlighted specific problems in this regard. Our efforts drew the attention of domestic and international policy makers to under-reported issues and provided expert analysis which served to place more familiar concerns within a wider human rights context.

Amid the international furore that attended the attempt to shut down Turkey's pro-European ruling *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) in the first half of the year, KHRP consistently highlighted how the structural failures underlying this episode extend far back in the country's history and have implications well beyond this one particularly high-profile case. Our briefing paper *Protecting Politicians or Protecting Democracy? Parliamentary Immunity and Party Closure in Turkey*, published in the run-to to the Constitutional

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***'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.'***

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***Professor Amir Hassanpour, University of Toronto***

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Court decision in July, showed how parties and politicians with religious associations and those representing the interests of minority groups have for decades been repeatedly harassed and persecuted by non-elected officials in ways that undermine democracy and violate Turkey's human rights obligations under international law. Focusing also on the ongoing efforts to dissolve the pro-Kurdish *Demokratik Toplum Partisi* (Democratic Society Party, DTP) and the targeting of its members,

the paper offered recommendations for an overhaul of Turkey's mechanisms governing party closures, the lifting of parliamentary immunity and prosecutions of elected politicians.

The issue of political repression in Turkey was again taken up in the course of our fact-finding mission to the Kurdish regions of the country in March. The mission's report included findings concerning the targeting of representatives of political parties in the region, particularly in the shape of court cases launched against members of the DTP for offences including 'insulting Turkishness'. The mission heard of local DTP members who had up to 40 cases against them.

Our report on the situation in the KRG also included analysis of the development of democratic institutions in the region and the implications for the human rights situation there, and offered concrete recommendations for the KRG authorities, the Iraqi government, local NGOs and international actors. Problems highlighted by KHRP's research included the persistence of informal ties and patronage networks extending across all aspects of life, a widespread perception of corruption, and unsatisfactory progress in unifying political organs historically associated with the rival Patriotic Union of Kurdistan (PUK) and Kurdistan Democratic Party (KDP), although KHRP also notes that other smaller parties are also represented in the regional parliament.

## Torture and Ill-Treatment

Throughout the Kurdish regions, human rights defenders, political and social activists, journalists, trade unionists and other ordinary citizens remain vulnerable to torture and ill-treatment both within and outside of formal detention centres. KHRP's research, training and strategic litigation in 2008 continued to shine a spotlight on such practices, to seek justice for those who have suffered as a result, and to promote respect for international standards in this regard.

A KHRP fact-finding mission to İstanbul, Ankara, Mardin and Diyarbakır in December to investigate the situation of prisoners' rights confirmed that torture and ill-treatment remain a problem in detention centres across the country. Although the more extreme forms of torture common in recent decades no longer



*Mission member Mark Himsworth with Ali Tekin, father of Engin Çeber, who died in custody in Turkey in October.*

seem to be widespread within the prison system, the mission heard frequent reports of casual violence, including routine beatings of prisoners during their transfer from one location to another, and on arrival at a new prison. Such abuses hit the headlines in October with the highly-publicised case of Engin Çeber, an activist who died following alleged beatings in custody, leading Justice Minister Mehmet Ali Şahin to issue a public apology. The findings of the KHRP mission suggested that this was not an isolated case and also raised concerns about conditions of detention more broadly, including unprecedented overcrowding, unsatisfactory access to medical care for prisoners, and arbitrary and unfair disciplinary proceedings. Underlying all such concerns was a lack of transparency, accountability and independent oversight within the prison system. KHRP was set to publish the findings and recommendations of the mission in 2009, as well as observing trial proceedings against officials charged in connection with the death of Engin Çeber.

KHRP's mission to the Kurdish regions of Turkey in March also heard while that traditional forms of torture have reduced, they have been replaced with beatings and other forms of arbitrary, non-life-threatening violence. Particularly disturbing were reports that such abuses by state agents had become normalised to such an extent that many people in the region do not even report them because they do not consider them to be serious enough to warrant further action.

Fact-finding missions to Kurdistan, Iraq in late 2007 and early 2008 also highlighted serious problems in relation to detention centres there, including reports of torture and ill-treatment. Mission members raised particular concerns about the apparent existence of a 'two tier' system, with custodial and procedural safeguards denied to those detained under security-related offences. Also alarming was the reported existence of illegal and/or private prisons run by the major parties and the KRG intelligence services.

In Armenia, there were documented cases of torture of individuals detained in connection with protests over the disputed presidential election results in March, whilst torture and ill-treatment remained a constant threat in detention centres throughout Iran and Syria.

In light of the persistence of such abuses throughout the Kurdish regions, KHRP co-hosted a series of training sessions in Turkey and Kurdistan, Iraq in



*KHRP Legal Team member Nicholas Stewart QC leads a training on human rights and torture in Diyarbakir.*



*Board member Michael Ivers leads training on human rights and torture in Sulemanya in December.*

2008 designed to strengthen the capacity of local civil society to address this situation.

Trainings in Şırnak and Hakkari, in south-east Turkey, on 28 and 29 June focused on effective investigation of violations of Articles 2 and 3 of the European Convention on Human Rights (ECHR), which cover the right to life and prohibition of torture respectively. Organised with the cooperation of the Şırnak and Hakkari Bar Associations, the seminars included information on Turkey's international obligations in this regard and the procedures for effectively investigating substantive and procedural violations of the relevant Articles.

Further trainings on human rights issues relating to torture took place on 14 and 20 December in Sulemanya, Iraq and in Diyarbakir, Turkey, in conjunction with the Civil Development Organisation and the Diyarbakir Bar Association respectively. These events introduced instruments including the International Covenant on Civil and Political Rights (ICCPR), the United Nations İstanbul Protocol and the ECHR, as well as UN mechanisms for reporting torture. Participants put their theoretical knowledge into practice through workshops in which they were invited to identify specific human rights violations in two hypothetical scenarios and compile mock reports to the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment.

KHRP also held a training session for lawyers and immigration officials in Oslo on 17 October focusing on application of ECHR Article 3 (torture), as well as Article 8 (right to respect for private and family life), in the context of immigration and deportation litigation. Organised in partnership with the Norwegian Bar Association, the event was a follow-up to a successful seminar on litigation strategies before the European Court of Human Rights (ECtHR) delivered by KHRP in Oslo in March.

In addition to strengthening the capacity of domestic civil society to respond effectively to reports of torture and ill-treatment, KHRP continued to directly support victims of such abuses in taking their cases to the ECtHR:

- On 8 January the ECtHR found Turkey in breach of ECHR Article 3 (prohibition of torture and inhuman or degrading treatment) in the KHRP-assisted case of **Ercan Ayaz**, who was arrested at Atatürk Airport in İstanbul in 1993 and physically and sexually assaulted by police whilst in detention. A doctor who examined him on his release confirmed that



*KHRP representatives Nicholas Stewart QC and Walter Jayawardene with Mahmut Bingül and Özlem Mungan of the Mardin Bar Association during the mission to investigate prisoners' rights in Turkey in December.*

he had suffered spinal bruising, abdominal pain and scratches. Mr Ayaz initially made a criminal complaint before the provincial administrative council in Turkey but the council accused him of seeking to tarnish the image of the Turkish police. Criminal proceedings were discontinued, with this decision subsequently upheld by the Supreme Administrative Court. A police disciplinary inquiry at the time accused Mr Ayaz of inflicting the injuries on himself.

- In February 2008, KHRP lodged a case with the ECtHR on behalf of a Turkish national who was allegedly abducted and assaulted following a meeting with members of the local gendarmerie in the town of Tunceli in October 2004. The Applicant, who had supported various pro-Kurdish political parties in the 1990s, was driven 200 metres outside of the town and interrogated. During the questioning, he alleges that he was blindfolded, covered with a blanket, had his wrists chained together and was verbally abused and punched hard on the face, testicles and chest. When he subsequently lodged complaints with the Public Prosecutor's Office in Tunceli, that office failed to carry out an investigation into the allegations of torture and ill-treatment, and refused to release information to his lawyers.

- In December 2008, the ECtHR ruled against Armenia in three KHRP-assisted cases involving members of opposition political parties who were arrested in March 2003 amid opposition rallies challenging the legitimacy of the re-elected Armenian president. The Court held that the conditions in which **Lavrent Kirakosyan, Arman Mkhitarian** and **Myasnik Tadevosyan** were detained had amounted to inhuman or degrading treatment and thus violated Article 3. Furthermore, the Court found that the proceedings against the Applicants were unfair and that they had not been granted a clear and accessible right to appeal, thus violating Article 6 of the ECHR and Article 2 of Protocol No. 7.

## Freedom of Expression and Association

**Freedom of expression and freedom of association are fundamental cornerstones of a healthy, functioning democracy. In guaranteeing the right of all people to hold divergent religious, political and social beliefs, and to freely debate and criticise the status quo, governments can pave the way for the positive development of society and enhance their own ability to protect and serve their citizens. To this end, KHRP's research, training, trial observations and strategic litigation help to promote respect for these principles as enshrined in international law, and to tackle violations where they arise.**

KHRP's research in 2008 continued to highlight new and ongoing concerns in relation to freedom of expression and freedom of association throughout the Kurdish regions. Our briefing paper *Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights*, published in August 2008, included substantial analysis of the dangers posed in this regard by the country's recently-amended terrorism legislation. This legislation's broad and ambiguous definitions of key terms paves the way for prosecutions of those who engage in legitimate criticism of the state, for ill-defined crimes such as 'disseminating terrorist propaganda'. The latter offence is now punishable with up to five years in prison, and considerably more for journalists, representing the reintroduction of custodial sentences for those working in the media. The application of these laws in practice in 2008, including in the prosecution of members of a children's choir for performing a Kurdish



*Publisher Ahmet Önal, whose trial was observed by KHRP in February* song during an international tour (see *Our Impact: Political and Judicial Systems*), confirmed KHRP's concerns that they are open to abuse.

In March, our fact-finding mission to the Kurdish regions of Turkey underlined that the rights to freedom of expression and association are amongst the first to have been swept aside in the context of the upsurge in conflict there and the imposition of special security measures. This has mostly involved unfair investigations, trials and sentences against lawyers, politicians, activists and others who expose themselves to the attention of prosecutors through their work. The scale of the problem is such that many mayors who were interviewed by KHRP mission members could not even recall the exact number and nature of the legal cases that had been launched against them. The mission also heard that after years of harassment, journalists had become practiced at distinguishing between news that can be reported and that which cannot, and were beginning to practice self-censorship.

## MELTEX LTD AND MESROP MOVSESYAN V. ARMENIA: A LANDMARK FOR MEDIA FREEDOM

KHRP's strategic litigation programme achieved a major victory on 17 June, with a favourable judgment from the European Court of Human Rights (ECtHR) which broke new ground for the advancement of free speech in the Kurdish regions and beyond.

Judges at the ECtHR found Armenia in violation of Article 10 of the European Convention on Human Rights (ECHR), which protects freedom of expression, over its treatment of the country's first independent television channel *A1+*, in a case brought with KHRP assistance on behalf of the channel's owners Meltex Ltd and company chairman Mesrop Movsesyan.

After it was launched in the 1990s, *A1+* gained a reputation for its high-quality news and analysis, and its willingness to air criticism of the Armenian government. However, staff began receiving regular calls from public officials who threatened to take the channel off the air over its criticism of the authorities. *A1+* subsequent-

ly lost its permission to broadcast and was then repeatedly denied a new license.

In its groundbreaking decision, the ECtHR held that under the circumstances, the effective refusal of a broadcasting license amounted

to a violation of the freedom to impart information and ideas. The judges held that a licensing procedure whereby the licensing authority gives no reasons for its decisions does not provide adequate protection against arbitrary interferences by a public authority with the fundamental right to freedom of expression.



*KHRP Legal Team member Raj Kumar Rai (right) with Tigran Ter-Yesayan of the Forum Law Center (middle) and Applicant Mesrop Movsesyan.*

Although the ECtHR cannot strike down laws directly, this is a clear example of an instance in which the state concerned will have to amend existing legislation in order to prevent similar rulings in the future. The judgement was especially significant coming as it did in the wake of post-election violence and a subsequent crackdown by the authorities earlier in 2008.





*KHRP Executive Director Kerim Yıldız (as a representative of Kurdish PEN) and Chair Mark Müller QC (as a guest of English PEN) attend the Annual Congress of International PEN in Bogotá, Colombia in September.*

With respect to freedom of association, the mission noted that politicians, activists and ordinary citizens in the Kurdish regions were vulnerable to arbitrary detention, especially in connection with peaceful demonstrations. It was reported that in such instances the authorities had begun applying Article 7 of the amended anti-terror laws, covering the crime of terrorist propaganda, rather than Article 215 of the Penal Code, which had been used in the past, because Article 7 has wider scope and provides for longer prison sentences which cannot be revoked.

Another KHRP briefing paper published in August, *Freedom of Association and Labour Rights Under Threat: The Situation of Trade Unions in Turkey*, explored the ways in which Turkish legislation and official practices violate the country's international obligations in relation to the freedom of association of members of unions in particular. Serious concerns raised in the paper included laws that severely impede the formation and functioning of trade unions, as well as persecution and harassment of their members and leaders through practices such

as disciplinary action, malicious prosecutions and fines. The paper underlined that the situation is particularly bad in the Kurdish regions of the country, where conflict and political tensions mean that collective mobilisation of employees is particularly likely to be viewed as a threat, and even more so where it is connected with expressions of Kurdish culture.

