



Kurdish Human Rights Project
Annual Report 2001

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Institut kurde de Paris



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Kurdish Human Rights Project

2001

Annual Report

"...working to protect and promote the human rights of all persons living throughout the Kurdish regions of Turkey, Iran, Iraq, Syria and the Former Soviet Union."



Institut kurde de Paris

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A MESSAGE FROM THE EXECUTIVE DIRECTOR AND CHAIRMAN

Dear Friends,

As we move into KHRP's tenth anniversary year in 2002, we look back on what has been in many ways our most challenging year of work so far in the year 2001. While the year has included many significant victories for us - most notably the wonderful end-of-the-year victory in the Ilisu dam struggle - we have also been faced with a number of serious challenges that include many grave setbacks for human rights in the Kurdish regions.

Throughout the year, KHRP has continued our mission to protect and promote the human rights of all those who suffer human rights abuses in the Kurdish regions. We have worked hard to implement our core projects in litigation and training, fact-finding mission and trial observations, research and publications and public awareness despite the ever difficult struggle for financial resources. With years of experience in the fight for Kurdish human rights to build upon, we were more able than ever before to play a pivotal role in the development and protection of Kurdish human rights in 2001.

Spring 2001 marked the tenth anniversary of the Gulf War in Iraq. Although at the time, then President George Bush asserted that the Iraqi people should "take matters into their own hands and force Saddam to stand aside", as we all know too well now, the West washed its hands of responsibility at the war's end and failed to help Kurdish uprisings against Hussein's repressive regime. The resulting ten long years of protracted misery for the Iraqi people has included the on-going suffering and uncertainty faced by those in the Kurdish "safe haven" who continue to sustain waves of violence from Iraqi, Iranian and Turkish troops and still struggle for international recognition.

In Azerbaijan and Armenia in 2001, KHRP was able to significantly build upon our past two years of work there developing contacts and starting training, litigation and support programmes. Both countries signed the European Convention on Human Rights in January 2001 and in August, KHRP was asked by the Council of Europe to take part in Convention training in Azerbaijan. Following this, we held a KHRP training seminar in Baku, Azerbaijan in December and plans have already been made to continue these training sessions in 2002. We hope that this work will help to improve the capacity of human rights organisations and lawyers to combat the poor state of human rights in both countries which has been marred by the torture and ill-treatment of detainees, violations of free expression and religion, and the lack of substantive political rights for Kurds and other minorities.

Despite hopes for greater transparency and socio-political change in Syria under the new leadership of Bashar al-Assad, the year 2001 brought continuing human rights violations including an escalation in political arrests and detentions without charge as well as the Syria's continuing failure to reinstate citizenship to the 200,000 stateless Kurds who are denied such basic rights as the right to own land, vote, or obtain a passport. In March, KHRP submitted a summary of our major concerns in Syria to the UN Human Rights Committee during its consideration of Syria's compliance report on the International Covenant on Civil and Political Rights (ICCPR). Syria's more than 1.5 million Kurds still await such key improvements as Constitutional recognition, an end to the harassment and ill-treatment of human rights activists, and a reversal of the continuing discrimination minority groups face.

While Iran's nearly 8 million Kurds generally welcomed the June landslide re-election of reformist President Mohammad Khatami, the year also witnessed many grave struggles for Iranian Kurds. In September, six Iranian Kurdish MPs submitted a letter of group resignation in protest over the continuing discrimination against Kurds. Despite repeated promises of assistance, Iranian Kurds continue to suffer the effects of extreme poverty and on-going human rights violations that include attacks on free expression and association and torture in custody.

In Turkey, 2001 opened with a shocking increase in the torture in custody rate as new "F-Type" prisons, characterised by 1- and 3-person cells which increase the risk of isolation and ill-treatment, were introduced amidst widespread protests. Although KHRP welcomes the Constitutional reforms Turkey adopted in 2001 as part of its attempt to move forward in EU accession, these changes have resulted in no major improvement of the human rights situation on the ground. This year has seen the continuation of gross human rights violations of the Kurds and other minorities in Turkey including extra-judicial killings and 'disappearances', widespread torture, violations of freedom of expression, intimidation and harassment of human rights defenders and on-going impunity for the perpetrators of human rights abuse. The EU must strengthen its monitoring of Turkey's accession and Turkey must be made to prove that it is not just changing not just words on paper but that it is truly serious about improving the human rights of all of its citizens in actual practice.

Throughout 2001, KHRP continued to be active in the international front, making recommendations to governments in the Kurdish regions and encouraging human rights reforms in these areas.

As we look back over nearly 10 years of fruitful KHRP work, we feel a renewed sense of encouragement to face what often feels like an endless fight for human rights in the Kurdish regions. We thank all those who have assisted us in 2001. As ever, our work would not be possible without the generous support of our funders and without the assistance of the many volunteers whose work remains invaluable to us. We also thank the KHRP staff for their continued commitment to the human rights struggle. We also mark the passing of our dear friend and colleague, Michael Feeney, who died in the autumn. We pay tribute to his amazing lifetime of work on behalf of the Kurds and other minorities. He will be deeply missed and always remembered by all of us.

Finally, we reserve our deepest respect to all those in Turkey, Iran, Iraq, Syria and the Caucasus who continue to fight for human rights in dangerous circumstances and at huge personal risk. In these troubled times, such bravery inspires all of us and renews our sense of purpose.

Kerim Yildiz
Executive Director

Mark Muller
Chairman

February 2002

THE ROLE OF THE KURDISH HUMAN RIGHTS PROJECT

KHRP was established in December 1992 in response to the abysmal human rights situation in the Kurdish regions and the international community's failure to effectively call Turkey, Iraq, Iran, Syria and the former Soviet Union to account for the treatment of their Kurdish populations.

These states, encompassing the Kurdish regions, have ratified many international agreements relating to human rights, thereby indicating their intention to be bound by them. KHRP was born out of a desire to utilise these international instruments in order to ensure that consistent violators of human rights within the Kurdish regions were made accountable before the legal structures which police both the European and wider international communities. Today, KHRP has earned international respect for its consistent work in drawing attention to human rights violations in the Kurdish regions.

KHRP employs a team of nine permanent members of staff in England and in Turkey. Our UK office is located in central London. KHRP is both a limited company and a registered charity.

The Executive Director and a board of trustees - also known as Directors - are responsible for the management and policy development of the Project.

KHRP constructs much of its work around four core projects, namely Human Rights Advocacy & Training, Trial Observations & Fact-Finding Missions, Research & Publication, and Public Awareness, Education & Communication Strategies. These are closely integrated and inter-related. Much of this project work is carried out by our professional members of staff, within the KHRP offices in London, who are 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 of KHRP's activities 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 are complaining that their rights under the European Convention of Human Rights have been violated by the Turkish State. 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. This also involves attending investigation hearings in Strasbourg and Turkey, and co-ordinating the caseload of KHRP's Legal Team comprising lawyers in the UK, Turkey and elsewhere.

The Trial Observation & Fact-Finding project seeks to investigate and draw international attention to human rights problems in the Kurdish area. It involves the preparation of and participation in fact-finding missions in the Kurdish regions of Turkey, Iraq, Iran, Syria and the former Soviet Union, attending court proceedings against individuals and organisations as trial observers in order to monitor adherence to the concepts of Rule of Law and Due Process in these countries, producing reports that are distributed in order to raise public awareness of human rights violations in the Kurdish regions, and making recommendations to governmental and non-governmental organisations.

Our Research & Publication 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 from which to make informed decisions with regard to the allegations of human rights abuses in the Kurdish regions.

KHRP makes submissions to international organs such as the United Nations and the Organisation for Security and Co-operation in Europe, appeals to governments throughout the world and provides information to other non-governmental organisations in the United Kingdom and abroad.

Throughout 2001, KHRP continued to invoke the following international mechanisms:

The European Convention on Human Rights

The Convention 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 is a party to the Convention, opportunities exist for individuals in Turkey to bring cases of human rights violations by the State to European Court of Human Rights in Strasbourg.

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

The OSCE's remit incorporates the protection of human rights and fundamental freedoms. KHRP submits recommendations to various OSCE bodies, including the Parliamentary Assembly, 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.

The United Nations

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 available are the UN Special Rapporteur on Torture, the UN Special Rapporteur on Summary and Arbitrary Executions, the UN Special Rapporteur on Extra-judicial 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.

In Memoriam: Michael Feeney, KHRP Founder, former Chairman of the KHRP Board of Directors and Chairman of the KHRP International Board of Patrons



Michael Feeney
(1949 - 2001)

On 29 September 2001, the Kurdish Human Rights Project suffered a huge loss as the Chairman of our International Board of Patrons and one of the Founders of KHRP, Michael Feeney, passed away in Galway, Ireland.

Michael, who had suffered a long slow illness, had been a member of KHRP's Board of Directors up until his death, and his passing leaves KHRP and the hundreds of people in the wider Kurdish and refugee communities of Britain with the loss of a great campaigner and tireless ally in the struggle for human rights.

Michael first became involved with the Kurdish issue in the late 1980s through his work in the Roman Catholic Diocese of Westminster where he worked as an employment development worker in the Diocese's Social Action Team. In late 1989, Michael became deeply involved in the Kurdish refugee crisis in London as thousands of Kurds fleeing from persecution and war in Southeast Turkey poured into Britain within the space of just seven weeks. The UK government dealt harshly with these Kurdish refugees and hundreds were detained or removed - illegally as the courts later ruled - and those who did manage to stay in Britain were denied welfare support. It was Michael who rolled up his sleeves and set to work to figure out a solution for the thousands of Kurdish refugees who were forced on to the streets with no support and nowhere to turn. Within days of the crisis, the church at Stamford Hill where Michael's Social

Action Team was based began providing volunteers and facilities to help. Grassroots groups began to campaign and Cardinal Basil Hume visited, bringing the media spotlight along with him.

From 1989 to 2000, Michael served as the Director of the Westminster Diocese Refugee Service and he was also a founding member of the Asylum Rights Campaign. KHRP Executive Director Kerim Yildiz, as a newly arrived refugee himself in the late 1980s, first met Michael in 1988. As their friendship developed, Michael became more concerned with the plight of Kurds back in Kurdistan and also with the hardships faced by many Christian Kurds. Beginning with his first trip in 1989, Michael travelled to Southeast Turkey many times and in 1992 he went as a member of the Parliamentary Human Rights Group's fact-finding mission to the region. Despite being detained and intimidated repeatedly during these trips, Michael persevered resolutely and courageously in his mission to fight for Kurdish human rights.

As one who helped to first establish KHRP in December 1992 and who constantly played a leading role in the steady growth of the KHRP mission, Michael's contribution to KHRP is inestimable. All of us at KHRP will miss his warmth, his determination, his humour and perhaps most of all - his deep commitment to the fight for human dignity and freedom.



Project 1:

Human Rights Advocacy and Training

PROJECT 1 - HUMAN RIGHTS ADVOCACY AND TRAINING

One of the primary aims of KHRP's work is to use international human rights mechanisms as a means of tackling human rights abuse in the Kurdish regions.

Of particular importance is the caseload of applications to the European Court of Human Rights on behalf of Kurdish and non-Kurdish applicants brought by KHRP with the IHD (Human Rights Association of Turkey) Diyarbakir branch. KHRP also represents a number of Iraqi and Iranian citizens in cases against Turkey before the Court. To date, we have assisted more than 400 applicants to the Court.

KHRP recognises that increased use of the European Convention on Human Rights is a crucial step towards improved human rights in the Kurdish regions. Of the nearly 700 judgments giving rise to a finding of at least one violation of the Convention in 2001, 169 - almost one quarter - concerned Turkey. By mid-2001, there were 2,667 registered applications pending against Turkey at the Court. A key part of KHRP's strategy is, therefore, the training of lawyers and human rights activists based in Turkey through active participation in our casework, training programmes, publications and internships.

European Convention Litigation

The European Convention litigation is a vital part of KHRP's strategy for a number of reasons.

At an individual level, access to the European Court of Human Rights affords the applicants access to justice which has been denied to them in their home country. By accepting the jurisdiction of the European Convention, Turkey has agreed to comply with certain basic human rights standards. To the extent that these standards are not complied with in Turkey, victims can make a case before the European

Court of Human Rights in Strasbourg. A successful application can provide victims and their families with answers they have been denied for years, in addition to providing redress.

In a wider sense, judgments of the European Court provide concrete and unparalleled evidence of human rights abuse at the hands of the Turkish State which can be used to draw international attention to the true state of affairs in the Kurdish regions. In 2001, KHRP used evidence obtained through the Convention litigation to petition the United Nations bodies, the OSCE (Organisation for Security and Co-operation in Europe), the EU and other inter-governmental organisations involved with the protection of human rights. Instances of human rights abuse revealed through the litigation process form the basis for much of KHRP's public awareness activities, demonstrating to a national and international audience the horrifying level of human rights abuse suffered by the Kurds. The cases also provide crucial material for other organisations and individuals seeking to lobby on similar grounds.

Where there are fundamental factual disputes between the parties - as is the situation with most cases against Turkey - the Court (and formerly the European Commission) is able to carry out fact-finding hearings to establish the facts, by hearing evidence from witnesses. KHRP has assisted the applicants in over 90% of all such hearings ever held involving Turkey. Members of the KHRP Legal Team attended a fact-finding hearing in Ankara in April 2001 in the case of *Yöyler v Turkey*, concerning the alleged burning and destruction of Mr Yöyler's house and possessions by Turkish security forces in 1994.

One key development at the Court in 2001 concerned the establishment of an Evaluation Group to propose reforms to the European Court of Human Rights. The Evaluation Group published its *Evaluation Report to the Committee of Ministers* on 28 September 2001, with proposals for streamlining the Court in view of the rising

volume of applications submitted to the Court and its limited available resources. KHRP has been instrumental in bringing together NGOs in the UK to lobby on the proposed reforms. Along with other leading human rights organisations including Amnesty International, Liberty, the AIRE (Advice on Individual Rights in Europe) Centre and Interights, KHRP is concerned that certain recommended reforms would deprive some victims of a remedy under the Convention.

It was in the KHRP case of *Faysal Akman v Turkey* that a marked change in the European Court's approach first appeared. The case concerned the fatal shooting of the applicant's 22-year old son by Turkish security forces. Following unsuccessful attempts to reach a friendly settlement, Turkey requested that the case be struck out. Turkey offered to give the applicant £85,000 in compensation and to make a declaration, making limited admissions of wrongdoing and promising to improve in future. The Court agreed to strike out the case without the applicant's consent on the basis that its continued examination was 'no longer justified'.

