

KURDISH HUMAN RIGHTS PROJECT



ANNUAL REPORT 2003



KURDISH HUMAN RIGHTS PROJECT

# Annual Report 2003

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

Professor Noam Chomsky delivers KHRP Tenth Anniversary Lecture at St. Paul's Cathedral, London



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

Professor Noam Chomsky

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Front cover: Portrait by Ashna Abdulla of a 14 year old Kurdish girl from Qala Qaimiz in the region of Kirkuk: 'Women's Life, Artist's view' exhibition.

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Dear Friends,

It is with great pleasure that we present you with the 2003 Annual Report. As 2003 drew to a close, we could but reflect on the shifting paradigms which altered Kurdish regional politics over the past year.

With the demise of the rule of the Ba'ath party in Iraq, the country's Kurdish population faces a new chapter in the political and regional development of its region. For over a century the Kurds have been subjected to the grand schemes of other powers, denied autonomy, and have faced the onslaughts of military attacks, economic embargo and the destruction of their native regions.

It is not only the future of Iraqi Kurdistan that looks uncertain. The war in Iraq has had implications for the stability of all of its neighbours: Turkey, Iran and Syria. KHRP has received an unprecedented level of requests for information over the past year; it is clear that the attention of the international community is focused on the Kurdish regions now more than at any time in the past.

Reflecting on 2003, KHRP is satisfied with the progress it has made. The European Court has continued to hold Turkey to account in KHRP cases; in 2003, Turkish authorities were found responsible for 'disappearances', unlawful imposition of the death penalty, failure to investigate deaths in custody or extra-judicial killings, torture, unfair trials, village destructions and other gross human rights violations. New applications, some concerning new areas of jurisprudence such as internal displacement, have created new space with which to challenge the abuse of human rights. KHRP has also continued its series of training seminars and materials, aimed at encouraging human rights defenders, lawyers and NGOs within the regions to undertake their own litigation and advocacy to challenge impunity for human rights violations.

KHRP's submissions to internation-

al bodies – including the European Commission, UN Committee Against Torture, the OSCE and OECD – have been assisted by our direct information from the ground; obtained through a series of fact-finding missions, sometimes to otherwise inaccessible parts of Turkey, Iraq and Iran. KHRP has observed trials on the ground to monitor the compliance of domestic trials with international standards; including the trials of imprisoned pro-Kurdish parliamentarians, human rights defenders, censored writers and even the trial of 410 soldiers and gendarmes for the rape of Kurdish women in their custody.

Throughout the year, KHRP has continued to publish and disseminate Newsline, as well as preparing 20 reports and publications into specific areas of concern in the English, Armenian, Turkish, Russian and Azeri languages. The reports are available from the KHRP website, which won two awards in 2003 for its design and content.

Additionally, following its tenth anniversary in 2002, KHRP board members and staff considered it would be worthwhile to assess the organisation's achievements over the past decade and to explore new opportunities by which to fulfil the organisation's objectives. In 2003 KHRP initiated a feasibility study to provide an assessment of the current needs of the Kurdish community. The study also identifies appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole.

We hope that the 2003 Annual Report demonstrates KHRP's continuing efforts and successes in bringing governments and other parties in Iraq, Turkey, Iran, Syria and elsewhere to account for their human rights violations.

In 2004, KHRP will continue to consider the unanswered question: what is to be the future of the Iraqi Kurdistan that was achieved after the Gulf War in 1992? KHRP will persevere in

its work towards ensuring that, with the assistance of the international community, Kurds will be able to decide for themselves how best to achieve democracy and human rights.

For supporting this vital work, we would like to thank our board members, supporters, legal team, staff and interns for their invaluable support over 2003. Warm thanks are also given to our regional partners, whose valuable contributions enable KHRP to fulfil its role of protecting human rights and establishing precedents which change the lives of millions of people in the Kurdish regions. Thanks to these people, KHRP is a shining example of what can be achieved when different peoples, cultures and experiences combine to fight side by side in support of basic human rights, to which all human beings are entitled irrespective of race, creed or colour.

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

Mark Muller - Chairman

Kerim Yildiz - Executive Director

March 2004

# THE ROLE OF THE KURDISH HUMAN RIGHTS PROJECT

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

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

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

Today, KHRP has earned international recognition for its tireless work to promote and protect in the regions. Its victories have established precedents which have changed the lives of millions of people, securing justice and redress for past abuses and forcing governments to make changes to legislation and policy.

KHRP employs a team of ten permanent members of staff in England and Turkey. Its UK office is located in central London, where it is not subject to the intimidation and censorship faced by NGOs in the regions. KHRP is both a registered charity and limited company, and is funded through charitable trusts and donations.

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

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

All of KHRP's projects are closely integrated and inter-related. Much of this work is carried out by our professional staff at the KHRP offices in London, which is directly involved in the implementation of projects from the initial planning and preparation through to their final evaluation stage. We also rely on interns and volunteers who provide our staff with invaluable research and casework assistance as well as support in the practical running of our office's activities.

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

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

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

KHRP employs a wide range of tools in sharing information, building capacity and raising public awareness of human rights abuses and consequently in adding pressure on Governments to reform. Through the Public Awareness, Education and Communication Strategies Project, KHRP keeps informed governmental and intergovernmental bodies, press and broadcast media, civil society organisations, academic institutions and supporters about its work

and key issues regarding human rights. Through production of a newsletter, maintenance of an award-winning website, attendance at international conferences and events and liaising with media, KHRP ensures that international awareness of the situation in the Kurdish regions is maintained and strengthened.

Through a combination of all these methods, KHRP also monitors the implementation of several large-scale infrastructure projects being planned for the Kurdish regions through its Environmental and Human Rights Project.

In 2003 KHRP implemented two special projects to respond to the changing paradigms in the Kurdish regions. In response to an increase in requests for information and assistance prior to, during and after the US-led war against Iraq in March 2003, KHRP established an emergency special project to enable it comprehensively to assess the situation. Its publication 'The Kurds in Iraq: Past, Present and Future', including recommendations, was circulated to the US-led coalition, Kurdish administration in Iraq, governmental, inter-governmental and non-governmental organisations regarding the future of this troubled region.

Additionally, following its tenth anniversary in 2002, KHRP board members and staff considered it would be worthwhile to assess the organisation's achievements over the past decade and to explore new opportunities by which to fulfil the organisation's objectives. In 2003 KHRP initiated a feasibility study to provide an assessment of the current needs of the Kurdish community. The study also identifies appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole.

KHRP continues to invoke the following international mechanisms:

## EUROPEAN COURT OF HUMAN RIGHTS (ECHR)

The European Convention on Human Rights guarantees human rights and fundamental freedoms including the right to life, freedom of expression and association, freedom from arbitrary detention and torture and the right to a fair trial. As Turkey, and recently Armenia and Azerbaijan, are party to the Convention, opportunities exist for individuals in those countries to bring cases of human rights violations by the State to European Court of Human Rights in Strasbourg.

## EUROPEAN COMMISSION

One of the five major institutions of the EU, the Commission is responsible for ensuring the implementation of the Treaty of Rome and Union rules and obligations; submission of proposals to the Council of Ministers; execution of the Council's decisions; reconciliation of disagreements among Council members; administration of EU policies; taking necessary legal action against firms or member governments; and representing the Union in trade negotiations with non-member countries.

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

The OSCE's remit incorporates the protection of human rights and fundamental freedoms. KHRP submits petitions to various OSCE bodies and participates actively in the OSCE Human Dimension Mechanisms in order to stress the concern that some member states, in particular Turkey, are not fulfilling their obligations under international law to adhere to internationally accepted human rights standards.

## UNITED NATIONS MECHANISMS

Human rights violations throughout the Kurdish regions of Turkey, Iraq, Iran, Syria, Armenia and Azerbaijan can also be addressed through United Nations mechanisms. KHRP places particular emphasis on the International Convention on Civil and Political Rights and the United Nations Convention Against Torture. KHRP presents submissions to a number of United Nations non-treaty mechanisms in order to highlight the horrific nature of the human rights situation in the Kurdish regions. Among the mechanisms which KHRP utilises are the UN Special Rapporteur on Torture, the UN Special Rapporteur on Summary and Arbitrary Executions, the UN Special Rapporteur on Extrajudicial and Arbitrary Killings, the Working Group on Arbitrary Detention, the UN Special Rapporteur on States of Emergency, the UN Special Rapporteur on Freedom of Expression, the UN Special Rapporteur on the Independence of the Judiciary and the Working Group on Disappearances.



# PROJECT 1

HUMAN RIGHTS ADVOCACY AND TRAINING

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KHRP's strategic use of international human rights mechanisms as a means to tackle human rights abuses in the Kurdish regions forms a central part of KHRP's work. Of particular importance is the caseload of applications to the European Court of Human Rights (ECtHR) and submissions to UN mechanisms on behalf of Kurdish and non-Kurdish applicants, brought by KHRP with the assistance of its partners on the ground.

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

At first, KHRP brought cases on behalf of the victims of human rights violations in Turkey, Iraq and Iran to the European Court of Human Rights (ECtHR); representing the first cases concerning the Kurdish regions ever to be submitted to or decided by the ECtHR.

Within years, KHRP cases had incontrovertibly established that the most serious human rights violations occurring anywhere in the Council of Europe were occurring in the Kurdish regions; helping to place Kurdish human rights on the political agenda and to guarantee that protection of human rights would become a precondition for Turkey's EU membership.

After more than a decade, KHRP has directly taken European Court cases on behalf of more than 500 applicants from Turkey, Iraq, Iran, Armenia and Azerbaijan. The ECtHR has ruled in 53 of KHRP's cases, 48 of which established that the Government had breached international human rights law in cases concerning the death penalty, extra-judicial killings, disappearances, torture, unfair trials, freedom of opinion, of expression and of association, village destructions, unfair elections and other human rights violations. KHRP also provides legal advice and assists lawyers from the regions in taking many more cases to the ECtHR.

To the people in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, particularly the most marginalised groups including women, internally displaced persons (IDPs) and minorities, the cases afford access to justice and redress when it has been denied to them domestically.

Where the facts are disputed, ECtHR judges hold investigation hearings to take evidence from applicants' and government witnesses. KHRP has represented the applicants in over 90 per cent of such hearings in the history of the ECtHR. Often it is the investigations which are most valued by the applicants, by providing much-needed answers. Relatives of 'disappeared' people, for example, have been enabled to hear witness testimony from the state officials who last saw the 'disappearances' in their custody.

As well as binding judgments, victims of human rights violations are awarded damages for emotional distress or pecuniary losses. An applicant in a KHRP case concerning the fatal shooting of his 22 year-old son by security forces told KHRP in 2003, **"We were very happy with the help of KHRP, they helped us very much. We wanted justice certainly. We wanted general justice because we had been punished for many years. We wanted to win the case and for our counterpart to be punished. We also expected compensation... But you can never compare material things with a life."**

The use of the ECtHR has improved respect for human rights in the Kurdish regions while also helping to make necessary changes to law and practice on the ground. Governments found to have violated the ECHR are obligated to put an end to the breach and to take individual or general measures which ensure that similar human rights violations can not recur in future. **In this way, KHRP cases have established precedents which have changed the lives of millions of people:** establishing, for example, that rape is a form of torture under the ECHR, and reducing detention periods throughout Turkey and, thus, the likelihood of a detainee being subjected to torture and ill-treatment.

The cases also assist governments in the regions by providing concrete guidance as to the kind of reform necessary to comply with international law. Turkish authorities, reporting to the Council of Europe's Committee of

LEFT: For over a decade, KHRP has been actively attaining justice and redress for victims of human rights violations by governments or public authorities throughout the Kurdish regions.

RIGHT: KHRP Legal Team together with the barristers of 10-11 Gray's Inn Square assess legal strategies in their case-law to the European Court of Human Rights, November 2003



Ministers, have confirmed the causal link between KHRP cases and changes to legislation and practice on the ground. Referring to one KHRP case, for example, Turkish authorities reported, **“New legislation (Act No.4229), following the Aksoy judgment, reduced the maximum lengths of time that a person may be held in police custody... the latter together with the subsequent regulations have had important incidences on the attitudes of members of the security forces regarding respect for fundamental rights during detention in police custody.”**

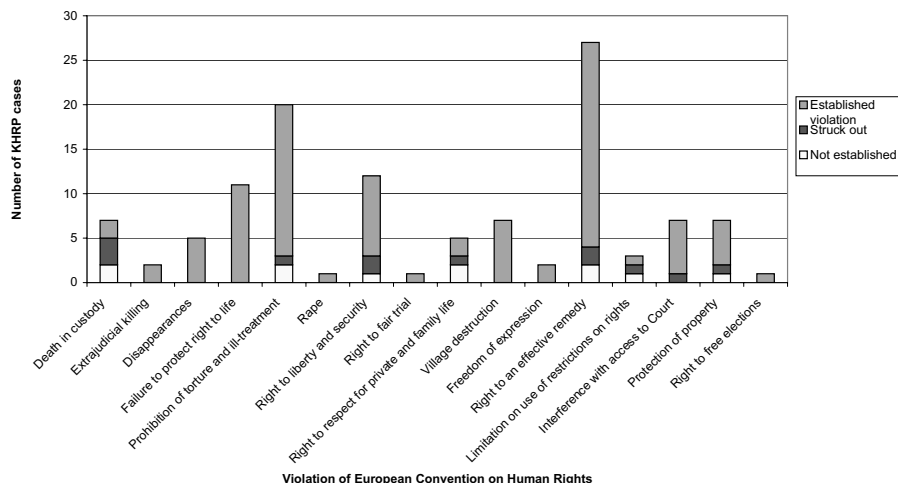
In 2003, KHRP obtained justice in six cases concerning the death in custody of a Kurdish man; the killing of a reporter for a pro-Kurdish newspaper; the detention and sexual torture of a woman for eleven days before being brought before a judge; the destruction of a religious leader’s home and property and forcible displacement of his family; the death penalty; and the torture and ill-treatment of sixteen Kurdish human rights lawyers. All of the cases established violations of the ECHR.

The precedents established by KHRP cases not only influence legislation and policy in the regions, but throughout all 45 member states to the Council of Europe, in addition to influencing issues of more general importance, such as the reform of the ECHR. In 2003, a landmark decision from the Grand Chamber reversed its earlier decision to strike out the KHRP ‘disappearance’ case of *Acar v. Turkey*: the strongest legal challenge yet to the inappropriate use of the ‘strike out’ procedure, an issue closely allied to the ECHR reform expected in May 2004. KHRP’s advocacy work surrounding the reforms of the ECHR has also continued unabated.

One case, concerning the death penalty imposed on Abdullah Öcalan, represented one of the most important judgments to be delivered by the ECtHR for many years. The ECtHR delivered its strongest condemnation yet of recourse to the death penalty; representing a major landmark towards worldwide abolition of capital punishment. The judgment safeguards Öcalan from the risk of execution.

In 2003, KHRP continued to use the evidence obtained from ECtHR case law, fact-finding and trial observation missions to petition international mechanisms, including UN bodies, the EU and other governmental and inter-

Judgments in KHRP cases at the European Court of Human Rights (1995 to 2003)



governmental organisations involved with the protection of human rights. This provides the international community with invaluable assistance in establishing the standards of human rights and democracy within the regions.

In 2003, KHRP advocated in national and international organisations including UN mechanisms, OSCE, OECD, European Commission, Council of Europe, World Bank, International Finance Corporation and national human rights institutions. KHRP is conscious that, without its intervention at such international fora, the position of large minorities throughout the Kurdish regions would not be represented. KHRP has also participated in formal and informal consultations with members of the Kurdish community, lawyers, human rights organisations, individual parliamentarians and governments throughout 2003, especially regarding the war in Iraq.

Throughout the year, KHRP diligently continued its work on existing cases and remained in regular communication with its applicants. Via research and contacts on the ground, KHRP continued to identify new cases that could set precedents and focus state and international attention on human rights violations. In 2003, KHRP lodged seven new cases against Turkey on behalf of 77 applicants, both women and men, including cases exploring new areas of jurisprudence such as internally displaced persons (IDPs) and the expropriation of villagers’ land to make way for an oil pipeline.

LEFT: KHRP Public Relations Officer Rochelle Harris and Michael Goldhaber at the Ankara Bar Association, Turkey, 2003

CENTRE: 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. Referring to the case, Human Rights Watch has described, “A [ECHR] delegation travelled to Turkey and took oral testimony from the applicants and their lawyers, as well as from local gendarmerie and commando officers and the chief prosecutor... This alone was a landmark event for Turkey. The spectacle of high ranking officials and soldiers being thoroughly examined by an official commission and called to account for violations against common people was unprecedented. This... came as a powerful shock to institutions unaccustomed to having their acts carefully examined.”

RIGHT: KHRP applicant Nuriye Akman, whose 22-year old son was fatally shot by Turkish security forces. KHRP met the applicant in June 2003 to monitor the Turkish Government’s implementation of its undertakings



A further twelve new KHRP cases in 2003 were some of the earliest cases against Armenia and Azerbaijan ever to be presented to the ECtHR. The cases have the potential to set dramatic precedents within those states, giving direction to domestic lawyers and human rights defenders. The cases concern issues of fundamental importance, such as free speech in the Armenian TV industry and the arrest and detention of protestors, opponents or critics of the presidential elections. Successful judgments would undoubtedly establish precedents that could make a concrete difference on the ground, both in the protection of human rights and in the development of democracy in these transitional states.

Following submission of applications, KHRP continues compiling evidence and making legal submissions for the five to six years required to reach an ECtHR judgment. After a case's conclusion, KHRP follows up by meeting and corresponding with the applicant to ensure that the judgment has been fully implemented. KHRP informs the Council of Europe's Committee of Ministers regularly about the implementation of the ECHR judgments; likely to be an issue of critical importance in December 2004, when Turkey's EU accession bid is reconsidered.

KHRP is aware that this project constitutes one of the biggest successes for the organisation, with multiple benefits for the people on the ground in the Kurdish regions. One funder, the Community Fund (formerly the UK National Lottery) recently commented, **"Beyond the considerable benefit to the individuals, there were benefits to the wider community. It was clear that the success of individual cases and the process itself raised the awareness of the Kurdish community of their rights, enabling them to feel more confident of coming forward with petitions... KHRP cases have helped define European law."**

### LANDMARK GRAND CHAMBER JUDGMENT IN KHRP CASE

In the 2002 judgments of KHRP cases *Togcu v. Turkey* and *Acar v. Turkey*, both concerning 'disappearances' of the applicants' relatives, the European Court of Human Rights continued its policy of 'striking out' cases under Article 37(1)(c) of the ECHR on the basis of a formulaic statement from the Turkish Government. In these instances, as in others, the applicants had refused to accept offers of friendly settlement, which they considered were not sufficient to resolve their cases. However, in a landmark ruling representing a turning point in ECHR jurisprudence, the Grand Chamber on 6 May 2003 decided to revisit its decision to strike out *Acar v. Turkey*.

The case represents the strongest legal challenge yet to the inappropriate use of the 'strike out' procedure, closely allied to the reform of the ECHR. The case therefore could potentially influence the ECtHR's direction in many future cases raising similar issues across the Council of Europe.

### Acar v. Turkey: A Summary

The case concerns the 'disappearance' of a Kurdish farmer, Mehmet Salim Acar, in 1994 in Southeast Turkey. He had been working in a field when two armed men, claiming to be police officers, asked him to accompany them. Witnesses testified that when he refused to go with them, the men had blindfolded and punched him, then forced him into their car and driven away. Nothing has been seen nor heard of him since.

KHRP took a case to the ECtHR on behalf of the victim's brother, Tahsin Acar. He complained of the unlawfulness and excessive length of his brother's detention, of the ill-treatment and torture to which his brother had been subjected in detention, and of the failure to provide his brother with the necessary medical care in detention. The applicant invoked Articles 2, 3, 5, 6, 8, 13, 14, 18, 34 and 38 of the ECHR.

In August 2001, the ECtHR received a letter

LEFT: Mehmet Zeki Aksoy was detained and tortured by Turkish authorities and later extra-judicially executed. KHRP took a case to the European Court of Human Rights on behalf of his father. The case led to the reduction of detention periods throughout Turkey, reducing the likelihood of a detainee being subjected to torture and ill-treatment. KHRP met with the applicant in June 2003 to monitor the Turkish Government's implementation of the judgment

CENTRE: KHRP Executive Director Kerim Yildiz with applicant Tahsin Acar at the European Court of Human Rights Grand Chamber, May 2003

RIGHT: KHRP met with applicants Nuriye and Faysal Akman in July 2003 in order to monitor the implementation of the Turkish Government's undertakings in their case. In 2001, the ECtHR's decision to strike out their case on the basis of a declaration from the Turkish Government represented a marked change in the Court's approach



from the Turkish Government declaring its undertaking to make an *ex gratia* payment of £70,000 and to adopt, "all necessary measures with a view to ensuring that all deprivations of liberty are fully and accurately recorded by the authorities and that the effective investigations into alleged disappearances are carried out in accordance with their obligations under the ECHR."

In its 9 April 2002 judgment, the ECtHR decided to 'strike out' the case stating that "having regard to the nature of the admissions contained in the declarations as well as the scope and extent of the various undertakings referred to therein, together with the amount of compensation proposed, the ECtHR considers that it is no longer justified to continue the examination of the application."

In a strong dissenting opinion, Judge Loucaides opposed the striking out of the application, arguing that there was no acceptance by the Government of responsibility for the ECHR violations complained of and that he feared that, "the solution adopted may encourage a practice by States – especially those facing serious or numerous applications – of "buying off" complaints for violations of human rights through the payment of *ex gratia* compensation, without admitting any responsibility and without adverse publicity."

On 8 July 2002, KHRP requested that the case be referred to the Grand Chamber, which is mandated to consider cases where they raise a serious question affecting the interpretation or application of the ECHR, or a serious issue of general importance. A panel of judges of the Grand Chamber accepted the request.

At a Grand Chamber hearing in January 2003, KHRP's legal team argued that it is not appropriate to use Article 37 to dispose of an application on the basis of a declaration that does not admit the breach of the fundamental human rights alleged in the application.