Furthermore, KHRP's mission to Kurdistan, Iraq confirmed that violations of freedom of expression and association in the Kurdish regions are by no means limited to Turkey. Mission members observed that a small but assertive independent media has emerged in the Kurdistan Regional Governorate (KRG) in recent years. However, most media outlets remained the mouthpieces of the dominant political parties and public discourse was constrained by an understanding that certain subjects were taboo. There were numerous reports of detention, harassment and violent attacks on journalists, including those who had written about alleged corruption or human rights abuses on the part of the authorities (for examples of some such attacks, see *The Kurdish Regions in 2008: Developments and Concerns: Iraq*). On 11 December 2007, the regional parliament passed a new press law which stood to further restrict freedom of speech. Alarming aspects of this legislation included a provision for lengthy jail terms for the vaguely-defined offence of publishing articles deemed to create instability, provoke sectarianism or insult Kurdish customs, institutions or traditions. Enactment of the legislation remained in limbo in 2008, however, after it was blocked by KRG President Massoud Barzani.

Freedom of expression and association also remained under threat in the Caucasus in 2008. In Azerbaijan, the authorities frequently use libel, defamation and other criminal charges to effectively silence outspoken journalists. Similar abuses in Armenia were exemplified by the crackdown on demonstrations and harassment of journalists who covered the protests that followed the country's contested elections in March.

Throughout 2008, KHRP continued to intervene in specific cases of violations of freedom of expression and association in ways designed to highlight abuses and promote respect for international human rights standards. This included our observation of trial proceedings in February against publisher **Ahmet Önal**. Besides the concerns mentioned earlier in this report about the fairness of the trial process in this case (see *Our Impact: Political and Judicial Systems*), KHRP's

fundamental concern was that it amounted to a clear example of harassment and persecution intended to shut down legitimate public debate about important issues. Mr Önal, the owner and chief editor of the Pêrî Publishing House, was charged with disseminating terrorist propaganda in connection with a book that he published, *Diaspora Kûrtleri* (Diaspora Kurds), which included references to the role and influence of the PKK amongst Kurds in the former Soviet Union. Even cases like this one which avoid excessive international opprobrium by ending in acquittals nonetheless serve to seriously disrupt the work of defendants, exact financial harm on their businesses and raise the spectre of self-censorship. At the time of the trial Mr Önal reportedly had a total of 12 court cases pending against him, and had been denied legal aid or public assistance for the resulting expenses.

KHRP also continued to assist those who have suffered violations of their freedom of expression and freedom of association in taking their cases to the ECtHR:

- On 8 January the ECtHR found Turkey in violation of Article 10 of the ECHR (freedom of expression), as well as Article 6 (right to a fair trial) in the KHRP-assisted case of **Mehmet Şanar Yurdatapan**, who had been sentenced to two months' imprisonment and a fine by a military court in Turkey for seeking to dissuade people from serving in the military. The Turkish court decision related to leaflets distributed by Mr Yurdatapan, an opponent of Turkey's harsh laws on conscription, in front of the İstanbul State Security Court in July 1999. The ECtHR noted that the leaflets did not contain any incitement to violence or hatred, and that his conviction and sentence were disproportionate and not necessary in a democratic society.
- On 17 June 2008, the ECtHR issued a groundbreaking judgment finding Armenia in violation of Article 10 of the ECHR (freedom of expression) in the KHRP-assisted case of **Meltex Ltd**, the owners of Armenia's first independent television company *A1+*. For more details, see the text box on page 40.
- Throughout 2008, KHRP continued its work before the ECtHR on behalf of three individuals – **Sargis Amiryan** and **Zhora Sapeyan** of Ashtarak, and **Maksim Gasparyan** of Yerevan – who were punished by the Armenian authorities for allegedly participating in 'unauthorised' protests in February 2003 against irregularities in the first round of presidential elections that

took place that month. Sapeyan was made to pay a fine, Amiryan and Gasparyan were each given ten days' administrative detention. In January 2009, the ECtHR ruled that the treatment of the Applicants had amounted to a violation of their freedom of assembly and association, as guaranteed under Article 11 of the ECHR.

In addition, KHRP worked in 2008 to strengthen the capacity of civil society in the Kurdish regions to respond to violations of freedom of expression. In September, we conducted a training seminar in conjunction with the Forum Law Center in Yerevan entitled 'Meltex and Beyond: Executing Judgments of the European Court of Human Rights'. The session was designed to support local activists in their efforts to take advantage of the influential ruling earlier in the year, and focused on the judicial and political processes that exist to ensure that ECtHR judgments are enforced.

Finally, KHRP Executive Director Kerim Yıldız and Chairman Mark Muller QC attended the 74<sup>th</sup> Annual Congress of International PEN, which brought together over 120 delegates from 70 countries in Bogotá, Colombia from 17 to 22 September to discuss the 'importance of ideas and the free word in changing and developing civil society'. Kerim took part and addressed the meeting on behalf of Kurdish PEN, in order to help raise awareness of restrictions on freedom of expression in the Kurdish regions, while Mark attended as a guest of English PEN.

## Cultural and Linguistic Rights

**Throughout the Kurdish regions, restrictions on the enjoyment of basic values such as education, free speech and democratic participation in politics are frequently deeply intertwined with violations of cultural and linguistic rights. Such violations prevent individuals and communities from living rich and fulfilling lives, and represent a clear contravention of core instruments of international law, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). KHRP's work on this front in 2008 included a combination of research, public awareness, advocacy and trial observations.**

In late 2008 and again in early 2009, KHRP made in-depth submissions to the UN Committee on the Elimination of Racial Discrimination concerning the situation of minorities in Turkey. These were filed in the run-up to the Committee's 74<sup>th</sup> meeting in February 2009, during which it was due to consider Turkey's own periodic report on its compliance with the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

KHRP's submissions emphasised that while Turkey's penal and constitutional frameworks contain provisions against discrimination on racial or ethnic grounds, in practice such legislative measures are implemented either haphazardly or not at all. The Turkish state remains grounded in ethnic nationalism and operates according to an extremely narrow definition of minorities that excludes major ethnic, cultural or linguistic groups such as the Kurds, effectively denying them legal recognition. Within this context, Kurds and other minority groups are prevented from accessing education in their mother tongue in the public school system, face severe restrictions on their right to broadcast in languages other than Turkish and are banned from using minority languages in official contexts. Further concerns raised by the Committee in the wake of its 74<sup>th</sup> meeting included alleged hostile attitudes on the part of the general public, including attacks and threats, towards Kurds, Roma and non-Muslim minorities, as well as the need for Turkey to enact comprehensive anti-discrimination legislation.

In addition to its submissions to the CERD Committee, KHRP also made representations concerning linguistic and cultural rights in Turkey in the run-up to the OSCE Human Dimension Implementation Meeting that took place in Warsaw from 29 September to 10 October.

Our research and publications also continued to touch on restrictions of cultural and linguistic rights. KHRP's fact-finding mission on prisoners' rights in December, for example, noted reports that inmates were arbitrarily punished for using the Kurdish language, were denied correspondence and reading materials in Kurdish, and were prevented from using the language during family visits.

Similar issues were again taken up in KHRP's observation of trial proceedings in June against members of a children's choir in Diyarbakır accused of disseminating terrorist propaganda over their performance of a Kurdish song during an international tour (see *Our Impact: Political and Judicial Systems*). While

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***'Knowing KHRP exists I feel that a heavy burden has been taken off our shoulders by the candid, honest and realistic approach of the organisation and its staff. You give confidence to Kurdish people and make them feel that they are not alone.'***

***KHRP Applicant Kamil Uzun, whose mother was killed by a mortar fired by the Turkish army in the 1990s***

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prosecutors claimed that the song in question, *Ey Reqip* ('Hey Enemy'), is an anthem of the PKK, the KHRP mission placed the case firmly in the context of longstanding repression of Kurdish culture in Turkey. Mission members noted that the song was written decades ago by a famous Kurdish poet and that it is the official anthem of the Kurdistan Regional Government in Iraq.

Besides responding to violations of cultural and linguistic rights in Turkey, KHRP also continued to work on related issues elsewhere in the Kurdish regions. In a speech delivered at the UK parliament in October, for example, Deputy Director Rachel Bernu highlighted human rights

concerns affecting Kurds in Syria, including suppression of use of Kurdish in schools and prevention of the use of Kurdish names for children, places and businesses.

In January 2009, KHRP also sent an urgent appeal to a number of UN Special Rapporteurs regarding the case of a Kurdish cultural activist and linguist and a long-standing member of Kurdish PEN, who was seized by security agents at his home in Qamishli, Syria. Further raids followed in which all his books, writings and transcripts were confiscated.

KHRP also continued to monitor the situation of cultural and linguistic rights in the KRG and 'disputed areas' in Iraq. KHRP missions there in 2008 were in many ways encouraged by what they saw with regard to the situation of minority groups, including Arabs, Turkomans, Chaldeans, Yazidis, Faili Kurds, Shabaks and Mandaeans. However, they highlighted a number of matters of concern, including an emerging tendency towards a rigid, homogenous ethnic outlook. There were also reports of discrimination against minorities in some areas, including efforts to forcibly assimilate them into the mainstream population, though the missions noted the possibility that such claims were being manipulated for political purposes. KHRP was also concerned by a requirement that all official documentation must be in Sorani, which appears incompatible with the government's stated aim to be inclusive of all peoples in the Kurdistan region.

## Environmental Justice

**Environmental damage caused by man-made projects can have a far-reaching impact on human rights. In relation to planned and ongoing projects in the Kurdish regions, this includes the potential for mass displacement and the destruction of livelihoods, communities and cultural heritage, often without appropriate measures being taken to provide for consultation, resettlement and compensation. For many years now, KHRP has been at the forefront of global campaigns to remind governments in the region and their partners around the world of their legal obligations in this regard.**

### *Southeast Anatolia Project*

As a member of the international Ilisu Dam Campaign, KHRP has long worked to draw attention to some of the most pernicious effects of Turkey's Southeast Anatolia Project (GAP), ostensibly intended to promote development in the region through measures including the construction of 22 dams and 19 power plants. As part of this scheme, the Ilisu Dam alone stands to displace up to 78,000 women, children and men, most of them Kurdish, destroying their homes, livelihoods, way of life and cultural roots. Plans to resettle and compensate those displaced have been woefully inadequate. Besides flooding 68 villages, the dam would



*Kerim Yıldız with Diyarbakır mayor Osman Baydemir, who has been at the forefront of campaigning against the Ilisu Dam.*

work on the project grind to a halt following the suspension of Austrian, German and Swiss financial backing. Earlier in 2008, the Committee of Experts overseeing the project had warned that more needed to be done to ensure adherence to international standards in relation to resettling those who would be displaced. Subsequently, on 7 October, Germany, Austria and Switzerland had issued an environmental failure notice formally giving the Turkish authorities 60 days to address a series of concerns. It was after this latter period expired that export credit insurers in all three countries ordered suppliers to halt work on the dam. Most of the workforce engaged on the project was subsequently reported to have been laid off for at least two months beginning in January 2009.

These developments followed another year of intensive work by KHRP and other members of the Ilisu Dam Campaign. In July 2008, KHRP Development and Outreach Officer Anna Irvin continued to raise awareness about Ilisu by delivering a speech on the project at the Zaragoza Expo, which was themed 'Water and Sustainability'. She participated in the event at the invitation of the New Water Culture Foundation and Foro Mundial, as part of a civil society exhibition based on 45 case studies illustrating destructive water policies around the world. Her speech set the Ilisu Dam project in a wider context, emphasising the vulnerability of the Kurdish regions of Turkey to human rights abuses. It also raised particular points of concern, including secrecy surrounding the Ilisu project and the failure to release important documents, the failure or reluctance to consider alternatives

also deprive communities downstream in Syria and Iraq of water, cause environmental pollution and destroy the 10,000-year-old city of Hasankeyf, a site of enormous historical, cultural and archaeological importance.

In late 2008 and early 2009, KHRP and its partners in the Ilisu Dam Campaign welcomed a series of developments which saw



*The ancient city of Hasankeyf, which would be submerged by the Ilisu Dam.*

to the dam, and doubts about independent monitoring of the project. In addition, Anna spoke at a parallel event organised by Foro Mundial, which focused on subjects such as mass displacement and the alternatives to building dams.

Throughout 2008, KHRP also continued to raise awareness and provide updates relating to the Ilisu Dam project in publications including our quarterly newsletter *Newsline*, our biannual *Legal Review* and regular press releases, as well as in submissions to the OSCE Human Dimension Implementation Meeting and in

our response to the European Commission's 2008 Progress Report. This included drawing attention to new developments, such as the arrest of a joint coordinator of the Keep Hasankeyf Alive Initiative during a trip to carry out research in areas due to be affected by the dam in December.

The suspension of European funding for Ilisu at the end of 2008 represented a major victory for KHRP and other campaigners. However, the Turkish authorities appeared determined to continue with the project despite the setback and alternative plans were reportedly soon under discussion in Ankara.

### ***Baku-Tbilisi-Ceyhan Pipeline***

The Baku-Tbilisi-Ceyhan (BTC) oil pipeline, which has been in operation for several years now, has already caused substantial environmental damage in Azerbaijan, Georgia and Turkey, as well as giving rise to human rights abuses and social problems for those living near its route. KHRP and its partners in the Baku-Ceyhan Campaign - Friends of the Earth, The Corner House and Platform - have worked consistently to monitor and raise awareness of this fallout.

An example of such work in 2008 was the submission of a memorandum by KHRP, Platform and The Corner House to the Environmental Audit Committee (EAC) - tasked with examining the environmental impact of the activities of UK government departments and other public bodies - on the involvement of the UK Export Credits Guarantees Department (ECGD) in the BTC pipeline. This representation was made in response to an EAC inquiry into the extent to which environmental and social concerns are taken into account in decision-making by the ECGD, whose role is to support UK firms in winning business and completing work overseas. While the ECGD has committed to ensuring that the pipeline project is carried out in line with World Bank standards and that it will meet benchmarks laid out in the project's own Environmental Action Plan, KHRP, Platform and The Corner House highlighted serious concerns about the extent to which this is actually happening. A joint fact-finding mission to areas affected by the Turkish section of the pipeline in May and June 2007, for example, heard widespread complaints that local residents affected by the project had not received sufficient, or in some cases any, compensation. There were also serious concerns about irregularities in the process of temporarily requisitioning land in

the course of the project, including episodes in which landowners were allegedly tricked into signing off on this.