KHRP is concerned that the Court's judgment in *Akman* failed to resolve the dispute as to what happened to the applicant's son, and that it failed to refer either to the obligation under Article 2 to provide an effective investigation into the incident or the obligation under Article 13 to provide an effective remedy. KHRP considers that the striking out of such a case in those circumstances fails to ensure respect for human rights and risks damaging the Court's credibility. It is particularly worrying that the Court has chosen this path in cases involving one of the most important human rights of all, the right to life.

The year 2001 was a crucial year for the development and promotion of human rights in Armenia and Azerbaijan, both of which are recognised to have significant human rights and minority rights problems. Both States signed the

European Convention on Human Rights in January 2001 and are expected to ratify it in 2002. Building on KHRP's successful experience in Turkey, KHRP has already started working with NGOs, practising lawyers and academics in Azerbaijan, seeking to make use of this historic opportunity to ensure the wide dissemination of expertise on the law and procedure of the European Convention.

KHRP has also moved into other new areas of European Court litigation and advice during the year. Two KHRP cases registered in 2001, *Gunes v Turkey* and *Kalan v Turkey*, concern the deaths of two Kurdish conscripts in the Turkish army, both of which were said by the Turkish authorities to be "suicides". KHRP has also given advice to a newspaper in Northern Cyprus, where journalists also suffer ongoing repression.

In 2001, KHRP was also asked by the legal team working on the European Court case of *Abdullah Öcalan v Turkey* to assist in the case. This case, brought on behalf of leader of the Kurdistan Workers' Party (PKK), Abdullah Öcalan, who was sentenced to the death penalty in Turkey following his capture in Kenya in 1999, represents a direct challenge to the use of the death penalty per se, as being a violation of the right to life (Article 2) and inhuman and degrading treatment in violation of Article 3. The case also involves alleged violations of Articles 5, 6, 7, 8, 9, 10, 13, 14, 18 and 34. In the light of the criteria of the European Union's Accession Partnership which requests Turkey to abolish the death penalty as part of its accession process, this case remains a crucial case for Turkey. British members of the Legal Team, headed by UK barristers Mark Muller and Tim Otty, travelled to Turkey to visit Mr. Öcalan and collect further evidence in March 2001.

Following the comprehensive commissioned review of KHRP's European Court litigation by Carla Buckley last year, *Turkey and the European Court of Human Rights: The Litigation Programme of the Kurdish Human Rights Project*, the Human

PROJECT 1 - HUMAN RIGHTS ADVOCACY AND TRAINING

Rights Law Review published a 31-page article by Ms Buckley, "The European Convention and the Right to Life in Turkey" which serves as a detailed update on KHRP's litigation work to date.

Also in 2001, Turkey continued in its attempt to progress along the path to EU membership. The European Union noted in its '2001 Regular Report on Turkey's Progress toward Accession' that since the last Regular Report [November 2000], the European Court of Human Rights found that Turkey had violated provisions of the European Convention on Human Rights in 127 cases. It is clear that the cases before the European Court provide an important yardstick for measuring Turkey's progress towards meeting the criteria set by the EU.

In 2001...

...KHRP continued its support for over 95 applications to the European Court of Human Rights on behalf of both Kurdish and non-Kurdish applicants.

- 9 further applications were lodged or newly registered at the European Court of Human Rights with KHRP's assistance
- 3 KHRP cases were declared admissible
- Judgment was handed down by the European Court in 9 KHRP cases

KHRP's Legal Team members, based throughout Europe and Turkey, represent the applicants at all stages of the Court proceedings. In each of our cases, applications and pleadings are drafted, oral representations are made before the Court, and evidence is gathered.

Legal Team membership continued to grow 2001 with new volunteer lawyers from Britain, Norway and Turkey recruited to the Team throughout the year. KHRP was pleased to host Judge Rune

Voll, an appellate judge from the Gulating Court of Appeals in Norway and the newest member of KHRP's Legal Team, who worked at our offices in October 2001 analysing KHRP cases dealing with Articles 2, 3, 5 and 6 of the European Convention on Human Rights. KHRP was also pleased to appoint a new Representative in Scandinavia, Professor Haci Akman, from the Department of Ethnology at the University of Bergen in Norway.

KHRP continues to work alongside lawyers based in Turkey at every stage of the litigation. Through the year, we worked closely with the IHD in Diyarbakir on many cases. In 2001, Kurdish and western European lawyers worked side by side in European Court hearings in Ankara and Strasbourg, providing a vital opportunity for the exchange of opinions, experience and strategies for future cases.

Human Rights Training

KHRP's training programme provides lawyers and human rights activists on the ground in Turkey, the UK and other parts of Europe with invaluable instruction in the use of the European Convention on Human Rights and other key human rights mechanisms available in the Kurdish regions. With years of experience of the Convention and the workings of the European Court of Human Rights, KHRP is able to offer legal practitioners an excellent practical and theoretical training in European Convention litigation through a programme that includes training seminars, internships, casework advice and publications.

In 2001, KHRP's work with lawyers in Turkey involved all stages of the European Convention process, including the gathering of evidence, drafting of applications, construction of pleadings and attendance at hearings before the European Court in Strasbourg and Turkey. Increased use of the European Convention



Legal Training for lawyers from Turkey at KHRP's London office.

against Turkey by individuals within Turkey bears witness to the success of this exercise.

In March 2001, KHRP also carried out a week-long training seminar in our London office for four Kurdish lawyers from the Diyarbakir branch of the Human Rights Association of Turkey (IHD) and a lawyer from the Rights and Freedom Association in Cyprus. This seminar, conducted by KHRP Executive Director Kerim Yildiz and Legal Director Philip Leach, focused on the practical and procedural aspects of bringing a case before the European Court of Human Rights and also provided KHRP with the opportunity to develop case strategy with our Turkish partners. Additional training sessions included seminars by KHRP Advisory Board members Professor Bill Bowring from the University of North London and Professor Chris Milroy, a forensic pathologist at the University of Sheffield. During their week in London, the IHD lawyers also met with representatives of the Foreign and Commonwealth Office, participated in a Law Society seminar and attended a meeting with British MPs, Lords and human rights lawyers hosted by KHRP's Honorary President Lord Avebury at the House of Lords.

Over the course of 2001, KHRP continued the development of a project first started in 2000 that aims to ensure the participation of civil society in the promotion of human rights in Armenia and Azerbaijan. Building on its experience working with local partners in Turkey, KHRP hopes to implement similar projects in these two new member states of the Council of Europe, both with significant Kurdish populations. In August 2001, the Council of Europe invited KHRP to provide a legal expert to take part in training on the European Convention on Human Rights for prosecutors in Azerbaijan. KHRP Legal Team member and barrister Jemima Stratford travelled to Baku, Azerbaijan to lecture on fair trial rights. KHRP also began its new European Convention training and litigation programme in December 2001,

with a seminar for NGOs and lawyers in Baku, Azerbaijan. About 20 leading human rights NGOs, lawyers and judges attended the seminar which covered the essential features of the European Convention system and practice, as well as potential domestic remedies in Azerbaijan and current human rights problems. The seminar was conducted in conjunction with the Azerbaijan National Committee of the Helsinki Citizens' Assembly and the Bar Human Rights Committee of England & Wales. Participants included members of a wide range of Azerbaijani NGOs including the Yuva Centre (Commission on Protection of Children's Rights), Association of Young Lawyers, League on Protection of Labour Rights and the Kurdish Cultural Centre.



KHRP Legal Director Philip Leach (far left) and KHRP Executive Director Kerim Yildiz (centre) during KHRP legal training seminars in Azerbaijan, December 2001.

Throughout 2001, KHRP was asked to provide human rights training for judges, lawyers and NGOs by organisations including the Council of Europe, the United Nations, the Organisation for Security and Co-operation (OSCE), and the University of Nottingham. These training seminars took place in Iran, Kosovo, Siberia, Yugoslavia, and Northern Ireland.

PROJECT 1 - HUMAN RIGHTS ADVOCACY AND TRAINING



KHRP Legal Training sessions with legal interns from Turkey and Europe.

Legal Internships

In 2001, KHRP continued to benefit from the invaluable casework assistance offered by legal interns participating in KHRP's internship programme. The KHRP internship programme is designed to ensure that those who participate obtain a thorough understanding of international human rights law, and the issues facing Kurdish people in particular, which they can go on to use in their future work. Over the years, KHRP has received interns from Turkey, Europe, the US and the Middle East. In 2001, KHRP legal interns included:

- **Rachel Toulson**, a bar student at the Inns of Court School of Law, London
- **Panagiota Tsitsa**, a Greek law graduate with an LL.M in International and European Legal Studies from the University of Durham
- **Cemal Turk**, a Kurdish law student at the University of East London
- **Stephen Vasil**, an American law student at Yale Law School

- **Derya Bayir**, a Kurdish lawyer from the Human Rights Association (IHD) office in Istanbul and member of the Istanbul Bar Association
- **Iris Golden**, an Austrian law student completing an LL.M in Human Rights Law at the London School of Economics
- **Mustafa Gundogdu**, a Kurdish human rights activist from the Foundation for Social Jurisprudence Research (TOHAV) in Istanbul
- **Rochelle Harris**, a law graduate from University College London
- **Andrea Hopkins**, a qualified barrister with a Masters degree in Human Rights from the University of Nottingham
- **Reza Isphani**, a law student at the University of Nottingham
- **Clare O'Connell**, a Scottish law student at Edinburgh University
- **Amarjit Singh**, a solicitor from Malaysia working on a PhD in law at the London School of Economics

RELEVANT ARTICLES OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

(Note the changes made following the coming into force of Protocol 11 in 1998)

Convention

Article 2: Right to life.

Article 3: Prohibition of torture or inhuman or degrading treatment or punishment.

Article 4: Prohibition of slavery and forced labour.

Article 5: Right to liberty and security.

Article 6: Right to a fair trial.

Article 7: No punishment without law.

Article 8: Right to respect for private and family life.

Article 9: Freedom of thought, conscience and religion.

Article 10: Freedom of expression.

Article 11: Freedom of assembly and association.

Article 12: Right to marry.

Article 13: Right to an effective remedy.

Article 14: Prohibition of discrimination.

Article 15: Derogation in time of emergency.

Article 16: Restrictions on political activity of aliens.

Article 17: Prohibition of abuse of rights.

Article 18: Restrictions under Convention shall only be applied for prescribed purpose.

Article 34: Application by person, non-governmental organisations or groups of individuals. (formerly Article 25).

Article 38: Examination of the case and friendly settlement proceedings (formerly Article 28).

Article 41: Just satisfaction to injured party in event of breach of Convention. (formerly Article 50).

Protocol No. 1

Article 1: Protection of property.

Article 2: Right to education.

Article 3: Right to free elections.

Protocol No. 2

Article 1: Prohibition of imprisonment for debt.

Article 2: Freedom of movement.

Article 3: Prohibition of expulsion of nationals.

Article 4: Prohibition of collective expulsion of aliens.

Protocol No. 6

Article 1: Abolition of the death penalty.

Protocol No. 7

Article 1: Procedural safeguards relating to expulsion of aliens.

Article 2: Right to appeal in criminal matters.

Article 3: Compensation for wrongful conviction.

Article 4: Right not to be tried or punished twice.

Article 5: Equality between spouses.

To date, Turkey has only ratified the Convention and Protocol No. 1.



KHRP LITIGATION BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS: A SAMPLE CASE

The Strasbourg Process and the Long Road to Justice

Applicants bringing cases to Strasbourg face a considerable wait while their cases are determined. The time between the lodging of their applications and the delivery of a judgment by the European Court of Human Rights can be in excess of six years. To illustrate how a case moves through the Court system, the progress of the *Berktaş v Turkey* case from the initial application to the final judgment is presented here. In this case, the applicant lodged his application in July 1993 and received a judgment more than seven years later in March 2001.

Hüseyin and Devrim Berktaş v Turkey: A Summary

This case was brought by Hüseyin and Devrim Berktaş, father and son, in relation to injuries sustained by 17-year old Devrim when he fell from a fourth-floor balcony while in police custody.

On 3 February 1993, Devrim Berktaş was a teenager on his school holidays. A team of anti-terrorism police stopped him and asked to see his identity card, but he was not carrying it. He was slapped and taken to the anti-terrorism headquarters, where he was blindfolded and interrogated for between four and five hours about his alleged membership in the Kurdistan Workers' Party (PKK). He was accused of having banned books in his flat, which he denied.

Meanwhile, another team of anti-terrorism police raided and searched his home, situated on the fourth floor of an apartment block. The police found nothing of interest and Devrim Berktaş was brought to the apartment, where his parents and younger disabled brother were. He told the police he had nothing incriminating to show them. A police officer punched him then pushed him forward to the balcony. His parents were ordered out of the room. They heard their son scream, "Mum! Dad!" The police then opened the door and told the parents their son had jumped over the balcony.

Devrim Berktaş's distraught mother was kicked and punched. Meanwhile, the father Hüseyin Berktaş took his son to hospital. His son went into a coma and was diagnosed with a fractured skull, bruises to the head and a fractured humerus. Furthermore, he required a tomography which was only available in another hospital. The police would not permit Hüseyin Berktaş to take his son there before he had signed a statement describing his son as a member of the PKK who participated in bombings. Moreover, the police then deliberately delayed the victim's hospital treatment by requiring the father to go to the police station to sign a statement exonerating the police. Devrim Berktaş remained in hospital for 31 days.

In addition to a violation Article 2 (right to life), Article 3 (prohibition of torture) and Article 5 (right to liberty and security) regarding Devrim's treatment by the police, KHRP argued the mental anguish suffered by the father at this time constituted a separate violation of Article 3 and also argued a violation of Article 13 (right to effective remedy) on behalf of both applicants.

The victim's mother gave evidence that the events of the 3 February 1993 and the injuries her son sustained have left him a changed man. He will require care for the rest of his life.

CHRONOLOGY OF EVENTS IN THE CASE OF BERKTAY v TURKEY, INCLUDING LEGAL PROCEEDINGS

3 February 1993

Devrim Berktaş is apprehended, taken to anti-terrorism headquarters and interrogated. Later, during the course of a search of his home, Devrim Berktaş falls from a fourth-floor balcony. Upon his arrival at hospital, Devrim goes into a coma and is diagnosed with a fractured skull and humerus and bruises to the head. He remains in hospital for over one month.

