

Institut kurde de Paris

10th Anniversary

Kurdish Human Rights Project  
Annual Report 2002

**KHHRP**  
Kurdish Human Rights Project

REP 2002

28



Institut kurde de Paris

ROBERT KURDI

LIV. ENG. 2228  
09/03/2017  
630 KHR REP 2002



# KURDISH HUMAN RIGHTS PROJECT Annual Report 2002

*10th Anniversary Edition*

“...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...””

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

*Noam Chomsky*

Published March 2003  
by Kurdish Human Rights Project (KHRP)  
2 New Burlington Place  
London W1S 2HP  
United Kingdom

Tel: +44 20 7287 2772  
Fax: +44 20 7734 4927  
E-mail: [khrg@khrg.demon.co.uk](mailto:khrg@khrg.demon.co.uk)  
<http://www.khrg.org>

A Registered Charity (No.1037236) and Company Limited by Guarantee (No. 2922108)

Report design by mishka henner  
contact: [mishkawork@yahoo.co.uk](mailto:mishkawork@yahoo.co.uk)

# CONTENTS

A Message from the Executive Director and Chairman	6
The Role of the Kurdish Human Rights Project	8
Project 1 - Human Rights Advocacy and Training	9
Project 2 - Trial Observations and Fact-Finding Missions	21
10th Anniversary Celebration Event	27
Project 3 - Research and Publications	33
Project 4 - Public Awareness	39
Project 4 - KHRP Environmental Unit	43
KHRP Working Partnerships	45
KHRP Funders	46
The Structure of KHRP	46
KHRP Publications List	48

Dear Friends,

It is with great pleasure that we present you with the 10th Anniversary edition of KHRP's Annual Report. Looking back over what has been a decade of dedicated work in the promotion and protection of the human rights of Kurds and non-Kurds alike, we cannot help but feel a sense of pride over what KHRP has achieved.

Like many other NGOS, when the KHRP was founded 10 years ago it started with no staff and no money, but with a single idea. That idea was the need to create a democratic platform for the discussion of the possible solution of the Kurdish question and to explore how justice could be brought about in the Kurdish region.

Flourishing from this initial purpose, KHRP today is at the forefront of the struggle for human rights in the Kurdish regions. By giving priority to the violation of fundamental human rights at the international level, we have successfully utilised existing human rights mechanisms including the European Court of Human Rights to bring about redress to hundreds of individual applicants. This has helped to establish precedents in a number of areas including extra-judicial killings, torture, rape, village destruction, freedom of expression, and 'disappearances'. As a result, the Turkish government has reformed much of its policy, passing several reform packages in 2002 aimed at extensively amending many of the nation's rigid laws.

Remaining relentless in our mission to gather first hand knowledge of the human rights situation in the Kurdish region, over the years KHRP has conducted innumerable trial observations, fact-finding missions, research and environmental and public awareness projects which have provided concrete sources of information to governmental and non-governmental institutions. This year, such laborious efforts have allowed KHRP to produce an unprecedented number of publications

containing extensive information on human rights abuses in the Kurdish regions.

In spite of our significant achievements, however, much remains to be done. Throughout 2002, news of alleged human rights violations continued to reach us daily from the Kurdish regions of Iraq, Iran, Syria, the former Soviet Union, and Turkey.

In Iran, the numerous reports of actual or prospective human rights violations, including mass arbitrary arrests, amputations, public floggings, and executions, clearly indicate that the country's human rights situation, which has always been a cause for concern, suffered a further decline over the past year. For Iran's nearly eight million Kurds who continue to be denied basic rights, the effects of such persecution were dire.

The prospects of Syria's large Kurdish population in 2002, meanwhile, did not improve. Minorities in Syria were still barred from accessing basic civil and political rights and were prone to arrest and maltreatment for speaking Kurdish or showing adherence to Kurdish national and cultural identity. Thus, to KHRP's great distress, a situation in which the rights of Syrian Kurds are violated on a daily basis remains a reality.

In the Caucasus this year, KHRP further developed its recent series of training programmes to ensure the participation of civil society in the promotion of human rights in Armenia and Azerbaijan. KHRP is aware that if human rights lawyers and activists are to successfully challenge States that have newly ratified the European Convention to abide by Convention standards, an enormous amount of external support is needed. Consequently, KHRP conducted a total of four litigation training seminars in Armenia and Azerbaijan which provided local practitioners and human rights activists with invaluable instruction in the use of the

Convention. Furthermore, in 2002, KHRP lodged the first three cases ever against Armenia with the European Court.