KHRP also continued to highlight key developments in relation to the BTC pipeline in its publications and public awareness work throughout the year. This included a major explosion on the pipeline in August, which the Kurdistan Workers' Party (PKK) claimed to have caused, while officials put it down to a technical fault. A fire caused by the explosion burned for several days, damaging crops and property, releasing carcinogens and other pollutants into the atmosphere, and severely disrupting the lives of those living nearby. There were also reports of a crackdown in the area by Turkish security forces. During the conflict in Georgia in August, Tbilisi claimed that Russian forces had carried out airstrikes on the pipeline, though Moscow denied the allegations. KHRP emphasised that these developments underscore longstanding concerns about the potentially destabilising effect of the pipeline.

### ***Environmental Fallout of Conflict***

KHRP's research in 2008 pointed towards the damage that is being done to the environment in the Kurdish regions by ongoing conflict, including cross-border attacks in Kurdistan, Iraq by Turkish and Iranian forces. Missions to Kurdistan, Iraq noted the destruction of large areas of farmland and observed that surrounding countryside had been blackened. This raised the possibility that the Turkish military was employing chemical weapons, a tactic that has precedent in its past operations in Iraq. Similarly, our mission to the Kurdish regions of Turkey in March found that forest fires instigated by military forces had become a common occurrence. As a result of such findings, KHRP developed plans to send a fact-finding mission to Kurdistan, Iraq in 2009 with the specific aim of conducting further research into the environmental fallout of conflict in the region.

### ***Training and Research***

In December, KHRP made use of the experience gained through years of work in relation to projects like the Ilisu Dam and the Baku-Tbilisi-Ceyhan pipeline to hold training sessions for civil servants and civil society representatives in Kurdistan, Iraq on human rights issues relating to investment agreements.



***KHRP Deputy Director Rachel Bernu and interpreter Rezgar Ebrahim at KHRP's training on human rights and investment agreements in Kurdistan, Iraq in December.***

The two trainings, which took place on 16 and 17 December and also involved representatives of The Corner House and Platform, attracted a total of some 70 participants. On the first day, these included representatives of the KRG ministries of trade, water, tourism, agriculture, finance, reconstruction and human rights. During the identical training session that took place on the second day, and which was conducted in conjunction with KHRP's local partner the Civil Development Organisation, participants included representatives of human rights organisations, trade unions and other civil society groups.

The trainings discussed fundamental human rights principles and legislation, as well as key themes and practices relevant to sustainable investment, including transparency, meaningful consultation, environmental impact assessments and adequate compensation. Trainers stressed practical issues in relation to the negotiation of investment agreements and used the example of the Ilisu dam to broach the subject of environmental and social protection, addressing the ways in which this particular project violated the rights of local people in the Kurdish regions of Turkey and discussing concrete steps that can be taken to oppose such schemes.

## Gender Equality

As is the case throughout much of the world, gender-based violence and discrimination are pervasive in the Kurdish regions. Rather than offering a recourse for women whose rights are violated, domestic legal systems are instead often responsible for perpetuating such abuses. As a result of this situation, women are left particularly vulnerable to the effects of conflict, displacement and economic underdevelopment. KHRP's efforts to address this situation in 2008 included research, training and public awareness work.

While most KHRP research projects address women's rights in one way or another, gender issues were a particular focus of our fact-finding missions to Kurdistan, Iraq in 2007 and 2008. Mission members noted a consensus amongst interviewees that domestic violence was pervasive in all its forms throughout the Kurdistan Regional Governorate (KRG), affecting women of all social and educational levels. Information gathered from interviews with KRG officials and women's rights activists suggested that suicides and 'honour' killings were on the increase as a result of the prevalence of conflict in the region, with the pervasive violence and instability causing societies to turn inward on themselves.

Both the KRG and civil society representatives acknowledged that patriarchal tribal traditions, chauvinistic religious interpretation and unreasonable societal expectations of women are among the root causes of violence and discrimination. However, KHRP found that these structures were also sustained by economic and institutional underdevelopment and the failure to systematically implement



*Roundtable on strategies and tactics to combat violence against women in Dohuk, Iraq in September.*

one coherent rule of law across the region. Whilst legislation to protect the rights of women had been developed since 2003, mission members noted a lack of training programmes for judges regarding its implementation, the effect being that segments of the old Baathist penal code and Sharia law were being used in trials dealing with violence against women.

Against this background, KHRP continued to conduct training sessions both in Iraq and elsewhere in the Kurdish regions designed to raise awareness of women's rights and the international mechanisms that exist to protect them. From 23 to 24 February we co-hosted a training and strategy meeting with SELIS Women's Consultation Centre in Diyarbakır, focusing on use of the Convention



*KHRP training on women's rights in Leicester in January.*



*Participants at KHRP's CEDAW training in Diyarbakır, Turkey in February.*

for the Elimination of Discrimination against Women (CEDAW). The training was timed to take place in the run-up to a review of the situation in Turkey by the UN Committee on the Elimination of Discrimination against Women in 2008, and was attended by 20 women from organisations dealing with gender issues throughout the region. The strategy meeting discussed the extent to which the Turkish government had implemented recommendations made by the Committee in its previous reports. Participants agreed to form a platform to write a report focussing on the effect of forced migration on women, to be presented to the Committee during its upcoming review of the situation in Turkey.

On 12 September KHRP convened a roundtable meeting of Turkish and Iraqi human rights activists in Dohuk, Iraq entitled 'Strategies and Tactics to Combat Violence Against Women', in order to encourage an exchange of ideas on this issue. Held in conjunction with local NGOs Harikar and the Civil Development Organisation, hosted by the Union of Kurdistan Writers, the event provided a valuable opportunity for regional women's rights organisations to break down cultural taboos surrounding this sensitive subject.

KHRP also continued its work for the protection of women's rights in 2008 in conjunction with representatives of the Kurdish diaspora in London. On 25 June, we convened a training session for members of the Kurdish Women's Project (KWP) in London entitled 'Gender and Human Rights: Enforcing the Charter' as part of ongoing efforts to promote implementation of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora. Launched by KHRP and KWP in the British House of Lords and the Kurdish Regional Parliament in Iraq in 2004, the Charter is inspired by instruments like CEDAW, the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), but is tailored towards addressing the specific needs of women in the Kurdish regions. The training focused on introducing members of KWP to the latter documents and other international mechanisms for protecting human rights.

KHRP and KWP held a further training in London on 1 October for women's rights activists and scholars to further elaborate on the place of women's rights in international law and the use of international human rights mechanisms. Led by KHRP Consultant on Women and Children's Rights Margaret Owen, the seminar





*Participants of a women's rights training at the KHRP office in London in June.*

included discussion of key issues affecting women's rights in the Kurdish regions, such as 'honour' killings and domestic violence.

Elsewhere in the UK, KHRP led a training seminar in Leicester on 17 January on the theme 'Global Issues, Local Voices: How Women's Organisations Use International Instruments'. The training included talks and workshops on international legislation and legal bodies, UN Special Rapporteurs and effective lobbying skills. Organised by the Fatima Women's Network, it was attended by representatives from Faith in People with HIV, the Race Equality Centre and the Women's National Commission.

Finally, KHRP continued to raise international awareness of challenges to women's rights in the Kurdish regions and our own work in this area. This included a speech at Garden Court chambers in London in May, titled 'The Role of Kurdish Women in Dialogue, Conflict Resolution and Reconstruction, and their Struggle for Human Rights and Democracy'. The talk outlined KHRP's past achievements in terms of campaigning for increased protection of women's rights in the Kurdish regions, such as the Charter and groundbreaking cases at the ECtHR. The latter includes the KHRP-assisted case of *Aydın v. Turkey*, which in 1997 established the treatment of rape by or with the acquiescence of state

agents as a form of torture within the European legal framework. KHRP also attended the OSCE Forum in Helsinki, Finland on 2 and 3 December and gave a presentation on a similar theme as part of a working group on civil society and conflict resolution.

## Right to Life

In a context defined by conflict and political repression, the people of the Kurdish regions have long faced threats to their lives as a result of military operations, extra-judicial killings and excessive use of force by both state and non-state actors. Domestic judicial systems in the region have systematically failed to provide justice to the victims of such violations and in many cases actually contribute to the problem through widespread application of the death penalty. KHRP's efforts to tackle this situation in 2008 involved a combination of approaches, including research, advocacy and strategic litigation.

### *Extra-Judicial Killings and Excessive Use of Force*

Extra-judicial killings have been carried out with disturbing regularity by security forces and non-state actors in many locations across the Kurdish regions in recent decades, particularly during periods of war and instability. There is also a longstanding and ongoing pattern of deaths caused by excessive use of force, especially in the context of military operations and during repression of demonstrations.

Though the situation in the Kurdish regions of Turkey in this regard nowadays does not compare with that at the height of the conflict, KHRP's fact-finding mission to the region in March heard reports that civilian deaths continue to this day and have increased in number since the latest deterioration in the security situation. The mission was told of a number of recent instances in which soldiers had apparently fired on villagers, and heard of serious concerns about ensuing investigations. Following one such episode in 2007, for example, the same section of the gendarme who opened fire on a village were reportedly subsequently tasked with investigating their own actions. The mission also heard of at least one incident in which 17 members of a Maoist Communist group and nine members

of the PKK, who were unarmed when they were arrested, were allegedly shot after being taken into custody.

Besides highlighting ongoing abuses, KHRP also continued to seek justice before the European Court of Human Rights (ECtHR) for the families of those who were 'disappeared' at the height of the conflict:

- In January, the ECtHR issued a favourable judgement in the KHRP-assisted case of **Muyhettin Osmanoğlu**, a Turkish national of Kurdish origin whose son, Atilla Osmanoğlu, was taken away by men claiming to be police officers in Diyarbakır in March 1996 and never seen again. In April 1996, the Chief Prosecutor at the State Security Court in Diyarbakır ruled that since there was no custody record for Atilla Osmanoğlu, an investigation into his abduction could not be carried out. Moreover, allegations raised by a former agent of the *Jandarma İstihbarat ve Terörle Mücadele* (Gendarmerie Intelligence and Counter-Terrorism, JİTEM) in July 2006 that he had died in the custody of that unit were dismissed as hearsay and were not followed up. The ECtHR ruled that Turkey had violated Article 2 (right to life) of the European Convention on Human Rights (ECHR) by failing to protect the life of Atilla Osmanoğlu and investigate his disappearance. The judges also found that the distress and anguish caused to the Applicant as a result amounted to a violation of Article 3 (prohibition of torture and inhuman or degrading treatment).

KHRP also continued to raise awareness of extra-judicial killings elsewhere in the Kurdish regions, and to advocate on behalf of victims and their relatives. In one such case, we sent an urgent appeal to various UN special rapporteurs in connection with the deaths of four Kurdish conscripts who died in December 2008 and early 2009 whilst carrying out mandatory service in the Syrian military. Although the authorities claimed they had committed suicide, reports from local civil society organisations, news agencies and human rights defenders indicated that they were killed because of their political activities.

### *The Death Penalty*

KHRP also continued to raise awareness and advocate against the ongoing use of the death penalty in many countries in the Kurdish regions, a practice that we firmly believe has no place in any modern democratic society. The situation

in Iran continued to raise the most pressing concerns in this regard, with the number of executions having shown a steady increase in recent years, peaking at over 340 in 2008.

In the course of 2008 KHRP sent a number of urgent appeals to UN human rights mechanisms highlighting particularly alarming cases involving application of the death penalty:

- KHRP continued to communicate with six UN bodies, including the Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, seeking urgent action in the case of two Kurdish journalists sentenced to death in Iran, **Hiwa Butimar** and **Adnan Hassanpour**. After Mr Butimar was arrested in December 2006 and Mr Hassanpour in January 2007, they were accused of acts against national security and sentenced to death by hanging the following July. Although the Supreme Court overturned the sentence against Mr Butimar in October 2007, his case was subsequently returned to the same Marivan court that had originally condemned him, and which duly passed the same sentence again in April 2008. After Mr Hassanpour's sentence was eventually quashed by



*Kerim Yıldız with Kurdistan Regional Government Human Rights Minister Dr. Yousif M. Aziz.*

the Supreme Court in 2008, his case was also sent back to a lower court. Both men are reported to have been tortured in custody.

- In March 2008, KHRP sent an appeal to three UN Special Rapporteurs concerning the case of a Turkish national of Kurdish origin who was executed in Iran in December 2007. Following his arrest on the border between Iran and Turkey in 2006, he had been tortured and questioned about his alleged involvement with the PKK. His feet, which were damaged by frostbite, were amputated without his consent and he was denied adequate legal representation. His execution was carried out without notifying his family, his lawyer or the Turkish consulate, and his family were subsequently unable to retrieve his body.

## War and Instability

**The Kurdish regions have long witnessed a vicious cycle of war, instability and human rights abuses. The denial of political, economic, cultural and other rights feeds into resentment and disenfranchisement, creating fertile ground for conflict. Further, insecurity and violence can often lead to human rights violations, as well as posing a major obstacle to the work of those who seek to monitor and address them. KHRP's efforts to end this cycle in 2008 included research, public awareness and strategic litigation.**

As mentioned earlier in this report, cross-border operations into Kurdistan, Iraq by the Turkish and Iranian militaries, with the tacit and in some cases tactical support of the international community, remained a matter of serious concern throughout 2008. These operations included routine shelling and airstrikes, as well as an eight-day ground incursion by an estimated 10,000 Turkish troops in late February, all of this purportedly targeting PKK bases. However, KHRP sought to expose and draw attention to the terrible consequences of these attacks for civilians in the region, particularly through our publications: firstly in a briefing paper published in January, titled *Turkish Attacks on Kurdistan, Iraq 2007/8: Background, Motives and Human Rights Impact*; and later in *A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure*.