30 July 1993

Acting on behalf of applicants Hüseyin and Devrim Berktaş, KHRP lodges *Berktaş v Turkey* application with the European Commission of Human Rights.

11 October 1994

The Commission declares the application admissible.

17 November 1997 - 19 November 1997

The Commission holds a fact-finding hearing in Ankara. Members of the KHRP Legal Team represent the applicants.

1 November 1998

The Commission transmits the case to the European Court of Human Rights.

16 May 2000

The Turkish Government makes a friendly settlement offer of £6,000. The applicant declines.

1 March 2001

European Court of Human Rights gives its judgment. The Court unanimously finds a violation of Article 3 (prohibition of torture or inhuman or degrading treatment) in respect of Devrim Berktaş; Article 5 (right to liberty and security); and Article 13 (right to an effective remedy).

The Court unanimously finds no violation of Article 2 (right to life); Article 3 (prohibition of torture or inhuman or degrading treatment) in respect of Hüseyin Berktaş; and Article 25 (right to individual petition).

Under Article 41 (just satisfaction) of the Convention, the Court awards Devrim Berktaş £55,000 for pain and suffering and non-pecuniary damage and Hüseyin Berktaş £2,500 for non-pecuniary damage.



The building from which Devrim Berktaş fell whilst under police custody. The 17-year old later went into a coma after his fall from the fourth-floor balcony.

KHRP ADMISSIBILITY DECISIONS AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2001

Sirin YILMAZ v Turkey (extra-judicial killing/village destruction)

Declared admissible: 14 June 2001

The applicant's complaint centred on the forced evacuation of his village of Biyarli and the death of his wife, Sariye Yilmaz, who was allegedly hit by artillery shells fired by State security forces.

Security forces had attempted to put pressure on villagers to leave Biyarli by confiscating property, preventing travel to and from the village by car, and invoking a food embargo which continued for nearly 3 months. At the beginning of October 1996, soldiers went to the village and told villagers to leave by 15 October. On 7 October, a clash broke out between the PKK (Kurdistan Workers' Party) and the security forces at an area between Biyarli and neighbouring Lice in which the applicant's wife was hit in the abdomen by flying shrapnel. She later died on the way to a health clinic in Lice.

The applicant petitioned the authorities to initiate an investigation into his wife's death and to provide adequate compensation. He received no assistance from the authorities, facing instead complacency, obstruction and non-cooperation.

Application lodged: 8 April 1997

Alleged violation of Articles 2, 3, 6, 8, 13, 14, 18 and Article 1 of Protocol 1

All of the applicant's complaints were declared admissible

Mustafa KOKU v Turkey (extra-judicial killing)

Declared admissible: 26 June 2001

The application was brought on behalf of Mustafa Koku and his deceased brother Hüseyin Koku, who allegedly 'disappeared' in October 1994 and was later found dead in April 1995.

Hüseyin Koku was the Chairman of HADEP (People's Democracy Party) in Elbistan. On 18th October 1994 he was summoned by the Elbistan Mayor, who threatened him not to continue his political activities in the area. Two days later, Hüseyin Koku was taken away by plain-clothes policemen and "disappeared".

On 1st November, Hüseyin Koku's wife filed one of several complaints with the local Public Prosecutor about the need for an investigation. That night, her 13-year old daughter answered a telephone call at home. She heard her father's voice under torture.

On 27th April 1995, police informed the victim's family that a body, in an advanced state of decay, had been found by a shepherd among some rocks. The cause of death was not clear. When three of the family members went to the military hospital to identify the body, they saw Hüseyin's decapitated body, separated into three or four pieces and most of it in a state of decomposition.

Application lodged: 19 April 1995

Alleged violation of Articles 2, 3, 5, 6, 13 and 14

All of the applicant's complaints were declared admissible

Ozkan KALIN v Turkey (freedom of expression)

Declared admissible: 4 September 2001

The applicant's complaint centred on criminal proceedings initiated against him in 1991 in respect of two articles published by the weekly newspaper Yeni Ulke (New Land), of which he was the editor. He was charged under Articles 6 and 8 of the Anti-Terrorism Law of 1991 with "publishing declarations of terrorist organisations" and "issuing propaganda aimed at attacking the unity of the State". One of the articles reported on hostilities in Botan, the other

was a report about a press release from the European office of the Kurdistan Workers' Party (PKK).

In the first case, the Istanbul State Security Court acquitted the applicant, finding that the contents of the article did not disclose evidence of intention to make separatist propaganda. The State Prosecutor appealed and the Court of Appeal reversed the decision of the State Security Court, holding that the photograph that accompanied the article would "incite people to hatred". The State Security Court then found him guilty of an offence under Article 312 of the Penal Code and sentenced him to two years' imprisonment and a fine. The applicant was also initially acquitted of the charges in the second case, and again was subsequently found guilty and sentenced, this time to a fine, by the State Security Court.

Application lodged: 21 February 1996

Alleged violation of Articles 6, 7, 10 and 14

All of the applicant's complaints were declared admissible

Sanar YURDATAPAN v Turkey (right to a fair trial)

Declared inadmissible: 27 September 2001

The applicant is a musician, composer and human rights activist. In April 1997, he was arrested at Istanbul Atatürk Airport. He was carrying the passports of two men who were suspected by Turkish authorities to be Kurdistan Workers' Party (PKK) members. Both men were hoping to flee Turkey and seek asylum in fear of their lives. The applicant was detained and interrogated for more than five days. He was denied visits from family members and from his lawyer. The applicant was charged under Article 169 of the Turkish Penal Code for allegedly assisting an armed gang.

Following the applicant's first communication to the Court in October 1997, the full application was not lodged until October 2000. The European Court therefore deemed the application to be time-barred and declared all complaints inadmissible.

Application lodged: 27 September 2001

Alleged violation of Articles 5, 6, 8 and 13

All of the applicant's complaints were declared inadmissible due to time delay



Delivery of final submissions in the Ocalan v Turkey case at the European Court of Human Rights in Strasbourg, September 2001.

PROJECT 1 - HUMAN RIGHTS ADVOCACY AND TRAINING

KHRP AT EUROPEAN COURT OF HUMAN RIGHTS INVESTIGATION HEARINGS IN ANKARA

Celalettin YÖYLER v Turkey (village destruction)

The case concerns the alleged burning and destruction of the applicant's house and possessions on 18 September 1994 by Turkish security forces. As the facts of the case were disputed, the Court held a fact-finding hearing in Ankara between 2-5 April 2001 attended by the KHRP Legal Team.

In 1994, three women from the applicant's village decided to join the PKK (Kurdistan Workers' Party). It is alleged that on 15 September 1994, a gendarme unit commander came to the village and threatened to burn it to the ground if the women were not brought to him within three days. The applicant's family and the families of the women packed up their possessions and attempted to flee, but were stopped by gendarmes. A number of women were assaulted including the applicant's wife. On 18 September, it is alleged that security forces set fire to the village. The applicant estimated the cost of his family's losses to be 1.5 billion Turkish Lira and alleges violations of Articles 3, 6, 8, 13, and 14 of the European Convention.

The Court took evidence from thirty witnesses at the April 2001 hearing, including family members and those involved in the investigation.

Alleged violation of Articles 3, 6, 8, 13, and 14

The applicant was represented at the hearing by KHRP Legal Team members including KHRP Legal Director Philip Leach and KHRP Legal Team member Andrew Collender QC

Judgment is pending

KHRP ATTENDANCE AT FINAL HEARINGS BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS IN STRASBOURG

Salih ORHAN v Turkey ('disappearance'/ village destruction)

The applicant's village of Adrok was destroyed by Turkish security forces in May 1994. As a result the applicants lost their livelihood and all their possessions and to this day their families remain deprived of their homes and their land. Later that month, the applicant's two brothers, Selim Orhan and Hasan Orhan and the applicant's son, Cezayir Orhan, were taken into custody by Turkish security forces and then detained at their temporary barracks at the Lice Boarding School. None of the Orhans have been seen since and, in all probability, they died in custody at the hands of the security forces who were detaining them. No meaningful steps were taken by the authorities to investigate any of these events.

At the May 2001 hearing in Strasbourg, the KHRP Legal Team raised a specific complaint regarding General Ertürk of the Bolu regiment who had failed to give oral evidence to the European Commission. The Bolu regiment was allegedly the regiment responsible for the destruction of Adrok. However, at the May 2001 hearing, General Ertürk was not present. No explanation was given at any stage prior to the European Court hearing as to why the Government considered it inappropriate for General Ertürk to attend. During the hearing, the Turkish Government representative suggested that as the General had already once given evidence before the Commission, his evidence would serve no useful purpose in the current case. The Government representative commented that there was, "really no point in bringing that General before the Delegates to repeat the previous statements and that General had no further knowledge to give the Delegates other than that he had already given before."

Alleged violation of Articles 2, 3, 5, 8, 13, 14, 18, and Article 1 of Protocol 1

The applicant was represented by the KHRP Legal Team at the final hearing before the European Court in Strasbourg in May 2001

Judgment is pending

JUDGMENTS HANDED DOWN BY THE EUROPEAN COURT OF HUMAN RIGHTS IN KHRP CASES IN 2001

ZUBEYDE DULAS (Z.D.) v Turkey (village destruction, inhuman or degrading treatment)

On 8 November 1993, State security forces arrived in the applicant's village of Çitlibahçe to carry out a search. After separating the men and the women into two groups, the soldiers began setting fire to houses. The applicant's house, provisions, crops, furniture and household goods were all destroyed. The village was left in ruins and the villagers were forced to evacuate. The applicant and fellow villagers went to Diyarbakir after the operation and made a statement to the Human Rights Association (IHD).

The findings of the European Court of Human Rights

On 31 January 2001, the Court's judgment found Turkey in violation of Article 3 (prohibition of torture or inhuman or degrading treatment) of the European Convention for inflicting inhuman and degrading treatment on civilian victims. The Court noted, "the applicant... was aged over 70 at the time of the events. Her home and her property were destroyed before her eyes, depriving her of means of shelter and support, and obliging her to leave the village and community, where she had lived all her life. No steps were taken by the authorities to give assistance to her in her plight."

The Court also ruled that the applicant had been unfairly questioned and pressured by the Public Prosecutor about whether or not she wanted to go through with her application to the European Court in violation of Article 34 (right to make an unhindered application to the Court). The Court commented that the applicant, "not unreasonably might have felt intimidated... and under pressure to withdraw complaints considered as being against the State."

The Court also found "grave and unjustified interferences with the applicant's right to respect for her private life, family life, and home and with

her peaceful enjoyment of her possessions" (Article 8 and Article 1 or Protocol 1) as well as a lack of any "thorough or effective investigation" into the destruction of the applicant's home (Article 13).

Under Article 41 (just satisfaction), the Court unanimously awarded the applicant £22,600 in pecuniary and non-pecuniary damages.

Hamsa ÇİÇEK v Turkey (disappearance, prohibition of inhuman or degrading treatment)

The applicant, Mrs Hamsa Çiçek, was living in Dernek, a village in Lice District of the province of Diyarbakir. The application is brought on behalf of herself as well as of her two sons and her grandson, who 'disappeared' in 1994.

On 10 May 1994 at 6 a.m., about a hundred soldiers raided the applicant's village. The soldiers ordered all the villagers to gather by the mosque, taking their identity cards with them. The women and children were then sent home, leaving only the men. The soldiers carried out an identity check by calling out the villagers' names one by one from a list. Thereafter, six villagers were separated from the others and taken into custody at Lice Regional Boarding School. All but the applicant's two sons, Tahsin Çiçek and Ali Ihsan Çiçek, were subsequently released.

After about 20 days subsequent to the detention of her sons, the applicant contacted two villagers who had been released from the Lice Regional Boarding School. The villagers affirmed that two men corresponding to her description of her sons had been detained with them.

On 27 May 1994, the applicant's grandson Çayan was taken away by security forces from the garden of their family house. Çayan, who was sixteen years old at the time of the events, is visually impaired; he cannot see at all at night and his



KHRP Legal Director Philip Leach with new KHRP Legal Team member Judge Rune Voll in October 2001.

vision is limited to approximately one metre in daylight.

The applicant made several applications in search of her sons and grandson. She received no assistance from the authorities, facing instead complacency, obstruction and non-cooperation.

The findings of the European Court of Human Rights

On 27 February 2001, the Court ruled that the Turkish State "failed to offer any credible and substantiated explanation for the whereabouts and fate of the applicant's two sons" and was therefore responsible for failing to protect their right to life under Article 2 (right to life) of the European Convention.

The Court also held Turkey in violation of Article 3 of the Convention for subjecting Mrs. Çiçek to inhuman and degrading treatment due to the "uncertainty, doubt and apprehension she suffered over a prolonged and continuing period of time [which] had undoubtedly caused her severe mental distress and anguish." Significantly, the Court noted the "superficial approach" taken by the Public Prosecutor in Turkey who failed to make any "meaningful investigation" into Mrs. Çiçek's fears that her sons were missing and in danger. In coming to its judgment, the Court was also careful to point out that while it found the testimonies provided by the applicant and fellow villagers to be truthful and accurate, it was simply unable to accept the statements provided by Turkish officials who testified on behalf of the Government.

The Court also found a "most grave violation" of Article 5 (right to liberty and security) due to the "complete absence of safeguards" in the soldiers' detention procedure and also a violation of Article 13 (right to an effective remedy) due to the fact that Mrs Çiçek's fears about her children were "never the subject of any serious

investigation" on the part of the Turkish authorities.

Under Article 41 the Court awarded compensation to Mrs. Çiçek and her sons' heirs amounting to £60,000.

Hüseyin and Devrim BERKTAY v Turkey (torture)

The case was brought by a father and son in relation to injuries sustained by the son when he fell from a fourth-floor balcony while in police custody.

On 3 February 1993, Devrim Berktaş was arrested by police on suspicion of involvement in terrorist activities. The teenager was taken to his family home, situated on the fourth floor of an apartment block, where six police officers embarked on a search for prohibited publications. His parents were not permitted to be present. The police were alleged to have pushed the applicant from the balcony; the Turkish Government contended that he had jumped. The applicants further alleged that, following Devrim Berktaş's fall, the police deliberately endangered his life by obstructing Hüseyin Berktaş's attempts to take him to hospital. Hüseyin Berktaş further complained that he was forced to sign a statement incriminating his son before being permitted to take him to hospital.

On arrival at the hospital, Devrim Berktaş went into a coma and was diagnosed with a fractured skull, bruises to the head and a fractured humerus. He remained in hospital for 32 days. His mother gave evidence that the events of 3 February 1993 and the injuries he sustained have left Devrim Berktaş a changed man.