In its unprecedented ruling on 6 May 2003, the Grand Chamber confirmed that it should be very slow to strike out cases where an al-

legation of disappearance is made and that an examination of the case on the merits should now take place. The ruling raises hope that future strike out decisions will be taken with extraordinary diligence with regard to the respect for human rights as required by the ECHR.

KHRP is now preparing for a revisited hearing on the merits of the case, which potentially will have enormous significance on future strike out decisions and the allied issue of ECHR reform.

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



### RESPONDING TO CHANGES AT THE EUROPEAN COURT OF HUMAN RIGHTS

In 2003 KHRP continued its advocacy work regarding expected reforms to the ECtHR, scheduled to occur in May 2004. Discussions about proposals for streamlining the ECtHR in view of the rising volume of applications submitted to it and its limited available resources have been ongoing since 2001.

A marked change in the ECtHR's approach first appeared in the KHRP case of *Akman v. Turkey* in 2001. The ECtHR continued to strike out cases, although in the KHRP cases of *Togcu v. Turkey* and *Acar v. Turkey* two judges expressed their concern at the decision to strike out, stating that, "This practice will inevitably undermine the effectiveness of the judicial system of condemning publicly violations of human rights." Nonetheless,

LEFT: KHRP with applicant Tahsin Acar

RIGHT: Kurdish lawyers in the Elci v. Turkey case attend training seminars at KHRP's London office



requests to strike out (Article 37 requests) emanating from the Turkish Government escalated.

At the beginning of the process of reform, KHRP initiated a Joint NGO Response Group, bringing together human rights organisations from across Europe in order to express their shared objections to the potentially damaging recommendations for reform. In particular, KHRP shares the concern of some of the judges of the ECtHR, members of the Registry and some governments about the proposal to amend the admissibility criteria to authorise the ECtHR to disallow cases, *“if the applicant has not suffered a significant disadvantage and if the case neither raises a serious question affecting the interpretation of application of the Convention or the protocols thereto, nor a serious issue of general importance.”* KHRP believes the introduction of such admissibility criteria will curtail the right of individual petition currently underpinning the ECHR system.

In 2003, KHRP and the Joint NGO Response Group have continued to liaise with the Council of Europe’s Committee of Ministers, to make recommendations to the Steering Committee and to hold ongoing meetings and consultations with human rights organisations across Europe. Currently, 74 human rights organisations including Amnesty International, Human Rights Watch and Liberty (UK) have signed onto a Joint Response in support of KHRP’s joint objections and recommendations for alternative reforms (see Signatories to the Joint Response, Appendix A). KHRP continues to be involved in consultations with the Council of Europe bodies central to the development of the proposals.

An Amending Protocol to the ECHR is being drafted in order to give effect to proposals to ensure the future effectiveness of the ECtHR. Its adoption is expected in May 2004.

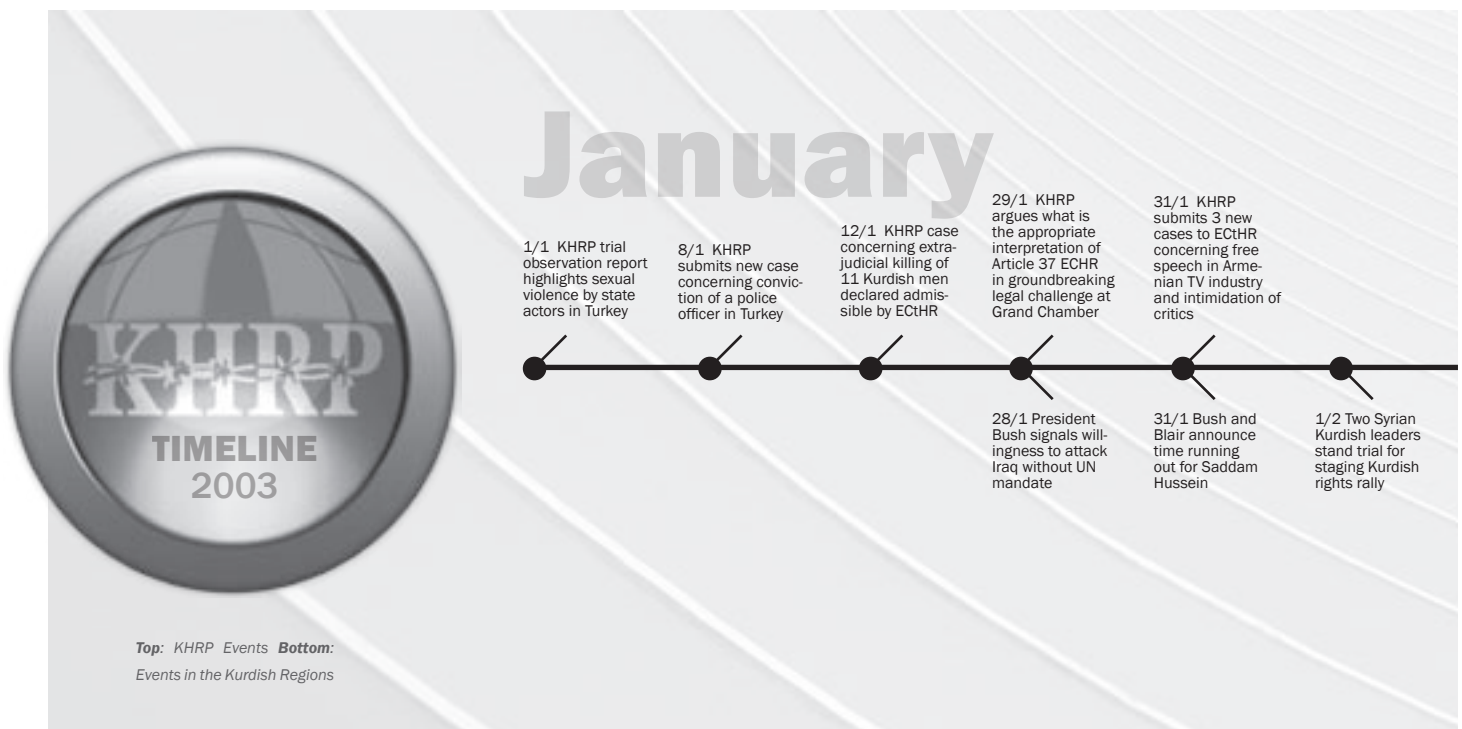
## EUROPEAN COURT OF HUMAN RIGHTS JUDGMENTS IN KHRP CASES IN 2003

### Aktas v Turkey (right to life)

On 24 April 2003, the ECtHR held that Turkey had violated the right to life (Article 2) and prohibition of torture (Article 3) in the case of a Kurdish man, Yakup Aktas, who died one week after he was taken into police custody. KHRP submitted the case on behalf of the deceased’s brother. The ECtHR also ruled that the deceased had been subjected to torture and that the ensuing investigations had been inadequate. Additional violations of Article 13 and 38 were found. The judgment reaffirmed that, where an individual is taken into police custody in good health and is found to be injured on release, it is incumbent on the Turkish State to provide a plausible explanation of how those injuries were caused.

### Elçi and 15 Others v. Turkey (torture)

On 13 November 2003, the ECtHR ruled that Turkish security forces were responsible for the torture, ill-treatment and unlawful detention of 16 Kurdish human rights lawyers in 1993. While in custody, they were blindfolded, insulted, assaulted, beaten, stripped naked, hosed with pressurised cold water and deprived of adequate food and drink for up to 25 days. Four of the applicants had been subjected to physical and mental violence which was “particularly cruel and severe”.



The treatment of five others was nonetheless sufficiently severe to constitute a violation of the prohibition on torture and ill-treatment (Article 3). Additional violations of Article 5 and 8 were found. The judgment reaffirmed the central role of the legal profession in the administration of justice and the maintenance of the rule of law, and affirmed that persecution and harassment of members of the legal profession struck at the very heart of the Convention system.

#### **Abdullah Öcalan v. Turkey (death penalty; fair trial)**

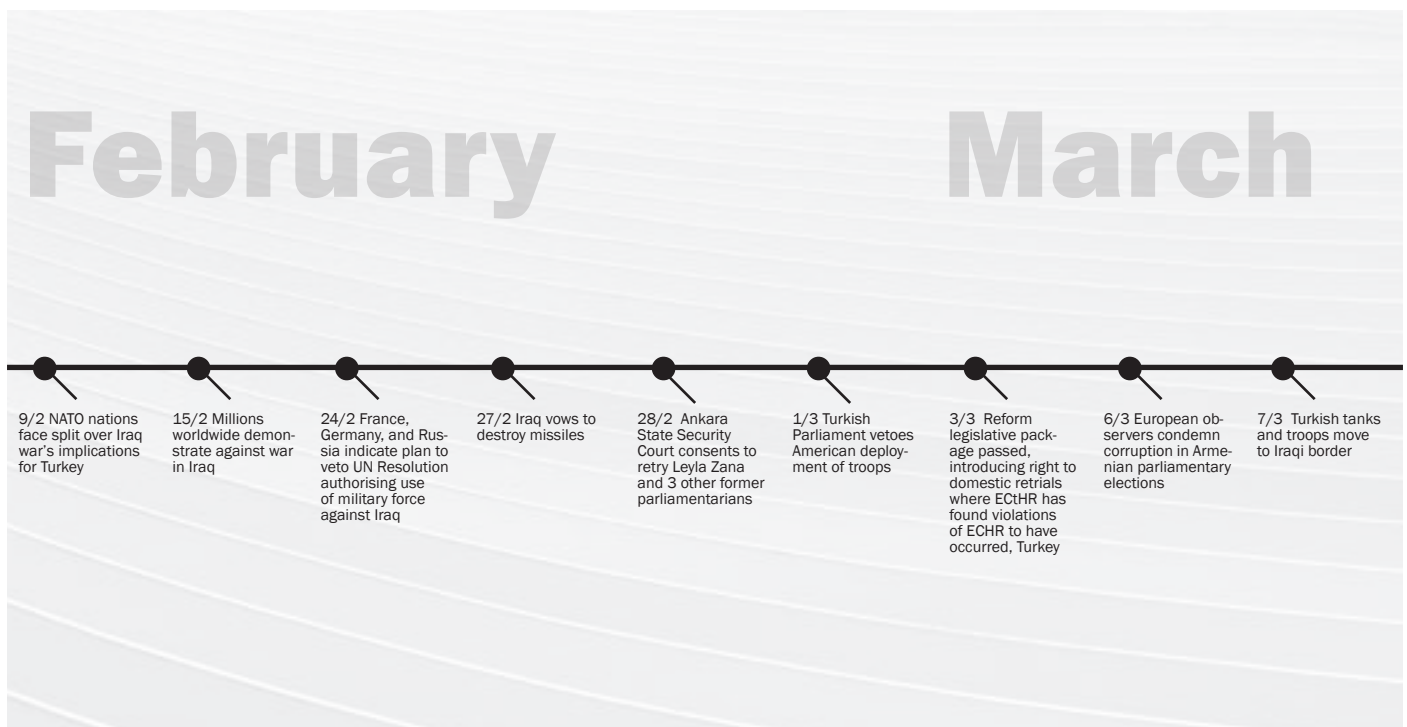
In one of the most significant cases to be decided by the ECtHR for many years, the ECtHR held on 18 March 2003 that Abdullah Öcalan's death penalty violated the prohibition on inhuman and degrading treatment under the Article 3. It also held that his rights under Article 5 (right to liberty and security) and Article 6 (right to a fair trial) of the ECHR had been violated in several respects. Abdullah Öcalan was abducted from Kenya in 1999 and sentenced to the death penalty. The possibility of condemnation by the ECtHR is widely believed to have prompted Turkey to commute his death sentence to life imprisonment with no chance of parole or amnesty in 2002. However, in the event, the ECtHR decision safeguarded the applicant against any risk of execution, with the ECtHR making its strongest statements yet in condemning recourse to the death penalty. The ECtHR held that capital punishment has now come to be regarded as, "an unacceptable form of punishment" which can "no longer be seen as having any legitimate place in a democratic society". The decision represents a major landmark towards worldwide abolition

of the death penalty. The ECtHR upheld the universal applicability of basic fundamental freedoms and the right of all detainees to have a fair trial and not be subject to inhuman treatment irrespective of their ethnic or political status. The Grand Chamber has agreed to revisit its judgment on the basis that it raises a number of serious questions affecting the interpretation of the ECHR and a number of serious issues of general importance.

#### **Nuray Sen v. Turkey (right to liberty and security)**

On 17 June 2003, the ECtHR ruled that Turkey had violated Article 5 (right to liberty and security) of the ECHR by detaining a woman for eleven days before bringing her before a judge. The applicant was the director of the Mesopotamia Cultural Centre in Istanbul, which collates and exhibits the culture and art of the people in Mesopotamia, mainly Kurds. She was arrested and held in police custody for eleven days before being brought before a judge in November 1995. In detention she was blindfolded continuously, kicked and beaten violently, sexually abused, stripped and held under cold water, given electric shocks, consistently verbally abused and ordered to run in place for extended periods of time. The ECtHR held unanimously that the Turkish Government could not justify the period of detention in question and that there had been a violation of Article 5.

*A further KHRP case concerning the killing of the applicant's husband, in circumstances engaging the responsibility of the Turkish State, is pending before the ECtHR.*



**Isak Tepe v. Turkey (right to life)**

On 9 May 2003, the ECtHR held that Turkey had violated the ECHR for its failure to investigate the killing of a reporter for a pro-Kurdish newspaper. The applicant, Isak Tepe, at the material time was provincial chairman of the now banned pro-Kurdish Democracy Party (DEP) in Bitlis. In July 1993 his 19-year old son, Ferhat Tepe, a reporter, had been tortured and killed after being abducted by undercover agents of the State or by persons acting under their instructions. As the Turkish Government and the applicant did not agree on the facts surrounding his death, KHRP requested a fact-finding hearing to resolve the disputed claims. The ECtHR accepted and held a full investigation, taking evidence from 24 witnesses at hearings attended by KHRP. The ECtHR noted that there had been striking omissions in the conduct of the investigation and accordingly held there to have been a violation of the right to life (Article 2). Additional violations of Article 13 and Article 38 were found.

*A further KHRP case, concerning the prosecution of the owner and director of a publishing house for publication of a book concerning Ferhat Tepe's death, was declared admissible in 2002 and is pending judgment.*

**Yöyler v. Turkey (village destruction)**

On 24 July 2003, the ECtHR held that Turkish security forces deliberately destroyed a man's house and possessions, thus forcing his family to leave the village. The applicant, Celatettin Yöyler, was the religious leader (imam) of Dirimpinar. Gendarmes raided his village and burned down his house on 18 September 1994, prompting him to leave the village with his wife and children. The house and possessions of a further six villagers around him were also destroyed. The ECtHR noted that his home had been burned down in front of his family, depriving them of shelter and support and obliging them to leave their home and family friends, constituting a violation of the prohibition on inhuman and degrading treatment (Article 3). The ECtHR also held that there was no doubt that the

acts also constituted grave and unjustified interference with the applicant's rights to respect for his private and family life and home, and to the peaceful enjoyment of his possessions, in violation of Article 8 and Article 1 of Protocol No. 1 to the ECHR. An additional violation of Article 13 was found.

**EUROPEAN COURT OF HUMAN RIGHTS  
ADMISSIBILITY DECISIONS IN KHRP  
CASES IN 2003**

**Halis Aksakal v. Turkey (destruction of home and property)**

On 1 July 2003, the ECtHR declared admissible a case concerning the destruction of a village by security forces in May 1995. The villagers suffered two attacks. They rebuilt their homes after the first; but decided to flee the village following a second attack only two weeks later. The ECtHR declared the case admissible under Article 3 (prohibition of inhuman and degrading treatment), Article 6 (right to fair trial), Article 8 (right to respect for property), Article 13 (right to an effective remedy) and Article 1 of Protocol No. 1 (protection of property). It was also declared admissible under Articles 14 (prohibition of discrimination) and 18 (limitation of use of restrictions on rights).

**Kaya and Others v. Turkey (extra-judicial killing)**

The applicants are the relatives of eleven Kurdish men who were killed on 15 January 1996. On 12 January 1996 six of the men were arrested and placed into custody. After three days, the applicants were transferred to another police station by van which was followed by a Sergeant and a village guard. Soon after, the burned bodies of the men were found by the van. One man had been shot dead. The six persons held in detention were killed in the office of the police forces. KHRP submitted cases on behalf of the applicants complaining that the deceased had been victims of extrajudicial killings committed by State agents and that their relatives had suffered psychological anguish, in violation of the right to life (Article 2) and prohi-

LEFT: KHRP applicant Nuray Sen was arrested and held in police custody for eleven days before being brought before a judge

CENTRE: Nineteen-year old Ferhat Tepe was a reporter for a pro-Kurdish newspaper when he was tortured and killed after being abducted by undercover agents of the state, or by persons acting under their instructions

CENTRE: KHRP applicant Celalettin Yöyler. The applicant wrote to KHRP following the judgment: "You have been successful in my case against the cruellest of cruelties. I don't see this case as only my individual problem. This case is part of the justified struggle of a nation against cruelties. I would like to thank all people at KHRP who spent their efforts on this case. I have witnessed their devotion to law and human rights and equality. I wish you success in your work."

RIGHT: The village of Şëxan (Gorbeyli) in Diyarbakir province was destroyed by state security forces





bition of torture and ill-treatment (Article 3). Under Article 5 (right to liberty and security) in conjunction with Article 14 (prohibition of discrimination), the applicants complained that the five men had been subjected to arbitrary arrest; that they had not been informed of the reasons for their arrest and had not been brought before a judicial authority. Relying on Article 6 in conjunction with Articles 13 and 14, they complained that there was no independent and impartial tribunal. Under Article 8 (right to respect for privacy), the applicants complained that they could not perform the funeral rites in accordance with their customs. Under Article 18 (limitation of use of restrictions on rights) the applicants denounced the absence of effective controls relating to police actions in Southeast Turkey. The ECtHR decided to join the applications. All but one of the applicants' complaints were declared admissible.

#### **Unsal Ozturk v Turkey (freedom of expression)**

On 27 May 2003, the ECtHR declared admissible a case concerning criminal proceedings brought against the applicant, owner of a small independent publishing firm in Turkey. The applicant was charged with nineteen criminal proceedings in relation to books published by the firm, many of which were confiscated. The ECtHR declared admissible the applicant's complaints under Article 7 (no punishment without law), regarding the prison sentences imposed on him, Article 10 (freedom of expression) and Article 1 of Protocol No. 1 (protection of property).

#### **FRIENDLY SETTLEMENTS IN KHRP CASES IN 2003**

##### **Ateş v. Turkey (destruction of home and property)**

This case, concerning the destruction of a village by security forces, was resolved by friendly settlement on 22 April 2003. Following indication from the Turkish Government that it would be prepared to settle the case, KHRP submitted counter-proposals in order to represent best the applicant's interests.

The applicant finally accepted a declaration from the Turkish Government which included an offer to pay *ex gratia* compensation and to make a statement of regret for the destruction of the applicant's home and property during security forces operations. It also stated regret for the failure to investigate such conduct effectively. The Government undertook to 'take all necessary measures' to ensure future respect for the right to respect for family life (Article 8), the right to an effective remedy (Article 13), and the right to protection of property (Article 1 of Protocol 1). It also gave an undertaking to safeguard the prohibition of inhuman or degrading treatment (Article 3). The declaration accepted that all of these articles had been violated by the actions of the Turkish security forces.

##### **Macir v. Turkey (right to life)**

This case, concerning the killing of the applicant's husband in 1994, was resolved by friendly settlement on 22 April 2003. Following the indication from the Turkish Government that it would be prepared to settle the case, KHRP submitted counter-proposals in order to represent best the applicant's interests. The applicant finally accepted a declaration from the Turkish Government which included a payment of *ex gratia* compensation and a statement of regret for both the failure to protect the applicant's husband and the failure effectively to investigate the circumstances surrounding his death. Accepting that this amounted to violations of Article 2, the right to life, and Articles 3 and 13 of the Convention, the Turkish Government undertook to prevent such violations in future.

#### **NEW KHRP CASES SUBMITTED TO EUROPEAN COURT OF HUMAN RIGHTS IN 2003**

##### **Abrahamyan v Armenia (unfair trial, freedom of expression)**

On 22 September 2003, KHRP lodged a full application with the ECtHR concerning the wrongful arrest and detention of a man following his attendance at a public demonstration against the inauguration of the President

LEFT: Applicant Unsal Ozturk with Executive Director Kerim Yildiz at KHRP's London office

CENTRE: KHRP met with lawyers and applicants to the ECtHR to discuss current and future cases concerning internally displaced persons (IDPs), Azerbaijan November 2003

RIGHT: KHRP, BHRC and Helsinki Citizen's Assembly with Natig Talibov, Vice Chair of the Chief, Department of Ministry of Justice of Azerbaijan, July 2003



following the second Presidential election held on 5 March 2003. The applicant submits that he was unlawfully and arbitrarily arrested, denied a fair trial and detained in unsanitary and inhumane conditions for ten days, where he was denied access to his family. The applicant complains under Article 3, Article 5, Article 6, Article 8, Article 10, Article 11, Article 13, Article 14 and Article 3 to Protocol No. 1 to the European Convention.

**Amiryan v Armenia (right to liberty, unfair trial, freedom of expression)**

On 28 August 2003, KHRP lodged a full application with the ECtHR concerning the arrest and detention of a man who had attended a public demonstration on 21 February 2003 following the first round of the 2003 Armenian Presidential elections. Under the right to liberty and security (Article 5), the right to a fair hearing (Article 6) and the right to an effective remedy (Article 13), the applicant submits that he was unlawfully arrested and detained, denied a fair hearing and access to legal representation, and denied the opportunity to appeal. Furthermore, he submits that the arrest violated his right to freedom of expression (Article 10), and the right to freedom of peaceful assembly (Article 11). He also submits that the blanket arrests of opposition supporters violated his rights under Article 3 of Protocol No.1 that elections should be free and fair.