*Kerim Yıldız and mission member Johanna Nykanen with KHRP Applicants in Kurdistan, Iraq.*

The fallout of the operations included civilian deaths, as well as large-scale displacement and widespread destruction of land and property, amounting in at least some cases to gross violations of the Geneva conventions. KHRP mission members observed large areas of farmland scorched by Turkish bombardments in areas of Kurdistan, Iraq that rely heavily on harvests. They also noted that much of the surrounding countryside had been blackened, indicating the possible use of chemical weapons by the Turkish forces, a tactic that has precedent within the history of Turkish military operations in Iraq. In addition, mission members saw clear evidence of the psychological scarring of villagers who have experienced the trauma of Turkish and Iranian attacks.

KHRP also drew attention to the broader consequences of these attacks for the stability, economic growth and political development of Kurdistan, Iraq, as well as the prospects for establishing a strong human rights culture in the region. The damage done to agricultural infrastructure has the potential to undo the relative economic and political stability that the Kurdistan Regional Governorate (KRG) has enjoyed since the fall of the Baathist regime, with the resulting displacement further straining the resources of local authorities in already overcrowded urban centres. Even those who did not lose farms or property in the bombardments

## ARMED INTERVENTION IN KURDISTAN, IRAQ: FACTS AND FIGURES

- A reported 1,000 villagers living near the Iranian border displaced from their homes by Iranian bombardments in August 2007 alone.
- Some 1,800 civilians displaced as a consequence of Turkish airstrikes in December 2007.
- An estimated 600 families displaced in the areas surrounding the Qandil Mountains near the Turkish border from December 2007 to January 2008.
- Approximately 10,000 Turkish troops involved in a weeklong ground incursion into Kurdistan, Iraq in February 2008.
- At least 2 dead and dozens more injured, in addition to destruction of homes, agricultural lands and pastures, and credible reports of long-term environmental damage.

found that the local economy had declined rapidly as a consequence, with the destruction of livelihoods meaning that villagers were no longer able to trade as before.

In addition to publishing our own research, KHRP was also frequently consulted by international media outlets seeking independent analysis on the human rights impact of the military operations. In January, for example, Executive Director Kerim Yıldız wrote a piece on this subject for the *Guardian's* blog-site 'Comment is Free'. KHRP's opinions on the bombardments were also sought in an interview with the independent US broadcaster *Democracy Now!* As in previous years, KHRP continued to emphasise that the Kurdish region's problems will not be solved by military force and that attempts to reach a resolution in this way merely fuel suffering and resentment.

KHRP also sought to address human rights violations arising from the attacks through its strategic litigation programme. In the course of the year, we filed applications with the European Court of Human Rights (ECtHR) on behalf of an unprecedented 76 applicants who were injured, lost property or family members,



*KHRP's Regional Representative in Kurdistan, Iraq Tanyel Taysi.*

or otherwise suffered as a direct result of Turkish military operations in Kurdistan, Iraq. These cases included the following:

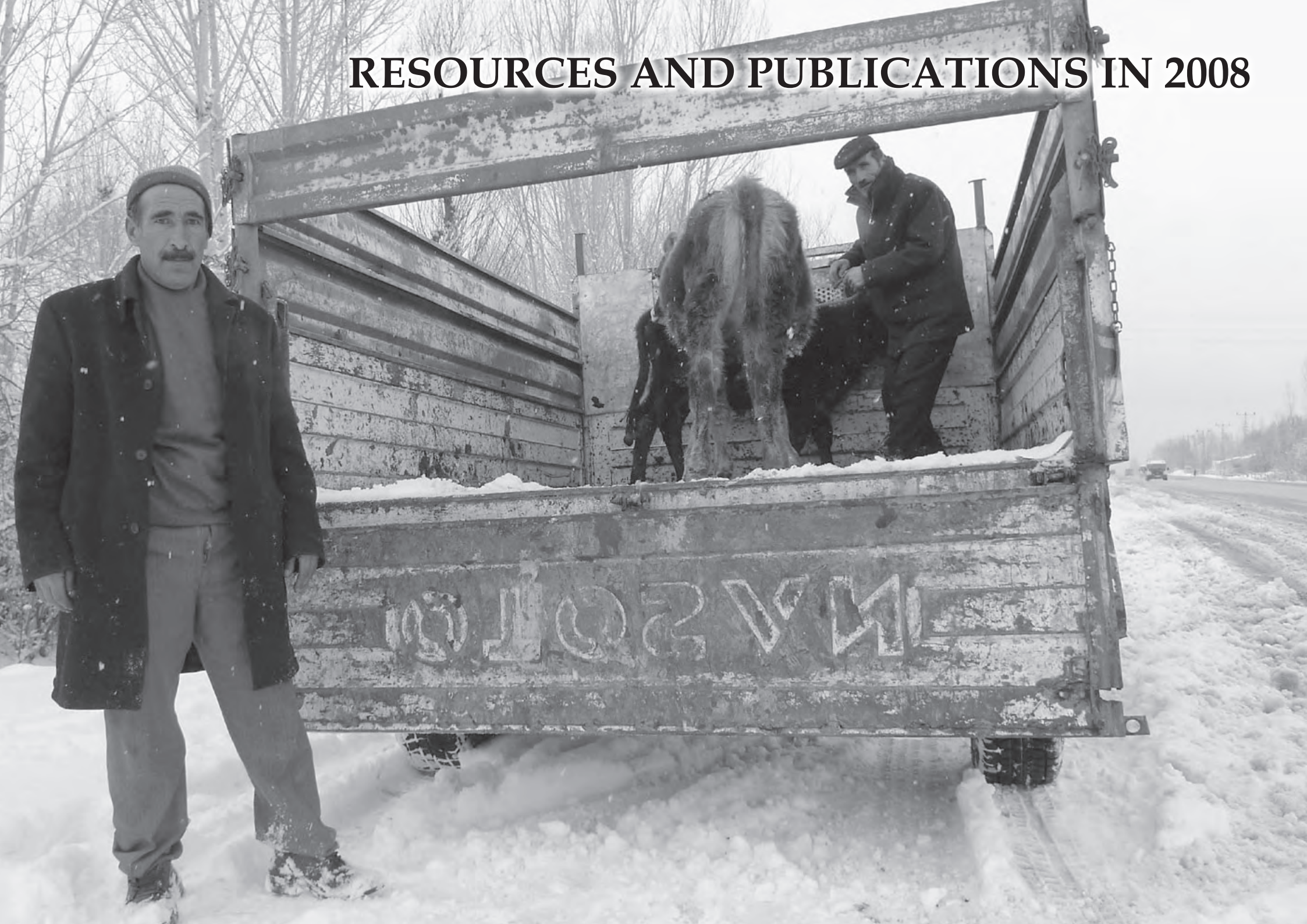
- In April 2008 complaints were lodged against Turkey at the ECtHR on behalf of residents of Dohuk Governorate, whose farmland, orchards and other property were destroyed by aerial bombardment and artillery fire in October 2007. The Applicants are seeking redress under Articles 2 (right to life), 3 (prohibition of torture and ill-treatment), 6 (right to fair trial), 8 (right to respect of family life and property), 13 (right to domestic remedy) and 14 (prohibition of discrimination) of the ECHR.
- In June 2008 a case was lodged at the ECtHR against Turkey on behalf of 45 Applicants, in connection with the destruction of farms and other property following bombardment of a civilian village near the Turkish border in December 2007. The daughter of one Applicant sustained serious injuries during the attack and subsequently had to have her leg amputated.
- KHRP also lodged a case on behalf of two widows whose husbands disappeared during a trip in the border regions of Iraq in spring 2008 to

collect edible fruits and plants to be sold at the local market. It subsequently transpired that the Turkish military had conducted cross-border operations involving aircraft, artillery and ground forces near to a village, and the bodies of the two men were eventually discovered. The Applicants report that they had been shot several times. They argue that Turkey failed to take adequate steps to protect the lives of their husbands and subsequently failed to carry out an adequate investigation into the circumstances of their deaths.

Against the backdrop of human rights violations committed during Turkey's cross-border military operations, KHRP's annual Legal Team meeting in June focused on the complexities surrounding extra-territorial jurisdiction in the ECtHR framework. Recent cases at the ECtHR have established that the Court has jurisdiction over state agents operating outside a state's territory under certain circumstances, particularly when the state in question has 'effective control' over the area in question. However, this remains a complicated area of law and one in which KHRP's own cases have the potential to set influential precedents.

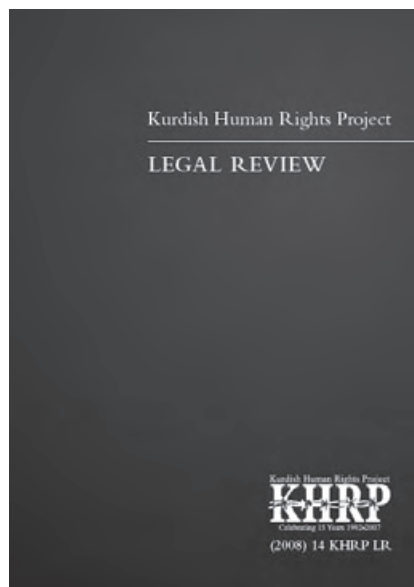
Besides this international dimension to the conflict in the Kurdish regions, KHRP also continued to research and raise awareness in 2008 of the consequences of ongoing violence within Turkey's borders. As noted previously in this report, a fact-finding mission to the Kurdish regions of Turkey in March noted that a resurgence in fighting in the region has given rise to a marked deterioration of the human rights situation there, characterised in particular by restrictions on freedom of expression, thought and association, but also including reports of torture, ill-treatment and extra-judicial killings. In addition, the mission heard of alleged use of chemical weapons and the mutilation of the bodies of PKK members by state security forces, as well as killings of civilians during PKK attacks. At a time when their efforts are particularly important, civil society groups were also said to be facing difficulties carrying out their work. Amongst the mission's recommendations was a call for renewed efforts to bring about a swift end to the conflict and focus instead on finding a peaceful solution to the issues that underlie it. As in Turkey, instability within Iran's borders and the Iranian state's campaign against the Party for a Free Life in Kurdistan (PJAK) has also been accompanied by arbitrary arrests and abuses in custody.

# RESOURCES AND PUBLICATIONS IN 2008



Free copies of KHRP reports can be accessed and downloaded on KHRP's website (www.khrp.org). Printed copies are available through our online shop.

## ADVOCACY AND TRAINING RESOURCES



### Legal Reviews 13 & 14

June and December 2008 (Biannual)

ISSN 1748-0639

KHRP's *Legal Review*, published biannually, is the only existing legal journal that covers significant legislative and policy developments relevant to the Kurdish regions of Turkey, Iran, Iraq, Syria and the Caucasus.

These two editions cover the period from December 2007 to December 2008 and feature news articles and updates pertinent to the Kurdish regions and summaries and analysis of the most significant judgements from the European Court of Human Rights (ECtHR), European Court of Justice (ECJ),

International Court of Justice (ICJ), UN and UK Courts. The journal also provides information and updates on cases that have not yet reached a judicial decision, allowing readers to keep abreast of the latest allegations of human rights violations to be submitted to international courts and mechanisms.

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



**Taking Cases to the European Court of Human Rights: A Manual (2nd Edition, Armenian Language)**

&

**Taking Human Rights Complaints to UN Mechanisms: A Manual (2nd Edition, Sorani Language)**

These 2006 manuals have now been published in Armenian and Sorani. The European Court manual provides commentaries on the practice and procedure of the Court, in addition to key texts such as the European Convention, the Court's application form and details of legal aid available from the Court. It also includes updated sections on admissibility rules, just satisfaction claims and enforcing judgments, together with information regarding the changes to be introduced by Protocol 14. The UN manual provides an overview of the different mechanisms and guides to their use, and includes updated versions of key texts, such as reservations and declarations entered into by member states in the Kurdish regions, model complaint forms and guidelines for the submission of complaints.



## FACT-FINDING AND TRIAL OBSERVATION REPORTS



### Persecuting Publishers, Stifling Debate: Freedom of Expression in Turkey

#### Trial Observation Report

May 2008

ISBN 978-1-905592-18-0

On 13 February 2008, KHRP representatives observed the final stages of the trial of Kurdish publisher Ahmet Önal. Legal proceedings were brought against Mr Önal over the book *Diaspora Kürtleri* (Diaspora Kurds), which talks about the role and influence of the Kurdistan Workers' Party (PKK) among Kurds in the former Soviet Union. Mr Önal was charged with disseminating propaganda on behalf of a terrorist organisation.

The report places KHRP's observations in the context of Turkey's obligations to ensure a fair trial for all its citizens, as well as the ongoing challenges to freedom of expression in Turkey and its bid to accede to the European Union. Although Mr Önal was eventually acquitted, the report reflects concerns that spurious charges and trials are being used in Turkey to obstruct the operation of publishing and journalism, and more broadly to inhibit public discussion of fundamental political, social or historical issues.



### Return to a State of Emergency? Protecting Human Rights in South-East Turkey

#### Fact-Finding Mission Report

June 2008

ISBN 978-1-905592-19-7

This report is based on the findings of a KHRP mission to the Kurdish regions of Turkey in March 2008 to gather information on the situation there following recent military operations, including cross-border incursions and aerial bombardments. Amid the increased unrest, the provinces of Şırnak, Hakkari and Siirt had been declared high-security zones and checkpoints had been set up in neighbouring regions. There were reports of the use of chemical weapons and

the mutilation of the bodies of PKK members by state security forces, as well as killings of civilians during PKK attacks. Civil society groups were also said to be facing difficulties carrying out their work.