The findings of the European Court of Human Rights

On 1 March 2001, the Court found the Turkish authorities in violation of Article 3 (prohibition of torture or inhuman or degrading treatment) and stressed that people in police custody were vulnerable and the authorities had a duty to protect them. When only the authorities were aware of all or part of the events concerned, as was the case with people held under their control in custody, the onus is on the Government to produce evidence that contradicts the victim's version of events. In this instance, the Government had relied solely on the outcome of domestic criminal proceedings in which the police officers were acquitted. On the basis of all the evidence before it, the Court found that the Government was responsible for the injuries caused by Devrim Berktaş's fall when under the control of six police officers. It held that the fight against crime and terrorism did not justify any reduction in the protection of individuals.

The Court held Turkey in violation of Article 5 (right to liberty and security of the person) for failing to provide sufficient evidence for suspecting Devrim Berktaş, and concluded that the deprivation of Devrim Berktaş's liberty while his home was being searched had not been prescribed by law nor was it attributable to reasonable suspicion of his having committed an offence.

The Court also held that the applicants were entitled to an explanation from the police officers in adversarial proceedings. However, in the State's criminal trial of the police officers, no evidence was given by the applicants. The police officers were acquitted solely on the basis of their own evidence, and were not required to provide an explanation as to how Devrim Berktaş came to fall whilst in their custody. The Court consequently found that Turkey had violated

Article 13 by depriving the applicants of an effective remedy.

Under Article 41 (just satisfaction), the Court awarded £55,000 to Devrim Berktaş for pain, suffering and non-pecuniary damage and £2,500 to Hüseyin Berktaş for non-pecuniary damage.

Cemile SARLI v Turkey ('disappearance'/ right to make an individual application)

The applicant alleged that her son Ramazan Sarlı and her daughter Cemile Sarlı had 'disappeared' after being taken from their home by security forces in December 1993. At about 3 a.m. on 24 December 1993, six armed men visited three houses searching for Ramazan and Cemile. Neither of them has been seen by any of their family or the villagers since being taken by the six armed men. The crucial point of disagreement between the parties was whether the six men were soldiers or members of the PKK (Kurdistan Workers' Party). Mrs Sarlı also claimed that Mahmut Sakar, the lawyer who took down the statement forming the basis of her application to the European Court, had been unjustly prosecuted for "making propaganda against the State" specifically because of his involvement in the application.

The findings of the European Court of Human Rights

In its 22 May 2001 judgment, the European Court supported the applicant's claim that the Turkish authorities had failed to conduct an adequate investigation into the 'disappearances' of her children, in violation of Article 13 (right to an effective remedy).

The Court also found the legal prosecution to which her lawyer Mahmut Sakar had been subjected was unjust and in violation of Article



KHRP applicant to the European Court of Human Rights Mehmet Fatih Melik (left) with KHRP Executive Director Kerim Yildiz.

34 (obligation not to hinder the right to make an individual application).

The Court unanimously held that there had been no violation of Article 5 (right to liberty and security). It maintained that there was an arguable claim that the security forces were responsible for the abduction, but in the light of the evidence that both security forces and members of the PKK may have been present in the village at the relevant time, it was not possible to determine which were responsible for the 'disappearances'.

Under Article 41 (just satisfaction), the Court awarded the applicant £5,000 in respect of compensation for non-pecuniary damages.

Mustafa TANLI v Turkey (extra-judicial killing)

On 27 June 1994, Mahmut Tanli was arrested and taken into police custody during a police search of his village. The following day, the applicant died during interrogation, allegedly of a heart attack. In the investigation carried out by the Public Prosecutor, police officers stated that Mahmut Tanli had gone pale and collapsed after being told they had evidence that he was involved with the Kurdistan Workers' Party (PKK). Although a forensic examination was carried out before the burial, it was found to be inadequate. The body of Mahmut Tanli was later exhumed in 1995, but due to deterioration of the body it was not possible to determine the cause of death.

The findings of the European Court of Human Rights

On 10 April 2001, the European Court ruled that Turkey had been in violation of Article 2 (right to life). The Court stressed that where an individual was taken into police custody in good health and died, it was incumbent on the State to provide a

plausible explanation. Mahmut Tanli was in good health when he was taken into custody and did not have any medical history of illness. In addition, the post mortem procedure had been defective in fundamental aspects, notably because there had been no dissection of the heart. The examination of the body had been insufficient to rebut the allegations made by the applicant that Mahmut Tanli was tortured to death. Accordingly, the Court ruled that the Government had failed to provide a proper explanation for the death of Mahmut Tanli in violation of Article 2. Furthermore, the inadequacy of the forensic investigation led the Court to conclude that the authorities had failed to carry out an effective investigation into the circumstances surrounding Mahmut Tanli's death, an additional violation of Article 2.

In finding a violation of Article 13, the Court held that as they had found the Government responsible under Article 2 of the Convention for the death in custody, the applicant's complaints were "arguable" for the purposes of Article 13, placing the authorities under an obligation to carry out an effective investigation into the circumstances of his son's death. Given the inadequacy of the post mortem examinations, the Court found that the applicant had been deprived of an effective remedy, and that the Turkish State had violated Article 13.

Under Article 41 (just satisfaction), the Court awarded £68,754 in respect of the pain and suffering and pecuniary losses of the applicant and the victim's family.

Mehmet AKDENIZ and Others v Turkey ('disappearance' / torture)

The case centres on the 'disappearance' of eleven Kurdish men who have not been seen since they were taken from their village of Alaca by State



KHRP Legal Director Philip Leach (far right) meeting with representatives from the Istanbul branch of the Foundation for Social and Jurisprudence Research (TOHAV). From left to right: Mustafa Gundogdu, Naci Binay and Derya Bayir.

security forces in October 1993. During the eight days when they were detained before their 'disappearance', the men were kept outside, some were tied up and beaten and all were kept in a state of distress and apprehension. The families of the eleven men approached numerous authorities in the area including the Provincial Governor's office, the Kulp District Governor, the Diyarbakir Provincial Governor, the Diyarbakir Gendarmerie and the Public Prosecutors of Diyarbakir, Bingol and Kulp. They received no assistance from the authorities.

The findings of the European Court of Human Rights

In its 31 May 2001 judgment, the Court held that the eleven men should be presumed dead since they had been missing for over seven years and accordingly found the Turkish Government to be in violation of Article 2 (right to life). In addition, Turkey was found to have failed to conduct an effective investigation into their 'disappearance', an additional violation of Article 2. The Court also found that the treatment of the men whilst in detention constituted a violation of Article 3 (prohibition of torture and inhuman or degrading treatment) and that their detention had been, "a particularly grave violation of the right to liberty and security of the person" in violation of Article 5. Turkey was also found in violation of Article 13 (right to an effective remedy) and Article 34 (not to hinder the right to make an individual application).

Under Article 41 (just satisfaction), the Court awarded the families of the eleven men a total of £382,240 in pecuniary damages and £242,500 in non-pecuniary damages.

Behçet AVSAR v Turkey (extra-judicial killing)

The applicant, Behçet Avsar, is the brother of the late Mehmet Serif Avsar.

The case concerns, principally, the events between 22 April and 7 May 1994, when armed men came to the Avsar family's shop and took Mehmet Serif Avsar to the gendarme headquarters. The family made repeated enquiries at the headquarters, but received no assistance from the authorities, facing instead complacency, obstruction and non-cooperation. Sixteen days subsequent to his abduction, Mehmet Serif Avsar's body was found with two gunshots to the head in a field outside Diyarbakir.

The applicant alleged that his brother had been kidnapped and killed by village guards acting with the knowledge and acquiescence of the Turkish authorities. In subsequent investigations, five village guards being paid by the State confessed to their involvement in the murder. A criminal prosecution found the five men, and a further sixth member of the Kurdistan Workers' Party (PKK), responsible for the murder. However, the applicant alleged that the investigation failed to take steps to identify or locate a further seventh person who had been involved in the incident.

The findings of the European Court of Human Rights

In its 10 July 2001 judgment, the Court noted that there was no convincing reason for entrusting the investigation of the murder to those who were implicated in the events in question. The Court concurred with the applicant that the investigation had been dilatory and half-hearted and had failed to investigate properly or effectively the identity of the seventh person. The Court held that this dilatory investigation was in violation of Article 2 (right to life), as the investigation could not establish the extent of official knowledge or connivance in the abduction

and killing in the absence of potentially significant evidence regarding the seventh person. The Court found an additional violation of Article 13 (denial of an effective remedy).

Under Article 41 (just satisfaction), the Court awarded £62,500 in pecuniary and non-pecuniary damages to the applicant and his brother's heirs.

K. AYDIN, C. AYDIN and S. AYDIN and Others v Turkey ('disappearance'/ village destruction)

In October 1994, military operations took place in Tunceli province. On 11 October 1994 Kasim Aydin, who lived in Hozat, went to the Dürüt hamlet to see his parents and siblings. On arrival in Dürüt, he found that his family's home and possessions had been burned, that the family's many goats had either been shot dead, were injured or were missing, and that his father was missing. Villagers told him that they had last seen his father being taken away by soldiers. Eight other persons had either 'disappeared' or were found dead in the Hozat region in September and October 1994.

Kasim Aydin requested the Office of the Public Prosecutor to conduct an investigation into his father's 'disappearance'. The only investigation to take place concluded that although military operations had been conducted in that area at the specified time, only terrorist organisations could be responsible for what had happened to Müslüm Aydin or the other people who had 'disappeared' or died during the operations.

The findings of the European Court of Human Rights

On 10 July 2001, the Government and the applicants agreed to a friendly settlement of the case. Turkey paid £68,000 in compensation and made a statement declaring, "The Government

regret the occurrences of the actions which have led to the bringing of the present application, in particular the disappearance of Mr Müslüm Aydin and the anguish caused to his family. It is accepted that the unrecorded deprivation of liberty and insufficient investigation into the allegations of disappearance constituted violations of Article 2, 5 and 13 of the Convention. The Government undertake to issue appropriate instructions and adopt all necessary measures with a view to ensuring that all deprivations of liberty are fully and accurately recorded by the authorities and that effective investigations into alleged disappearances are carried out in accordance with their obligations under the Convention."

Faysal AKMAN v Turkey (extra-judicial killing)

The applicant claims that at 6 a.m. on the morning of 20 January 1997, after about five and a half hours of gunfire in the centre of Savur, he opened the door to his home to the police who had shouted demands for entry. Five members of the security forces then entered his home. At the request of one of these men, Mr Akman called his son Murat, who appeared holding his identity card. Mr Akman claims that the security force member looked at the card, threw it on the floor and then started to shoot at Murat using an automatic rifle. Mr Akman was restrained and taken to another room. Subsequently he was allowed to go to the room where the body of his son lay. He saw the body with an automatic rifle and bullet magazines lying on top of it.

Mr Akman claims that the Public Prosecutor went to the house with a doctor and statements were taken from himself, his wife and his other son, Salih. After the killing of his son, Mr Akman left Savur and moved to Mardin because he feared for his family's safety and filed a complaint seeking an

investigation. Mr Akman claims he is not aware of any investigation having been initiated in respect of the incident. He further states that he has seen the same members of the security forces walking about freely and on duty.

The findings of the European Court of Human Rights

On 21 March 2001, the Court received a declaration from the Deputy Permanent representative of Turkey to the Council of Europe which included a statement that, "The Government regrets the occurrence of individual cases of death resulting from the use of excessive force as in the circumstances of Murat Akman's death notwithstanding existing Turkish legislation and the resolve of the Government to prevent such actions. It is accepted that the use of excessive or disproportionate force resulting in death constitutes a violation of Article 2 of the Convention and the Government undertakes to issue appropriate instructions and adopt all necessary measures to ensure that the right to life - including the obligation to carry out effective investigations - is respected in the future...". The Government further agreed to pay the applicant a sum of £85,000 for a final settlement of the case.

The applicant submitted that the terms of the declaration did not determine any of the fundamental human rights questions raised by the application and he urged the Court to proceed with its decision to take evidence in the case with a view to establishing the facts.

In its 26 June 2001 judgment, the Court decided to strike-out the case stating that, "having regard to the nature of the admissions contained in the declaration as well as the scope and the extent of the various undertakings referred to therein, together with the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the application."

On behalf of the applicant, KHRP submitted an appeal of this judgment to the Grand Chamber on 10 September 2001 arguing that the Turkish Government's statement is insufficient in a right to life case. The Grand Chamber rejected the referral on 25 October 2001.



KHRP Legal Team members Kerim Yildiz (left) and Bill Bowring (right) at the European Court of Human Rights.



Institut kurde de Paris



**Project 2:
Trial Observations and Fact-Finding Missions**

PROJECT 2 - TRIAL OBSERVATIONS AND FACT-FINDING MISSIONS



This page and opposite - Repression at the hands of the State: "F-Type" prison demonstrations in Turkey, 2001. (Photos courtesy of IHD.)

Trial Observations and Fact-Finding 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 for 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.

Used to encourage the authorities to uphold international human rights standards, KHRP's Trial Observations help to press for the rule of law by clearly demonstrating that there is international concern about the conduct of trials. KHRP Trial Observation delegations also gather firsthand information about the nature of the case against the defendant, the conduct of a trial and the legislation under which the accused is being tried. Often, the very presence of international trial observers has a significant effect on government officials and judges, frequently making the court more cognisant of the defence's arguments. Defence lawyers and trial observers have often commented on a change in courtroom atmosphere that is brought on by the presence of international monitors and that assists defence lawyers by encouraging them and the defendants to be more forceful in contesting the prosecution's claims. Trial observers also provide both real and moral support to human rights defenders, journalists and others on trial in the Kurdish regions. Following a trial observation, the monitoring delegation also takes the opportunity to meet with the media, government officials, members of the judiciary and NGOs on the ground.

In pursuit of our aim to promote the awareness of human rights abuses and the inadequacies of the judicial system in the Kurdish region, KHRP produces detailed and objective trial observation reports that include full details about the trial observed, information from interviews with the

relevant parties concerned with the case, conclusions about the fairness of the trial overall and recommendations to the government and international community. These reports aim to both inform the Turkish and other governments and the international community of the possible irregularities in criminal procedure and to also encourage actions which will bring practice into line with international human rights standards. They also help to focus awareness about the larger human rights issues at stake through the lens of the individual trial in question.