**Elchin Behbudov v Azerbaijan (detention/torture)**

On 14 April 2003, KHRP assisted the applicant in lodging an application concerning his detention and torture in October 1995. Hav-

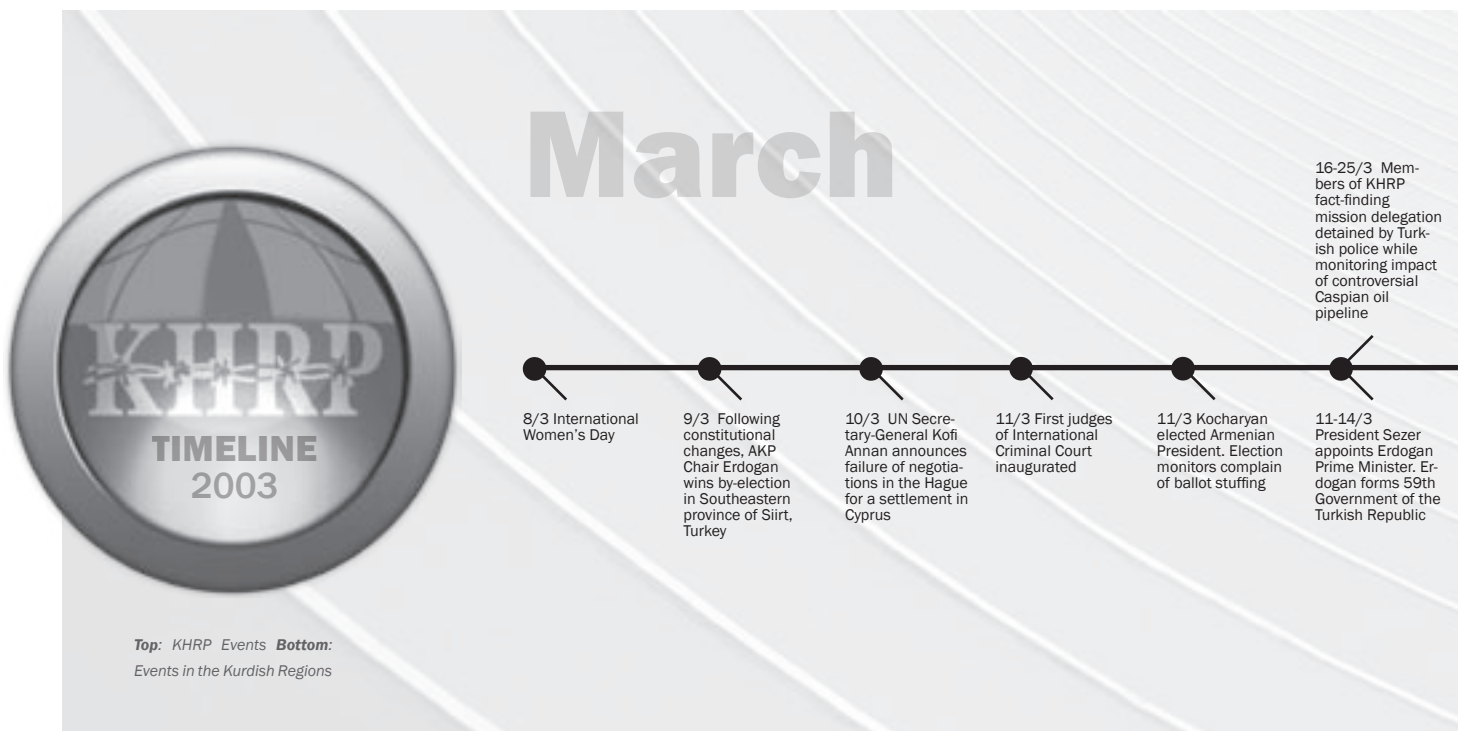
ing exhausted domestic remedies, a decision of the Supreme Court of Azerbaijan was delivered on 22 October 2002. The applicant alleges violations of Articles 3 (prohibition of torture), 5 (right to liberty and security), 6 (right to a fair trial) and 10 (freedom of expression) of the Convention.

**Davtyan v Armenia (unfair trial, freedom of expression)**

On 22 September 2003, KHRP lodged a full application with the ECtHR concerning the wrongful arrest and detention of a man following his attendance at a public demonstration following the second Presidential election held on 5 March 2003. The applicant submits that he was denied a fair trial and detained in unsanitary and cramped conditions for five days. Under the prohibition of inhuman and degrading treatment (Article 3), the right to liberty and security (Article 5), the right to a fair trial (Article 6), the right to respect for family life, and the prohibition of discrimination (Article 14), he complains that he was unlawfully and arbitrarily arrested, denied a fair trial and free legal representation, detained inhumanely, and denied access to his family whilst imprisoned. He also complains under Articles 10 and 11, and Article 3 of Protocol No.1 to the Convention that he was denied his rights to freedom of expression and peaceful assembly. Further, he submits that he was denied an effective remedy in violation of Article 13.

**Gasparyan v Armenia (right to liberty, unfair trial)**

On 30 October 2003, KHRP lodged a full application with the ECtHR concerning the ar-



rest and detention of a man who had acted as an electoral supervisor on behalf of an opposition party during the first round of the 2003 Armenian Presidential elections on 19 February 2003. Under the right to liberty and security (Article 5), the right to a fair hearing (Article 6) and the right to an effective remedy (Article 13), the applicant submits that he was unlawfully arrested and detained, denied a fair hearing and access to legal representation, and denied the opportunity to appeal. Under Article 14, he submits that the authority's actions were discriminatory as he was arrested because of his role as electoral supervisor. Furthermore, he submits that the arrest violated his right to freedom of peaceful assembly (Article 11). He also submits that the blanket arrests of opposition supporters violated his rights under Article 3 of Protocol No.1 that elections should be free and fair.

**Sami Gören v Turkey (freedom of thought, conscience and religion)**

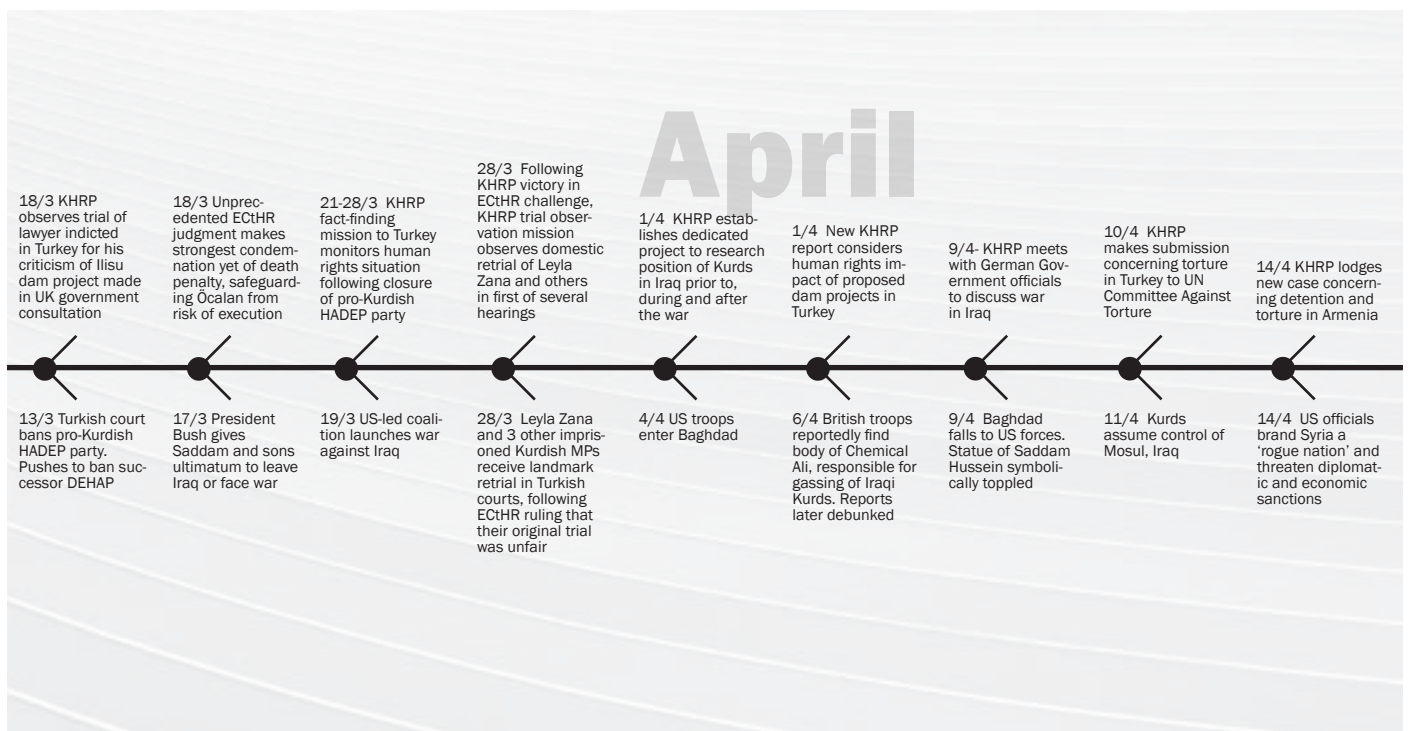
On 2 June 2003, KHRP submitted a full application concerning the dismissal of the Applicant from his position as Public Prosecutor in Posof by the Supreme Council of Judges and Public Prosecutors and the lack of an effective remedy against decisions taken by this body. The applicant complains that the dismissal occurred as a result of religious discrimination in contravention of the right to freedom of thought, conscience and religion (Article 9). He also complains under the right to an effective remedy (Article 13) of the ECHR and right to protection of property (Article 1 of Protocol No.1) to the Convention.



KHRP Chair Mark Muller with the First Secretary of the Ministry of Justice, Ankara, March 2003

**Karapetyan v Armenia (inhuman treatment, right to liberty)**

On 28 August 2003, KHRP lodged a full application with the ECtHR concerning the arrest and detention of a man who had been visiting his son in hospital in Yerevan, where public demonstrations were taking place following the first round of the 2003 Armenian Presidential elections. As a result of this arbitrary arrest, he was sentenced to ten days' imprisonment. Under the right to liberty and security (Article 5), the right to a fair hearing (Article 6) and the right to an effective remedy (Article 13), the applicant submits that he



was unlawfully arrested and detained, denied a fair hearing and access to legal representation, and denied the opportunity to appeal. He complains under Article 3 that he was subjected to inhuman and degrading treatment whilst in detention. He submits under Article 14 that the authorities' actions were discriminatory, as he was arrested because he was mistakenly presumed to have taken part in the public demonstration.

**Lavrent Kirakosyan v Armenia (unfair trial, freedom of expression)**

On 22 September 2003, KHRP lodged a full application with the ECtHR concerning the wrongful arrest and detention of a man following his attendance at a public demonstration following the second Presidential election held on 5 March 2003. The applicant submits that he was denied a fair trial, and detained in unsanitary and cramped conditions for ten days. During this time, he suffered financial loss through the degradation and death of his livestock, and his wife gave birth prematurely by caesarian operation. Under the prohibition of inhuman and degrading treatment (Article 3), the right to liberty and security (Article 5), the right to a fair trial (Article 6), the right to respect for family life, and the prohibition of discrimination (Article 14), he complains that he was unlawfully and arbitrarily arrested, denied a fair trial and free legal representation, detained inhumanely, and denied access to his family whilst imprisoned. He also complains under Articles 10 and 11, and Article 3 of Protocol No.1 to the Convention that he was denied his rights to freedom of expression and peaceful assembly. Furthermore, he submits that he was denied an effective remedy in violation of Article 13.

**Petros Makeyan v Armenia (unfair trial, freedom of assembly)**

On 31 January 2003, KHRP submitted a full application to the ECtHR concerning the assault, arrest and detention of a man following his attendance at a public meeting. The meeting concerned the monopolisation of the Armenian communications industry. The applicant was arrested and detained for ten days. The applicant's complaints under Arti-

cles 3, 5, 6, 9, 10, 11, 14 and Article 1 of Protocol 1 were declared inadmissible rationae temporis.

**Mkhitarian v Armenia (unfair trial, freedom of expression)**

On 22 September 2003, KHRP lodged a full application with the ECtHR concerning the wrongful arrest and detention of a man following his attendance at a public demonstration against alleged electoral violations in the second Presidential election held on 5 March 2003. The applicant submits that he was wrongfully charged with maliciously refusing to comply with police orders, and detained in unsanitary and inhuman conditions for ten days. Under the prohibition of inhuman and degrading treatment (Article 3), the right to liberty and security (Article 5), the right to a fair trial (Article 6), the right to respect for family life, and the prohibition of discrimination (Article 14), he complains that he was unlawfully and arbitrarily arrested, denied a fair trial and free legal representation, detained inhumanely, and denied access to his family whilst imprisoned. He also complains under Articles 10 and 11, and Article 3 of Protocol No.1 to the Convention that he was denied his rights to freedom of expression and peaceful assembly. Further, he submits that Armenian law denies him an effective remedy, in violation of Article 13 of the Convention.

**Meltex Ltd v Armenia (freedom of expression)**

On 31 January 2003, KHRP submitted a full application to the ECtHR on behalf of an independent Armenian television company (A1+) that was denied its broadcasting license, apparently due to its inclusion of opposition parties in its Presidential election coverage. In 1995 the company established its own network. The applicant submits that, as a result of its inclusion of opposition par-



LEFT: KHRP has submitted a test case to the ECtHR on behalf of Kezban Ekzi, a female journalist, concerning the Turkish authorities' refusal to allow women wearing headscarves to work in public offices and departments

CENTRE: KHRP Legal Officer Anke Stock with applicant Maksin Gasparyan and Ara Gharazryan in Yerevan, November 2003

RIGHT: KHRP delegation meeting villagers in Ortagecit, Turkey, together with DEHAP representative Ferhat Kaya regarding applications to ECHR (Yazici and 35 Others v. Turkey)



ties in its election coverage, the Minister of Transport and Communication requested the state-owned television network of Armenia to stop the broadcast of the applicant's channel. The television network cut the electricity supply of the applicant's transmitter without prior notification. The applicant complains of a violation of its right to freedom of expression (Article 10), fair trial (Article 6) and that the destruction of its electrical equipment constitutes a breach of its right to property (Article 1 of Protocol No.1).

### **Öcalan v. Turkey (torture and ill-treatment/privacy)**

Subsequent to the landmark ECtHR judgment of 18 March 2003, on 1 August 2003 a second application was submitted concerning the conditions of Abdullah Öcalan's detention, the imposition of a mandatory life sentence without parole and the pursuit of further criminal proceedings against him in Turkey. The applicant complains that he is held in effective social isolation and has only very sporadic visits from his family and legal representatives as a result of the restrictions on access to the heavily-guarded prison island of Imrali. It is contended that these detention conditions violate Article 3 (prohibition of torture and ill-treatment), Article 8 (right to privacy) and Article 11 (right to freedom of assembly) of the Convention. The applicant complains that the imposition of the mandatory life sentence without parole violates Article 3 (prohibition of torture and ill-treatment). In respect of the domestic proceedings against him, the applicant complains that the restrictions on his access to lawyers disclose ongoing violations of Article 6 (right to a fair trial) of the Convention. Furthermore, the applicant submits that he has no available domestic remedies in respect of any of his complaints.

### **Sapeyan v Armenia (right to liberty, unfair trial, freedom of expression)**

On 28 August 2003, KHRP lodged a full application with the ECtHR concerning the arrest and detention of the Chairman of an opposition party, who was travelling to Yerevan



Members of the KHRP Legal Team including (l-r) Louis Charalambous, Sydney Kentridge QC, Tim Otty, Kerim Yildiz and Gareth Pierce at the European Court of Human Rights, Strasbourg

to take part in a public demonstration following the first round of the 2003 Armenian Presidential elections. Under the right to liberty and security (Article 5), the right to a fair hearing (Article 6) and the right to an effective remedy (Article 13), the applicant submits that he was unlawfully arrested, detained and denied a fair hearing. Under the right to the freedom of peaceful assembly (Article 11) and the right to freedom of expression (Article 10), the applicant complains that the arrest violated his rights by preventing him from taking part in the public demonstration. He also submits that the blanket arrests of opposition supporters violated his rights under Article 3 of Protocol No.1 that elections should be free and fair.

### **Mehmet Seyithan Selçuk v Turkey (fair trial, right to an effective remedy)**

On 8 January 2003, KHRP submitted a full application in this case, concerning the conviction of the applicant, a police officer, following allegations of taking bribes during the process of a traffic control on 21 November 1999. As a result, the applicant is prohibited from working as a public servant and has lost his livelihood. The case raises issues concerning Article 3 (prohibition of torture and ill-treatment), Article 6 (right to a fair trial), Article 8 (respect for privacy) and Article 13 (prohibition of discrimination) of the Convention and Article 1 of Protocol No. 1 (right to

LEFT: Villagers in Haksöy meeting with KHRP regarding applications to ECHR

CENTRE: KHRP, BHRC and International Union of Armenian Advocates at the International Bar Association, Armenia: (left-right) Narine Gasparyan, Declan O'Callaghan, Tigran Ter-Esayan, Ajanta Kaza, Kerim Yildiz, Dr. Anke Stock and Ara Ghazaryan, July 2003

RIGHT: Participants in the human rights training had the opportunity to participate in a 'mock trial', re-enacting a hearing of the European Court. Baku, July 2003



enjoyment of possessions).

**Noyan Tapan Ltd v Armenia (freedom of expression)**

On 31 January 2003, KHRP submitted a full application to the ECtHR on behalf of a television company that had been closed in circumstances engaging the responsibility of the state. As the applicant, an independent Armenian news agency and television company, had never itself been awarded a broadcasting licence, it reached a broadcasting agreement with the Lotus television company in 1997. The applicant relies on Article 10 (freedom of expression) to complain that the agreement was terminated unilaterally by Lotus as a result of government pressure, resulting in the closure of the applicant television station. The applicant complains that it is common practice for the State to attempt to suppress independent and dissenting voices, constituting discrimination on political grounds in violation of Article 14. Under Article 6, the applicant complains its right to a fair trial was breached when the court dismissed its legal representative. The applicant also relies on Article 1 of Protocol No. 1 (protection of property).

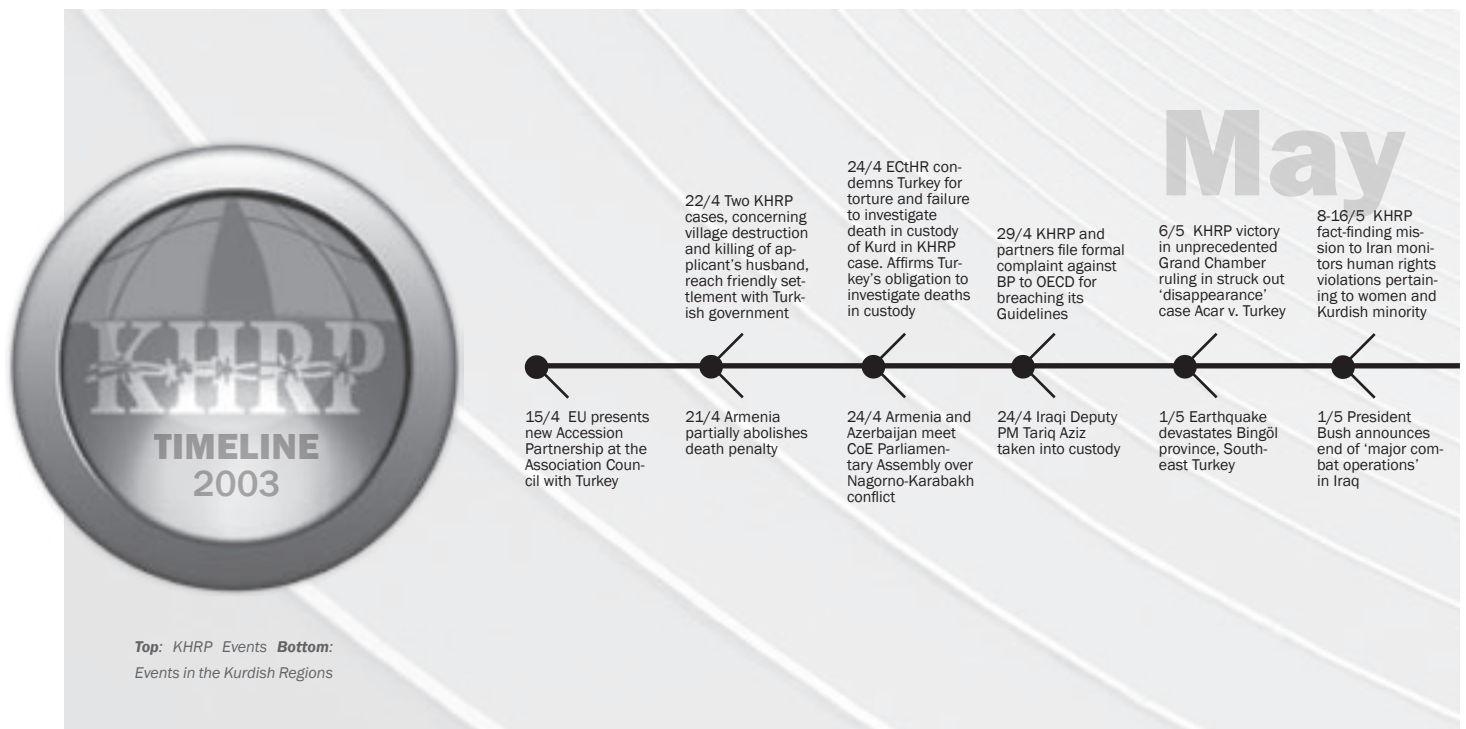
**Unal and 37 Others v Turkey (village destruction)**

In May 2003 KHRP submitted a full application on behalf of 38 internally displaced women and men, who have been unable to return to their village since it was destroyed by village guards in 1994. They complain that

village guards seized and destroyed land, crops and the remains of their homes. Three of the applicants complain of the killing of their relatives. All of the applicants are now Internally Displaced Persons (IDPs) in Turkey as they are unable to return to their homes and land. The case raises issues concerning the right to life (Article 2), right to respect for privacy (Article 8), right to an effective remedy (Article 13) and protection of property (Article 1 of Protocol No. 1). Over 3 million people were displaced and more than 3,500 settlements destroyed during a campaign of village destructions that peaked in severity in the mid-1990s. A series of ECtHR cases brought by KHRP has established incontrovertible evidence of a widespread practice of village destructions in that period.