Mission members met with representatives of political parties, state officials and civil society groups, as well as people living in the high security zones and local administrators. They noted a general consensus that the situation in these regions had deteriorated over the last two years, although it had not reached the same levels of oppression and human rights violations seen in the 1990s. The mission found that the human rights most affected by the conflict were freedom of expression, thought and association, though torture, ill-treatment and extra-judicial killings were also said to be occurring.

The report includes an overview of the political background in Turkey, as well as domestic, regional and international legislative provisions relevant to the conflict. It also deals with the economic, social and political consequences of the fighting in the south-east and places all of this in the context of Turkey's accession to the European Union.





### **A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure**

**July 2008**

ISBN 978-1-905592-20-3

This report is based on a series of visits to Kurdistan, Iraq in the course of 2007 and early 2008, during which mission members detected an enormous desire amongst civil society representatives and government officials for proper implementation of human rights norms, accountability and the rule of law. The reality, however, is a region where there remains a lack of awareness amongst members of the public about their human rights and a dearth of effective systems in place to ensure that these

rights are protected. While the mission noted that all countries in transition need time to develop their infrastructure, such weaknesses are also partly due to a lack of strategic planning for long-term strengthening of mechanisms for human rights protection, and in particular to a disappointing absence of investment by the international community in support of this end.

The report explains the historical and political context of the current human rights situation in Kurdistan, Iraq, and goes on to explore this situation with special reference to women's rights, minority rights, freedom of expression, and the rights of prisoners and other detainees. Further sections are dedicated to the human rights situation in Kirkuk and other 'disputed areas', and the impact of the military incursions into Kurdistan, Iraq, by neighbouring countries. It concludes with a set of recommendations for the Government of Iraq, the Kurdistan Regional Government, local civil society organisations, the international community and international NGOs working in the region.



### **A Children's Choir Face Terrorism Charges: Juveniles in the Turkish Justice System**

**Trial Observation Report**

**September 2008**

ISBN 978-1-905592-21-0

In June 2008 a KHRP mission travelled to Diyarbakır in the Kurdish regions of Turkey to observe trial proceedings against members of a local children's choir who had been charged under anti-terror laws for singing a Kurdish song at a world music festival in the United States the previous October. Prosecutors argued that the song was associated with the outlawed PKK and that singing it amounted to disseminating propaganda

on behalf of a terrorist organisation. Of nine children who went to trial, three faced proceedings in an adult court. Although all were eventually acquitted, the episode illustrated the threats posed to human rights by Turkey's recently-amended anti-terror legislation, as well as the failure of the country's criminal justice system to afford adequate protection to children. Contrasting the treatment of the children with standards set out in international human rights agreements, this trial observation report also places the case in the context of broader patterns of restrictions on freedom of expression and cultural and language rights in Turkey.

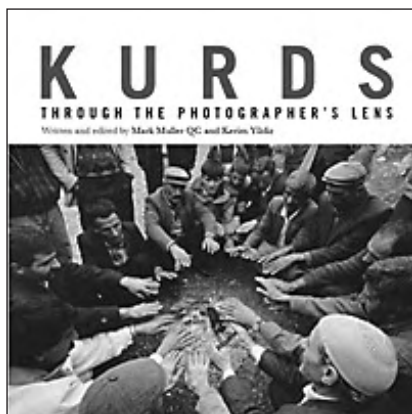
## RESEARCH

### The Situation of Kurdish Children in Turkey Research Report

September 2008

Published in draft form in September, this report is based on extensive desk research and a fact-finding mission to three areas of Turkey – Diyarbakır, Cizre and İstanbul – in June, during which mission members conducted interviews with relevant actors including human rights defenders, activists and lawyers. The report tackles a range of issues affecting the human rights of children throughout the country, with a particular focus on problems facing Kurdish children. The areas explored include housing, health and nutrition, education, child labour, discrimination, juvenile justice, conflict and domestic violence. The research highlights the lack of any strategic plan on the part of the Turkish government to improve protection of children's rights. The authors relate the current situation to Turkey's obligations under international human rights agreements and offer recommendations to the Turkish authorities and the European Union for addressing key problems.

## BOOKS



### Kurds: Through the Photographer's Lens

December 2008

ISBN 978-1-904563-86-0

This unique collection of photographs, poetry and writing was commissioned by the Delfina Foundation and published by Trolley Ltd. to mark 15 years of the KHRP. Combining the work of some of the most prominent photojournalists and photographers who have worked across the Kurdish regions – including Susan Meiselas, Jan Grarup, Ed Kashi, and Patrick Robert – with written contributions from Noam

Chomsky, the late Harold Pinter, Jon Snow and poet Choman Hardi, it celebrates the life and times of the Kurdish people over the past decade and a half.

## BRIEFING PAPERS

### Turkish Attacks on Kurdistan, Iraq: 2007/8 – Background, Motives and Human Rights Impact

February 2008

Since late October 2007, Turkey has been carrying out cross-border military operations, bombardments and air-raids in Kurdistan, Iraq. Turkey has attempted to justify these operations under the pretext of its ongoing fight against the PKK.

This KHRP briefing paper discusses these developments, demonstrating how the attacks should be understood in the broader context of Turkey's long-standing strategic goals in countering regional Kurdish autonomy, goals it shares with Iran and Syria. The paper refers to recent KHRP research in the region showing that Turkey's operations have been in gross violation of the Geneva conventions, causing extensive harm to civilian life and property in parts of northern Iraq with little actual impact on the capabilities of the PKK. The paper also discusses the international reaction to the attacks, and calls upon the US, EU and all other parties with an interest in maintaining stability in the region to condemn the attacks and urge Turkey to pursue constructive and non-military measures to secure peace in the region.

### Protecting Politicians or Protecting Democracy? Parliamentary Immunity and Party Closure in Turkey

July 2008

The formation of a *Demokratik Toplum Partisi* (Democratic Society Party, DTP) group in parliament following the July 2007 general elections in Turkey gave a pro-Kurdish party representation in the country's parliament for the first time in 14 years. Since then, prosecutors have filed a number of requests to have the parliamentary immunity of DTP MPs lifted in order to pave the way for legal proceedings against them, and have instigated moves to have the party shut down. In 2008, prosecutors narrowly failed in a similar attempt to shut down the ruling *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP), in a case that saw the party's treasury funding slashed as a warning over its supposedly anti-secular activities. This briefing paper explores the mechanisms available in Turkey for the lifting of parliamentary immunity and the shutting down of

political parties, and the ways in which these mechanisms have been employed in the relentless pursuit of parties and politicians by unelected agents.

### Turkey's Anti-Terror Laws: Threatening the Protection of Human Rights

August 2008

This briefing paper explores Turkish anti-terror legislation in the wake of amendments in 2006 that brought into effect a series of draconian provisions which fail to meet the country's human rights obligations under international law and which have in practice been used to violate the human rights of its citizens. In particular, the new law fails to respect international human rights obligations by containing a definition of terrorism which is too wide and vague, by increasing the range of crimes that can count as terrorist offences, and by posing a serious threat to the freedoms of expression and association, the right to a fair trial, and the prohibition of torture. Such legislation only serves to further the deterioration seen in the human rights situation in Turkey since 2005 and should therefore be amended.

### Freedom of Association and Labour Rights Under Threat: The Situation of Trade Unions in Turkey

November 2008

This briefing paper assesses the extent to which the situation of trade unions in Turkey has changed in recent years, in the context of the country's bid to accede to the European Union. The evidence suggests that the Turkish state is yet to recognise the valuable role that trade unions have to play as necessary social partners within the democratic system. Several pieces of Turkish legislation remain at odds with its commitments to respect trade union rights under various international agreements. In practice, too, the Turkish authorities continue to violate the rights of employees – particularly those working in the public sector – to associate freely, to bargain collectively and to go on strike. The situation is particularly bad in the Kurdish regions of south-east Turkey, where violations of trade union rights are exacerbated by special security measures, restrictions on expressions of Kurdish culture, and factors such as poverty, discrimination and displacement.

## NEWSLINE AND IMPACT REPORT



KHRP's quarterly publication *Newsline*, includes updates on developments in relation to the human rights situation in the Kurdish regions, as well as news about the organisation's activities, including litigation, advocacy, training sessions, monitoring missions, research and publications.



*Impact Report 2007* provided comprehensive coverage of the human rights situation in the Kurdish regions of Turkey, Iran, Iraq, Syria and the Caucasus in 2007, KHRP's activities throughout the year and the impact that these had in advancing respect for the rule of law and protection of human rights.

**Law Society Dinner Marks KHRP's 15th Anniversary**

Michael Mansfield QC and Peter Madsen had a fundraising dinner at the Law Society on 19 November to celebrate KHRP's 15th anniversary and to raise financial support for grassroots research before the European Court of Human Rights (ECtHR).

The evening began with a speech by KHRP Honorary President Lord Col. Auld about the history of the organisation and his own experiences of the difficulty of undertaking human rights work in relation to Turkey. Lord Auld gave an impassioned critique of the human rights practices of the Turkish authorities, but also highlighted the power of civil society organisations to counter racism, prejudice and hate speech. Michael Mansfield, whose career has included work on behalf of the families of Sagarika Lawrence and Jean Charles de Menezes, as well as Turkish and Kurdish activists, is a Patron of KHRP.

A speech by KHRP Chairman Mark Miller QC focused on his experience of working with the organisation since its inception in the early 1990s and his gratitude for the moral support and practical assistance it had received from many high-profile human rights lawyers. Lord Auld presented Zeynep Han Elm with a certificate of appreciation for her completion of the Legal Training Programme of the KHRP.

The Fellowship offers talented women who have been in the Kurdish regions an opportunity to gain practical experience in the field of human rights law. The Fellowship offers talented women who have been in the Kurdish regions an opportunity to gain practical experience in the field of human rights law.

**Director's Letter**

Dear Friends,

It has been a particularly exciting winter period for KHRP made special by many successful fundraising dinners and the publication and launch of a beautiful collection of photography, all in mark of a 15th anniversary.

We are very grateful to Michael Mansfield QC, Lord Col. Auld and Mark Thomas for their help in these events and to all individuals, law firms, chambers and other organisations who took part. Many of you have been supporting KHRP throughout the organisation's lifetime and have been fundamental to making it what it is today. It is thanks to you that KHRP has come such a long way since its birth in 1993 and that we are able to look back on over 15 years of successful litigation, advocacy, training and public awareness work.

As we celebrate KHRP's 15th anniversary over the years it is important that we should be better than ever in this quarter alone, we are holding four training for lawyers, human rights defenders and government officials in Turkey and Kurdistan. We have also been a training on

**KHRP Honoured with Launch of Anniversary Photo Book**

November saw the publication of *Kurdish Through the Prism*, a regular collection of photographs, poetry and writing commissioned by the Kurdish Foundation in celebration of 15 years of work by KHRP.

The book was launched at an event at the 1911 Gallery in London on 20 November, hosted by KHRP.

Lord Auld gave a speech giving the opening

continued on page 2

## PRESS RELEASES

Press releases are an important part of our public awareness activities, providing regular updates to policy and decision-makers, journalists, academics and civil society organisations.

Our press releases are available to those with e-mail access. To subscribe, send an e-mail to [publications@khrp.org](mailto:publications@khrp.org) with 'subscribe' in the subject line.

## KHRP WEBSITE

Our website provides the most valued and reliable online source of information on human rights developments in the Kurdish regions. The site is regularly updated with news about KHRP's activities and developments in the regions, and features a comprehensive downloads library where all KHRP publications are available free of charge. KHRP is also currently developing the Feeney Centre for Research and Dialogue which, once completed, will allow users to search and access our extensive collection of research materials online.



## INFORMATION REQUESTS

KHRP has an extensive resources library on human rights in the Kurdish regions, with thousands of articles, books, reports and documents from all around the world. As an objective source of advice and information about the situation in the Kurdish regions, we receive numerous requests for information from academics, researchers, human rights defenders, victims or survivors of human rights abuse, lawyers, journalists and interested members of the public. We aim to share our expertise and knowledge as widely as possible and, where possible, respond to all such requests within ten days.



# OUR STRUCTURE



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

To protect its international, apolitical nature, KHRP feels it is vital to be managed by those representing the broader human rights community, not only those in the Kurdish regions. The Board of Directors meets on a quarterly basis and is responsible for KHRP's direction, and both the Executive and Deputy Directors report to the Board on a regular basis. KHRP also consults regularly with its Board of Patrons, Advisory Group and pro-bono Legal Team.

To ensure full accountability, we regularly publish information about our methodologies and procedures and invite feedback. For information about our trial observation, fact-finding and training methodologies, guidelines on in-house terminologies and definitions, or to offer feedback on any aspect of our work, contact us at +44 (0) 207 405 3835 or e-mail [khrp@khrp.org](mailto:khrp@khrp.org).

#### **BOARD, PATRONS AND STAFF**

##### **Honorary President:**

Lord Avebury

##### **Board of Directors:**

Mark Muller QC (Chair), Barrister  
Michael Ivers (Secretary), Barrister  
Rajesh Kumar Rai (Treasurer), Ecologist  
Ed Grieves, Barrister  
Julian Ozanne, Journalist  
Tertia Bailey, Development Consultant  
Gareth Peirce, Solicitor

##### **Legal Consultant**

Tim Otty QC, Barrister

##### **Board of Patrons**

Prof. Haci Akman  
Geoffrey Bindman  
George Black  
Hans Branscheidt  
Noam Chomsky  
Julie Christie

Andrew Collender QC  
Nazmi Gür  
Paul Hoffman  
Bridget Hughes  
Bianca Jagger  
Baroness Helena Kennedy QC  
Bruce Kent  
Lord Kirkhill  
Michael Mansfield QC  
Ian Macdonald QC  
Harold Pinter  
Lord Rea  
Jon Rud  
Per Stadig  
Willem Van Genugten  
Şanar Yurdatapan  
Leo Zwaak

##### **Advisory Group**

William Archer (Writer)  
Meral Daniş Beştaş (Lawyer)  
Mesut Beştaş (Lawyer)

## **KHRP MOURNS PASSING OF PATRON HAROLD PINTER**

The esteemed playwright, poet, actor, director, author, political activist and screenwriter Harold Pinter, who was a member of the KHRP Board of Patrons, passed away on 24 December 2008.