KHRP's Fact-Finding Missions help us to collect firsthand information on the human rights situation in the Kurdish region, most significantly in areas where there are problems obtaining anything outside government-sourced information. By securing authoritative information on the ground, these missions provide valuable back-up to allegations raised by local human rights organisations. After the fact-finding team returns from the field, detailed information related to specific problems or incidents as well as information on the overall human rights situation in the area explored is collated and documented in a fact-finding mission report produced by KHRP.

KHRP Trial Observation and Fact-Finding Mission reports are published and disseminated internationally by KHRP (see Project 3). KHRP sends these reports to government policy makers, the United Nations, appropriate European bodies, MEPs, MPs, international NGOs, educational institutions and other concerned groups and individuals. It is KHRP's practice to ask the authors of reports to make report recommendations and to perform the follow-up work of pressing report recipients to support their recommendations.

TRIAL OBSERVATIONS AND FACT-FINDING MISSIONS- PROJECT 2



KHRP Trial Observation and Fact-Finding Missions in 2001 included:

Fact-Finding Mission/Trial Observation - Diyarbakir, Turkey - April 2001

A delegation of lawyers representing KHRP travelled to Diyarbakir in Southeast Turkey in April 2001 to observe the trial of a group of 13 children charged in the State Security Court (DGM). The delegation comprised Angela Gaff, a specialist in international child rights and practitioner in children's cases in UK courts, and Dr Mary Hughes, a barrister and a specialist in child law.

The children, aged between 11 and 17, had been arrested in January 2001 following a demonstration in the Kurdish town of Viranshir. They were initially held and questioned without the presence of lawyers, and some said they had been ill-treated and deprived of food, questioned in Turkish and forced to sign confessions even though some of them only spoke Kurdish. All of the children were detained in jail - some for just over a week, others for 5 weeks. The children were released and charged, accused of supporting an illegal organisation, participating in an unauthorised demonstration to protest changes in prison regulations, and shouting slogans in support of the PKK (Kurdistan Workers' Party).

The hearing, one of a series that has taken place in the case, was adjourned in order for those children under 15 to be examined by a doctor to establish whether or not they understood the nature of the offences and, therefore, were competent to stand trial.

The arrest, ill-treatment and prosecution of children is not unusual in Southeast Turkey, as statistics compiled by the Diyarbakir Bar Association show that between 1989 and 1997, 654 children between the ages of 11 and 17 were

tried and sentenced in the Diyarbakir State Security Courts alone.

'The Viranshir Children: The Trial of 13 Kurdish Children in the Diyarbakir State Security Court', a full report on the trial observation including an analysis of relevant international human rights standards, is available at KHRP.

Fact-Finding Mission/Trial Observation - Istanbul and Ankara, Turkey - May 2001

Between 5 - 11 May 2001, KHRP, in conjunction with three fellow international NGOs, sent a fact-finding and trial observation mission to Istanbul and Ankara to investigate the urgent crisis surrounding the opening of "F-Type" prisons in Turkey and the ensuing repression of human rights defenders who have tried to serve as peaceful mediators in this ongoing emergency situation.

Beginning in October 2000, over 1,000 political prisoners started hunger strikes in protest against the Turkish Government's decision to move political prisoners from the country's traditional "dormitory-style" prisons into the 1-person and 3-person cells which characterise the new



KHRP Trial Observation and Fact-Finding Mission on the "F-Type" prison crisis in Turkey visiting the Contemporary Journalists Association in Ankara.

PROJECT 2 - TRIAL OBSERVATIONS AND FACT-FINDING MISSIONS

"F-type" prisons. Despite promises from the Justice Minister in early December 2000 that no prisoners would be transferred until Turkey's Anti-Terrorism Law was amended to protect against isolation, on 19 December 2000, the State implemented its "Return to Life" military operation in 22 prisons across Turkey to force the transfer of more than 1,000 prisoners. This bloody four-day operation left 30 prisoners and 2 soldiers dead, but failed to end the prisoners' protest. Many of the hunger strikers in prison along with supporters and family members outside turned their limited hunger strikes into "death fasts". To date, close to 50 death fasters - all young people between the ages of 19 and 45 - have died. Despite their attempts to help mediate between authorities and prisoners, human rights groups and independent professional associations have suffered repeated repression by the State, including office raids, temporary closures and indictments for "support of illegal organisations".

The observer mission, comprising KHRP Public Relations Officer Sally Eberhardt and representatives from the Euro-Mediterranean Human Rights Network, the World Organisation Against Torture (OMCT) and the Tunisian League for Human Rights, interviewed a wide range of NGOs and individuals involved in the crisis including: relatives of death fasters; a political prisoner from the Bayrampasa Prison who lived through the "Return to Life" operation; Ali Suat Ertosun, the Ministry of Justice's Director General of Prisons; the Medical Association of Turkey; and other independent legal and human rights organisations.

The mission also observed a trial hearing against the Human Rights Association of Turkey (IHD) at the State Security Court in Ankara. At the hearing, the defence counsel argued that the case should be dropped as the IHD's interest in the prison crisis and criticism of the Government's prison policy follows from their official mandate

to monitor the human rights situation in Turkey. The defence further argued that as the Committee for the Prevention of Torture (CPT) criticised the Government's actions since December 2000, so too does IHD have the moral and legal right to criticise Government actions which result in human rights violations. The trial was postponed on 7 May and has continued to be postponed.

A full report from the Prison Observer Mission, including information about new cases brought against human rights defenders in the crisis and updates on the death fasters, was published in October 2001.

Fact-Finding Mission/Trial Observation - Istanbul, Turkey - June 2001

In June 2001, a KHRP delegation travelled to Istanbul to observe the trial of five women charged under Article 312 (2) of the Turkish Penal Code and Article 8 (1) of the Anti-Terror Law before the State Security Court (DGM). The delegation included human rights lawyer and international advocate of women rights Margaret Owen and KHRP Projects Officer Tina Devadasan.



Rape in Custody Trial Observation and Fact-Finding Mission in Istanbul following the trial of defendants Nahide Kılıc and Zeynep Ovayolu (third and fourth from right).

The charges against the five women indicted stemmed from a June 2000 assembly in Istanbul entitled "Against Sexual Violence in Custody" which was organised by several NGOs to address the violence perpetrated by State officials against women in custody. Participants of the assembly including NGO representatives and lawyers working against sexual violence, and the victims themselves, addressed the assembly giving personal testimony of their experiences. This resulted in two State investigations against 19 of the speakers, culminating in charges being brought against five women speakers before the State Security Court.

What the five defendants had in common in their speeches, it appeared, was the use of terms such as 'Kurdish women' and 'Kurdish regions'. It was alleged, therefore, that these women had expressed "propaganda against the State's indivisibility" and had openly "incited people to enmity and hatred by pointing to class, racial, religious, confessional or regional differences". These are serious offences under Turkish law and the defendants face the prospect of up to six years imprisonment.

The KHRP delegation interviewed the Chief Public Prosecutor, medical experts and representatives from a wide number of women's organisations, human rights groups and legal organisations.

A full report detailing the mission's findings was published in December 2001.

Fact-Finding Missions- Southeast, Turkey - July 2001 and September 2001

In July 2001 and September 2001, KHRP, in conjunction with the Ilisu Dam Campaign, sent two fact-finding missions to the area of the proposed Ilisu Dam in Southeast Turkey. In addition to threatening grave human rights abuses in the region, the Ilisu Dam also stands

poised to trigger serious environmental destruction, the loss of 10,000 years of archaeology and cultural history situated in the ancient town of Hasankeyf, and the increased potential for regional conflict with Syria and Iraq over water rights.

These two missions followed on two previous KHRP fact-finding missions to the region in September 1999 and October 2000. Over the past two years, KHRP has continued to work closely with campaigners from around the world to highlight the human rights issues surrounding the Ilisu Dam. Because of our strong links to groups on the ground in Turkey campaigning against the Ilisu Dam, KHRP has been responsible for organising missions to Southeast Turkey for international fact-finding delegations. In addition to gathering critical new information and updates from the region, these missions have also provided support to human rights activists and environmental groups in Turkey who have bravely continued to fight against the construction of the Ilisu dam despite ongoing State intimidation and harassment. Like the two



10,000 years of human history threatened: The ancient town of Hasankeyf in the Kurdish region of Southeast Turkey would be flooded if the Ilisu Dam were built.

PROJECT 2 - TRIAL OBSERVATIONS AND FACT-FINDING MISSIONS

previous fact-finding missions to the region, both of these 2001 missions were followed by State security police.

The July 2001 Mission was mandated to further explore the threat of forced displacement posed by the dam, the impact of the dam on the cultural heritage of the Kurdish people, and the potential impact on women's lives as a group that stands to lose out in particularly harsh ways should the dam be built. The mission met with a wide range of community groups in both Diyarbakir and Istanbul that work with displaced peoples, legal and human rights groups, Kurdish cultural heritage groups, local archaeologists, and with villagers who stand to lose their homes.

The September 2001 fact-finding mission to the region comprising KHRP Deputy Director Fiona McKay and UK barrister Fiona Darroch was used not only to gather updates on the situation but also as an opportunity to secure evidence for a potential judicial review in case the UK government were to provide financial backing for the dam's construction. The two lawyers were able to meet with potentially affected villagers, take testimonies and discuss the practicalities of a legal case in Britain. With the November 2001 withdrawal of the UK construction company Balfour Beatty from the Ilisu project, such financial backing is now no longer being considered by the UK government. However, KHRP will continue monitoring the situation since other governments are still considering providing export credit guarantees for the Ilisu Dam and we have already made plans to extend the scope of our work on large-scale infrastructure projects which threaten Kurds and other minority groups.

Findings from the July 2001 mission contributed significantly to the 200-page analysis of the Ilisu Dam Environmental Impact Assessment (EIA) which KHRP co-authored with fellow Ilisu Dam Campaign members from the UK and Europe. This analysis was published in September 2001 and was sent to Balfour Beatty and the

company's major investors as well as to the UK government's Export Credit Guarantee Department (ECGD) and members of the relevant UK government Select Committees. In their Ilisu withdrawal statement, Balfour Beatty conceded the same points made in KHRP and the Ilisu Dam Campaign's analysis and admitted that the project failed to meet EIA conditions.

Fact-Finding Mission - Baku, Azerbaijan - December 2001

KHRP Executive Director Kerim Yildiz, along with fellow Ilisu Dam Campaign members Nicholas Hildyard from the UK environmental group the Corner House, and Antonio Tricarico from the Italian campaigning group "An Eye on SACE", travelled to Baku, Azerbaijan as part of an exploratory fact-finding mission on the Baku-Tblisi-Ceyhan oil pipeline - a major multi-billion dollar project which is planned to run oil and gas from the Caucasus through Turkey to the Mediterranean Sea. Similar to the human rights abuses threatened by the Ilisu Dam in Turkey, this project too looks poised to violate the human rights of the Kurds and other minority groups not just in Turkey but in Azerbaijan and Georgia as well. Among the many problems associated with large-scale pipelines are issues relating to improper consultation with local peoples, destruction of land, and inadequate compensation. Another urgent danger is posed by the militarisation of the pipeline's corridor which, in the instance of Columbia for example, has proven to heighten tensions and conflicts in sensitive regions. The Baku-Tblisi-Ceyhan pipeline, planned to run through large sections of the Kurdish areas of Turkey, thereby poses the threat of an increased Turkish military presence in areas which still suffer widespread human rights abuses at the hands of the State.

The fact-finding delegation met with a wide range of environmental, human rights and development NGOs and was able to make strong

TRIAL OBSERVATIONS AND FACT-FINDING MISSIONS- PROJECT 2

links with groups on the ground in Azerbaijan as well as Georgia who have been working on the pipeline issue. Joint work with these groups will play a vital work in future campaigning.

A preliminary report on the mission's findings was issued upon the delegation's return in December 2001. Using the information from this report, planning has already begun for a follow-up mission to all three countries - Turkey, Azerbaijan and Georgia - envisaged for spring 2002.



KHRP Executive Director Kerim Yildiz (second from left) in Azerbaijan with fellow fact-finding mission members Nicholas Hildyard (centre) and Antonio Tricarico (second from right) and members of Azerbaijan National Committee of the Helsinki Citizens' Assembly.

Institut kurde de Paris

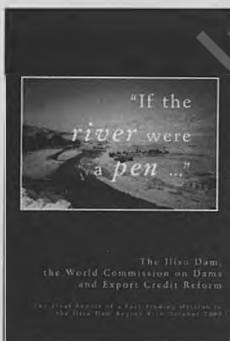


**Project 3:
Research and Publications**



Reliable and authoritative research is essential to the monitoring of human rights. Such research is especially crucial in the Kurdish regions where sound information is frequently hard to secure. The general lack of reliable information from the Kurdish regions has made KHRP's thorough and meticulous research all the more vital as we have continued to uncover crucial facts and information on the key issues affecting the Kurds for the purpose of education, awareness raising and advocacy.

KHRP's Research and Publications project is a fundamental part of our continuing efforts to publicise accurate information on the human rights situation in the Kurdish regions. Our internationally respected publications, which detail our research findings and litigation work, have continued to provide policy makers, academics, journalists, governments, NGOs, lawyers, students and members of the general public with timely, concise and objective reports on the current human rights situation of the Kurds and other minorities in the Kurdish regions.



"If the River were a Pen..." - The Ilisu Dam, the World Commission on Dams and Export Credit Reform by Sally Eberhardt (Kurdish Human Rights Project - UK), Nicholas Hildyard (The Corner House - UK), Antonio Tricarico (Campaign An Eye on

Sace - Italy), Heike Drillisch (World Economy, Ecology and Development - Germany) and Doug Norlen (Pacific Environment Research Centre - US)

Following KHRP's first publication on the Ilisu Dam in November 1999, momentum behind the international campaign to stop the dam's grew rapidly. In March 2001, KHRP, in a joint effort with the Corner House (UK), Campaign An Eye

on Sace (Italy), World Economy, Ecology and Development (Germany) and the Pacific Environment Research Center (US) produced this report which offered new information gathered during an international fact-finding mission organised by KHRP to the region of the Ilisu Dam in the autumn of 2000. This report incorporates in-depth background information on the Ilisu project including the latest information on the international Export Credit Agencies (ECAs) and construction companies involved in Ilisu and a full analysis of Ilisu's glaring failures in relation to evolving international best practice and the World Commission on Dams' new guidelines.