**Yazici and 35 Others v. Turkey**

On 22 December 2003, KHRP lodged 'stop the clock' letters with the ECtHR on behalf of 36 Kurdish villagers concerning the expropriation of their land by the Turkish Government in order to build an oil pipeline (the Baku-Tbilisi-Ceyhan pipeline) through the area. The applicants complain that their right of access to the court has been violated under Article 6. Further, they submit that their right to respect for private and family life (Article 8) has been violated by the state's failure to inform its citizens about the potential dangers the pipeline would bring to the lives of people living next to it and to the environment. Several of the applicants submit that they were not compensated for the expropriation, while others were paid less than market value,



thereby violating their right to property under Article 1 of Protocol No. 1 to the ECHR. The applicants further complain of a violation of their right to an effective remedy (Article 13). The applicants claim that all the violations mentioned are a result of their Kurdish social origin, language, religion and ethnic status contrary to the prohibition of discrimination (Article 14). KHRP will visit Turkey to obtain witness statements from the villagers and other potential applicants in support of a full application, to be lodged in 2004. The case has the potential to set a benchmark for the expected rights of affected communities on the ground in the implementation of large-scale infrastructure projects.

### KHRP ADVOCACY IN 2003

In 2003, KHRP advocated in national and international mechanisms including:

#### UN Committee Against Torture (CAT)

In April 2003, KHRP submitted a report on torture cases in Turkey to CAT prior to its annual spring session. The Committee is entrusted with the specific supervision of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly in 1984. CAT was evaluating the report submitted to it by the Turkish Government in light of all information that is available to it, including NGO reports. After the examination the Committee adopted “Concluding Observations” on Turkey, identifying concerns about

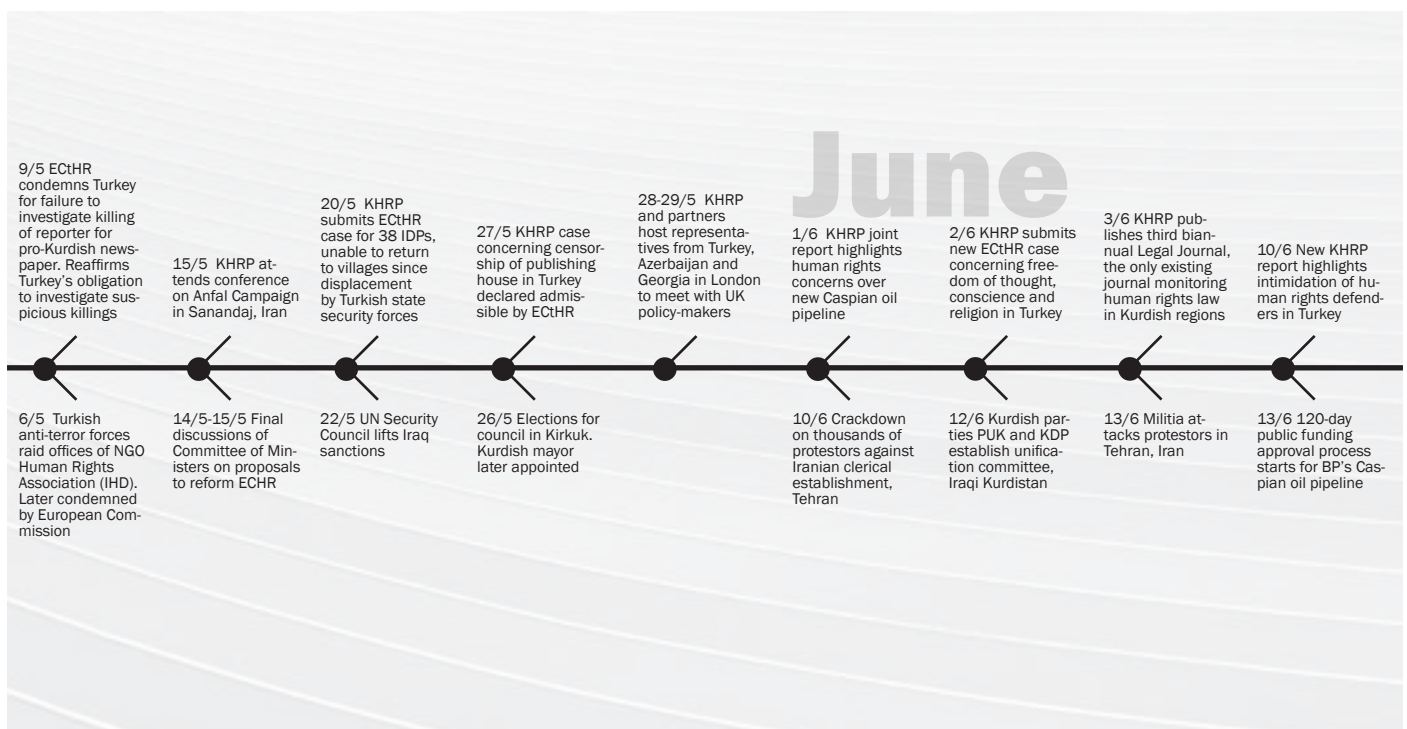
non-compliance and making recommendations for action.

#### Organisation for Security and Co-operation in Europe (OSCE)

In October 2003, KHRP made oral presentations at the OSCE’s Human Dimensions Meeting (HDIM) in Poland. This year, KHRP focused on the situation of internally displaced persons (IDPs), the right to a fair trial and the prevalence of torture in Turkey. The presentations prompted objections from the Turkish Government, which were rebutted by the Director of the OSCE Organisation for Democratic Institutions and Human Rights (ODIHR) who reaffirmed KHRP’s reputation as a well-respected and accredited NGO.

#### European Commission

KHRP and its partner organisations made a detailed legal submission to the European Commission highlighting how the legal agreements that underpinned a controversial oil pipeline, through Turkey, Azerbaijan and Georgia, are in potential and/ or actual breach of EU, human rights and international law and undermine Turkey’s EU accession partnership. In response, the European Commission undertook to examine the complaint in its annual report. KHRP is preparing further legal arguments to the European Court of Justice in Luxembourg in connection with this legal submission.



**Council of Europe’s Committee of Ministers**

KHRP has advocated its concerns regarding proposed reforms to the ECtHR since 2001. The CoM has approved proposals to amend the ECHR to the effect that the ECtHR will be empowered to refuse to hear applications which are deemed not to raise either a ‘serious question of interpretation’ or an issue of ‘general importance’. While KHRP is critical of these amendments, the inclusion of the proviso that such cases can only be rejected if this does not place the applicant at a ‘significant disadvantage’ represents a marked improvement to the original proposals for reforming the ECtHR circulated in 2001. While it is regrettable that such an improvement would be approved in any form, KHRP and its colleagues are confident that their advocacy work in relation to the reforms influenced the gradual shift away from initial proposals.

**National Human Rights Institutions**

KHRP and its colleagues have been advocating their concerns about the reform of the ECtHR to national human rights institutions throughout Europe. KHRP and its colleagues are confident that their advocacy work in relation to the reforms influenced national human rights institutions and governments, including the Hungarian Ministry of Justice and Northern Ireland Human Rights Commission, to indicate that they shared NGOs’ concerns about the proposals.

**International Financial Institutions including the World Bank, the Organisation for Economic Co-operation and Development and the International Finance Corporation**

In conjunction with its partner organisations, KHRP submitted an in-depth analysis of the failures of the Baku-Ceyhan pipeline project to comply with World Bank policies (see *Project 5, Environmental and Human Rights*). KHRP and partners also filed a formal complaint against BP for breaching the Organisation for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises.

KHRP has also participated in formal and informal consultations with members of the Kurdish community, lawyers, human rights organisations, individual parliamentarians and governments, including those of the European Parliament, UK, US, Germany, Norway and the Netherlands.

**REFUGEES AND ASYLUM**

In response to increasing demand in the UK and elsewhere, KHRP provides formal and informal expert assistance, when time and resources allow, in cases relating to refugees and asylum seekers from the Kurdish regions. KHRP prepares expert opinions on particular aspects of law, practice and human rights, in addition to testifying at court cases. Feedback has indicated that KHRP’s provision of expert advice has directly assisted refugees and governments in reaching an informed and just decision. KHRP has also participated in consultation meetings over issues affecting the Kurdish community, including a UK Home Office consultation meeting concerning the return of Iraqi Kurdish asylum seekers to Iraq.

**HUMAN RIGHTS TRAINING**

**A key objective of KHRP is to build capacity within the Kurdish regions by transferring skills and providing expert training to lawyers, human rights defenders and non-governmental organisations (NGOs) on the ground. Through training seminars, materials and legal internships at KHRP’s London office, individuals are empowered to use directly the human rights remedies available to them as a means of motivating the rule of law and democracy.**

KHRP builds capacity within the regions by raising awareness of the remedies available to victims of human rights abuses. When KHRP was established in 1992, not a single case concerning the Kurdish regions had been submitted to or adjudicated by the ECtHR. The number of cases now originating from the Kurdish regions has increased dramatically: in the last three years, over

LEFT: KHRP Executive Director Kerim Yildiz making an oral presentation to delegates of the Organisation for Security and Co-operation in Europe in Warsaw, October 2003

RIGHT: KHRP Deputy Director and Executive Director at the OSCE Human Dimensions Implementation Meeting in Warsaw, October 2003





one sixth of all cases (against all 45 Council of Europe member states) giving rise to the finding of an ECHR violation concern Turkey, many of which have been brought with the advice and assistance of KHRP or its partner organisations in the regions.

KHRP transfers skills to lawyers, human rights defenders and non-governmental organisations (NGOs) in the Kurdish regions and elsewhere through an integrated programme of training seminars, materials, legal internships and casework advice.

With years of experience of working with local partners and of providing human rights training in Turkey and Eastern Europe (including Ukraine, Albania and Kosovo), KHRP provides invaluable instruction on the remedies available for human rights violations to affected communities on the ground. The objective is to build capacity within the regions by offering practical and theoretical training as a means of motivating the rule of law and democracy in these transitional states.

Accordingly, KHRP has continued its human rights training about ECHR and UN mechanisms in Turkey in addition to Armenia and Azerbaijan which, following their 2001 accession to the Council of Europe, present new opportunities for the development of human rights protection. In 2003, KHRP together with the Bar Human Rights Committee of England and Wales delivered five training seminars in Turkey, Armenia and Azerbaijan in conjunction with local partners. The seminars focused on UN mechanisms, provisions of the ECHR and its expected reform in May 2004. Each seminar was attended by between 25 and 40 participants, with a large proportion of female participants.

KHRP also produces materials for training seminars in relevant languages, including practical manuals and a biannual legal journal, the only existing journal focusing on human rights law in the Kurdish regions. In 2003, the journal also reached a wider network of libraries, lawyers and law students globally when it was added to the Legal Journals Index, a resource widely used by the legal profession and known as the most au-



KHRP provides training in ECHR mechanisms in Azerbaijan, July 2003

thoritative online legal information service.

In addition to the feedback received from participants, one funder, the Community Fund (formerly UK National Lottery) has commented, **“It was quite clear that [the training seminar] was appreciated by the partners, and they felt this was a key component of KHRP’s work and of vital importance in the struggle to improve the human rights situation. The partners frequently commented that further training programmes were needed... As more lawyers become familiar with the process and gain experience of taking cases and acting as [human rights] lawyers, increasing numbers of their colleagues also gain experience. It was apparent during the monitoring visit from discussions with the partners that the capacity of lawyers and the partner organisations has increased significantly, with a clear process of increasing numbers of cases being brought by the partner.”**

LEFT: Members of the KHRP and BHRC legal teams and participants at the human rights training sessions in Azerbaijan, November 2003

RIGHT: Delivering human rights training about the ECHR and UN mechanisms in Yerevan, July 2003



Lawyers and human rights defenders from the Kurdish regions are provided the opportunity to undertake a legal internship at KHRP's London office for between three and six months. International legal interns are encouraged to participate fully in KHRP's casework and, where possible, are provided with the opportunity to participate in ECtHR hearings in Strasbourg. They also gain an opportunity to improve their English and to experience the operation of a human rights organisation in a democracy. In 2003, KHRP hosted sixteen international legal interns including four from Turkey, Azerbaijan and Armenia.

In 2003, one legal intern from the regions described, **"During my internship program in the KHRP I have succeeded to get the complete picture in my mind about functioning of international human rights protection mechanisms... I would like particularly to note our participation in the hearings in the European Court of Human Rights in Strasbourg. It gave us a remarkable opportunity to observe the work of the KHRP before the European Court... We definitely need this especially in the light of the recent human rights developments in Azerbaijan. My country which is in the process of formation of the new states institutes is needing of qualified human rights lawyers with the working experience in the international human rights organizations."**

**KHRP TRAINING SEMINARS IN TURKEY, ARMENIA AND AZERBAIJAN**

**Training seminars on ECHR and UN mechanisms, Azerbaijan, July 2003**

In 2003, KHRP in conjunction with the Bar Human Rights Committee of England and Wales prepared a training seminar with its partner in Azerbaijan, the Helsinki Citizen's Assembly, focusing on specific areas of jurisprudence and procedure of the ECtHR and UN mechanisms. The seminars accordingly focused on UN mechanisms and the right to a fair trial (Article 6), right to privacy (Article 8) and freedom of expression (Article 10) of the ECHR. KHRP also prepared and distrib-

uted training materials in relevant languages. Attendees of the training seminar in Azerbaijan also participated in a "mock trial", re-enacting a hearing of the ECtHR.

A participant in the seminar commented, **"The interests in the seminars are increasing day by day... The participants were provided with opportunity to take part in the Symbolic Litigation Process other than theoretic discussions. This seminar has created a clear imagination about the UN mechanisms in protection of human rights. In general KHRP's seminars are of great importance and prevent sending of inadmissible cases from Azerbaijan to European Court of Human Rights."**

**Training seminars on ECHR and UN mechanisms, Armenia, July 2003**

In 2003, KHRP in conjunction with the Bar Human Rights Committee of England and Wales prepared a training seminar with its partner in Armenia, the International Union of Advocates of Armenia, focusing on specific areas of jurisprudence and procedure of the ECtHR and UN mechanisms. The seminars accordingly focused on UN mechanisms and the right to a fair trial (Article 6), right to privacy (Article 8) and freedom of expression (Article 10) of the ECHR. KHRP also prepared and distributed training materials in relevant languages.

**Training seminars on ECHR reforms, Turkey, November 2003**

In 2003, KHRP in conjunction with the Bar Human Rights Committee of England and Wales prepared a training seminar with its regional partner in Turkey, the Human Rights Association (IHD). The seminar concerned the reforms of the ECHR, due to occur in May 2004. The first sign of a marked change in the ECtHR's approach occurred in the KHRP case of *Akman v. Turkey* in 2001, placing KHRP in an authoritative position to train about the reforms' implications.

LEFT: Members of the KHRP and BHRC legal teams and participants in the human rights training sessions in Azerbaijan, November 2003

RIGHT: Members of the KHRP and BHRC legal teams and participants at the human rights training sessions in Azerbaijan, November 2003. Almost half of the participants in the training seminar were women



### Training seminars on ECHR reforms, Azerbaijan, November 2003

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### Training seminars on ECHR reforms, Armenia, November 2003

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### KHRP HUMAN RIGHTS TRAINING MATERIALS

Human rights materials distributed at the training seminars include:

#### Taking Cases to the European Court of Human Rights – A Manual (English, Turkish, Armenian, Azeri)

This KHRP manual, published in conjunction with BHRC, provides commentaries on the practice and procedure of the ECtHR, as well as including key texts, such as the Convention itself, the ECtHR's application form and a table of legal aid rates. Turkish, Armenian and Azeri editions of the manual have also been produced for distribution where required.

### KHRP Legal Review (English, Turkish)

The KHRP Legal Review is a biannual legal journal concerning significant legal developments within and of relevance to the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere in the foregoing six months. It is intended to build capacity among NGOs, lawyers and human rights defenders on the ground by providing clear guidance, updates and analysis of issues relevant to the regions. In addition to updates and exclusive analysis of significant ECtHR judgments, admissibility decisions, new cases and procedural developments, the journal also provides information on international mechanisms such as UN bodies, the International Criminal Court and the OSCE.

In 2003, KHRP expanded and developed the journal by publishing two English and two Turkish editions. In 2003, the journal also reached a wider network of libraries, lawyers and law students globally when it was added to the Legal Journals Index, a resource widely used by the legal profession and known as the most authoritative online legal information service.

### Taking Human Rights Complaints to UN Mechanisms – A Manual (English)

This manual provides a guide to taking human rights complaints to UN mechanisms. The UN aims to achieve the promotion and encouragement of respect for human rights through three categories of human rights bodies: the UN High Commissioner for Human Rights, those established by the UN Charter (Charter-based bodies) and those established by provisions in specific legal instruments (treaty-based bodies). This Manual provides an overview of the different mechanisms and guides to their use. In addition, the Manual also includes key texts, such as texts of the reservations and declarations entered into by member states in the Kurdish regions, model complaint forms and guidelines for the submission of complaints. The report was written and edited by KHRP Executive Director Kerim Yildiz and Legal Officer Anke Stockin in conjunction with the Bar

LEFT: The KHRP Legal Review is the only existing legal journal including updates and analysis of human rights developments in the Kurdish regions. An interview with Mr. Luzius Wildhaber, President of the European Court of Human Rights, is featured in KHRP Legal Review 4

RIGHT: KHRP staff provide training to lawyers and legal interns from Turkey, Azerbaijan and Armenia at its London office, August 2003





KHRP Legal Interns at the European Court of Human Rights in Strasbourg, October 2003

Human Rights Committee of England and Wales. Translations into other languages are being prepared for publication in 2004.

### **INTERNATIONAL LEGAL INTERNSHIP PROGRAMME**

In 2003, KHRP hosted sixteen legal interns including four from the Kurdish regions of Turkey, Armenia and Azerbaijan:

#### **Legal Interns from Kurdish regions:**

Farhad Sattarov – lawyer with the Helsinki Citizen’s Assembly in Azerbaijan; Narine Gasparyan – lawyer with the American Bar Association of Armenia, Armenia; Saniye Karakaş – human rights and criminal lawyer in Diyarbakir, Turkey; Mustafa Gundogdu – Kurdish human rights activist from the Foundation for Social and Legal Studies (TOHAV), Turkey.

Lawyers from the Kurdish regions were also given the opportunity to participate in hearings at the ECtHR and to visit the European Parliament in Strasbourg. KHRP has found that such visits complement legal interns’ London-based training and enhances their understanding of Strasbourg mechanisms.

#### **International Legal Interns:**

Harriet Allsopp – postgraduate of Modern Middle Eastern Studies at the University of Oxford; Fatou Diawara – postgraduate of International Law, specialising in Human Rights, at City University, London; Rohan Silva – law graduate of the University of Manchester; Viktoria Verhoeven – political science graduate of Richmond University; Jackson Jing Ming Setiawan – law student at the University of London; Laurence Endres – graduate of Human Rights and Public International Law at London Guildhall University; Caitlin Hughes – graduate of International Relations and Economics at the John Hopkins School of Advanced International Studies; Hendrike Barz – graduate undertaking an MA in ‘Understanding and Security Human Rights’, Institute of Commonwealth Studies, London; Juliet McDermott – postgraduate in International Studies and Diplomacy from the University of London; Gina Fryer – graduate in law from the University of Edinburgh; Marzia Montemurro – postgraduate in human rights from the London School of Economics; Francesca Delaney – a Cambridge University graduate undertaking a Law conversion course in London

# PROJECT 2

FACT-FINDING AND TRIAL  
OBSERVATION MISSIONS

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

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

Through its interviews with appropriate government officials, members of the judiciary, local NGOs, human rights defenders and individuals, together with its observation of trials and knowledge of international legal standards, KHRP is enabled to form a concrete and up-to-date assessment of the human rights situation on the ground. This enables KHRP to corroborate information for groups and individuals in the regions, most significant in areas where there is difficulty obtaining reliable information beyond state-controlled sources.

Following fact-finding and trial observation missions, KHRP publishes reports containing recommendations that are circulated to inform international policy-makers, including governmental and intergovernmental bodies, UN mechanisms, EU representatives, parliamentarians, academics, lawyers, non-governmental organisations and interested individuals. KHRP also brings its findings to the attention of the domestic and international press and broadcast media.

The primary evidence obtained by KHRP was particularly timely due to the US-led invasion of Iraq and overthrow of the Ba'athist regime in 2003, bringing the Kurdish regions to the fore of the international agenda more than at any time in recent history. A chief focus of the project in 2003 was also women's rights. A KHRP fact-finding mission to Iraqi Kurdistan assessed the overall human rights situation, especially pertaining to women, internally

displaced persons (IDPs) and minorities. Further fact-finding missions to Turkey and Iran did not ignore the effect of the war in inflaming regional tensions: in spite of fears that access would be denied, a KHRP fact-finding mission to Iran assessed the overall position of vulnerable groups including women, children and the Kurdish minority.

KHRP achieved a significant victory in 2003, as KHRP applicants Leyla Zana and three other imprisoned Kurdish parliamentarians obtained a groundbreaking domestic retrial following ECtHR rulings that their original trials had been unfair. The retrial was the result of an ECHR case assisted by KHRP and the passage of a new domestic Harmonisation Law in Turkey in February 2003. A KHRP trial observation mission attended hearings in the trial in Turkey, which have the potential to provide new domestic remedies to victims of human rights violations and to create a political space for Kurdish parliamentarians in Turkey. Sadly, KHRP's preliminary assessment is that the domestic retrials have also breached the ECHR; it will continue to monitor the case, which is continuing, in 2004.

In total, KHRP sent five fact-finding and four trial observation missions to the Kurdish regions in 2003 to assess a range of human rights concerns. KHRP and partner organisations also hosted a 'reverse' fact-finding mission, inviting representatives of affected communities in Turkey, Azerbaijan and Georgia to meet with key policy-makers in London.

To respect human rights is to respect the rule of law. However, people perceived to be a threat to the state because of their opinion or human rights work are often the subject of unfounded prosecutions or arbitrary trials. The presence of a KHRP delegation in Turkish courts gives a measure of security to those on trial, and challenges judiciary and prosecutors not to act with impunity.