In addition to leaving a lasting impact on modern theatre and winning the 2005 Nobel Prize in Literature, Pinter will be remembered for his steadfast commitment to international peace and human rights. He frequently transferred his professional talent for the written and spoken word to political activism on behalf of the oppressed and downtrodden, with a special focus on the plight of the Kurds. He also campaigned vociferously against the war in Iraq and the interrogation methods used in Guantanamo Bay.

Pinter was exposed to the plight of the Kurdish people during a 1985 visit to Turkey with fellow playwright Arthur Miller. Intended to document the persecution of political writers in the aftermath of the military coup of 1980, the visit also inspired his 1988 play *Mountain Language*.



*Harold Pinter speaks at KHRP's 10th anniversary event at St Paul's Cathedral in 2002*

Touched by what he saw as the wanton destruction of an ancient and proud culture, Pinter remained a determined campaigner on behalf of the Kurds throughout the remainder of his life, and recently contributed some of his work for use in the book *Kurds: Through the Photographer's Lens*.

Ayhan Bilgen (HR Defender)  
Bill Bowring (Professor)  
Peter Carter QC  
Louis Charalambous (Solicitor)  
Louise Christian (Solicitor)  
Jane Connors (Lecturer)  
Julie Flint (Journalist)  
Michael Gunter (Professor)  
Malcolm Harper (formerly UNA)  
Gillian Higgins (Barrister)  
Stuart Kerr (Barrister)  
Laurence Lustgarten (Professor)  
David McDowall (Writer)  
Chris Milroy MD (Forensic Pathologist)  
Jacqueline Muirhead (Human Resources)  
Caroline Nolan (Solicitor)  
Colin Wells (Barrister)

**Consultant on Women's and Children's Rights**

Margaret Owen (Barrister)

**Staff**

Administrator – Bea Yates  
Assistant to the Executive Director – Charlotte Alfred (until September) and Janna Mancini (from October)  
Executive Director – Kerim Yıldız  
Deputy Director – Rachel Bernu  
Turkey and Iraq Desk Officer – Mustafa Gündoğdu  
Development Officer – Pranjali Acharya  
Development & Outreach Officer - Anna Irvin  
Finance Officer – Kenneth Appiah-Kyeremeh  
Legal Officer until April and thereafter Legal Director - Catriona Vine  
Acting Legal Director (maternity cover) – Lucy Claridge  
Legal Associate – Saniye Karakaş  
Resources & Communications Co-ordinator – Walter Jayawardene (until May) and Michael Farquhar (from June)



*KHRP Board member Raj Kumar Rai leads staff in a yoga session during a weekend retreat hosted by Raj and his family in June 2008.*

**Sigrid Rausing Fellow**

Zeynep İnan Çam

**Contractors**

Matt Hird  
Esra Türk

**Saniye Karakaş**

**KHRP Legal Associate and Former International Intern**



*'I first had the opportunity to work with KHRP during a four-month internship in 2003, prior to which I had practiced as a lawyer and volunteered with various human rights organisations in Diyarbakır, Turkey. The internship was a great opportunity to enhance my legal knowledge and skills, and to develop my commitment to the defence of human rights in a concrete and professional setting. I gained a valuable insight into the workings of international human rights mechanisms and the possibilities that these offer for evaluating and advancing the process of democratisation in Turkey. Besides being constantly challenged, I also had a great time and the internship as a whole helped me to decide on the path that I wanted to follow in my future career. With the experience that I gained, I was then able to secure a prestigious Chevening Scholarship from the British Council and went on to study for a masters in the UK. In 2008 I felt lucky to be able to return to KHRP once again, this time as the organisation's Legal Associate.'*



## PRO BONO

KHRP's *pro bono* team is an integral part of our organisation, without which our many successes would be impossible. This section details the work carried out by our Legal Team and voluntary staff, lists those who worked with us in 2008 and documents some of their personal experiences during their time at KHRP. We would like to extend our warmest thanks to all members of our *pro bono* team for their great contribution to KHRP and to the cause of human rights in general.

### KHRP Legal Team

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

Legal Team members in 2008 included:

Declan O'Callaghan  
David Anderson QC  
Miriam Benitez-Carrion  
Sir Geoffrey Bindman  
Michael Birnbaum QC  
Professor Bill Bowring  
Dr Susan Breau  
Brenda Campbell  
Parosha Chandran  
Louis Charalambous  
Louise Christian  
Sandra Conway  
Jo Cooper  
Fiona Darroch  
Jan Doerfel  
Tim Eicke  
Diana Ellis QC  
Ben Emmerson QC  
Joanna Evans  
Alice Faure-Walker  
Edward Grieves  
Matthew Happold  
Robert Harvey  
Gill Higgins

Mark Himsworth  
Andrea Hopkins  
Mary Hughes  
Michelle Hughton  
Arild Humlen  
Michael Ivers  
Chris Jacobs  
Nina Jorgensen  
Ajanta Kaza  
Sydney Kentridge QC  
Stuart Kerr  
Philip Leach  
Peter Lowrie  
Ola Maeland  
Bill McGivern  
Fiona McKay  
Eric Metcalfe  
Mark Muller QC  
Sajjad Nabi  
Hadayt Nazami  
Caroline Nolan  
Hugo Norton-Taylor  
Mark O'Connor  
Øvind Østberg  
Tim Otty QC  
Gita Parihar  
Gareth Peirce  
Rajesh Kumar Rai  
Paul Richmond  
William Robinson  
Knut Rognlien  
Jon Rud  
Smita Shah  
Jessica Simor  
Keir Starmer QC  
Nicholas Stewart QC  
Jemima Stratford

Paul Troop  
Karlijn van der Voort  
Colin Wells  
Chris Williams  
Joanna Wood  
Nigel Wray

### Interns, Externs and Volunteers

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

In 2008 we recruited over 50 interns and volunteers.

Interns in 2008 included:

Ommera Ahmed  
Özkan Koyuncu  
Hüsniye Akdoğan  
Vanessa Leigh  
Shahrazad Alonso Djavedan  
Robin Miller  
Annie Audsley  
Adam Minns  
Mehdi Avdi  
Ramya Nagesh  
Stephanie Balsys  
James Newton

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*'Working on KHRP's cases before the European Court of Human Rights, there is always the exhilarating sense of being part of something that is helping to shape the future of human rights protection both in the Kurdish regions and beyond.'*

*Stuart Kerr, KHRP Legal Team member*

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Sara Capogna  
 Kristin Nolan  
 Bruce Chen  
 Michelle Obregon  
 Dashnye Daloi  
 Federica Pantaleone  
 Çiçek Ergönül  
 Amy Pepper  
 Josee Filion  
 Sarah Rahman  
 Hugo Foster  
 Ella Rolfe  
 Indre Gimziunaite  
 Duygu Şendağ  
 Ellinor Hamren  
 Farwa Sial  
 Tajinder Hayer  
 Louisa Smith  
 George Herbert  
 Armand Steinmeyer  
 Ross Hilliard  
 Julianne Stevenson  
 Bronwen Jones  
 Osman Suoor  
 Tais Jost  
 Ömer Tekdemir  
 Saniye Karakaş  
 Marina Themistocleous  
 Bayan Karimi  
 Julie Young  
 Jori Knight-Jones  
 Georges Younis

Volunteers in 2008 included:  
 Telha Arshad  
 Claire Loucks  
 Eva Charalambous

Leyla Ok  
 Sahr Fazuluku  
 John Skolout  
 Delovan Ghafoor  
 Fiona Tan  
 Amina Ibrahim  
 İlkey Timur  
 Lawen Ismail  
 Inkeri Tuomola  
 Patrick Johnson

**Robin Miller**  
*Research Intern*



*'As an intern at KHRP from January through to July 2008, I learned a tremendous amount about the European Court of Human Rights, the European Convention on Human Rights and*

*Turkey's legal and political history by poring over primary court materials, transcripts and case judgements, and by meeting with and interviewing KHRP's Executive Director Kerim Yıldız. The internship afforded me the opportunity to write press releases and an extensive analysis of KHRP's impact in Turkey over the last 15 years. As a master's student with a limited legal background, this was both a challenging and rewarding experience, and I hope I was able to contribute to KHRP as much as I gained from my experi-*

*ence there. Most importantly, through KHRP I met remarkable individuals who share a passion for promoting human rights and advocating for victims, and will hopefully share a lifelong connection with the organisation.'*

**Sarah Rahman**  
*Development Intern*



*'As a development intern at KHRP, I was exposed to legal work, specialized research, translation, and day-to-day functions. Writing articles for the organisation's newsletter was also a*

*great way to improve my writing, research and personal knowledge. I was able to improve my skills with funding applications, and I learned how a charity is funded. Overall I came away with a good sense of how a human rights charity functions. I expect to graduate with my bachelor's in political science and economics in May 2009 and am looking forward to beginning a career in the human rights/NGO sector.'*

**Osman Suoor**  
*Iran/Syria Desk Officer Intern*



*'My time in the Iran/Syria desk officer internship role at KHRP was an enjoyable learning experience and opportunity to build relations with others. It was fantastic to work with an organisation where staff, volunteers and interns come from various backgrounds and work tirelessly to develop the organisation every day.'*

**Indre Gimziunaite**  
**Legal Intern**



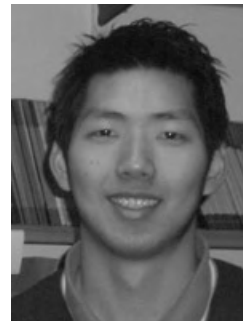
*'Between February and May 2008, I completed a three-month legal internship with KHRP. I am extremely grateful to KHRP: firstly, for giving me an opportunity to undertake this program; and secondly, for giving me a variety of tasks that required quite a high level of responsibility. I enjoyed writing case summaries, compiling urgent action letters to various international organisations and corresponding with the European Court of Human Rights. The internship at KHRP gave me much more than I could have expected in terms of knowledge and experience, and certainly helped me to secure employment at a solicitor's firm following the completion of the programme. I am now working as an advisor with a charity assisting refugees and migrants.'*

**Hugo Foster**  
**Resources and Communications Intern**



*'My seven months as an intern at KHRP was an extremely valuable experience for me both personally and professionally. KHRP offers a particularly unique type of work experience, in allowing interns to take the initiative on challenging projects whilst working in an engaging and fun environment alongside other committed people from around the world. This is why so many interns, myself included, find the organisation so hard to leave. As a resources and communications intern, I was introduced to the full range of KHRP's publications, and all stages of their production. This, as well as the opportunity to gain a broader appreciation of the Kurdish question and its related human rights issues, has greatly informed me in my subsequent work in Middle East political analysis.'*

**Bruce Chen**  
**Legal Intern**



*'I was a legal intern at KHRP for three months during 2008 and found it to be an extremely worthwhile experience. I was tasked with researching and writing text for a training manual on making individual human rights complaints to the Organisation for Security and Cooperation in Europe, the European Parliament and the Council of Europe. I also had the opportunity to write legal case summaries, news commentaries and press releases, utilising my legal background and also my skills as a journalism graduate. Back home in Australia, I am now a judge's associate to a Justice who possesses a keen interest in the application of international human rights in domestic law. I have no doubt that my time with KHRP, working with a diversity of staff and fellow interns, assisted me in obtaining this position. I will always remember the great time I had there.'*

**Louisa Smith**  
**Research Intern**



*'During my time as a research intern at KHRP I learnt volumes about both the historic and current plight of the Kurds. The focus of my internship involved undertaking research and analysis towards a book on the cultural and linguistic rights of the Kurds in Turkey, Iran, Iraq and Syria and the various legal instruments guaranteeing such rights. This project was interspersed with other tasks including drafting submissions to the Annual Congress of International PEN and the OSCE Human Dimension Implementation Meeting, and writing news articles for KHRP publications. The variety of work and the friendly and international environment make KHRP a great place to work. The experience has benefited me personally as well as enhancing my career prospects.'*

**Jori Knight-Jones**  
**Legal Intern**



*'The legal internship at KHRP has been a very rewarding experience for me, both professionally and personally. I am sure that the skills that I have gained here will prove beneficial for my future work. Furthermore, I have had the pleasure of meeting and working alongside some amazing people. The international environment at the KHRP really appeals to me. I truly enjoyed writing for the Legal Review and I have gained valuable experience in human rights case work. My internship at the KHRP has confirmed that I would like to work in the NGO or charitable sector in the future.'*

**James Newton**  
**Resources and Communications Intern**



*'I worked as a resources and communications intern at KHRP for three months. This was a very varied role, and I ended up working on a wide range of subjects and areas. I was given the opportunity to draft press releases and newsletter articles about the work of KHRP and events in the Kurdish regions. I also carried out an extended piece of research into trade union rights in Turkey and helped to draft a briefing paper on this subject. The internship allowed me to acquire valuable skills in working with the organisation's database and website, as well as editing and proofreading. I had a great time at KHRP thanks to its friendly atmosphere and interesting work, and the experience and skills that I picked up have been a great help in writing applications and securing interviews for jobs in the charity sector.'*