As this report makes clear, the environmental and human rights conditions set up by the ECAs in order for them to approve Ilisu funding have yet to be met by Turkey and the prospects that they will be met in the future is remote. Whilst the social, political and economic rights of the Kurdish majority in the region remain repressed, the report concludes there can be no confidence that the Turkish authorities will abide by international conditions. Serious concerns also exist over the capacity and will of the ECAs themselves to monitor and ensure Turkey's compliance with established standards. The conditions currently set by the governments involved in Ilisu's funding require only paper commitments which are meaningless in the context of the reality on the ground in Turkey - one of human rights abuses, repression and intimidation. Indeed, even if met, the ECAs conditions leave many key concerns (particularly those relating to transparency and human rights) unaddressed and would fail to bring the Ilisu project up to evolving international best practice. A range of corporate governance failures on part of the ECAs are identified in the report as the ad hoc approach to standard-setting which has characterised Ilisu is shown to epitomise the inherent weaknesses of the "benchmarking" approach now being canvassed by the OECD's Working Group on Export Credits.

Published March 2001.



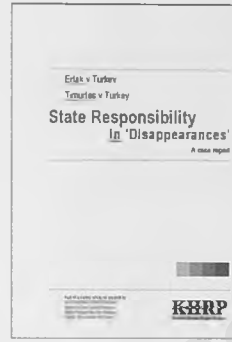
Kaya v Turkey & Kiliç v Turkey: Failure to Protect Victims at Risk - A KHRP Case Report

In 1993 the body of Hasan Kaya, a doctor practising in Elazig, was found under a bridge near Tunceli. He had been shot through the

head. In the same year, Kemal Kiliç, a journalist with the *Özgür Gündem* newspaper in Sanliurfa, was shot dead by four men on his way home from work.

The *Kaya v Turkey* and *Kiliç v Turkey* case report offers an account of the legal proceedings at the European Court of Human Rights in both of these cases, as well as the summaries of the arguments raised by both parties and analyses of the rights at issue and the findings of both the European Commission and the European Court, including the Court's July 2000 judgments handed down in each case. Both cases involved the right to life as protected by Article 2 of the European Convention on Human Rights and in both cases, the Court found that the right to life included positive obligations on the part of the State to protect such a right and to conduct an effective and thorough investigation into the circumstances of killings associated with the security forces and the gendarmerie. In each of the cases, the Court found Turkey in violation of both obligations. In the case of *Mahmut Kaya*, the Court also found that the victim, Hasan Kaya, had suffered inhuman and degrading treatment prior to his death, in violation of Article 3 (prohibition of torture) of the Convention.

Published June 2001.



Ertak v Turkey & Timurtas v Turkey: State Responsibility in 'Disappearances' - A KHRP Case Report

This case report highlights the problem of 'disappearances' which have been prevalent in Southeast Turkey since 1984 when

armed conflict between the Turkish security forces and the PKK (Kurdistan Workers' Party) began. In both of the case of *Timurtas v Turkey* and *Ertak v Turkey*, young Kurdish men were taken into custody and never seen again by their relatives, despite persistent family inquiries to the Turkish authorities. As this case report makes clear, the State of Emergency first declared in 1987 has continued to remain in place in four southeastern provinces, together with a system of State Security Courts, and the brutal violations of human rights such as 'disappearances', torture and killings connected to military rule in the region still continue today.

Published June 2001.



Özgür Gündem Davası - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü

In collaboration with Çagdas Gazeteciler Derneği (the Contemporary Journalists Association of Turkey),

KHRP produced this two-volume Turkish language translation of the KHRP December 2000 Case Report, *Özgür Gündem v Turkey: Violations of Freedom of Expression*. The case of *Özgür Gündem* was brought by KHRP to the European Court of Human Rights on behalf of

a pro-Kurdish newspaper which had suffered an unremitting campaign of intimidation in the early and mid-1990s. The European Court of Human Rights, in its judgment of 16 March 2000, held that the Turkish Government had violated the applicants' right to freedom of expression. The case highlights the problem of media repression in Turkey and demonstrates the extreme measures which the Turkish Government has taken to ensure that the freedom to impart and receive information is severely restricted. Those associated with *Özgür Gündem* were subject to brutal human rights violations including physical attacks and threats, and to legal proceedings which resulted in proceedings, seizures of documents and finally the closing down of the newspaper. This case report provides a description of the legal proceedings, a summary of the arguments raised by both parties and analyses of the rights at issue and the findings of the Commission and the Court.

Published July 2001.



Akduvar davası: Bir dönüm noktası - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü

With the generous support of KIOS - The Finnish NGO Foundation for Human Rights,

KHRP, in collaboration with Çağdas Gazeteciler Derneği (the Contemporary Journalists Association of Turkey), produced this Turkish language translation of the October 1996 KHRP Case Report, *Akduvar v Turkey: The Story of Kurdish Villagers Seeking Justice in Europe*. The Akduvar case (also listed by the European Court as *Akduvar v Turkey*) was the first case KHRP brought to the European Court and still stands

as a landmark case in the fight for human rights in Turkey.

In late December 1992, KHRP received a letter from Turkey. Inside was a short hand-written letter describing what had happened to the eight applicants in the Akduvar case when their village of Kelekci was destroyed by Turkish soldiers. In their letter, the eight men said that they had been wronged and they asked KHRP for help. Four years later, in September 1996, the European Court agreed with these men and found that Turkey had violated their human rights by burning down their houses and their possessions and by further attempting to prevent them from seeking redress.

For human rights lawyers on the ground in Turkey - especially those who cannot read the two official languages of the European Court, English and French - this new case report in Turkish will provide an invaluable resource for litigation work. Along with translations of the European Commission's admissibility decision, its Report, and the judgment of the European Court, the new report also offers an introduction to the case, including background information on the applicants.

Published July 2001.



Twenty-two-year old Zehra Kulaksiz, who died on 29 June 2001 as a result of her death fast in protest against Turkey's new "F-Type" prisons. (Photo courtesy of IHD.)



The F-Type Prison Crisis and the Repression of Human Rights Defenders in Turkey

Between 5 - 11 May 2001, the Kurdish Human Rights Project, in conjunction with the Euro-Mediterranean

Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT) and the Tunisian League for Human Rights (LTDH), sent a fact-finding mission to Istanbul and Ankara to investigate both the events of the December 2000 "Return to Life" military operation inside 20 Turkish prisons in which 30 prisoners and two prison gendarmes were killed and also the ensuing repression of human rights defenders in the context of Turkey's on-going "F-type" prison crisis. The December 2002 operation aimed to enforce the transfer of over a thousand prisoners into Turkey's newly-constructed "F-type" prisons and to also halt the widespread hunger strikes and "death fasts" of political prisoners who had been protesting since October 2000 against both the conditions of their detention and the introduction of 1- and 3-person isolation cells which characterise the "F-type" prisons. The fact-finding mission also observed the 7 May 2001 hearing at the State Security Court in Ankara in a case against the headquarters of the Human Rights Association of Turkey (IHD) for their work surrounding the prison crisis.

Produced in collaboration with the EMHRN and the OMCT, this report lays out the findings of the fact-finding mission and includes a detailed list of urgent recommendations in this crisis. The report condemns the lack of effective political solutions applied by the Turkish authorities and the on-going impunity enjoyed by perpetrators of torture and ill-treatment of prisoners during the military raids into Turkish prisons in December 2000. It also details the

ongoing repression and harassment of human rights defenders, NGOs and lawyers involved in the crisis and analyses the issues surrounding freedom of association under threat.

Published October 2001.



"Su nehir bir dolmakalem olaydi..." - Ilisu Baraji, Uluslararası Kampanyasi ve Barajlar ve Dünya Komisyonu Değerlendirmeleri Işığında Hazırlanan Bir Rapor

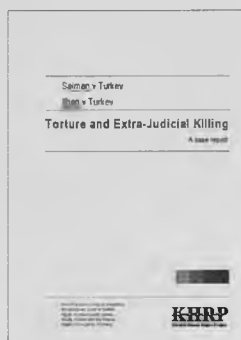
In response to the growing need for in-depth campaign materials in the Turkish language from the Ilisu Dam Campaign, KHRP in collaboration with the Ilisu Dam Campaign translated and published this translation of the March 2001 KHRP joint report *"If the river were a pen'- The Ilisu Dam, the World Commission on Dams and Export Credit Reform* (see description above).

Following on the recent victory of the Ilisu Dam Campaign with the withdrawal of the construction companies Balfour Beatty (US/UK) and Impregilo (Italy), this report now serves as critical reading for Turkish-speaking campaigners who hope to work on future campaigns against similar Export Credit Agency-backed projects that violate environmental and human rights standards. For campaigners in Turkey, this report should prove an essential tool in battles to come.

Published October 2001.



Nahide Kilic and Zeynep Owayolu, two of the defendants in the 27 June 2001 hearing against five women who had participated in the June 2000 conference 'Against Sexual Violence in Custody'.



Salman v Turkey and Ilhan v Turkey: Torture and Extra-Judicial Killing

This case report focuses on two cases of torture and extra-judicial killing, *Salman v Turkey* and *Ilhan v Turkey*.

The *Behiye Salman v Turkey* case, first submitted to the European Court in 1993, concerns the death of the applicant's husband, Agit Salman, in Adana, Southeast Turkey, in April 1992 following his arrest by the Adana Security Directorate. Twenty-four hours after he was taken into custody, Agit Salman was brought to the Adana State Hospital where he was declared dead on arrival. His body showed obvious signs of torture, including bruising, swelling and a broken sternum. In its 27 June 2000 judgment, the Court declared that the Government's claims that Agit Salman had died from a heart attack were not in keeping with the evidence taken from the autopsy and Turkey was found in violation of Article 2 (right to life), Article 3 (prohibition of torture) and Article 13 (right to an effective remedy) of the European Convention. The Court censured the Turkish State not only for its failure to conduct a proper investigation into Agit Salman's death, but also for its failure to provide a satisfactory and convincing explanation of his death whilst in custody.

The *Nasir Ilhan v Turkey* case concerns the ill-treatment suffered by the applicant's brother, Abdullatif Ilhan, in Aytepe village, Mardin province, Southeast Turkey in December 1992 when he was beaten by soldiers who kicked him and hit him on the side of his head with a rifle butt. Abdullatif lost consciousness and was put into a stream to be revived. The temperature was freezing and he subsequently had difficulty walking. After two days, Mr. Ilhan was taken to hospital. In February 1993, Abdullatif Ilhan

was then prosecuted for resisting arrest. The people responsible for injuring him were not prosecuted. As a result of his injuries, Abdullatif Ilhan still suffers from physical infirmity today. The applicant therefore complained on his brother's behalf to the European Commission in June 1993. In its 27 June 2000 judgment, the European Court found Turkey in violation of Article 3 (prohibition of torture) and Article 13 (right to an effective remedy) of the European Convention.

Published December 2001.



Sexual Violence Against Women In Turkey and Attacks on Human Rights Defenders of Victims of Sexual Violence in Custody

Between 27 and 30 June 2001, KHRP sent a delegation to Istanbul to observe the trial of five women charged under Article 312(2) of the Turkish Penal Code and Article 8(1) of the Anti-Terror Law before the State Security Court (DGM) for speeches they had made at the June 2000 conference in Turkey 'Against Sexual Violence in Custody' which were deemed to have contained "propaganda against the State's indivisibility". Participants of the June 2000 conference, including NGO representatives and lawyers working against sexual violence, and the victims themselves, had given testimony and had spoken about their experience of sexual violence. Following the conference, the State commenced two investigations against nineteen of the speakers.

This report lays out the findings of the trial observation delegation and includes information taken from the delegation's interviews with the

Chief Public Prosecutor in the case, as well as representatives from several other NGOs including the Human Rights Association of Turkey (IHD), the Peace Mother's Initiative, the Dicle Women's Cultural and Arts Centre, the Working [Toiler] Women's Union (EKB), the Women's Rights Enforcement Centre, the Minority Rights Study Group, the Immigrant's Association for Social Co-operation and Culture (Goc-Der) and the Foundation for Social Jurisprudence Research (TOHAV). What is clear from this report is that sexual violence against Kurdish women is perpetrated by the Turkish State and that, despite its commitments under international conventions and treaties, those who speak up for these women, whether activists, journalists or lawyers, do so at great risk to themselves, as the State continues to make every effort to silence them.

Published December 2001.

KHRP Information Sheets

In 2001, KHRP continued to update and expand the range of KHRP Information Sheets which offer information about significant international human rights and legal issues relevant to the Kurds, specifics about KHRP's work and detailed information on the Kurdish regions, including contact details for key NGOs and human rights groups working both on the ground in the Kurdish areas and internationally. These Information Sheets were originally created in response to the overwhelming number of information requests received by KHRP and are intended to provide concise and easily-accessible information for those with specific queries about the human rights situations in the Kurdish regions and the work of KHRP.

The following Information Sheets are currently available from KHRP:

- *'Decisions against Turkey before the European Court of Human Rights'*
(Information Sheet 1)
- *'United Nations: Overview of the UN Human Rights mechanisms and how to use them'*
(Information Sheet 2)
- *'Website contact addresses'*
(Information Sheet 3)
- *'The State of Emergency in Southeast Turkey'*
(Information Sheet 11)
- *'Ecological and Environmental issues affecting people living in the Kurdish Regions of Turkey'*
(Information Sheet 12)
- *'An Overview of Kurdish History'*
(Information Sheet 15)
- *'Organisations working on the Kurdish issue (UK)'*
(Information Sheet 18)
- *'Decisions on Admissibility in KHRP cases'*
(Information Sheet 19)
- *'A History of the Kurds of Turkey'*
(Information Sheet 20)
- *'Turkey - Organisations'*
(Information Sheet 21)
- *'Iraq - Organisations and Political Parties'*
(Information Sheet 22)
- *'Contacts in Armenia'*
(Information Sheet 26)
- *'Contacts in Azerbaijan'*
(Information Sheet 27)

Selected Publications by KHRP Staff In 2001

- In February 2001, KHRP Legal Director Philip Leach's new book, *Taking a Case to the European Court of Human Rights*, was published by Blackstone Press as part of their Human Rights Series. The book provides a practical guide on taking cases to the European Court of Human Rights and offers an overview of the European Convention system and its main institutions, combined with a detailed explanation of the practice and procedure of the European Court. Also included is an analysis of the underlying principles of Convention law, and a consideration of its application in a review of the case law of the Court.
- KHRP Executive Director Kerim Yildiz and KHRP Legal Intern Derya Bayir co-authored the article "Devletler Yargılanmaktan Kurtuluyor mu" ("Proposed Reforms to the European Court of Human Rights") for a new legal journal in Turkey, *Toplum & Hukuk (Society & Law)*, published by the Turkish NGO, TOHAV (The Foundation for Social and Legal Studies) in their inaugural Autumn 2001 issue.
- KHRP Legal Director Philip Leach continued to produce his on-going article series, "Recent developments in European Convention law" in the January 2001 and July 2001 issues of the UK legal journal, *Legal Action*, published by the Legal Action group.