Most often, KHRP's trial observers have encouraged courts to be more cognisant of the defendants' rights and to uphold internation-

LEFT: Street sign shows 'Ave Kord-estan', Iran, May 2003

RIGHT: Children in Takeh refugee camp. Most of its inhabitants were expelled from Kirkuk following the Arabisation campaign, or fled after the 1991 uprising and have recently returned from refugee camps in Iran. Their tents are generations-old and show signs of wear



al human rights standards. The publicity generated by the attendance of an international human rights organisation such as KHRP serves to enhance a defendant's chance of receiving a fair trial. The trial observation missions also enable KHRP to obtain reliable, primary information about the nature of the case, the defendant and the conduct of the trials.

In 2003, KHRP observed the trials of a range of defendants. Several cases concerned the censorship and intimidation of people perceived to be opponents of the state, including a left-wing author and publisher, a human rights lawyer, and four imprisoned Kurdish parliamentarians. A further case concerned the trial of 410 Turkish state officials for the repeated rapes of Kurdish women.

During fact-finding and trial observation missions, KHRP is informed of the current needs of people on the ground. Each mission generates a follow-up process, including the location and provision of information requested during the mission. KHRP also continues to monitor the situation by maintaining regular contact with human rights lawyers, groups and individuals in the regions. Any matters of concern are circulated amongst the relevant governmental, non-governmental or inter-governmental bodies, including the Council of Europe and the UN.

The subject of one trial observed by KHRP in 2003 wrote, **"I have no doubt that KHRP managed to raise international concerns about my case because they came to Turkey to witness it first-hand. Because of this, international MPs and MEPs voiced their concern about my prosecution. I thank KHRP for enhancing my chances of receiving a fair trial."**

**KHRP FACT-FINDING MISSIONS**

**Fact-Finding Mission to Iran, May 2003**

In spite of fears that state authorities may not permit it, in May 2003, KHRP, in conjunction with the Kurdish Women's Charter and Bar Human Rights Committee of England and Wales, undertook a fact-finding mission to Iran to investigate the general human rights situation, especially pertaining to women and the Kurdish minority. It confirmed that the rights of women with regard to inheritance,

divorce and the custody of children are very much less than those of men. Recent events in Iraq had heightened sensitivities in a region where all Kurdish political parties are outlawed and the activities of those involved in Kurdish issues are closely monitored by security forces. Despite intimidation from security forces, the mission met with lawyers, representatives of civil society organisations, women's groups, applicants in KHRP cases, individuals and academics. KHRP published its findings and recommendations in a fact-finding mission report.

**Fact-Finding Mission to Iraq, August 2003**

In spite of fears that access would be precluded, a KHRP fact-finding mission to Iraq in August 2003 assessed the human rights and security situation in the wake of the war and the demise of Saddam Hussein, particularly for the region's Kurds. The mission sought to answer what the future holds for the semi-autonomous Kurdish region that was achieved after the Gulf War in 1992. KHRP met with a number of ministers of the Kurdish Regional Government (KRG) in both the KDP-governed city of Arbil and the PUK's base of Suleymaniya; and held meetings with international and local non-governmental organisations. The mission also visited inhabitants of refugee camps and resettlement complexes. KHRP published its findings and recommendations in a fact-finding mission report.

The 2003 war in Iraq led to greater international awareness of the Kurdish regions more than at any time in its history; it also increased



KHRP delegation led by Legal Officer Anke Stock at the International Conference on Anfal, University of Kordestan in Sanandaj



LEFT: Recent excavation of a mass grave in Basra, August 2003

CENTRE: A sign near to the mass grave site in Basra reads, 'Here lie the graves of our Kurdish brothers and sisters,' August 2003

RIGHT: Members of the KHRP and BHRC delegation at HADEP office, Ankara, March 2003

demands on KHRP's expertise. The gathering of up-to-date witness testimony from a variety of sources in Iraqi Kurdistan was therefore all the more crucial. A human rights defender in Iraq wrote to KHRP in 2003, "**KHRP highlighted Saddam's oppression of the Kurds when few others were listening. KHRP has always maintained its loyalty to the people here and is well-respected among every sector of society... It is very important that you come back in 2004 to see how life is changing here.**"

**Fact-Finding Mission to Turkey, March 2003**

While the contemporary political agenda focused on war in Iraq, dramatic events occurring in neighbouring Turkey largely escaped international attention. These included the possibility of Turkish troops entering Iraq and its implications; the banning of the largest pro-Kurdish political party HADEP and moves to ban its successor DEHAP; the ECtHR judgment that Abdullah Öcalan had not received a fair trial and could be retried in domestic courts; and the domestic retrial of four imprisoned Kurdish parliamentarians and KHRP applicants including Leyla Zana. A fact-finding mission in March 2003 sought to investigate whether or not the Kurdish situation in Turkey was becoming inflamed. The mission was conducted in conjunction with the Bar Human Rights Committee of England and Wales.

**Fact-Finding Mission to Turkey, March 2003**

In March 2003, KHRP and its partner organisations visited Turkey to investigate the likely effects of the planned Baku-Tblisi-Ceyhan pipeline which would carry oil from the Caspian Sea through Georgia to the Turkish Mediterranean coast. The mission conducted interviews with NGO representatives of the affected communities and parliamentary bodies in Ankara, then travelled the length of the pipeline route from Sivas to Posof on the Georgian border and finished its inquiries in Istanbul. It found a pervasive atmosphere of repression in the region through which the pipeline would pass: the mission itself

was detained twice by the Gendarmerie. The mission concluded that the pipeline not only breaches international standards but also threatens human rights abuses. There are widespread problems with compensation and a generalised failure to take account of the impact of the project on disadvantaged groups like women and ethnic minorities. The mission was especially critical of the choice of the Gendarmerie as the lead force for pipeline security. KHRP published its findings and recommendations in a fact-finding mission report. The gathering of this evidence was critically important in 2003, prior to the pipeline receiving international funding and commencing development.

**'Reverse' Fact-Finding Mission to UK, May 2003**

In May 2003, KHRP and its partner organisations arranged a speaker's tour of representatives from Turkey, Azerbaijan and Georgia, the three host countries of the Baku-Ceyhan pipeline, on a 'reverse' fact-finding mission. The purpose was to allow key policy-makers within the UK to meet with representatives of the communities that would be affected by development of the pipeline. Together with KHRP and NGO representatives, the delegates met with the European Bank for Reconstruction and Development (EBRD), the UK Department for International Development (DfID), the UK Foreign Office, the Treasury and the Export Credit Guarantee Department. KHRP was keen to enable policy-makers to meet with affected communities in 2003, prior to their decision whether or not to provide public funding to the pipeline.

**Fact-Finding Mission to Turkey, June 2003**

KHRP sent a fact-finding mission to South-east Turkey and Ankara in June 2003 in order to assess the impact of the lifting of the State of Emergency Legislation (OHAL) after 15 years' operation in the region. The mission found that in spite of the progressive legislative and constitutional amendments passed in conjunction with the lifting of OHAL, there continue to be widespread and systematic human rights abuses in the Kurdish region.

LEFT: Human Rights Association (IHD) Chair Husnu Ondul shows KHRP delegation the bullet holes remaining in the door of IHD headquarters in Ankara, following a failed assassination attempt against then IHD President Akin Birdal on 12 May 1998

CENTRE: KHRP Chair Mark Muller with Nazmi Gur, Deputy Chair of DEHAP

RIGHT: KHRP and partner organisations the Cornerhouse, PLATFORM and Friends of the Earth during a fact-finding mission to the Turkish section of the Baku-Ceyhan pipeline





In three cities, local NGOs and political parties asserted that in recent months there had been a campaign of escalating aggression on the part of police and security forces calculated to inflame the population. The findings were crucial in establishing that, in spite of the progressive legislative, conditions tantamount to a *de facto* state of emergency still exist.

**KHRP TRIAL OBSERVATIONS IN 2003**

**Trial Observation of Leyla Zana and other imprisoned Kurdish parliamentarians, Turkey, March 2003**

KHRP has assisted a number of cases concerning the banned pro-Kurdish Democracy Party (DEP) before the ECtHR, resulting, *inter alia*, in a judgment in July 2001 that the DEP parliamentarians had not received a fair trial and, in 2002, in a groundbreaking judgment which ruled that Turkey had violated the right to free elections (Article 3 of Protocol 1 to the ECHR) by banning the party. On 3 February 2003, a Harmonisation Law was passed granting, *inter alia*, a right to defendants to have a retrial where the ECtHR had ruled that the original trial was unfair. Consequently, four DEP parliamentarians, imprisoned for nine years for their expressions of Kurdish identity, were granted a retrial and could theoretically receive an early release from prison. The parliamentarians included Leyla Zana, female winner of the Sakharov prize for freedom of thought and Nobel Peace Prize nominee. Should the case result in a favourable judgment, it would represent a turning point in the Turkish legal and political landscape, allowing victims of human rights violations to receive redress through new remedies on the ground. KHRP trial observers attended a hearing in the domestic retrial. *KHRP is monitoring the case, which will continue in 2004.*

**Trial Observation of Human Rights Lawyer Mahmut Vefa, March 2003**

On 18 March 2003, a leading lawyer in Turkey stood trial for “insulting the Turkish state” for his criticism of the Ilisu dam project.



KHRP Public Relations Officer Rochelle Harris and Michael Goldhaber meet Sevket Kazan, former Turkish Minister of Justice and applicant in Refah Partisi v. Turkey during a KHRP trial observation mission, July 2003

KHRP, in conjunction with the Bar Human Rights Committee of England and Wales and the Corner House sent a delegation to observe the trial and to ensure that Turkey complies with its obligations to provide a fair trial and to protect freedom of expression. Mahmut Vefa, former General Secretary of the Diyarbakir Bar Association, was accused of “overtly insulting the moral personality of the Government and the military and security forces” for his article, published in a legal journal in 2002. The article reproduces his formal submission to the UK Government as part of its consultation process in 2001. KHRP published the trial observation mission’s findings and recommendations in a report. Forty-five UK parliamentarians signed a public statement, or Early Day Motion, urging the international community to monitor the trial following KHRP’s work in the case. KHRP also republished the indicted article in its *Legal Review*, to ensure that it would reach its intended audience regardless of its censorship. *KHRP is monitoring the case, which will continue in 2004.*

**Trial Observation of Author Fikret Başkaya, July 2003**

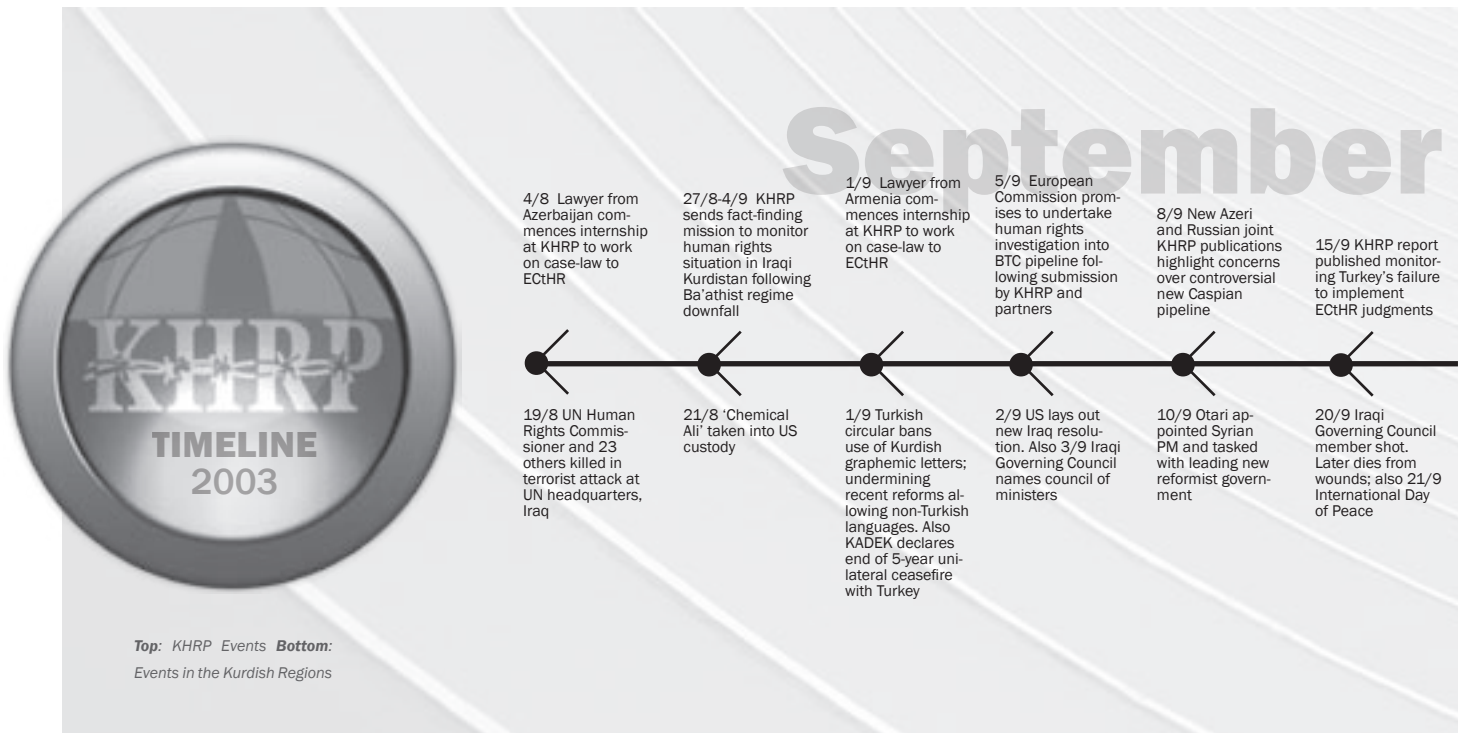
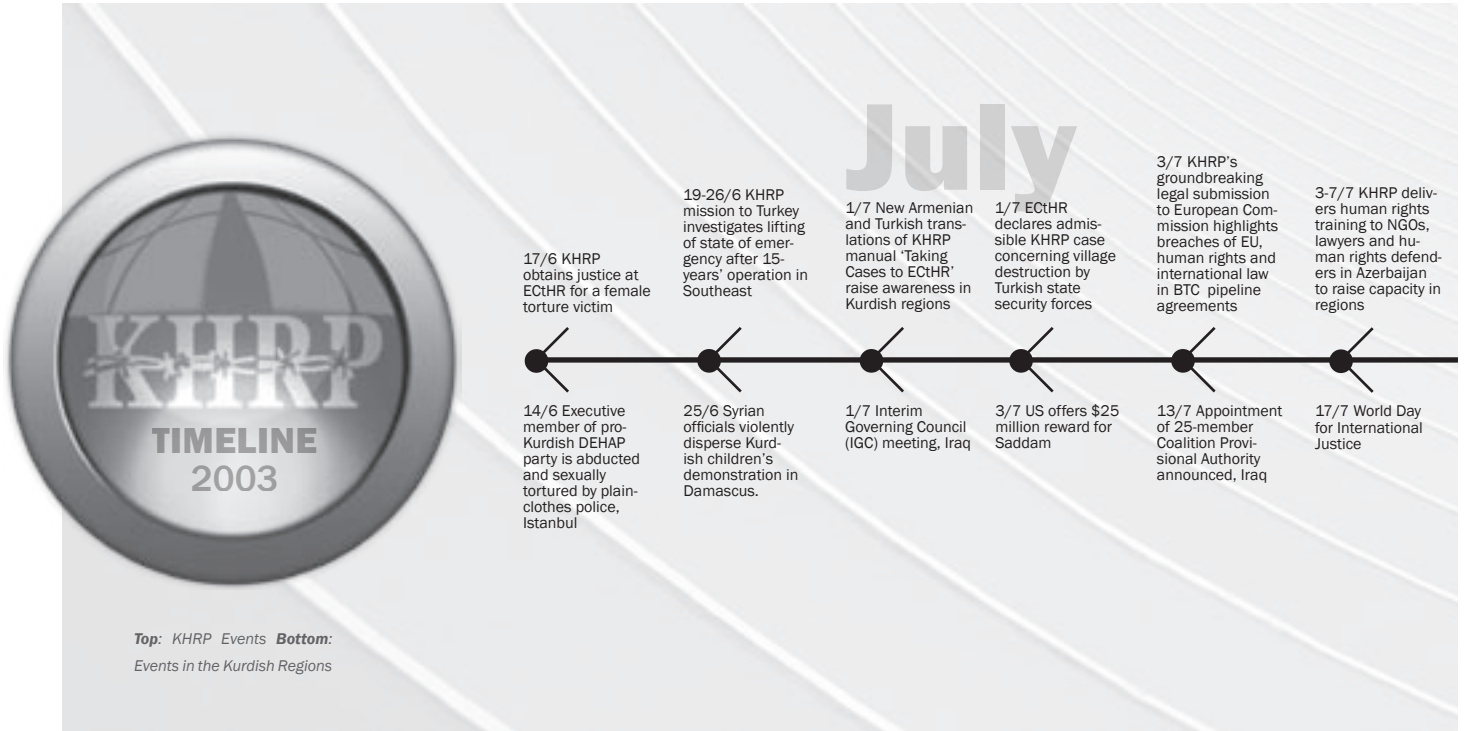
In 1999, the ECtHR held that left-wing writer Fikret Başkaya’s right to freedom of expression had been denied following imprisonment

LEFT: KHRP in conjunction with the Cornerhouse, PLATFORM, Friends of the Earth and the Baku Ceyhan Campaign organises and participates in public lecture about the BTC pipeline at the London School of Economics with representatives of the NGO Green Alternatives in Georgia, the Caucasus NGO Federation, the pro-Kurdish political party DEHAP, PLATFORM, the Corner House and the European Bank for Reconstruction and Development (EBRD)

CENTRE: Members of the fact-finding delegation with President of the Ankara Bar Association, Semih Güner, June 2003

RIGHT: KHRP fact-finding mission with Ridvan Kizgin, Chair of Bingöl branch of IHD, June 2003





LEFT: KHRP and BHRC delegation outside Ankara State Security Court for retrial of DEP parliamentarians, March 2003  
 RIGHT: Mahmut Alinak, Hatip Dicle, Siri Sakik, Orhan Dogan, Leyla Zana and Ahmet Turk at Ankara State Security Court



# August

10/7 KHRP observes trial of censored leftist writer and publisher in Turkey

14/7 Lawyer from Turkey commences internship at KHRP to work on case-law to ECtHR

24/7 KHRP obtains justice at ECtHR for imam, whose family was displaced by Turkish state security forces

24-28/7 KHRP delivers human rights training to NGOs, lawyers and human rights defenders in Armenia to raise capacity in regions

4/8 Lawyer from Azerbaijan commences internship at KHRP to work on case-law to ECtHR

4/8 KHRP report highlights human rights abuses and lifting of state of emergency in Southeast Turkey

11/8 New KHRP manual 'Taking Human Rights Complaints to UN Mechanisms' published

18/8 KHRP report published highlighting human rights abuses against women and Kurdish minority in Iran

18/7 UK official David Kelly, identified as 'mole' in Iraq WMD dossier row, found dead

19/7 Sixth reform package passed, including reforms to free speech, cultural rights, right to life and domestic remedies for ECHR violations, Turkey

22/7 Saddam Hussein's sons die in fire fight in Mosul palace

29/7 Turkish controversial 'amnesty' for non-senior KADEK members passed; but Kurds demand general amnesty

7/8 Seventh reform package passed, including reform legislation concerning torture, role of military council, freedom of expression, association and of assembly, Turkey

7/8 Bomb at Jordanian embassy in Baghdad

10/8 Kurd Khalil Mustafa dies of injuries sustained in custody of Syrian authorities. His badly mutilated body is not released to family for burial

12/8 Conservative Guardian Council vetoes decision to ratify CEDAW, Iran

16/8 Key Iraqi-Turkish pipeline from Kirkuk to Ceyhan sabotaged in terrorist attack

# October

22/9 KHRP lodges 5 new ECtHR cases concerning arrest and detention in unsanitary conditions of suspected protestors against Armenian presidential elections

22/9 KHRP report published highlighting human rights situation following US-led war in Iraq and Ba'athist regime downfall

20/5 KHRP submits ECtHR case for 38 IDPs, unable to return to villages since displacement by Turkish state security forces

27/5 KHRP case concerning censorship of publishing house in Turkey declared admissible by ECtHR

6/10 KHRP publishes new study highlighting situation of Turkey's estimated 3 million IDPs

6-8/10 KHRP legal interns from Turkey, Azerbaijan and Armenia participate in ECHR hearings in Strasbourg as part of their training

14/10 KHRP and partners' dossier reveals BTC pipeline breaks World Bank guidelines on 173 counts. Dossier submitted to UK DFID

16/10 KHRP attends Human Dimensions Implementation meeting of OSCE making oral submissions on issues of torture, fair trial and IDPs in Turkey, Warsaw

30/10 KHRP lodges new ECtHR case concerning intimidation of electoral supervisor in Armenian presidential elections on issues of torture, fair trial and IDPs in Turkey, Warsaw

26/9 US-Russia summit tackles Iran

29/9 Armenia ratifies Protocol No. 6 to the ECHR

22/5 UN Security Council lifts Iraq sanctions

26/5 Elections for council in Kirkuk. Kurdish mayor later appointed

5/10 Israeli strike on Syria

10/10 World Day Against the Death Penalty

15/10 Ilham Aliiev succeeds father as Azerbaijani president. Hundreds of opposition leaders and protestors arrested

24/10 US intervention forces Turkey to freeze plans for troop deployment in Iraqi Kurdistan

30/10 Iranian human rights defender, Ebadi, wins Nobel Peace Prize

LEFT: KHRP delegation with Yusuf Alatas, lawyer of Leyla Zana and DEP Parliamentarians  
 CENTRE: Mahmut Vefa, former General Secretary of the Diyarbakir Bar Association  
 RIGHT: Fikret Başkaya





Women's groups and lawyers of Sukran Esen read a press release in Mardin, November 2003

for writing "separatist propaganda" under Article 8 of the Anti-Terror law. In September 2002, the Council of Europe stipulated that Turkey should amend that law in the light of this and other ECtHR judgments. Nonetheless, on 14 April 2003, Turkish authorities initiated fresh criminal proceedings against Başkaya under the same legislation based on the eighth edition of the same book. KHRP observed the trial and held meetings with the defendant and his lawyer, NGOs, political parties, the Chair of Ankara Bar Association, representatives of the Parliamentary Human Rights Commission, journalists and applicants in KHRP cases. KHRP published its findings and recommendations in a trial observation report. *The charges against Mr. Başkaya under Article 8 of the Anti-Terror Law were subsequently dropped as the law was abolished. He faces further prosecutions under other laws. KHRP is continuing to monitor his prosecutions.*

**Trial Observation of 410 police officers and gendarmes, November 2003**

In November 2003, a KHRP delegation to Mardin observed the trials of 410 Turkish paramilitary soldiers and police officers for the repeated rapes of Kurdish women in 1993, 1994 and 2002. During the trials, one victim's legal representative drew the court's attention to the ECtHR's decision in the KHRP case of Aydin v. Turkey, which ruled for the first time that rape constitutes a form of torture contrary to the ECHR. The mission met with Gulbahar Gündüz, an executive member of Turkey's largest pro-Kurdish political party, DEHAP, who was abducted and subjected to sexual torture by plainclothes police officers in June 2003 in Istanbul. Other meetings were held with a case prosecutor, the mayor of Diyarbakir, the Diyarbakir Bar Association and representatives of trade unions, human rights organisations and political parties. KHRP published its findings and recommendations in a trial observation report. *KHRP is committed to monitoring human rights violations against women in the Kurdish regions, including the use of sexual violence. KHRP will continue monitoring the issue and these trials, which are ongoing, in 2004.*

LEFT: Sukran Aydin was 19 years old when she was blindfolded, beaten, stripped naked, placed in a tyre and hosed with pressurised water while in custody. She was then raped by a member of the security forces. KHRP fought her case at the European Court of Human Rights, which in 1998 ruled for the first time that rape constituted a form of torture contrary to Article 3 of the European Convention on Human Rights

CENTRE: Ezgi Dursun of the Diyarbakir Women's Branch of DEHAP shows the bruises she received in police detention. "All of us women have been taken into detention and beaten," she told the KHRP delegation, November 2003.