**Claire Loucks**  
**Volunteer**



*'During my four months of volunteering with KHRP, I had the opportunity to learn a great deal from the organisation. I found that the experience of working with KHRP staff, interns and fellow volunteers provided me with invaluable lessons and allowed me to utilise my knowledge and skills in a positive and extremely active environment. The insights I received in the sphere of human and minority rights in Europe added a fresh and practical layer to my knowledge and served me well when I moved on to work for the OSCE Prague Office on a variety of minority rights projects. I believe that the skills that I acquired and developed over the course of my stay with KHRP are also applicable to my current position as a researcher and assistant to one of Canada's main political parties and will continue to be advantageous to my future employment and academic prospects.'*



# KHRP FINANCIAL SUPPORT

پروژه‌ی دوست‌کردنی پارک‌های محله‌ها  
هه‌له‌بجه

HALABJA CHILDREN'S COMMUNITY

PROJECT PLAY GROUND SUPPORTED

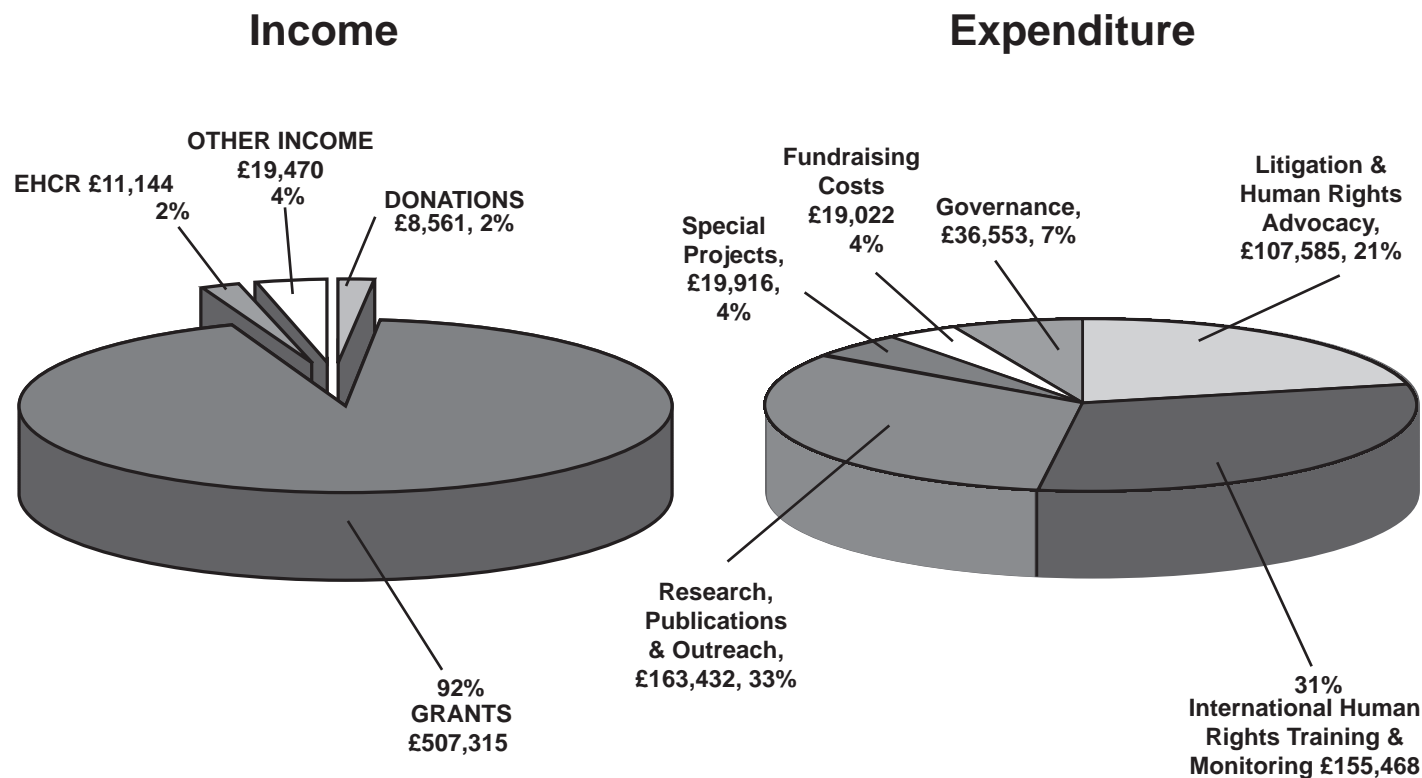
BY: KHRP SPRING STUDIOS



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

## KHRP Finances for the Year Ending 31 December 2008 (Draft Accounts)

- Our funders in 2008 included:
- Big Lottery Fund (UK)
  - Irish Aid (Ireland)
  - Sigrid Rausing Trust (UK)
  - Corner House (UK)
  - Dutch Ministry of Foreign Affairs (Netherlands)
  - Oak Foundation (USA)
  - UN Voluntary Fund for Victims of Torture (Switzerland)
  - Bishop’s Subcommission for Misereor (Germany)
  - Allan and Nesta Ferguson Charitable Trust (UK)
  - Stichting Cizira Botan (Netherlands)



**THANK YOU**





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

**Individuals:**

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**Organisations:**

25 Bedford Row; 36 Bedford Row; Activists in Women's Affairs; Adalet ve Kalkınma Partisi (Justice and Development Party, AKP), Bingöl Branch; Adalet ve Kalkınma Partisi (Justice and Development Party, AKP), Diyarbakır Branch; Alind Organisation for Youth Democratising; Altodigital UK Ltd; Amal Organisation; American Society for Kurds; Amez Organisation; Anniversary Children and Youth Centre, Diyarbakır; AppiChar Ltd; Asharq Alawsat; Asrın Hukuk Bürosu (Asrın Law Office), Turkey; ATC Communications; Awene Newspaper; Badlisy Cultural Center; Bağlar Municipality in Diyarbakır; Barkya Primary School; Barkya UNHCR Refugee Camp; Başak Kültür ve Sanat Vakfı (Başak Culture and Art Foundation, BKS); Belge International Publishing; Bingöl Bar Association; British Embassy

Office, Erbil; Calthorpe Community Centre; Chantry Vellacott DFK; CIT Vendor Finance UK Ltd; Civil Development Organisation; Conservative Women in Kurdistan; Contemporary Lawyers Association, İstanbul Branch; Cool Clear Water UK; Cumhuriyet Halk Partisi (Republican People's Party, CHP), Bingöl Branch; Dark Side Photographic; Day-Mer, Kurdish and Turkish Community Centre, London; Democracy and Human Rights Center; Democracy and Human Rights Development Center; Democracy Now; Demokratik Toplum Partisi (Democratic Society Party, DTP) Headquarters; Demokratik Toplum Partisi (Democratic Society Party, DTP), Diyarbakır Branch; Demokratik Toplum Partisi (Democratic Society Party, DTP), Şırnak Branch; Diyarbakır Bar Association; Diyarbakır Bar Association Children's Commission; Diyarbakır Bar Association Prison Committee; Diyarbakır Governor's Office; Diyarbakır Metropolitan Municipality; Diyarbakır Trade Unions Platform; DSS; Dutch Ministry of Foreign Affairs; Ersan and Co Solicitors; Es Travel; Foreign & Commonwealth Office; Foundation for Social Improvement; Fundación Nueva Cultura del Agua; Greater London Authority; Haber-Sen Diyarbakır Branch; Hakkari Bar Association; Hakkari Mayor's Office; Halkevi Kurdish and Turkish Community Centre, London; Huda Organisation for Iraqi Women; Hukukçular Derneği (Lawyers Association, HD), İstanbul; Initiative to Keep Hasankeyf Alive; İnsan Hakları Derneği (Human Rights Association, İHD) Diyarbakır Branch; İnsan Hakları Derneği (Human Rights Association, İHD) Headquarters, Ankara; İnsan Hakları Derneği (Human Rights Association, İHD) Tunceli Branch; Institute for International Assistance and Solidarity (IFIAS), Diyarbakır Office; International Committee of the Red Cross; Intersentia Publication; Iraqi Democratic Youth Organisation;

Iraqi Ministry of Water; Iraqi Parliament; Islamic Union; Key Travel; Khanzad Cultural Center; KKS Printing Ltd; KRG Ministry of Human Rights; KRG Ministry of Interior; KRG Parliamentary Human Rights Committee; KSD; KURD-DER; Kurdish Community Centre, London; Kurdish Cultural Centre, London; Kurdish Human Rights Watch; Kurdish Institution for Election; Kurdish Media; Kurdish Studies and Students Organisation (KSSO); Kurdish Youth Empowerment Organisation; Kurdistan Children Nest Organisation; Kurdistan Engineers' Union; Kurdistan Journalists' Union; Kurdistan Organisation for Civil Development; Kurdistan Parliament; Levenes Solicitors; London Kurdish Film Festival; London School of Economics; Mailboxes Etc; Mange; Mardin Bar Association Human Rights and Prison Monitoring Committee; Mazlum-Der, Diyarbakır Branch; McGill University; Medico International; Mesopotamian, Cultural Centre (MKM); North London Community Centre; Norwegian People's Aid; Nuri Yabi Law Office; O2 Telecom; Oslo Bar Association; Ouston Sidders & Co.; Pana Center for Defending Women's Rights; Patriotic Union of Kurdistan; Peace Mothers Diyarbakır; Piano; Pluto Press; PUK Students League; Rania Asayish; Rania Municipality; Rhymesystem; Ronahee Organisation for Social and Cultural Activity; Royal Netherlands Consulate, Iraq; Selis Women's Counselling Centre, Diyarbakır Branch; Selis Women's Counselling Service, Şırnak Branch; Şırnak Bar Association; Spring Studios; Sulemanya Social Reform Prison; Sur Municipality, Diyarbakır; SW1 Gallery; Tavgar Organisation; Telgraf; The Anfal Center; The Delfina Foundation; The Law Society; The Rafto Foundation for Human Rights; The Wine Society; THYY-DER İstanbul; Tolerancy International; Tooks Chambers; Toplum ve Hukuk

Araştırmaları Vakfı (The Foundation for Society and Legal Studies, TOHAV); Torske and Sterling Legal Marketing; Trolley; TUAD-DER (Prisoners' Families Association), Ankara Branch; TUAD-DER (Prisoners' Families Association), Diyarbakır Branch; Tunceli Governor Office; Tunceli Municipality; Türk Eğitim-Sen (Union of Turkish Educators, TES), Diyarbakır Branch; Tutuklu Hükümlü Aileleri Yardımlaşma Derneği (Association for Solidarity with Prisoners' Families, TAYAD), İstanbul Branch; Tutuklu Hükümlü Aileleri Yardımlaşma Derneği (Association for Solidarity with Prisoners' Families, TAYAD); UNAMI Human Rights Office; UNHCR; US Department of State/USAID; Valios Boardman Chambers; Van Women's Association; Visualize; Volunteer Centre Westminster; Waterstones; Women Education and Media Center; Women Empowerment Organisation; Women Union Organisation; Women's Affairs Bureau; Women's Alliance for a Democratic Iraq; World Economy, Ecology and Development; Yenişehir Municipality; Yenişehir Municipality Youth Centre; Z Cafe Bar, London.



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 to fight injustice for as long as injustice continues – but we need your support.**

Your support will go a long way - from helping us to bring a new case of torture to the European Court, or conducting a women's rights training for in-country human rights defenders, to undertaking fact-finding and trial observations missions to find out more about, and lend international support to those repeatedly persecuted.

### One-off vs. regular donations

- **Make a quick and easy one-off donation today to provide immediate relief to victims of human rights abuse.** Visit KHRP's online shop at [www.khrp.org](http://www.khrp.org) to donate online. Alternatively call us to make a credit card payment over the phone or post us a cheque with the completed form below.
- **Give regularly and become a Friend of KHRP.** With regular support, we can plan with confidence for the future and are better able to challenge the long-term and underlying causes of discrimination. You can also opt to receive our quarterly newsletter updates. Details about how to give are provided below.

### Be tax-effective

- **Gift-aid your donations.** If you are a current UK tax payer, whether you are making a one-off donation or giving regularly, please remember to gift-aid your donations to increase their value by up to 28p for every £1 donated at no extra cost to yourself.
- **Leave a Legacy.** 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 advance during your lifetime continue to flourish. A legacy to a charity is also tax-efficient in that it is exempt from inheritance tax and does not count as part of an estate.

- **Donate Shares.** Donations through shares are exempt from Capital Gains Tax and you may also be able to reduce your taxable income by the value of the donations. For shares to qualify they must be dealt on a recognised stock exchange, must be UK Authorised Unit Trust Units and be UK Open-ended investment company shares. Transferral of shares to KHRP can be arranged through your stockbroker or alternatively through the Charities Aid Foundation ([www.cafonline.org](http://www.cafonline.org)).
- **Payroll giving.** By deducting donations before tax, payroll giving is another tax efficient way of giving - costing employees less to give more and ensuring that in this uncertain economic climate, every pound donated to KHRP can stretch that little bit further.

### Corporate support

- **We welcome support from companies who want to see a future based on hope, tolerance and social justice.** Many companies choose to help a cause by nominating a particular charity for its support over the year.
- **UK-based companies can also help by establishing a Payroll Giving scheme** that includes KHRP as one of its preferred charities. They can even choose to match staff donations as a goodwill gesture. We are happy to come to your workplace to talk about our charity, and how you can help.