**Project 4:
Public Awareness**

KHRP's Public Awareness, Education and Communication initiatives serve the all-important role of ensuring that essential information about both the human rights situation in the Kurdish region and KHRP's work is disseminated to the widest possible audience. Through these initiatives, KHRP is able to keep policy makers, governments, international bodies, academics, relevant professional bodies, fellow NGOs and the general public regularly updated about our work and key issues regarding Kurdish rights.



Honorary President of the Human Rights Association of Turkey Akin Birdal (centre) at KHRP's office with KHRP Deputy Director Fiona McKay and KHRP Legal Director Philip Leach in January 2001.

A crucial part of this work entails KHRP's active participation in international and national conferences and seminars, such as the Human Dimension meetings of the Organisation for Security and Co-operation in Europe (OSCE). KHRP is also regularly invited to speak on the European Convention on Human Rights and its practical implementation at international and national briefings and conferences. These invitations provide us with ideal opportunities to generate interest and concern about the human rights situation in the Kurdish regions as they offer us open public platforms from which we can call attention to human rights violations before a broader audience.

KHRP also works rigorously to continually develop our working relationships with the media. This work includes on-going dialogues with a wide array of media professionals

including international journalists, news broadcasters, documentary filmmakers and on-line media reporters with interests in the Kurdish regions. We also issue press releases and urgent news updates regularly.

Two other key tools in our communication strategy include our website, www.khrp.org, which is consistently updated with our latest news and our newsletter, *Newsline*, which is issued quarterly.

Throughout 2001, KHRP's public profile received a huge boost of support from renowned UK activist-comedian Mark Thomas whose 2001 UK Tour, "Dambusters: Tales of Dissent", focused largely on the Ilisu Dam Campaign and KHRP's human rights work. Mark's tour generated a huge amount of new public interest in the Kurds and provided widespread publicity for the work of KHRP. Mark also generously donated all of the proceeds from the sale of his tour booklet to KHRP.



Ilisu Dam campaigners celebrate on stage with UK comedian Mark Thomas on 14 November 2001, the day after the lead construction company on the Ilisu project announced its withdrawal.

The year 2001 also marked the first ever Kurdish film festival which was organised with the assistance of KHRP. Held in London between 9-15 November 2001, this festival helped bring the world of Kurdish film and the work of KHRP to a new mainstream audience.

Press work

Among the many international journalists, news broadcasters, filmmakers and other members of the media KHRP met with in 2001, key interviews were held with:

- Associated Press (AP) (USA)
- BBC Channel 4 Digital
- BBC News 24
- BBC Radio 4 Today Programme
- BBC Radio 5 Live
- BBC Radio Scotland
- BBC Radio Wales
- BBC Turkish Service
- BBC World at One
- BBC World Service
- BBC World Today Programme
- Channel 4 News
- CNN
- The Daily Telegraph
- The Financial Times
- The Guardian
- Hurriyet (Turkey)
- The Independent
- IPS (Interpress Service)
- ITV News Network
- Medya TV
- Milliyet (Turkey)
- Network of the World Television (Australia and Asia)
- OneWorld.Net
- Özgür Politika (Germany)
- Radio Popolare (Italy)
- Red Pepper Magazine
- Sky News Television
- The Times
- Turkish Daily News (Turkey)
- United Press International (UPI) (USA)
- Voice of America Radio - Kurdish Service



The Contemporary Journalists Association of Turkey at KHRP's offices in July 2001 (left to right): Can Dundar, KHRP Deputy Director Fiona McKay, Vedat Cuhadar, and KHRP Executive Director Kerim Yildiz.

PARTICIPATION AT EVENTS

Throughout 2001, KHRP participated in a wide range of international conferences, seminars, public lectures and special events. The following are some of the conferences at which KHRP made presentations:

- OSCE (Organisation for Security and Co-operation in Europe) Annual Implementation Meeting on Human Dimension Issues in Warsaw, Poland
- "Equal Access to Justice" conference in Uppsala, Sweden, sponsored by the European Commission and the governments of Denmark, Finland and Sweden
- "International Courts and Tribunals for Practitioners from the Middle East, Central Asia and the Caucasus" seminar in Tehran, Iran sponsored by the Project for International Courts and Tribunals (PICT) and the UN



KHRP Deputy Director Fiona McKay in Iran to present at a training seminar on international courts sponsored by the UN and the Project for International Courts and Tribunals, May 2001.

- "Definition of Torture" seminar in Geneva, Switzerland organised by the Association for the Prevention of Torture (APT)
- "The Public Eye on Davos" NGO forum organised by the Berne Declaration to run parallel with the Annual Meeting of the World Economic Forum in Davos, Switzerland
- Judicial training seminars on Article 5 and Article 6 of the European Convention on

Human Rights organised by the Council of Europe and the OSCE (Organisation for Security and Co-operation in Europe) in Brezovica, Kosovo

- Conference on "Strengthening the Strategies of the Human Rights Movement in the Middle East", organised by the Euro-Mediterranean Human Rights Network in Brussels, Belgium
- Parliamentary meeting on "Kurds and the Turkish Crisis" at the House of Commons, London
- International Federation of Human Rights (FIDH) Middle East and North Africa Regional Seminar in Casablanca, Morocco
- Seminar in Belgrade, Yugoslavia on "The Introduction of the European Convention on Human Rights into Domestic Legal Practices in Croatian Property Cases" organised by the Council of Europe and the OSCE (Organisation for Security and Co-operation in Europe)
- Annual Conference of the Liberal Democrat Party (UK) in Torquay, England
- World Organisation Against Torture (OMCT) panel on "The Rights of People" at the United Nations in Geneva, Switzerland
- Workshops for the University of Nottingham Human Rights Law Centre "Assistance to the Independent Monitoring of Human Rights: Russia" project held in Belfast, Northern Ireland
- "Moving Forwards with Indigenous Peoples into the 21st Century: Dams and Vanishing Worlds" public lecture series at University College London



KHRP Legal Director Philip Leach (second from right) in Belgrade presenting at a seminar on the European Convention organised by the Council of Europe and the OSCE, October 2001.

KHRP PRESS RELEASES IN 2001...

...on KHRP's European Court Litigation Work

"European Court declares Turkey guilty of intimidation, inhuman treatment and failure to protect in village destruction case" (31/01/01)

"Justice delivered for Kurdish mother of 'disappeared children - Turkey held responsible by European Court and fined £70,000" (28/02/01)

"European Court holds Turkey responsible for Kurdish Youth's fall from balcony" (01/03/01)

"European Court orders Turkey to pay £78,000 for death in custody of Kurdish man" (10/04/01)

"Unprecedented European Court ruling condemns Turkey for prosecuting human rights lawyer in 'disappearances' case" (23/05/01)

"European Court orders Turkey to pay over £1/2 million pounds to Kurdish victims' families" (04/06/01)

"Turkey to pay a total of £150,000 in right to life case and village destruction and 'disappearance' case" (10/07/01)

....on Human Rights and Kurdish Issues

"KHRP and Euro-Mediterranean observer mission reports on the F-type prison crisis in Turkey and the repression of human rights defenders" (31/05/01)

"After seven years, Leyla Zana and fellow imprisoned Kurdish MPs receive justice from European Court of Human Rights" (17/07/01)

"New report published on the F-type prison crisis in Turkey and the repression of human rights defenders" (19/10/01)

"First Annual Kurdish Film Festival - 9-15 November 2001, London" (02/11/01)

....on the Ilisu Dam

"Balfour Beatty challenged over Ilisu Dam - International Day of Action on Dams" (13/03/01)

"Ilisu Dam and Export Credit Reform - A New Report by KHRP and Fellow Campaigners" (20/03/01)

"UK Government publishes Ilisu Dam report" (03/07/01)

"Support for Ilisu Dam could breach Human Rights say campaigners" (03/10/01)

"Balfour Beatty withdraws support for the Ilisu Dam project" (13/11/01)

OTHER PUBLIC AWARENESS INITIATIVES IN 2001

The Ilisu Dam Campaign

Since 1999, KHRP has worked diligently to research, document and publicise the full extent of the disastrous human rights, environmental and cultural impacts of the proposed Ilisu dam in Southeast Turkey. In addition to threatening the lives and livelihoods of close to 80,000 people - the vast majority of whom are Kurds - in the region, the Ilisu project also stands poised to wreck serious environmental destruction and to violate a wide array of local peoples basic rights including the right of proper consultation. The Ilisu dam also offers the possibility of heightened risk of "water wars" with downstream countries Syria and Iraq as well as the loss of more than 10,000 years of history cradled in the ancient town of Hasankeyf - a world-class archaeological treasure - which would be entirely flooded by the dam's construction.

longer has the financial support of the UK, US and Italian governments thereby making it unlikely that the £1.8 billion project will go ahead. Two months before this withdrawal, KHRP along with six fellow NGOs from the UK and Europe, had produced a thorough 200-page analysis of the Environmental Impact Assessment Report (EIAR) on Ilisu which was sent to Balfour Beatty and the company's major investors as well as to the UK government's Export Credit Guarantee Department (ECGD) and members of the relevant UK government Select Committees. In their Ilisu withdrawal statement, Balfour Beatty conceded the same points made in KHRP and the Ilisu Dam Campaign's analysis and admitted that the project failed to meet EIA conditions.

Given our strong ties with human rights groups and environmental activists on the ground in Turkey, KHRP has taken the key role in organising and leading a series of fact-finding missions to the region of the Ilisu dam over the last two years to research the ongoing situation on the ground. As a member of the Ilisu Dam Campaign's steering group, KHRP has also worked hand-in-hand with fellow campaigners from around the world to focus international attention on the central human rights concerns over the Ilisu dam which include the issues of forced evacuations and internal displacement, the lack of proper consultation with potentially affected people, the continued intimidation of those in the region who attempt to speak out against the dam and the much larger question of overall Kurdish rights in Turkey. Over the course of our two-year campaign, we have managed to generate widespread public interest not only about the specific situation of the Ilisu dam but also about the much wider plight of the Kurdish people.

Despite the victory we have scored in 2001, KHRP and fellow Ilisu Dam Campaigners plan to continue vigilant monitoring of the Ilisu situation. In addition, KHRP plans to expand



The Ilisu Dam Campaign in action, 2001: Kerim Yildiz (centre) with fellow Ilisu Dam campaigners (from left to right) Ilisu Dam Campaign Co-ordinator Kate Geary, Tony Juniper from Friends of the Earth, Turkish journalist Koray Duzgoren, comedian Mark Thomas and Nicholas Hildyard from the Corner House.

Following more than two years of tireless work in the struggle against the dam, KHRP and its partners in the Ilisu Dam Campaign achieved a significant victory on 13 November 2001 as the dam's lead contractor, the UK construction company Balfour Beatty, withdrew from the Ilisu project along with its Italian construction partner, Impregilo. The companies' withdrawal effectively means that the Ilisu project now no

the work that we have done on Ilisu into new monitoring and research regarding other large-scale infrastructure projects that threaten the fundamental human rights of people in the Kurdish regions.



KHRP Executive Director Kerim Yildiz and comedian Mark Thomas speak with the media during a 14 March 2001 Ilisu Dam Campaign press conference held in front of lead contractor Balfour Beatty's headquarters in London.

Newsline - Issues 13 through 16

Now in its fourth year of publication, KHRP's quarterly news bulletin, *Newsline*, continues to offer a solid and informed overview of news and events in the Kurdish regions along with detailed updates on human rights and minority rights in the region. Also included are up-to-date reports on KHRP's work including information about KHRP cases at the European Court of Human Rights and the work of the KHRP Legal Team, reviews of new and upcoming KHRP publications and updates on KHRP's public awareness initiatives. In addition to providing an authoritative and factual record of current events in the Kurdish regions, *Newsline* also highlights

and publicises incidents of human rights violations and the steps taken to counter these violations.

Newsline's circulation grew significantly in 2001 and is currently distributed to nearly a thousand interested groups and individuals worldwide, including governments, inter-governmental institutions, politicians, members of the media, embassies, lawyers, researchers, universities, libraries, academics, students, human rights organisations, community groups and fellow non-governmental organisations (NGOs).

A sample of guest contributors in 2001 included: Jeremy McBride (Reader in Law at the University of Birmingham and the Vice-Chair of Interights) writing about the consequences of the European Court's decision in the KHRP case *Akman v Turkey*; Matthew Happold (Lecturer in Law at the University of Nottingham) reviewing KHRP Legal Director Philip Leach's new book *Taking a Case to the European Court of Human Rights*; and Stanley Griffiths (photojournalist) offering vibrant photos from the Kurdish festival of Newroz in Diyarbakir this March.

KHRP's website: www.khrp.org

Considering the ever-increasing numbers of people who turn to the Internet to receive their news and to research topics that interest them, KHRP's website (www.khrp.org) plays a crucial role in our public awareness strategy. Providing an exceptional level of information in a highly accessible format, the KHRP site has helped contribute both to the circulation of authoritative information on Kurdish human rights issues and to the public's awareness of the Kurdish Human Rights Project. For human rights lawyers, activists, journalists and interested members of the public alike, KHRP's website offers an invaluable source of documentation and information about the Kurdish regions and the work of KHRP.

Through 2001, KHRP continued to update the website regularly with all of our latest press releases, summaries of new KHRP reports and news about our public awareness work. The website also posts information on the full range of KHRP's activities, and the countries in which we are active, and contains a helpful search engine and links section for those eager to find more information on specific issues. As evidenced by the large amount of e-mails we have received from across the world over the course of 2001 requesting further information on KHRP and the specific issues we deal with, the KHRP website appears to remain a consistently useful tool for those interested in Kurdish issues and the work of KHRP.

Towards the end of 2001, KHRP began planning for a Turkish language version of our website. This new translated site will allow us to reach some of our most crucial audience in Turkey who are desperate for access to our materials in Turkish. The launch of our new Turkish language site, which will be accompanied by a new design of our current website as well, is currently set for spring 2002.