CENTRE: Gülbahar Gündüz, an executive member of DEHAP, states she was abducted, beaten, sexually tortured and threatened on 14 June 2003 in Istanbul. The abductors identified themselves as police officers. She reports that the men extinguished cigarettes against her face.

RIGHT: KHRP fact-finding mission member Margaret Owen with the Deputy Governor of Diyarbakir



# PROJECT 3

RESEARCH AND PUBLICATIONS

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Based on objective and thorough research – an essential component to the monitoring of human rights – KHRP publications provide a concrete factual basis for KHRP to influence the international community in applying pressure on states within the Kurdish regions to reform policy and legislation which contravenes international and regional human rights norms and jurisprudence. Such research is especially crucial in the Kurdish regions where sound information is frequently hard to secure.

The need for independent and objective information about the Kurdish regions and the Kurds is all the greater due to the widespread censorship and intimidation of human rights defenders and the media within the regions. KHRP's *Research and Publications Project* responds to this acute need by producing regular reports which monitor the situation within the regions, while making recommendations for action to be taken by relevant governments, or the international community to prevent further human rights abuses.

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

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

In 2003, KHRP expanded and developed its biannual legal journal, the only existing journal considering human rights and legal developments affecting the Kurdish regions, by publishing two English and two Turkish editions. It also reached a wider network of libraries, lawyers and law students globally in 2003 when it was added to the Legal Journals Index, a resource widely used by the legal profession and known as the most authoritative online legal information service. One University Professor wrote to KHRP in 2003, **"I find the journal extremely useful. It is an indispensable source for research on aspects of human rights of the Kurds, which are not adequately covered by other human rights organisations. In my research, which will be published sometime next year, I have used other KHRP publications, which provide useful evidence and analysis. I would also like to appreciate the accessibility of your publications – online, in print and by fax."**

Where appropriate, KHRP's reports, manuals and legal journal are translated into Turkish, Armenian, Azeri or Russian in order to be circulated among the communities in the Kurdish regions, where information about remedies for human rights violations is frequently prohibited, and are available in full online. Indeed, two KHRP reports regarding the status of Kurdish language rights and the situation of Internally Displaced Persons (IDPs) were both banned in Turkey in 2003, but have been regularly downloaded from the KHRP website.

KHRP regularly receives feedback from its readership. One funder, the Community Fund (formerly UK National Lottery) has commented, **"The publications enhance**

**and complement the case work. These are very professionally done – extremely well written and well presented. Although published by the "Kurdish" Human Rights Project, they are balanced and would be convincing to a critical audience. It was quite clear from discussions with partner and other organisations... that it was felt the publications are an important way to raise international awareness of the issues... Turkish newspapers then reported on the production and distribution of these reports. This raised awareness both nationally and internationally of the issues."**

**FACT-FINDING AND TRIAL OBSERVATION MISSION REPORTS**

**Fact-Finding Mission to Iran**

In spite of fears that state authorities may not permit it, KHRP, in conjunction with the Kurdish Women's Charter and Bar Human Rights Committee of England and Wales, undertook a fact-finding mission to Iran to investigate the general human rights situation, especially pertaining to women and the Kurdish minority. The mission observed that there are widespread abuses of human rights in the region. It confirmed that the rights of women with regard to inheritance, divorce and the custody of children are very much less than those of men. Further, the mission was concerned at the discrimination against women in respect of 'honour killings'. Recent events in Iraq had heightened sensitivities in a region where all Kurdish political parties are outlawed and the activities of those involved in Kurdish issues are closely monitored by security forces. Despite intimidation from security forces, the mission met with lawyers, representatives of civil society organisations, women's groups, applicants in KHRP cases, individuals and academics.



ISBN 1 900175 64 9 £5.00

**After the War: Report of the KHRP Fact-Finding Mission to Iraqi Kurdistan**

In spite of fears that access would be precluded, a KHRP fact-finding mission to Iraqi Kurdistan investigated the political, social and security situation since the demise of



Saddam Hussein's regime and in the aftermath of war. The mission sought to answer what the future holds for the semi-autonomous Kurdish region that was achieved after the Gulf War in 1992. KHRP met with a number of ministers of the Kurdish Regional Government (KRG) in both the KDP-governed city of Arbil and the PUK's base of Sulaymaniya; and held meetings with international and local non-governmental organisations. The mission also visited inhabitants of refugee camps and resettlement complexes. This report considers the legacy of the Anfal campaign and the responsibilities of the occupying powers under international law. It offers recommendations to the UN, the Kurdish regional authorities and to the occupying powers concerning the protection of human rights and the region's future stability.

ISBN 1 900175 66 5 £5.00

**In the Wake of the Lifting of State of Emergency Rule – Report of a Fact-Finding Mission to South-east Turkey**

KHRP sent a fact-finding mission to Southeast Turkey and Ankara in June 2003 in order to assess the impact of the lifting of the State of Emergency Legislation (OHAL) after 15 years' operation in the region. The mission found that in spite of the progressive legislative and constitutional amendments passed in conjunction with the lifting of OHAL, there continue to be widespread and systematic human rights abuses in the predominately Kurdish area. In three cities, local NGOs and political parties asserted that in recent months there had been a campaign of escalating aggression on the part of police and security forces calculated to inflame the population. The findings were crucial in establishing that, in spite of the progressive legislative reforms, conditions tantamount to a *de facto* state of emergency still exist.

ISBN 1 900175 62 2 £5.00

**“This is the Only Valley Where We Live”: the Impact of the Munzur Dams – the Report of the KHRP Fact-Finding Mission to Dersim/ Tunceli**

This report, published in conjunction with the Corner House, provides the findings of a KHRP fact-finding mission undertaken to examine the likely impacts of a series of massive dams planned for the Munzur Valley. The valley is Turkey's first and foremost national park, protected by domestic law. It is now the proposed site of a series of eight dams and hydro-electric power plants (HEPPs) to be built by a consortium of US, Austrian and Turkish companies. The report first traces the tragic history of mass displacement in the Kurdish regions. Over three million people were forced from their homes and 3,500 settlements destroyed during a campaign by Turkish security forces that peaked in severity during the mid-1990s. The problem of those wanting to return home

bulks large in Turkish domestic politics. The report highlights the link between mass displacement, those wanting to return home and the proposed construction of the series of massive dams known as GAP. Secondly, the report analyses the rationales and impacts of GAP, examining its effects on local and Kurdish populations. Finally, this environmental/ human rights report provides the findings of its fact-finding mission to the region.

ISBN 1 900175 57 6 £5.00

**International Fact-Finding Mission Report – Baku-Tblisi-Ceyhan Pipeline – Turkey section**

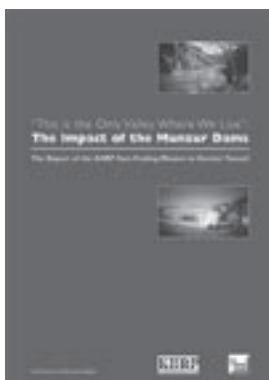
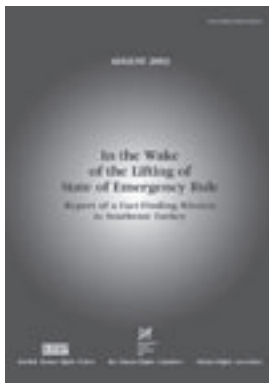
An international fact-finding mission, comprising representatives of human rights and environmental groups, visited Turkey in March 2003 to investigate the likely effects of BP's new Caspian Baku-Tblisi-Ceyhan pipeline. This report documents the pervasive atmosphere of repression in Northeastern Turkey, through which the pipeline would pass. The report argues that the evident lack of free speech precludes criticism of the pipeline project, effectively rendering invalid BP's efforts at consultation. The mission was itself detained twice by the Gendarmerie. The report concludes that the pipeline not only breaches international standards but also threatens human rights abuses. There are widespread problems with compensation and a generalised failure to take account of the impact of the project on disadvantaged groups like women and ethnic minorities. The report is especially critical of the choice of the Gendarmerie as the lead force for pipeline security.

ISBN 1 900175 59 2 £5.00

**The State and Sexual Violence - Turkish Court Silences Female Advocate**

This report concerns the trial of advocate and human rights defender Eren Keskin, Chair of the Istanbul branch of the Human Rights Association (IHD) and the founder of the Legal Aid Project Against Sexual Harassment and Rape in Custody. Ms Keskin was charged, *inter alia*, with “insulting the military” following her work to highlight the prevalence of sexual violence by state actors endured by women in Turkey. KHRP observed the trial in conjunction with the Bar Human Rights Committee of England and Wales. The report expands on the issues brought to the fore by the trial, including discrimination against women and Kurds, sexual violence and the independence of human rights lawyers.

ISBN 1 900175 56 8 £5.00



**Meaningful Consultation and the Ilisu Dam: The Trial of Mahmut Vefa – Trial Observation Report**

On 18 March 2003, a leading lawyer in Turkey stood trial for “insulting the Turkish state” for his criticism of the Ilisu dam project. KHRP, in conjunction with the Bar Human Rights Committee of England and Wales and the Corner House, observed the trial to ensure that Turkey complied with its obligations to provide a fair trial and to protect freedom of expression. Mahmut Vefa, former General Secretary of the Diyarbakir Bar Association, was accused of “overtly insulting the moral personality of the Government and the military and security forces” for his article, published in a law journal in 2002. The article reproduced Mr. Vefa’s formal submission to a UK Government consultation in 2001. The report includes recommendations which were circulated to inform policy-makers internationally, including governmental and inter-governmental bodies and civil society bodies, academics, lawyers and interested individuals. Forty-five UK parliamentarians signed a public statement, or Early Day Motion, urging the international community to monitor the trial following KHRP’s trial observation and public awareness work in the case.



ISBN 1 900175 60 6      £5.00

**Turkey’s non-implementation of European Court judgments: the trials of Fikret Başkaya**

In 1999, the ECtHR held that left-wing writer Fikret Başkaya’s right to freedom of expression had been denied following imprisonment for writing “separatist propaganda” under Article 8 of the Anti-Terror law. In September 2002, the Council of Europe stipulated that Turkey should amend that law in the light of this and other ECtHR judgments. Nonetheless, on 14 April 2003, Turkish authorities initiated fresh criminal proceedings against Başkaya under the same legislation based on the eighth edition of the same book. KHRP observed the trial and held meetings with the defendant and his lawyer, NGOs, political parties, the Chair of Ankara Bar Association, the Parliamentary Human Rights Commission and journalists. The mission also met with KHRP applicants in concluded ECtHR cases to monitor the Turkish Government’s implementation of the judgments. The report catalogues Turkey’s legislative reforms and provides evidence of their inadequacy.



ISBN 1 900175 63 0      £5.00

**Turkey’s shame: sexual violence without redress – the plight of Kurdish women**

This trial observation report details how women, often of Kurdish origin, in Turkey face a continuing risk of sexual violence by state actors. In November 2003, a KHRP mission to Mardin observed the trials of 410 Turkish paramilitary soldiers and police officers for the repeated rapes of Kurdish women. The first trial concerned the case of a Kurdish woman who was sexually tortured during three detentions by paramilitary police. The second concerned the sexual torture and rape of another Kurdish woman by five members of the Anti-Terror branch of the Mardin police. During the trials, one legal representative drew the court’s attention to the ECtHR precedent in the KHRP case of *Aydin v. Turkey* which established that rape constitutes a form of torture contrary to the ECHR. The mission met with Gulbahar Gündüz, an executive member of Turkey’s largest pro-Kurdish political party, DEHAP, who was abducted and subjected to sexual torture by plainclothes police officers in June 2003 in Istanbul. Other meetings were held with a case prosecutor, the mayor of Diyarbakir, the Diyarbakir Bar Association and representatives of trade unions, human rights organisations and political parties. The report makes recommendations to the Turkish government and the international community about protecting women from sexual violence and ensuring that state actors may not act with impunity.



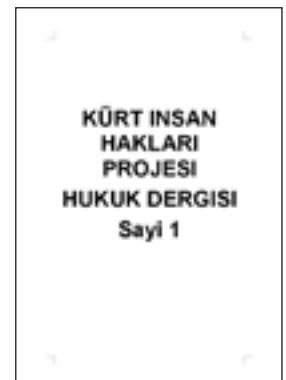
ISBN 1 900175 69 X      £5.00

**KHRP LEGAL REVIEW**

The *KHRP Legal Review* is the only existing legal journal considering significant legal developments in the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus. Published biannually, it is intended to build capacity among NGOs, lawyers and human rights defenders on the ground by providing clear guidance, updates and analysis of issues relevant to the regions. The journal considers cases at international courts and mechanisms including the ECtHR, UN mechanisms, International Criminal Court and OSCE.

**KHRP Hukuk Bülteni 1 (KHRP Legal Review 1) Turkish language**

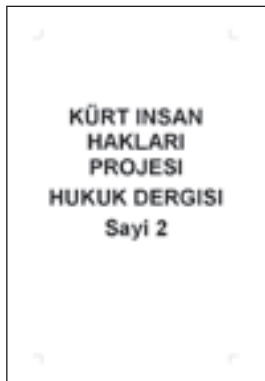
This edition covers ECtHR admissibility decisions and judgments from May 2000 to December 2001. Its publication in Turkish is intended to build capacity among NGOs, lawyers and human rights defenders on the ground by providing clear guidance, updates and analysis of issues relevant to the regions.





### KHRP Hukuk Bülteni 2 (KHRP Legal Review 2) Turkish language

This edition provides analysis of the human rights situation of Armenia and Azerbaijan following their accession to the Council of Europe; Turkey's August 2002 reform package including the partial abolition of the death penalty, the granting of certain cultural rights to Kurds and lifting of the state of emergency rule in Southeast Turkey; the principles of the ECHR and response of states to terrorism; and the recent coming into force of the Rome Statute which established the International Criminal Court. The Review also provides case summaries of ECtHR admissibility decisions and judgments from January 2002 to November 2002.



decisions, fact-finding hearings and judgments from June 2003 to November 2003.

ISBN 1 900175 68 1 £8.00

### TRAINING MANUALS

#### Taking Human Rights Complaints to UN Mechanisms – A Manual

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



ISBN 1 900175 61 4 £8.00

### KHRP Legal Review 3

This edition includes a detailed examination of the ECtHR judgment in *Öcalan v Turkey* and the compliance of the US treatment of detainees in Guantanamo Bay with international law. Other articles examine the “finishing off” of cases through a radical new extension of the ‘strike out’ procedure by the ECtHR, and the efficacy of Armenia’s recent accession to the Council of Europe. An article by Diyarbakir Bar Association member Mahmut Vefa concerning the legal implications of the Ilisu dam is republished; the article led to the indictment of the author on charges of “insulting the Turkish state”. This edition covers ECtHR admissibility decisions and judgments from January to May 2003.



ISBN 1 900175 584 £8.00

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

#### Armenian and Turkish language editions

Intended to enhance capacity within the regions, KHRP prepares materials including manuals to provide practical guidance to indigenous lawyers, NGOs and human rights defenders. This manual provides a guide to taking cases to the European Court of Human Rights. It includes commentaries on the practice and procedure of the ECtHR, as well as including key texts, such as the Convention itself, the ECtHR’s application form and a table of legal aid rates. The Manual has also been translated into relevant languages to ensure wider distribution within the regions and at KHRP’s training seminars. The manual was written



### KHRP Legal Review 4

This edition examines, amongst other issues, Keir Starmer QC’s opinion on case law affecting the reform of the ECtHR and the reversal of the ECtHR’s decision to strike out the KHRP disappearance case of *Acar v. Turkey*; Turkey’s execution of ECtHR judgments and the retrial of Leyla Zana and three other Kurdish former parliamentarians; the relationship between hate speech and freedom of expression; and Armenia’s compliance to the standards of the Council of Europe. It also includes an interview with Mr. Luzius Wildhaber, the President of the ECtHR. This edition covers updates on UN mechanisms and ECtHR communicated cases, admissibility



and edited by KHRP Executive Director Kerim Yildiz and Legal Director Philip Leach in conjunction with the Bar Human Rights Committee of England and Wales.

jointly published by KHRP, the Human Rights Association (IHD) and Göç-Der.

ISBN 1 900175 65 7 £8.00

**RESEARCH**

**Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System - Russian and Azeri language editions**

This book recounts the thirteen years of planning, the political positioning of the three host governments and the manoeuvring of BP and its partner companies in order to commence development of the Baku-Tbilisi-Ceyhan (BTC) pipeline project. The book examines the experience of BP's three biggest existing pipeline systems - in the North Sea, in Alaska and in Colombia - and asks whether the similar patterns of environmental damage, human rights issues and economic injustices can be expected from the BTC pipeline. By creating a picture of the proposed pipelines system, and the complex network of organisations backing it (led by BP), the book aims to help members of civil society and campaigners actively influence decisions about the project. Its translation in 2003 into Russian and Azeri languages will help inform communities affected by the pipeline of its social, environmental and cultural impacts. The book was published jointly by KHRP, PLAT-FORM, the Corner House, Campagna per la Riforma della Banca Mondiale and CEE Bankwatch.



**The Kurds in Iraq: The Past, Present and Future**

For over a century the Kurds in Iraq have been subject to the grand schemes of other powers, denied autonomy, and have faced the onslaughts of military attacks, economic embargo and the destruction of their native regions. This book provides an outline of some of the issues affecting the Kurds in Iraq. It explores the effect of history on the present, and how both the Kurds and the international community may avoid repeating previous mistakes, laying the foundations for an autonomous region committed to pluralistic democracy and human rights. The book includes recommendations to the Occupying Powers, the international community and the Kurds themselves about how best to secure human rights and the stability in the region following the downfall of the Ba'athist regime and 2003 war. The book was written and edited by KHRP Executive Director Kerim Yildiz and legal researcher Tom Blass.

ISBN 1 900 175 67 3 £10.00



**Internally Displaced Persons: the Kurds of Turkey**

This report concerns the plight of the estimated three million people forced to flee their homes during a policy of village destruction and evacuation that peaked in severity during the mid-1990s. The ECtHR has condemned the Turkish Government for violating the rights of villagers in a series of cases brought by KHRP; yet the problem of villagers now wishing to return to their homes bulks large in Turkish domestic politics. The report assesses Turkey's current programmes for return and resettlement of the displaced, the current status of IDPs, and the question of Turkey's accession to the EU. The book was written and edited by KHRP Executive Director Kerim Yildiz and Caitlin Hughes, and



# PROJECT 4

PUBLIC AWARENESS, EDUCATION  
AND COMMUNICATION STRATEGIES

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

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

Crucial to KHRP's strategy is the sharing of information and work with partner organisations. In the regions, human rights defenders face continual intimidation and censorship intended to silence them into submission. For this reason and others, a founding aim of KHRP was to provide a service that could not be provided by any other organisation within the regions, and to enhance capacity by transferring skills to partner organisations. Throughout 2003, work with partners has included joint work on ECHR case-work, fact-finding missions and trial observations, seminars and meetings, publications and public awareness activities. Moreover, it included collaboration on issues of mutual concern such as the aftermath of war in Iraq and proposals to reform the ECHR.

The year 2003 saw an unprecedented level of interest in the Kurdish regions prior to, during and after the US-led war in Iraq. KHRP represented a focal point of information about this and other developments in the regions to the domestic and international press and broadcast media. Through liaising on news and sending regular press releases, the organisation or its work was featured in media across the UK, USA, Europe, Asia, Australia and the Kurdish regions in 2003.

Also undertaken within this Project is the production of KHRP's Annual Report and the maintenance of a Documentation Centre to provide an archive of materials concerning human rights in the Kurdish regions.

One journalist in Italy wrote to KHRP following its assistance in 2003: **"We have been swamped by thousands of emails by viewers who wrote to us in an outpour of grati-**

**tude for having finally said what no other national media has dared to say; some even claimed to be writing in tears... I wish to thank you for the help you provided in the making of my programme and I express my sincere gratitude to you."**

#### Sharing information and capacity building

KHRP has continued to share information with a number of fellow NGOs and international organisations in 2003. Regular meetings and briefings help to bring new perspectives and to pool together individual strengths in order to maximise overall joint effectiveness. Throughout 2003, work with partners included joint work on ECHR case-work, fact-finding missions and trial observations, seminars and meetings, publications and public awareness activities. Moreover, it included collaboration on issues of mutual concern such as the aftermath of war in Iraq and proposals to reform the ECtHR.