### Spread the word

- **Recommend Charitable Trusts and Foundations.** We rely on grant-making bodies to help us obtain redress for victims and survivors of human rights abuse and are always looking for potential donors. You can help us by suggesting a source of funds that we could apply to, recommending relevant contacts for us to talk to or by nominating us for funds from institutions that do not accept unsolicited requests for support.
- **Raise Awareness.** We firmly believe that if people knew the extent of the human rights abuses in the Kurdish regions, they could be stopped. If you are able to arrange or invite us to a speaking event, to provide details of press or

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

## Generate Income Online

- **Set your homepage to <http://khrp.easysearch.org.uk/>.** Just 10 searches a day can raise around £20 a year for KHRP. It works by donating 50% of the fees paid by advertising sponsors to charity. So that you get the very best results, it combines the very best of search engines Yahoo!, MSN, Windows Live Search, Ask.com, and many more.
- **Use <http://www.buy.at/khrp> or <http://www.easyfundraising.org.uk/>** whether you are thinking of booking a cheap getaway from Expedia or Lastminute.com, wanting to switch energy suppliers, mobile phones or your broadband provider, or are simply looking for Electronics, Books, Music, and DVDs from Amazon. Up to 15% of the proceeds from each purchase are donated to KHRP (as long as you adjust your internet security settings to 'medium' to enable cookies).
- **Sell items on eBay for Charity.** Whether you are an eBay fanatic or novice, the real beauty of eBay for Charity is that there is something for everyone - yourself included. Just visit [www.ebay.co.uk](http://www.ebay.co.uk), select KHRP as your designated charity and decide exactly what percentage of your final selling price you would like to give to KHRP, and what percentage you would like for yourself.

## Other Ways of Giving

- **Volunteer your time.** This commitment may be more valuable to us than a financial donation (see *Our Structure: Pro Bono: Interns and Volunteers*). Contact us for more information about volunteering opportunities at KHRP.
- **Recycle and donate the value of your old mobile phones and used inkjet and toner printer cartridges.** Visit [www.officegreen.co.uk](http://www.officegreen.co.uk) to nominate KHRP and find out more.

- **Give an In-Kind Donation.** Moving offices? Updating your IT systems? Got a skill? KHRP is always grateful for any services, or equipment that is needed and can be donated. This can help save the need to throw away or recycle items whilst being extremely useful to a good cause at little cost to your business.
- **Apply for a Wedge card – the loyalty card for local shops in London.** Not only does it support hundreds of independent traders but it offers great discounts and special offers to shoppers, and KHRP will receive £5 out of the £10 cost of the card, plus a donation every time you use it. Apply for a card today. Visit [www.wedgocard.co.uk](http://www.wedgocard.co.uk) for more information.

## Contact Details

Kurdish Human Rights Project  
11 Guilford Street  
London  
WC1N 1DH  
UK  
Tel: +44 (0)20 74053835  
Fax: +44 (0)20 74049088  
[khrp@khrp.org](mailto:khrp@khrp.org)  
[www.khrp.org](http://www.khrp.org)

# Donations & Order Form

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

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

## I would also like to order the following 2008 publications:

Qty	Title	Cost (GBP)	Total (GBP)
	Kurds: Through the Photographer's Lens (in association with Trolley Ltd.)	25.00	
	KHRP Legal Review 2008 (13) - or subscribe (see below)	10.00	
	KHRP Legal Review 2008 (14) - or subscribe (see below)	10.00	
	Persecuting Publishers, Stifling Debate: Freedom of Expression in Turkey	10.00	
	Return to a State of Emergency? Protecting Human Rights in South-East Turkey	10.00	
	A Fact-Finding Mission in Kurdistan, Iraq: Gaps in the Human Rights Infrastructure	10.00	
	A Children's Choir Face Terrorism Charges: Juveniles in the Turkish Justice System	10.00	
	The European Union and Turkish Accession: Human Rights and the Kurds by Kerim Yildiz and Mark Muller QC (in association with Pluto Press)	17.99	
	Annual Subscription Legal Review (2 editions p.a.)	20.00	
	Annual Subscription Newslines (4 editions p.a.)	15.00	
	Annual Impact Report	Free	
	Postage & packaging (UK) £2.00 per item		
	<b>Total Amount Enclosed</b>		

\* For a full catalogue of publications, and to buy or donate online by credit card, please visit KHRP's online shop at [www.khrp.org](http://www.khrp.org)

Name .....

Address.....

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Postcode .....

Tel .....

Fax .....

Email.....

**Payment Options**

- Cheque – Please make cheques payable to **Kurdish Human Rights Project**



- Donate £10**      **This could cover the cost per page to translate KHRP reports and training manuals from English into a local language such as Sorani or Kurmanji.**
  
- Donate £15**      **This could help us to fax ten urgent appeals to UN bodies calling for them to act on behalf of activists ‘disappeared’, killed or arbitrarily detained in Iran and Syria.**
  
- Donate £25**      **This could pay for a visa to send an independent expert from the UK to northern Iraq to investigate the reported increase in cases of suicide among Kurdish women.**
  
- Donate £50**      **This could help us to fly a lawyer from İstanbul to Diyarbakır to compile witness statements and other crucial evidence in support of an applicant alleging torture by Turkish officials before the European Court of Human Rights.**
  
- Donate £100**      **This could enable us to hire a venue for a one-day capacity-building training for civil society representatives in Armenia on democratic principles and ways of making NGOs more effective and credible.**
  
- Donate £150**      **This could cover the daily cost of an interpreter to accompany lawyers during field visits, helping to give a voice to survivors of police brutality, rape and other human rights abuses.**
  
- Donate £200**      **This could help us to fly an independent expert from the UK to Turkey to monitor the fairness of domestic trial proceedings against children, academics, publishers and others who face persecution for exercising their right to freedom of expression.**
  
- Donate £250**      **This could help us to co-ordinate a five-day fact-finding visit to document the forced displacement of villagers as a result of hydroelectric dam construction and other development projects in Azerbaijan and south-eastern Turkey.**

APPENDIX



# Our History and Achievements

**1992**

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

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

Osman Ergin, Lawyer

**1993**

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

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

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.

**RIGHT (top to bottom):** In the KHRP case *Akdivar v. Turkey*, the ECtHR ruled for the first time that Turkish authorities had destroyed a village inhabited by Kurds deliberately. Pictured: Villagers surrounded by the wreckage of their former homes; KHRP applicant Nuriye Akman, whose 22-year old son was fatally shot by Turkish security forces; Sukran Aydin was 19-years-old when she was blindfolded, beaten, stripped naked, placed in a tyre and bosed 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.





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

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

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

Bruce Kent, peace campaigner

## 1995

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

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

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

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

İHD 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.

*LEFT (top to bottom): KHRP applicant Unsal Öztürk reviewing his case file with Executive Director Kerim Yıldız; 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.*

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

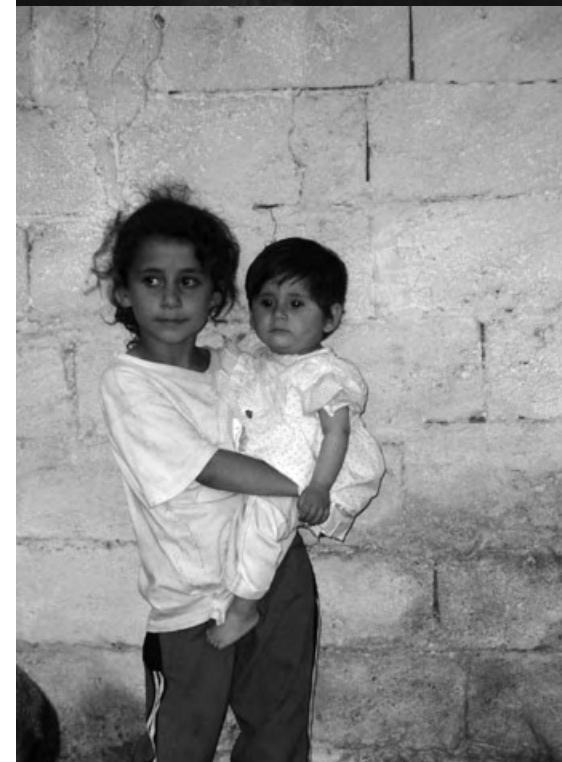
Five years of work culminates with ECtHR judgments upholding Turkish state’s responsibility for burning villages, inhumane & degrading treatment, & failures to investigate allegations of ill-treatment by security forces, in 8 separate KHRP cases.

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 ten 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*

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





*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, 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 ECtHR fact-finding hearing in Ankara.

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

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

*“KHRP’s efforts over the past 15 years have brought about unthinkable differences in our region. Thanks to its work sending regular delegations to monitor human rights violations and publishing their findings internationally, it has made huge advances in raising global awareness of the plight of the Kurds in a way that was unimaginable when it first started out.”*

Leyla Zana, Kurdish politician and Sakharov Prize laureate 2001



*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 & Sarteeep Ali of Civil Development Organisation at the Cross-Border Training, November 2006.*

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

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

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

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

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

Can Dündar, Turkish journalist & author

## 2002

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

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

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

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

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

By 2002, KHRP has represented in over 90 per cent 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



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

*“KHRP’s work in bringing cases to the European Court of Human Rights, seeking justice for the victims of human rights violations has been groundbreaking... Amnesty International salutes the work of this organisation over the last ten 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 ECtHR’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 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, 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.

## 2007

The first two advocates from the Kurdish regions travel to London to work with KHRP's Legal Team as part of our new International Fellowship programme.

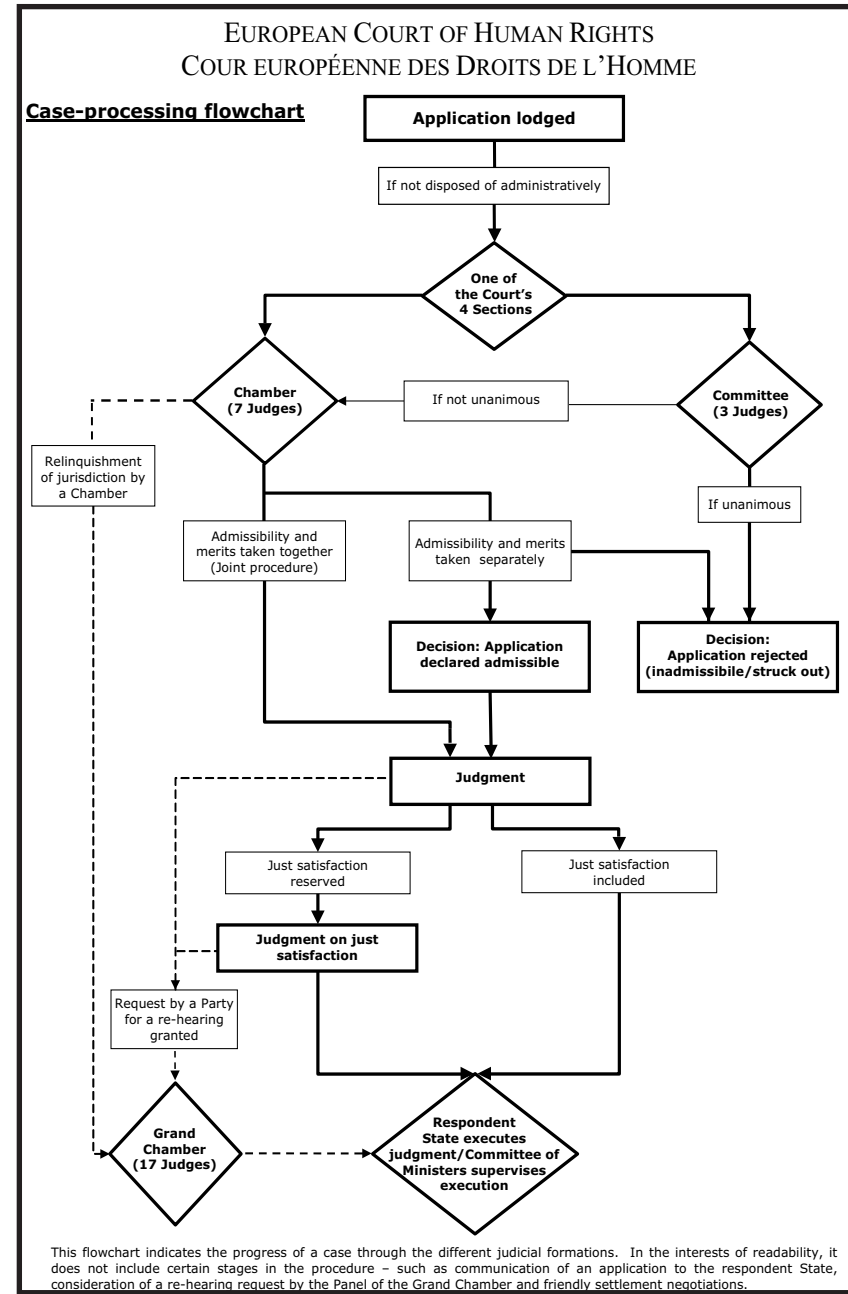
The European Parliament commissions KHRP to prepare a report entitled *The Increase in Kurdish Women Committing Suicide*, based on extensive desk research and fact-finding missions.

KHRP launches its new and expanded website and online shop.

A major renovation gets underway of KHRP's resource centre, the Feeney Centre for Research and Dialogue, which will eventually allow the organisation's extensive collection of 15 years' worth of research materials to be searched and accessed online.

KHRP conducts a workshop on the application of its trial observation model for Zimbabwe Lawyers for Human Rights Regional Training in Lusaka, Zambia.

The ECtHR finds a violation of the right to life in the KHRP-assisted case of *Uzun v. Turkey*, due to the Turkish authorities' failure to investigate the killing of the applicant's mother by a mortar bomb fired into the Kurdish village of Hasköy in 1994.





'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*

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

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

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

*A Kurdish Applicant before the ECtHR*

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

*Can 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*

***The cover image and the images on pages 8, 14, 22, 54, 72, 76 and 82 were taken by Bea Yates in the Kurdish regions of Turkey. The images on pages 32, 62 and 70 were taken by Tom Carrigan in Kurdistan, Iraq.***