KHRP WORKING PARTNERSHIPS

KHRP has extended our work into fruitful collaborations with a number of fellow non-governmental organisations and international organisations throughout 2001. Our partner groups bring new perspectives to our work and help us to develop fresh approaches to what we are doing and creative strategies for future work. These partnerships help us and our partners to pool together our individual strengths in ways that maximise our overall joint effectiveness. Our work with partner groups in 2001 has involved joint work on European Court casework, fact-finding missions and trial observations, seminars and meetings, publications, public awareness activities and collaboration on issues of mutual concern such as the functioning and reform of the European Court of Human Rights.

Working partnerships also help us to increase the scale of our public awareness work, as partner groups work alongside KHRP to disseminate reports from joint missions and projects. Also, by helping to share the total costs of joint projects, partnership groups help to reduce the financial burden on KHRP. Our partnerships with groups in the Kurdish regions in particular have helped us to broaden both the scope and effects of our work on the ground and have helped us speak to a wider audience in the harder-to-reach areas of Kurdish life.

KHRP worked with the following organisations in 2001:

- AIRE (Advice on Individual Rights in Europe) Centre, UK
- Amnesty International
- Bar Human Rights Committee of England and Wales (BHRC), UK
- The Berne Declaration, Switzerland
- Campaign An Eye on SACE, Italy
- Center for International Environmental Law (CIEL), US
- Contemporary Journalists Association (CJA), Turkey
- Contemporary Lawyers Association (CLA), Turkey
- The Corner House, UK

- Environmental Defence, US
- Euro-Mediterranean Human Rights Network, Denmark
- Friends of the Earth
- Helsinki Citizens' Assembly - Azerbaijan National Committee
- Human Rights Association of Turkey (IHD), Turkey
- Human Rights Foundation of Turkey (HRFT), Turkey
- The Ilisu Dam Campaign, UK
- Interights, UK
- The Law Society of England and Wales
- Lawyers for Lawyers, Netherlands
- Liberty, UK
- Mazlum Der (Organisation for Human Rights and Solidarity for Oppressed Peoples), Turkey
- Norwegian Bar Human Rights Committee, Norway
- Pacific Environment Research Centre, US
- Platform, UK
- TOHAV, The Foundation for Social Jurisprudence Research, Turkey
- Urgewald, Germany
- World Economy, Ecology and Development, Germany
- The World Organisation Against Torture (OMCT)
- University of Nottingham Human Rights Law Centre, UK

The casework of KHRP could not continue without the team of lawyers working on the cases in Turkey, Britain, Europe and Norway. In 2001, KHRP worked with lawyers from the Human Rights Association of Turkey (IHD) in Diyarbakir, the Diyarbakir Bar Association, the Istanbul Bar Association, the Izmir Bar Association and other Bar Associations throughout Turkey, the Bar of England and Wales, the Law Society of England and Wales, the Human Rights Department at the University of Essex and the Norwegian Bar Association.

KHRP FUNDERS

Among those organisations who provided support for KHRP in 2001 were:

- ACAT Suisse-Action des Chretiens pour l'Abolition de la Torture (Switzerland)
- Avenue Charitable Trust (UK)
- Bishop's Subcommission for Misereor (Germany)
- The Bromley Trust (UK)
- William Adlington Cadbury Trust (UK)
- Center for International Environmental Law (US)
- Community Fund (Lottery) (UK)
- The Co-operative Bank (UK)
- Diakonisches Werk of the Evangelical Church (Germany)
- Environmental Defence Fund (US)
- Finnish Ministry of Foreign Affairs (Finland)
- The John Merck Fund (US)
- KIOS - The Finnish NGO Foundation for Human Rights (Finland)
- Netherlands Ministry of Foreign Affairs (Netherlands)
- Royal Netherlands Embassy, Ankara (Netherlands)
- The Ruben and Elisabeth Rausing Trust (UK)
- Stichting Advocaten Voor Advocaten, Lawyers for Lawyers (Netherlands)
- Stichting Cizira Botan (Netherlands)
- Two Garden Court Chambers (UK)
- UNISON (UK)
- UN Voluntary Fund for Victims of Torture
- World Organisation Against Torture (Switzerland)

In addition, KHRP has received funding from a number of private institutions and individuals. We have also received financial support from organisations that 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.

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Lord Avebury

Executive Director

Kerim Yildiz

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Fiona Ripley (Solicitor)

Catherine Seville (Lecturer)

Colin Wells (Barrister)

THE STRUCTURE OF KHRP

KHRP Staff

During 2001, KHRP welcomed several new staff members, in addition to a large number of volunteers, legal interns (see Project 1) and freelance workers.

Kerim Yildiz
Executive Director

Fiona McKay
Deputy Director

Philip Leach
Legal Director

Valentina Devadasan
Projects Officer

Sally Eberhardt
Public Relations Officer

Andrew Penny
Translator

Victoria Steward
Assistant Fundraiser

Pinar Ceyhanlilar
Project Secretary

Reyhan Yalçindag
KHRP Legal Consultant in Turkey

THE STRUCTURE OF KHRP

LEGAL TEAM

In Turkey

Emin Aktar
Cihan Aydin
Osman Baydemir
Orhan Kemal Cengiz
Tahir Elci
Osman Ergin
Metin Kilavuz

Nuri Ozmen
Mahmut Sakar
Kenan Sidar
Sezgin Tanrikulu
Sinan Tanrikulu
Reyhane Yalçindag

In the UK

David Anderson QC
Michael Birnbaum QC
Professor Bill Bowring
Professor Kevin Boyle
Louis Charalambous
Louise Christian
Andrew Collender QC
Fiona Darroch
Tim Eicke
Ben Emmerson QC
Joanna Evans
Tony Fisher
Edward Grieves
John Guess
Matthew Happold
Professor Françoise Hampson
Gill Higgins
Murray Hunt
Philip Kirkpatrick

Professor Sheldon Leader
Mark Muller
Caroline Nolan
Mark O'Connor
Tim Otty
Gita Parihar
Gareth Peirce
Rajesh Rai
Paul Richmond
Michael Rollason
Jessica Simor
Keir Starmer
Nicholas Stewart QC
Jemima Stratford
Alice Faure Walker
Colin Wells
Chris Williams

In Norway

Arild Humlen
Jon Rud
Ola Maeland
Øvind Østberg
Knut Rognlien
Judge Rune Voll

THE STRUCTURE OF KHRP

Interns

Derya Bayir
Iris Golden
Mustafa Gundogdu
Rochelle Harris
Andrea Hopkins
Reza Isphani
Clare O'Connell
Amarjit Singh
Rachel Toulson
Panagiota Tsitsa
Cemal Turk
Stephen Vasil

Volunteers

Bilal Adham
Yesim Akkaya
Abdul Aklaque
Anthony Bairstow
Danielle Hallal
Yvan Henner
Yasin Karatekin
Abdul Maki
Sezer Marakli
Manuella Martin
Tomomi Matsuoka
Dhan Miah
Yüksel Özbek
Quang Tran
Oguz Tural



KHRP PUBLICATION LIST

CODE	TITLE	PUBLISHER/DATE	PRICE/ISBN
REPORTS			
2001			
01/J	State Violence Against Women in Turkey and Attacks on Human Rights Defenders of Victims of Sexual Violence in Custody – KHRP Trial Observation Report	KHRP/December 2001	£5.00 ISBN 1900175 41X
01/I	Salman v Turkey and Ilhan v Turkey: Torture and Extra-Judicial Killing - A Case Report	KHRP/December 2001	£10.00 ISBN 1900175 401
01/H	The F-Type Prison Crisis and the Repression of Human Rights Defenders in Turkey	KHRP, Euro-Mediterranean Human Rights Network & World Organisation Against Torture/October 2001	£5.00 ISBN 1900175398
01/G	"Şu nehir bir dolmakalem olaydı..." - Ilisu Barajı, Uluslararası Kampanyası ve Barajlar ve Dünya Komisyonu Değerlendirmeleri Işığında Hazırlanan Bir Rapor (a Turkish translation of KHRP's March 2001 report, "If the river were a pen..." - <i>The Ilisu Dam, the World Commission on Dams and Export Credit Reform</i>)	KHRP and Scala-Bumerang Yayınları/October 2001	ISBN 975830755X <i>Available only in Turkey.</i>
01/F	Akduvar davası: Bir dönüm noktası - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 9757866229 <i>Available only in Turkey.</i>
01/E	Özgür Gündem Davası (2) - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 975866210 <i>Available only in Turkey.</i>
01/D	Özgür Gündem Davası - Avrupa İnsan Hakları Mahkemesi Kararları Işığında İfade Özgürlüğü	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 975866210 <i>Available only in Turkey.</i>
01/C	Kaya v Turkey, Kiliç v Turkey: Failure to Protect Victims at Risk - A Case Report	KHRP/June 2001	£10.00 ISBN 190017538X
01/B	Ertak v Turkey, Timurtaş v Turkey: State Responsibility in 'Disappearances' - A Case Report	KHRP/June 2001	£10.00 ISBN 1900175371
01/A	"If the River were a Pen..."- The Ilisu Dam, the World Commission on Dams and Export Credit Reform	KHRP and the Ilisu Dam Campaign/March 2001	£5.00 ISBN 1900175363

2000			
OO/J	Özgür Gündem v Turkey: Violations of Freedom of Expression - A Case Report	KHRP/December 2000	£10.00 ISBN 1900175355
OO/I	Azərbaycan-Ermenistan: Etnik Azinliklar, İnsan Haklari ve Kürtler [Turkish Version of KHRP's July 2000 report, Azerbaijan and Armenia - An Update on Ethnic Minorities and Human Rights by Deborah Russo and Kerim Yildiz]	KHRP and Scala/December 2000	ISBN 9758535064 <i>Available only in Turkey.</i>
OO/H	Turkey in Europe: Opportunity for Change? -- A discussion and proposals by the Kurdish Human Rights Project regarding an Accession Partnership between Turkey and the European Union by David McDowall (ed. KHRP).	KHRP/November 2000	£2.50
OO/G	Adil bir yargılamanın güvenceleri - Karen Reid Avrupa İnsan Hakları Sözleşmesi Rehberi, Üçüncü Kitap.	KHRP and Scala/October 2000	ISBN 9757132934 <i>Available only in Turkey.</i>
OO/F	Kişinin Özgürlük ve Güvenlik Hakları by Karen Reid (Avrupa İnsan Hakları Sözleşmesi Rehberi, İkinci Kitap)	KHRP and Avesta/July 2000.	ISBN 9757112798 <i>Available only in Turkey.</i>
OO/E	Turkey and the European Convention on Human Rights – A Report on the Litigation Programme of the Kurdish Human Rights Project by Carla Buckley	KHRP/July 2000	£10.00 ISBN 1900175304
OO/D	Azerbaijan and Armenia – An Update on Ethnic Minorities and Human Rights by Deborah Russo and Kerim Yildiz	KHRP/June 2000	£5.00 ISBN 1900175339
OO/C	Tanrikulu v Turkey, Çakıcı v Turkey: Violations of the Right to Life - A Case Report	KHRP/May 2000	£10.00 ISBN 1900175320
OO/B	Avrupa İnsan Hakları Mahkemesi'ne Bireysel Başvuru Hakkı, Karen Reid - Avrupa İnsan Hakları Sözleşmesi Rehberi, Birinci Kitap	KHRP and Avesta/April 2000	ISBN 9757112658 <i>Available only in Turkey.</i>
OO/A	'Peace is Not Difficult - Observing the Trial of Nazmi Gur, Secretary General of the Human Rights Association of Turkey (IHD).	KHRP/April 2000	£5.00 ISBN 1900175312
1999			
99/G	The Ilisu Dam: A Human Rights Disaster in the Making - A report on the implications of the Ilisu Hydro-Electric Project, Southeast Turkey following a fact-finding mission to the region	KHRP/November 1999	£5.00 ISBN 1900175290
99/F	Media, Elections and Freedom of Expression: A Summary Report of International Conference, Istanbul, Turkey 30-31 January 1999	KHRP, and Article 19 (International Centre Against Censorship)	Free
99/E	Kaya v Turkey, Kurt v Turkey: Case Reports	KHRP/January 1999	£10.00 ISBN 1900175215

99/D	Yasa v Turkey and Tekin v Turkey: Torture, Extra-Judicial Killing and Freedom of Expression Turkey: Case Reports	KHRP/April 1999	£10.00 ISBN190017524X
99/C	Intimidation in Turkey	KHRP, BHRC of England and Wales, Howe & Co Solicitors/May 1999	£5.00 ISBN 1900175266
99/B	Policing Human Rights Abuses in Turkey	KHRP and BHRC of England and Wales/May 1999	£5.00 ISBN 1900175258
99/A	Ergi v Turkey, Aytakin v Turkey: Human Rights and Armed Conflict in Turkey – A Case Report	KHRP and medico international/August 1999	£10.00 ISBN 1900175282
1998			
98/H	The Kurds of Syria by David McDowall	KHRP/December 1998	£5.00 ISBN 1900175231
98/G	The Kurds of Azerbaijan and Armenia by Julie Flint	KHRP/December 1998	£5.00 ISBN 1900175223
98/F	Turkiye’de Basın: Once Devlet, Sonra Devlet	CAGAS GAZETECILER DERNEGI, ARTICLE 19 & KHRP/December 1998	<i>Available only in Turkey.</i>
98/E	Gundem v Turkey, Selcuk and Asker: A Case Report	KHRP/October 1998	£10.00 ISBN 1900175207
98/D	Mentes and Others v. Turkey: A KHRP case report on Village Destruction in Turkey	KHRP/September 1998	£10.00 ISBN 1900175169
98/C	Freedom of Association: Law and Practice in Turkey	KHRP/August 1998	£5.00 ISBN 1900175185
98/B	State before Freedom - Media Repression in Turkey	Article 19, the Contemporary Journalist and Association of Turkey and KHRP/July 1999	£5.00 ISBN 1870798791
98/A	Freedom of Thought, Conscience, Religion and Expression. A publication of an English/Turkish handbook of an excerpt from ‘Law and Practice of the European Convention on Human Rights and the European Social Charter’ Article 9 and 10 of the European Convention	KHRP/May 1998	<i>Available only in Turkey.</i>
1997			
97/A	Aksoy v. Turkey & Aydin v. Turkey: Case reports on the practice of torture in Turkey - volume I.	KHRP/December 1997	£5.00 ISBN 190017510X
97/B	Aksoy v. Turkey & Aydin v. Turkey: Case reports on the practice of torture in Turkey - volume II.	KHRP/December 1997	£5.00 190017510X

97/C	The Protection of Human Rights Defenders. Presentation to the Euro-Mediterranean Human Rights Network	KHRP/December 1997	£2.00
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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 including emergency 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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