#### KHRP working partnerships

In 2003, KHRP continued its work with partner organisations in the Kurdish regions including:

Bar Associations in Turkey

Armenian Union of Lawyers (Armenia)

Association for Internally Displaced People (Göç-Der, Turkey)

Azerbaijan National Committee of Helsinki Citizen's Assembly (Azerbaijan)

Contemporary Journalists' Association (Turkey)

Contemporary Lawyers' Association (Turkey)

Foundation for Social and Legal Research (TOHAV, Turkey)

LEFT: Nazand Begikhani of Kurdish Women's Action Against Honour Killing at KHRP's London office, 2003

CENTRE: In commemoration of KHRP's tenth anniversary, the Guardian newspaper ran a feature celebrating the work and successes of the organisation to date. Describing KHRP's 'growing influence' and its commitment to promoting and protecting human rights, author Owen Bowcott acknowledged that KHRP has taken over 150 cases to the ECHR and that its 'well-targeted' campaigns have helped enlarge the liberties of Kurds in the Middle East

RIGHT: KHRP Executive Director Kerim Yildiz with Jean Lambert MEP outside the EBRD, September 2003



Human Rights Association of Turkey (IHD)

House of Lords (UK)

Organisation for Human Rights and Solidarity with Oppressed People (Mazlum-Der, Turkey).

Human Rights Association (Turkey)

Human Rights Watch

*Sharing information*

In 2003, KHRP has held meetings and briefings with a diverse range of international organisations, governments and human rights defenders including:

International Committee of the Red Cross (international)

Iraqi Communist Party (UK)

Iraqi National Congress (Iraq)

Kurdish Cultural Centre (Azerbaijan)

Amnesty International

Iraqi Governing Council (Iraq)

Ankara Bar Association (Turkey)

Kurdish Women's Action Against Honour Killing (France)

Austrian Ministry of Finance (Austria)

Kurdistan Democratic Party (UK)

Bar Human Rights Committee of England and Wales (UK)

Liberty (UK)

British Institute of Human Rights

Kurdish Women's Charter (UK)

Campagna per la Riforma della Banca Mondiale (Italy)

Members of the European Parliament (Belgium)

Coalition Provisional Authority (Iraq)

Mesopotamia Cultural Centre (Turkey)

The Corner House (UK)

Mines Awareness Group (Iraq)

Diyarbakir Bar Association (Turkey)

Oxfam (UK)

Dutch Foreign Office (Holland)

Parliamentary Human Rights Commission (Turkey)

Environmental Defense (US)

Patriotic Union of Kurdistan (UK)

Foreign and Commonwealth Office (UK)

PLATFORM (UK)

Friends of the Earth (England, Wales and Northern Ireland)

Refugee Council (UK)

German Foreign Office (Germany)

Save the Children (International)

HelpAge International (international)

Social Action Centre (Iraq)

House of Commons (UK)

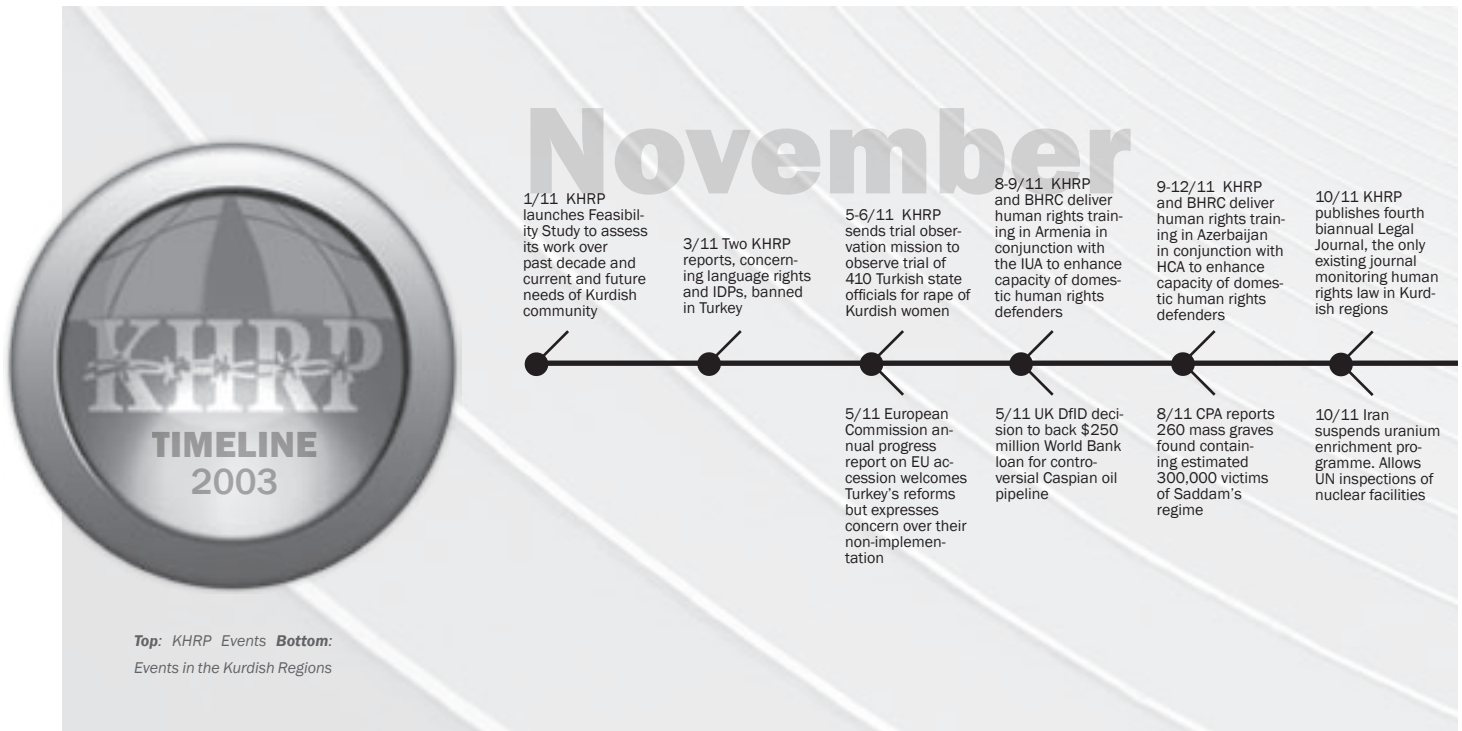
US State Department (US) and others.

LEFT: In commemoration of KHRP's tenth anniversary, the Guardian newspaper ran a feature celebrating the work and successes of the organisation to date. Describing KHRP's 'growing influence' and its commitment to promoting and protecting human rights, author Owen Bowcott acknowledged that KHRP has taken over 150 cases to the ECHR and that its 'well-targeted' campaigns have helped enlarge the liberties of Kurds in the Middle East

CENTRE: Kurdish women during a KHRP fact-finding mission to Turkey

RIGHT: Barristers Ajanta Kaza, Ed Grieves, Jennifer Geen and Catriona Vine with Hikmet Tabak (second left) at KHRP's office, December 2003





“This is one of the most significant judgments ever to have come out of the European court.”

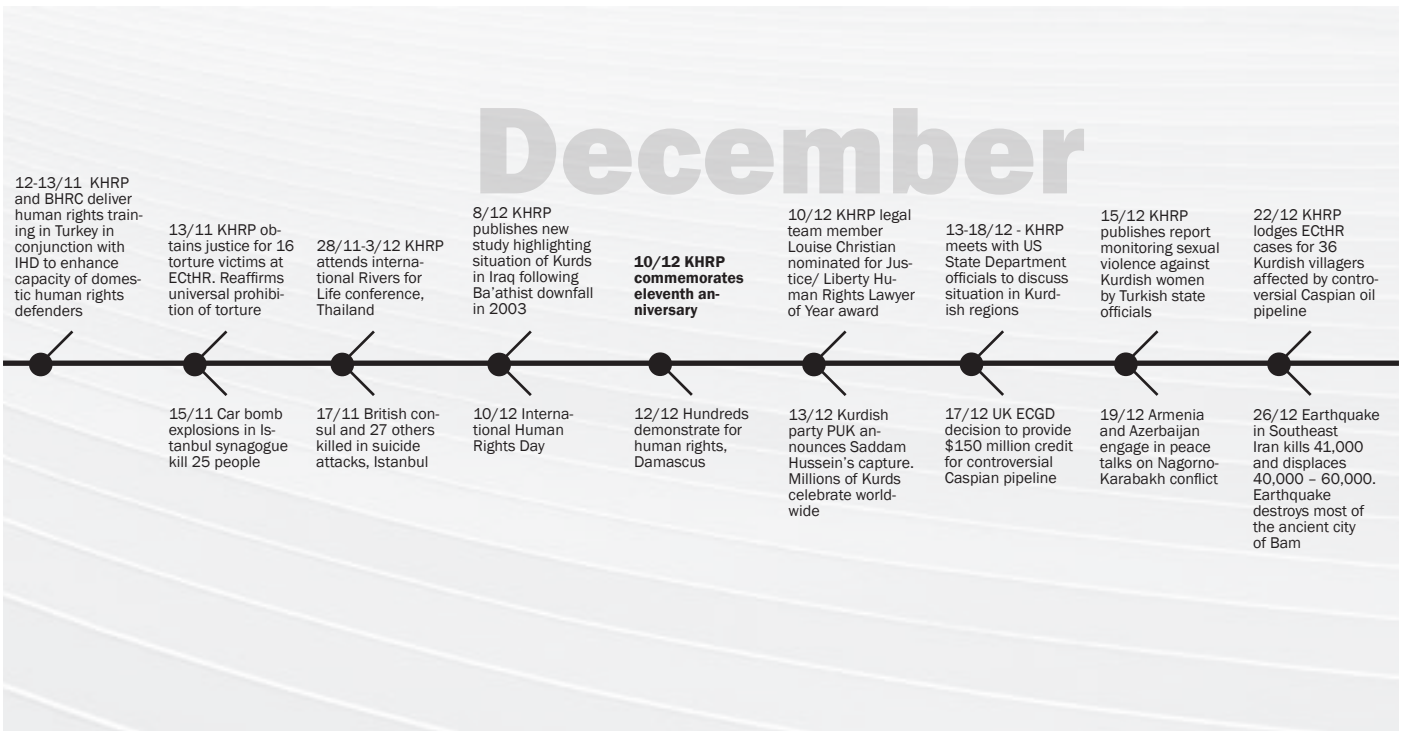
*KHRP Chair Mark Muller quoted in ‘Turkish fury as Kurdish leader’s trial ruled unfair’, **The Guardian**, 13 March 2003*

LEFT: KHRP Chairman Mark Muller with Roger van Zwaneberg, Managing Director of Pluto Press, and Kerim Yildiz at KHRP’s office, December 2003

CENTRE: In 2003, KHRP applicant and prominent human rights activist Sanar Yurdutapan was honoured with an award from Human Rights Watch for his tireless efforts to challenge official repression in Turkey

RIGHT: KHRP Executive Director and Chair Mark Muller met with representatives of the US State Department to exchange information on the current situation in the Kurdish regions, December 2003





“The cases to the Court highlight that the rights violations are still ongoing.”

*KHRP Public Relations Officer Rochelle Harris, quoted in ‘Kurdish Communities Flourishing Across Europe’, Radio Free Europe 11 March 2003*

Ragıp Duran and Can Dunder of the Contemporary Journalists' Association meet with KHRP's Executive Director Kerim Yildiz

KHRP Executive Director Kerim Yildiz, Emma Sinclair-Webb of Amnesty International and Eren Keskin, Chair of the Istanbul branch of the Human Rights Association (IHD) and the founder of the Legal Aid Project Against Sexual Harassment and Rape in Custody, May 2003

KHRP Executive Director Kerim Yildiz raises awareness of BTC pipeline at civil society meeting, Rome, October 2003





Veteran Labour politician Tony Benn, Haifa Zangana (Iraqi exile), Anthony Barnett of 'openDemocracy', Kerim Yildiz (KHRP Executive Director), Sir Lawrence Freedman (Department of War Studies, Kings College London) and Yasser Alazkary (Iraqi Prospect organisation) participate in a panel discussion on Iraq war, March 2003

### Media Relations

In 2003, KHRP continued to deliver regular press releases, proactively seeking to expose issues of concern and respond to breaking news. Press releases circulated concerned issues such the war in Iraq, detention, death penalty, torture, disappearances, village destruction, internal displacement, the closure of pro-Kurdish political parties and environmental concerns.

During 2003, KHRP was featured in or held interviews with a variety of press and broadcast media throughout the UK, USA, Europe, Asia, Australia and the Kurdish regions, including:

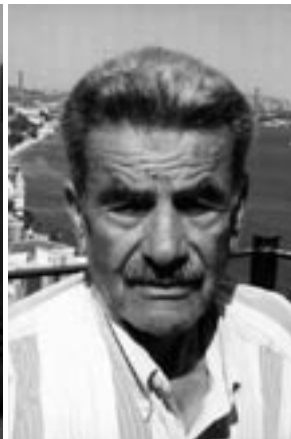
- AFX news (USA)
- Anatolian Press (Turkey)
- Angel FM (UK)
- Asia Times (Asia)
- Baku Sun (Azerbaijan)
- BBC Radio 4 (UK)
- BBC Radio 5 (UK)
- BBC Radio Manchester (UK)

- BBC Radio Scotland (UK)
- BBC Scotland 'Newsnight' (UK)
- BBC TV (UK)
- BBC World Service (UK)
- Black World Today (International)
- BSkyB TV (International)
- CBS News (USA)
- Channel 4 TV (UK)
- Dicle Haber Ajansi (Turkey)
- Diversity Radio (UK)
- Dow Jones (USA)
- Edie.net (International)
- Environmental Business (UK)
- Evening Standard (UK)
- Financial Times (UK)
- Financial Times (Germany)
- The Guardian (UK)
- The Herald (UK)
- Huriyet (Turkey)
- Hurriyat (Azerbaijan)
- Insight TV (UK)
- Irish Times (Ireland)
- Justabout Productions (UK)
- Kurdish Media (International)
- Kurdish News Network (Europe)
- Kurdistan Observer (International)
- Medya TV (International)

LEFT: Author Maggie Ronayne of NUI Archaeology Department, Kerim Yildiz and President of the NUI, Professor Iognaid O Muirheartaigh at the launch of joint environmental report in Galway, Ireland, 31 January 2003

CENTRE: KHRP applicant in the landmark ECHR case Aksoy v. Turkey. KHRP met with the applicant in 2003 in order to monitor the Turkish Government's implementation of the judgment. An interview was published in Newsline Winter 2003 edition.

RIGHT: KHRP was established in 1992 in response to the need for an independent, non-political human rights organisation focusing on the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. In 2003, the organisation commemorated its eleventh year. Below: KHRP's first public meeting at the London School of Economics, 1992





Mesopotamian News Agency (Germany)

Metro (UK)

MSNBC (USA)

New Humanist (USA)

New Internationalist (UK)

New Scientist (UK)

New Yorker (USA)

Oneworld.net (International)

OR TV (Europe)

Ozgur Politika (Germany)

Private Eye (UK)

Radio Barcelona (Italy)

Radio Free Europe (Prague)

Red Pepper (UK)

Reuters (USA)

RAI TV (Italy)

The Independent (UK)

The Mainichi Newspapers (Japan)

The Observer (UK)

Salon Media Group (US)

Sydney Morning Herald (Australia)

The Sun (UK)

The Times (UK)

Time Magazine (US)

Voice of America Radio (US)

WKAI New York Radio (US)

Yahoo! Internet (International)

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

Kurdish Human Rights Project  
 2 New Burlington Place  
 London W1S 2HP  
 Tel: +44 20 7287 2772  
 Fax: +44 20 7734 4927  
 www.khrp.org  
 khrp@khrp.demon.co.uk

Yeniden Ozgur Gundem (Turkey) and others.

**Participation at Events**

Throughout 2003, KHRP attended a wide range of international conferences, seminars, public lectures and special events, posting presentations on the website and making documentation available on request. The following are some of the events in which KHRP participated:

Roundtable meeting with representatives of the Austrian Ministry of Finance, the Austrian ECA Oesterreichische Kontrollbank (OeKB), the Chamber of Commerce, NGOs, Kurdish community groups and journalists, Vienna, March 2003

Parliamentary public meeting, War Threats and the Kurdish Question, London, 5 March 2003

Public panel discussion, 'Morality, Imperialism or Oil - What is the War with Iraq really

LEFT: KHRP's quarterly newsletter 'Newline' provides essential updates on events in the Kurdish regions and case-law developments

CENTRE: KHRP Executive Director Kerim Yildiz at the OSCE's Human Dimensions Implementation meeting, October 2003, Warsaw

RIGHT: In 2003 KHRP's website achieved almost two million hits and received two website awards for excellence in design, content and creativity. "When human rights are violated, the whole world watches like never before thanks to the Web. The Kurdish Human Rights Project is the latest organisation to take advantage of online communication to protect oppressed people. An easy-to-navigate site that educates us about this troubled region." USA Today



about?’ including Kerim Yildiz, Executive Director of KHRP, Tony Benn, former parliamentarian, Professor Sir Lawrence Freedman, Department of War Studies King’s College London and representatives of the Iraqi exile community, 13 March 2003

Public meeting, promoting the work of human rights organisations and Amnesty International, American School in London, 7 April 2003

Parliamentary briefing, Iraq: After the War, 13 May 2003

International conference, Anfal Campaign, Sanandaj, Iran, 15 May 2003

UK Home Office consultation concerning return of Iraqi Kurds to Iraq, 11 June 2003

Public meeting, promoting the work of human rights organisations and Amnesty International, University of Reading, 17 June 2003

Parliamentary public meeting, Freedom for Leyla Zana, 18 June 2003

Publication Launch, ‘Combating Torture – A New Manual for Judges and Prosecutors’ – Launch at the Foreign Commonwealth Office, London, with keynote address by UK Foreign Secretary Jack Straw

Conference, Iranian Women’s Studies Foundation: Globalisation and its Effects on the Role of Women in Society, 27 June 2003, London

Liaison meeting between NGOs active in Iraq including British Red Cross, Care International UK, Helpage International and Save the Children UK, 8 July 2003

Conference, hosted by Kurdish National Congress, Amsterdam, August 2003, with a wide spectrum of Kurdish political parties and media

Conference, Middle East peace and security, with speakers including Ann Clwyd MP, Chair of the Parliamentary Human Rights Group and a former member of the Coalition Provi-

sional Authority and Iraq Reconstruction and Development Council, London, 12 September 2003

Organisation for Security and Co-operation in Europe’s Human Dimensions Implementation Meeting, 6 to 13 October 2003, Warsaw, Poland

Legal seminar, ‘Investigating the State – Life and Death after Amin’, London, 20 November 2003

Conference, ‘Rivers for Life: Second International Meeting of Dam-Affected People and their Allies’ – Presentation regarding impact of GAP dams in Turkey on Kurdish villagers, Thailand, 28 November to 3 December 2003

### Newsline

KHRP produces and disseminates a quarterly newsletter, Newsline, providing a central resource for updates on the regions or legal cases, together with focus articles on human rights issues, such as honour killings of Kurdish women, updates on the International Criminal Court, ECHR reform, children’s rights or the implications of the Iraq war for the Kurds. Approximately 1,000 issues of each Newsline are distributed internationally to lawyers, human rights organisations, academics, researchers, media, governments and libraries.

KHRP also regularly updates its website in both English and Turkish which, in 2003, achieved almost two million hits and received two website awards for excellence in web design, content and creativity by the Medaille d’Or and the International Association of Web Masters and Designers. One award acclaimed, **“This beautifully designed and extremely impressive site promotes the work of the Kurdish Human Rights Project, an independent, non-political project founded and based in Britain. Anyone with any interest in the subject should ensure they visit this site.”**

CENTRE: Kerim Yildiz of KHRP with Nicholas Hildyard of the Cornerhouse at the conference ‘Rivers for Life: Second International Meeting of Dam-Affected People and their Allies’ in Thailand. KHRP raised concerns about the impact on villagers of the Southeast Anatolia Project (GAP) scheme of dams



# PROJECT 5

ENVIRONMENTAL AND HUMAN RIGHTS

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The need to monitor the relationship between human rights and the environment in the Kurdish regions became clear following KHRP's involvement in highlighting the human rights abuses that would be caused by the proposed Ilisu and Yusufeli dam projects in Turkey. The dams threatened to displace thousands with no or no adequate consultation or compensation, to cause cultural and environmental damage and to heighten regional tensions with downstream states Syria and Iraq. Following sustained pressure from KHRP, other partner organisations and affected communities, the main financiers and contractors withdrew from the projects in 2001 and 2002; indefinitely stalling – but not terminating – development of the dams.

KHRP supports the right of all peoples in the Kurdish regions to pursue their own development. However, it also urges that development projects be planned and carried out in accordance with international law, including human rights and environmental standards. With this in mind, and with several large-scale infrastructure projects being planned for the Kurdish regions, KHRP began to focus on the human rights impacts of several infrastructure projects currently in development or pre-development.

Last year, the principal focus of the project was the controversial Caspian oil pipeline project (the Baku-Ceyhan or BTC pipeline) set to commence development in Azerbaijan, Georgia and Turkey in 2003. The Baku-Ceyhan pipeline passes through or near at least seven different conflict zones, creating a military corridor for over 1,000 miles. The other principal focus of the project has been Turkey's ambitious Southeast Anatolia Project (GAP), the largest development project ever undertaken in Turkey and one of the largest of its kind in the world.

All such large-scale infrastructure projects involve a complex array of geopolitical, economic, social, cultural and environmental factors. In conjunction with its partner organisations, KHRP has implemented a coherent programme of litigation and advocacy, fact-finding missions, trial observations, research and publications, information sharing, capacity-building and public awareness work to highlight the human rights impacts of such development projects throughout 2003.

#### **HUMAN RIGHTS LITIGATION AND ADVOCACY**

In 2003, KHRP's legal team and partner organisation the Corner House informed the European Commission of concerns that the

BTC pipeline project involves actual and/ or potential breaches of EU, human rights and international law.

In addition, on 22 December 2003 KHRP lodged applications with the ECtHR on behalf of 36 Kurdish villagers concerning the expropriation of their land by the Turkish Government in order to build the pipeline. The case has the potential to set a benchmark for the expected rights of affected communities on the ground in the implementation of large-scale infrastructure projects (Yazici and 35 Others v. Turkey, see Project 1: Human Rights Advocacy and Training).

KHRP and partners have also undertaken preliminary work concerning complaints to the European Court of Justice in Luxembourg, to be submitted in January 2004.

On 29 April 2003, KHRP and other organisations filed a formal complaint against BP for breaching the Organisation for Economic Co-operation and Development (OECD) Guidelines on Multinational Enterprises at the OECD forum in Paris. The NGO groups complain that the BTC Consortium breached several of the guidelines including *inter alia* those concerning failure to consult adequately; seeking or accepting legal exceptions related to social, labour, tax and environmental laws; and failure to operate in a manner contributing to wider sustainable development.

KHRP in conjunction with partner organisations the Corner House, Friends of the Earth and PLATFORM has also submitted detailed analyses of aspects of the pipeline project to international financial institutions including the World Bank and International Finance Corporation. The submission detailed how the project breaks six World Bank policies on 83 counts.

KHRP and its partners met repeatedly with

LEFT: Sections of the controversial Baku-Ceyhan pipeline, Turkey, 2003

RIGHT: KHRP Chair Mark Muller during a fact-finding mission to Hasankeyf, proposed site of the Ilisu dam. The project is now stalled indefinitely following the collapse of its international financing, following sustained pressure from KHRP, its partner organisations and affected communities



various country representatives of the EBRD and UK Department for International Development (DfID) during the 120-day public disclosure period for public finance approval in 2003.

Further meetings have been held with industry bodies such as the Caspian Advisory Group, Care International and the Responsible Investors Network that have an interest in or are otherwise involved in the pipeline project.

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

#### ***Fact-Finding Mission to Turkey, March 2003***

KHRP and its partner organisations visited Turkey to investigate the likely effects of the Baku-Ceyhan pipeline (see Project 2: Trial Observations and Fact-Finding Missions).

#### ***'Reverse' Fact-Finding Mission to UK, May 2003***

KHRP and its partner organisations arranged a speakers tour of representatives from Turkey, Azerbaijan and Georgia, the three host countries of the Baku-Ceyhan pipeline, on a 'reverse fact-finding mission'. The purpose was to allow key policy-makers within the UK to meet with representatives of the communities that would be affected by development of the pipeline (See Project 2: Trial Observations and Fact-Finding Missions).



Children in Hasankeyf, the site of the proposed Ilisu dam, photographed during a KHRP and BHRC fact-finding mission in March 2003

#### ***Trial Observation of Ilisu Dam Lawyer, Turkey March 2003***

Trial observation of the prosecution of leading lawyer in Turkey in connection with his comments, in a legal article pertaining to the Ilisu Dam, that the dam would deny local people of their property rights and exacerbate the problems of resettlement for IDPs (See Project 2: Trial Observations and Fact-Finding Missions).

The port at Baku, Azerbaijan, where the Baku-Tblisi-Ceyhan pipeline would originate, 2003



## RESEARCH AND PUBLICATIONS

KHRP researched and published the following reports following its environmental/ human rights fact-finding missions in 2003:

### ***International Fact-Finding Mission Report – Baku-Tblisi-Ceyhan Pipeline – Turkey section***

Report of the fact-finding mission to investigate the Baku-Ceyhan pipeline (see *Project 2: Trial Observations and Fact-Finding Missions*).

### ***Meaningful Consultation and the Ilisu Dam: the Trial of Mahmut Vefa – Trial Observation Report***

Report of the trial observation of Ilisu Dam Lawyer Mahmut Vefa (see *Project 2: Trial Observations and Fact-Finding Missions*).

### ***“This is the Only Valley Where We Live”: the Impact of the Munzur Dams – the Report of the KHRP Fact-Finding Mission to Dersim/ Tunceli (April 2003)***

Report of the fact-finding mission to investigate the likely impacts of a series of massive dams planned for the Munzur Valley in Turkey (see *Project 3: Research and Publications*).

### ***Some Common Concerns: Imagining BP’s Azerbaijan-Georgia-Turkey Pipelines System Russian and Azeri language editions***

This research book, published in conjunction with KHRP’s partner organisations PLATFORM, the Corner House, Friends of the Earth, Campagna per la Riforma della Banca Mondiale, CEE Bankwatch, concerns the Baku-Ceyhan pipeline (see *Project 3: Research and Publications*).

## ***Public Awareness and Communication Strategies***

During 2003, KHRP was featured in or held interviews with a variety of press and broadcast media throughout the UK, USA, Europe, Asia, Australia and the Kurdish regions. KHRP also continued to deliver press releases, proactively seeking to expose situations of concern and respond to breaking news, and to regularly update its website. In addition, KHRP participated in a wide range of lectures, international conferences, seminars and special events concerning environmental and human rights, and featured updates in its quarterly newsletter *Newsline* (see *Project 4: Public Awareness and Communication Strategies*).

KHRP is considering whether to incorporate the Human Rights and Environmental Project into its core projects in 2004.

LEFT: Halbori springs, the site of the proposed Munzur dam and hydro-electric power plant. KHRP published a fact-finding mission report into the dams in 2003

RIGHT: KHRP Legal Officer Anke Stock, Cornerhouse founder Nicholas Hildyard and DEHAP representative Ferhat Kaya together with affected communities in Ortagecit village. KHRP has submitted an application to the European Court of Human Rights concerning the expropriation of their land (Yazici and 35 Others v. Turkey)



# **SPECIAL PROJECTS**

AND APPENDICES

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KHRP undertakes the majority of its work in promoting and protecting human rights in the Kurdish regions through its closely-integrated main projects. Working as a project-based organisation allows KHRP to respond flexibly to situations of immediate concern. Nevertheless, where there is a particularly grave or imminent threat to the protection of human rights, KHRP implements additional ‘special projects’ to enable it to provide dedicated resources to that threat. In 2003 KHRP implemented two such special projects.

**SPECIAL PROJECT: THE KURDS IN IRAQ**

Due to its expertise on the human rights situation in Iraq and its position as an independent, non-political organisation, KHRP was inundated with requests for information and assistance prior to, during and after the US-led war against Iraq in March 2003. In response, KHRP established an emergency special project to enable it comprehensively to assess the situation.

Through a combination of fact-finding missions, interviews, desk research and participation in seminars and conferences, KHRP was able to research the past and present situation in Iraqi Kurdistan and the possibilities for the future. Its research was published in ‘The Kurds of Iraq: Past, Present and Future’, including recommendations that were circulated to the US-led coalition, Kurdish administration in Iraq, governmental, intergovernmental and non-governmental organisations regarding the future of this troubled region. The report was written and edited by KHRP Executive Director Kerim Yildiz and researcher Tom Blass.

In the course of the research, interviews were held with a variety of governmental and non-governmental organisations, academics, policy-makers, Iraqis, Turks and Turkomen. These included representatives of the KDP and PUK, Coalition Provisional Authority, Iraqi National Congress, the Ministry for Humanitarian Aid Co-operation (Arbil), the Ministry of Agriculture (Arbil), the Ministry of Human Rights (Arbil), the Bureau of Human Rights (Suleymaniya), Iraq’s Foreign Minister, the US Embassy, UK Home Office, other figures within the Kurdish and Iraqi expatriate community and non-governmental organisations including Save the Children, Oxfam, International Committee of the Red Cross and Kurdish Women’s Action Against Honour Killing.

In 2004, KHRP is committed to monitoring the situation in Iraqi Kurdistan and surrounding regions in order to safeguard the region’s most vulnerable groups, including women, children and minorities, against further suffering at this critical time.

KHRP is grateful for the financial support of the Sigrid Rausing Trust in preparing this publication.

LEFT and CENTRE: KHRP has worked tirelessly to raise awareness of the atrocities committed by Saddam Hussein’s regime. In 2003, the US and UK referred, inter alia, to Saddam’s use of chemical weapons against 5,000 Kurds in Halabja to justify their decision to go to war against the dictator. Pictured above: Lord Avebury, Honorary President of KHRP, Lord Jeffrey Archer, member of KHRP’s Advisory Board, KHRP staff, CARDRI and members of various Kurdish human rights groups release 500 black balloons over London’s Trafalgar Square to commemorate the tenth anniversary of the Halabja attacks, 1998

RIGHT: A Ba’athist document obtained by a KHRP fact-finding mission to Iraq in 2003 shows the numbers of Arabs being moved into Kurdish areas deliberately to displace the Kurdish inhabitants. The document reveals that this practice, known as ‘Arabisation’, was occurring as recently as February 2003



مۆڵەتی	مۆڵەتی	مۆڵەتی	مۆڵەتی	مۆڵەتی	مۆڵەتی
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	76	77	78
79	80	81	82	83	84
85	86	87	88	89	90
91	92	93	94	95	96
97	98	99	100		





### SPECIAL PROJECT: FEASIBILITY STUDY

Following its tenth anniversary in 2002, KHRP board members and staff considered it would be worthwhile to assess the organisation's achievements over the past decade and to explore new opportunities by which to fulfil the organisation's objectives. In 2003 KHRP initiated a feasibility study to provide an assessment of the current needs of the Kurdish community. The study also identifies appropriate contributions that KHRP could make to the alleviation of the problems faced by the Kurdish community as a whole. The study will be completed in 2004.

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

LEFT: KHRP Legal Officer Anke Stock, Executive Director Kerim Yıldız and Judge Zakia Hakki with Dr. Nada Hakki at KHRP's London office, October 2003. Judge Hakki worked as a lawyer and judge in Baghdad for many years and is now advisor to the Ministry of Justice of the Iraqi Reconstruction Development Council, a US-funded panel of Iraqi-Americans. Dr. Nada Hakki is the Director of Hope Medical Enterprises.

RIGHT: The Feasibility Study is being conducted by Expert Consultant James Mahone, former Head of Research and Senior Manager of INDICT, working to bring justice to Iraqi war criminals



## KHRP Funders

Among those organisations which provided support for KHRP in 2003 were:

Atlantic Philanthropies (USA)  
Bishop's Commission for MISEREOR (Germany)  
The Community Fund (UK)  
Charles Mott Foundation (UK)  
Environmental Defence Fund (USA)  
The Sigrid Rausing Trust (UK)  
The Bromley Trust (UK)  
Oakdale Trust (UK)  
The Oak Foundation (UK)  
ACAT Suisse – Action des Chrétiens pour l'Abolition de la Torture (Switzerland),  
The AB Charitable Trust (UK)  
Global Greengrants (USA)  
The Corner House (UK)  
UN Voluntary Fund for Victims of Torture (Switzerland)  
Stichting Cizira Botan (Netherlands)  
Finnish Ministry of Foreign Affairs (Finland)  
The Netherlands Ministry of Foreign Affairs (Netherlands)  
The World Organisation Against Torture [OMCT] (Switzerland)

In addition, KHRP has received funding from a number of private institutions and individuals. We have also received financial support from organisations that do prefer not to be named. We would like to thank all of our supporters for their generous help over the years. KHRP does not accept funding from individuals and organisations in the Kurdish regions.

## The Structure of KHRP

Honorary President  
Lord Avebury

Executive Director  
Kerim Yildiz

Board of Directors  
Chairman  
Mark Muller (Barrister)

Treasurer  
Davinder Virdee (Solicitor)

Secretary  
Bridget Hughes (Surgeon)

Members  
Gareth Peirce (Solicitor)  
Julian Ozanne (Journalist)  
Paul Lewis (Editor)

Legal Consultant  
Tim Otty (Barrister)

Representative in Scandinavia  
Prof. Haci Akman

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Sanar Yurdatapan  
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Bill Bowring (Professor/Barrister)  
Louise Christian (Solicitor)  
Jane Connors (Lecturer)  
Alice Faure Walker (Solicitor)  
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Gillian Higgins (Barrister)  
Philip Kirkpatrick (Solicitor)  
Laurence Lustgarten (Professor/Barrister)  
David McDowall (Writer)  
Chris Milroy MD (Forensic Pathologist)  
Caroline Nolan (Solicitor)  
Nathalie Prouvez (Lawyer)  
Fiona Ripley (Solicitor)  
Colin Wells (Barrister)

LEFT: KHRP Legal Consultant Tim Otty

CENTRE: Bianca Jagger, member of the KHRP International Board of Patrons

RIGHT: KHRP staff and interns, September 2003



## **KHRP Staff**

Kerim Yildiz  
Executive Director

Susannah Keeling  
Deputy Director

Anke Stock  
Legal Officer

Rochelle Harris  
Public Relations Officer

Anders Lustgarten / Suzanne Dowse  
Human Rights and Environmental Officer

Emin Korkmaz  
Finance and Liaison Officer

Kate Taylor  
Fundraising Officer

Andrew Penny  
Translator

Pinar Ceyhanlilar  
Projects Secretary / Administrator

Reyhan Yalçındag  
KHRP Legal Consultant in Turkey

## **Legal Team**

Emin Aktar  
Cihan Aydin  
Osman Baydemir  
Orhan Kemal Cengiz  
Tahir Elci  
Osman Ergin  
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Nuri Ozmen  
Kenan Sidar  
Sezgin Tanrikulu  
Sinan Tanrikulu  
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Yusuf Alatas  
David Anderson QC  
Miriam Benitez-Carrion  
Professor Bill Bowring  
Michael Birnbaum QC  
Louis Charalambous  
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Ajanta Kaza  
Sydney Kentridge QC  
Philip Kirkpatrick  
Philip Leach  
Fiona Mckay  
Mark Muller  
Caroline Nolan  
Hugo Norton-Taylor  
Mark O'Connor  
Tim Otty  
Gita Parihar  
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Paul Richmond

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Keir Starmer QC  
Nicholas Stewart QC  
Jemima Stratford  
Colin Wells  
Chris Williams  
Nigel Wray  
Arild Humlen  
Jon Rud  
Ola Maeland  
Øvind Østberg  
Knut Rognlien

LEFT: Members of the KHRP Legal Team: (l-r) D. Erbaş, Hasip Kaplan, Irfan Dündar, Mark Muller, Kerim Yildiz, Sydney Kentridge QC, Tim Otty, Louis Charalambous and Philip Leach

RIGHT: As 2003 drew to a close, KHRP assessed its achievements and impacts over the year and planned strategies for the year ahead. Pictured below: KHRP staff attends a strategy day in October 2003



## APPENDIX A

**Signatories to the Joint Response to Proposals to Ensure the Future Effectiveness of the European Court of Human Rights**

The “Joint Response to Proposals to Ensure the Future Effectiveness of the European Court of Human Rights” has been signed by the following NGOs and bodies

1. AIRE Centre (Advice on Individual Rights in Europe) [United Kingdom]
2. Amnesty International
3. APADOR-CH (The Romanian Helsinki Committee) [Romania]
4. Association internationale pour la défense de la liberté religieuse [Switzerland]
5. Association for the Prevention of Torture (APT) [Switzerland]
6. Association for the Rehabilitation of Torture Victims – Center for Torture Victims [Bosnia and Herzegovina]
7. Association for European integration and human rights
8. Ældresagen [Denmark]
9. Bar Human Rights Committee
10. British Institute for Human Rights (BIHR) [United Kingdom]
11. British Irish Rights Watch [United Kingdom]
12. Bulgarian Helsinki Committee [Bulgaria]
13. Bulgarian Lawyers for Human Rights [Bulgaria]
14. Bulgarian Section of ICJ [Bulgaria]
15. Centre for Development of Democracy and Human Rights [Russian Federation]
16. Children’s Legal Centre [United Kingdom]
17. Committee on the Administration of Justice (CAJ) [United Kingdom]
18. Conference of European Churches (CEC)
19. Conference of European Justice and Peace Commissions [Netherlands]
20. Dansk Retspolitisk Forening [Denmark]
21. Den Danske Helsingforskomité (Danish Helsinki Committee) [Denmark]
22. European Council on Refugees and Exiles (ECRE)
23. European Human Rights Advocacy Centre [United Kingdom]
24. European Network Against Racism
25. European Roma Rights Centre (ERRC)
26. Fair Trials Abroad
27. Fédération Internationale des Assistants Sociaux (FIAS)
28. Fédération Internationale des ligues des droits de l’Homme (FIDH)
29. Folkekirkens Nødhjælp [Denmark]
30. FN-forbundet (United Nations Association) [Denmark]
31. Georgian Young Lawyers Association [Georgia]
32. Gesellschaft Für Bedrohte Völker [Germany]
33. Greek Helsinki Monitor [Greece]
34. Helsinki Foundation for Human Rights in Poland [Poland]
35. Humanistische Union e.V. [Germany]
36. Human Rights Association
37. Human Rights Watch
38. Hungarian Helsinki Committee
39. Ihmisoikeusjuristit ry (Finnish Section of the ICJ) [Finland]
40. Immigration Law Practitioners’ Association (ILPA) [United Kingdom]
41. INQUEST [United Kingdom]
42. Institut de formation en droits de l’homme du barreau de Paris [France]
43. International Commission of Jurists (ICJ)
44. Internationale Gesellschaft für Menschenrechte (IGFM) [Germany]
45. International Federation of the Action by Christians Against Torture (FIACAT)
46. International Helsinki Federation
47. Interights [United Kingdom]
48. International Working Group for Indigenous Affairs (IWGIA) [Denmark]
49. Irish Penal Reform Trust [Eire]
50. Justice [United Kingdom]
51. Kindernothilfe e.v. [Germany]
52. Kurdish Human Rights Project (KHRP) [United Kingdom]
53. The Law Society of England and Wales [United Kingdom]
54. League of Human Rights [Czech Republic]
55. Liberty [United Kingdom]
56. Ligue internationale de l’Enseignement, de l’Education et de la Culture populaire [France]
57. Marangopoulos Foundation for Human Rights [Greece]
58. Medical Foundation for the Care of Victims of Torture [United Kingdom]
59. Minority Rights Group [Greece]
60. Moldovan Helsinki Committee for Human Rights [Moldova]
61. Movement against Racism
62. Nottingham University Human Rights Law Centre [United Kingdom]
63. Nürnberger Menschenrechtszentrum [Germany]
64. Opusgay [Portugal]
65. Pat Finucane Centre [United Kingdom]
66. Peace Brigades International (Deutscher Zweig e.V.) [Germany]
67. PRO ASYL [Germany]
68. Red Barnet (Save the Children) [Denmark]
69. Rehabilitation and Research Centre for Torture Victims (RCT) [Denmark]
70. Reporters Sans Frontières (RFS) [France]
71. Resources Center of Moldovan Human Rights NGO’s [Moldova]
72. Scottish Human Rights Centre [United Kingdom]
73. Sokadre (Coordinated Organizations and Communities for Roma Human Rights) [Greece]
74. World Organization against Torture (OMCT)

## KHRP PUBLICATION LIST

CODE	TITLE	PUBLISHER/DATE	PRICE/ISBN
<b>REPORTS</b>			
<b>2003</b>			
03/R	<b>Trial Observation Report – Turkey’s Shame: Sexual Violence without redress – the plight of Kurdish Women</b>	KHRP	ISBN 1 900175 69X £5.00
03/Q	<b>The Kurds in Iraq; the past, present and future</b>	KHRP	ISBN 1900175673 £8.00
03/P	<b>KHRP Legal Review 4 (November 2003)</b>	KHRP	ISBN 1900175681 £8.00
03/O	<b>After the War: Report of the KHRP Fact-Finding Mission to Iraqi Kurdistan</b>	KHRP	ISBN 1900175665 £5.00
03/K	<b>Internally Displaced Persons: the Kurds in Turkey</b>	KHRP, Göç-Der, IHD Diyarbakir	£8.00
03/J	<b>Some Common Concerns: Imagining BP’s Azerbaijan-Georgia-Turkey Pipelines System – Azeri language</b>	KHRP, PLATFORM, the Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale and CEE Bankwatch	<i>Only available in Azerbaijan</i>
03/I	<b>Some Common Concerns: Imagining BP’s Azerbaijan-Georgia-Turkey Pipelines System – Russian language</b>	KHRP, PLATFORM, the Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale and CEE Bankwatch	<i>Only available in Azerbaijan</i>
03/K	<b>Fact-Finding Mission to Iran</b>	KHRP	ISBN 1 900175 649 £5.00
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# The Kurdish Human Rights Project

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

## AIMS

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

## METHODS

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

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“OVER THE PAST DECADE THE BHRC HAS HAD GREAT PLEASURE IN WORKING WITH THE KHRP. NO ORGANISATION HAS HAD MORE IMPACT BOTH IN STRASBOURG AT THE EUROPEAN COURT OF HUMAN RIGHTS, AND IN TURKEY’S POLITICAL-LEGAL CONFIGURATION. THE BHRC IS PROUD OF ITS CLOSE ASSOCIATION WITH THE KHRP.”

**STEPHEN SOLLY QC, BAR HUMAN RIGHTS COMMITTEE**

“MY FAMILY IS SCATTERED. MY FAMILY HAS BEEN KILLED. MY MOTHER IS ON THE RUN, WITH NO MONEY, NO ASSETS, NO HOUSE, NO HOME. MY BROTHERS ARE NOT THERE AND I MISS THEM REALLY BADLY. SO WHAT’S GOING TO HAPPEN TO ME I AM A COMPLAINANT OF THE TYRANNY DONE TO US. I REQUEST THE KURDISH HUMAN RIGHTS PROJECT TO TAKE MY CASE TO ALL INTERNATIONAL COURTS AND INSTITUTIONS. I AUTHORISE THEM TO ACT IN MY NAME. THEY TALK HUMAN RIGHTS. I AM A HUMAN. WHERE ARE MY RIGHTS?”

**A KURDISH APPLICANT BEFORE THE ECtHR**

“IN MY OPINION, FOR A VIEW ON THE KHRP ONE SHOULD ASK THE ANCIENT CITIES IT HAS SAVED FROM SUBMERSION, THE VILLAGERS IT HAS REPRESENTED WHOSE HOUSES HAD BEEN BURNT AND DESTROYED, PRISONERS OF CONSCIENCE AND THOSE WHO HAD BEEN TORTURED, FOR THEY KNOW THE KHRP BETTER.”

**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**