One of our most pressing concerns throughout 2002, that remains with us today, is the impending war in Iraq which, should it occur, will lead result in the untold misery of thousands of innocent people. With gravity, we reiterate our call to the international community to join together to dissuade the principle participants in the conflict to work towards a peaceful solution. With 10 years of experience in the fight against human rights abuses, we wish to remind all that should such an event transpire, unimaginable human rights violations will occur, the burden of which shall most certainly be heavy.

Regarding Turkey's progression towards European Union accession, the EU in 2002 issued its Regular Report on Turkey. In its assessment of Turkey's efforts to improve the condition of human rights in the country, the Report while acknowledging this year's reform packages concluded that Turkey "does not meet the political criteria" required to enter into EU accession talks as the reforms contain numerous limitations, including major restrictions on many basic rights, such as freedom of peaceful assembly, freedom of religion, and the right to legal redress. Of notable concern are the ongoing allegations of torture and of extra-judicial killings, particularly prevalent in the Kurdish region of Southeast Turkey.

KHRP consider the persistence of such violations thoroughly disheartening. Nonetheless, the current situation in Turkey is one where a fragile ceasefire exists. This offers a unique opportunity for both the international community and the Turkish state to genuinely bring about dialogue between the State and the Kurds for a lasting peace. All at KHRP, who have long been battling for the rights of Turkey's

Kurdish minority, sincerely hope that such an opportunity will not go amiss.

What has been truly an eventful year for all at KHRP drew to a close in December with our 10th Anniversary Lecture with guest speaker Noam Chomsky at St. Paul's Cathedral. The event, attended by over 2000 people, was an unforgettable tribute to KHRP's decade long struggle for human rights in the Kurdish regions. Warm thanks goes out to all those who made the evening possible.

Finally, as we embark on our second decade of struggle, KHRP wishes to express profound gratitude to all those who have made our work possible over the last ten years. Special thanks are given to our founding members, board of directors, international board of patrons, advisory board, and the KHRP legal team. The hard work of all past and current members of staff is also deeply appreciated. Additionally, warm thanks are given to the Human Rights Association (IHD) and their regional partners. We are most grateful to those individuals, foundations, trusts, and governments who have provided us with the necessary financial resources.

Thanks to these people, KHRP is a shining example of what can be achieved when different peoples, cultures, and experiences combine to fight side by side in support of basic human rights upon which all human beings are entitled to rely irrespective of race, creed or colour.

Kerim Yildiz  
Executive Director

Mark Muller  
Chairman

February 2003

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 freely volunteering their individual consent 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 ten permanent members of staff in England and 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: Human Rights Advocacy & Training, Trial Observations & Fact-Finding Missions, Research & Publication, and Public Awareness, Education & Communication Strategies. Additionally, in 2002, the KHRP established a fifth project, the Environmental Unit, in order to combat human rights violations imposed by large-scale infrastructure projects. All of KHRP's projects are closely integrated and inter-related. Much of this work is carried out by our professional staff at the KHRP offices in London, 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 around which KHRP's activities revolve is our intensive legal work. KHRP's Human Rights Advocacy & Training project provides legal advice and assistance to a large number of individuals in the Kurdish regions who are complaining that their rights under the European Convention of Human Rights have been violated by the States. KHRP carries out preliminary case preparation, and the drafting and pleading of cases, both orally and in writing, before the European Court of Human Rights in Strasbourg. This also involves attending hearings in Strasbourg and Turkey, and co-ordinating the caseload of KHRP's Legal Team comprising lawyers in the UK, Turkey and elsewhere.

The Trial Observation & Fact-Finding Project seeks to investigate and draw 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 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.

The Research & Publications Project involves carrying out in-house or commissioned research which is disseminated

through the publication of reports. These are intended to supply relevant governmental and non-governmental organisations and interested individuals with a sound factual base from which to make informed decisions with regard to the allegations of human rights abuses in the Kurdish regions.

KHRP's Public Awareness Project complements the other programmes by ensuring that publications are disseminated to the widest audience possible. Additionally, KHRP produces a quarterly newsletter with a wide distribution list and regularly updates its website. A further focus of this project is developing good relations with both international and domestic press and media and participating in international conferences. KHRP also makes submissions to international organs such as the United Nations (UN) and the Organisation for Security and Co-operation in Europe (OSCE), appeals to governments throughout the world and provides information to other non-governmental organisations in the United Kingdom and abroad.

Throughout 2002, 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, and recently Armenia and Azerbaijan, are party to the Convention, opportunities exist for individuals in those countries to bring cases of human rights violations by the State to European Court of Human Rights in Strasbourg.

## ■ 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 petitions to various OSCE bodies and participates actively in the OSCE Human Dimension Mechanisms in order to stress the concern that some member states, in particular Turkey, are not fulfilling their obligations under international law to adhere to internationally accepted human rights standards.

## ■ 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 which KHRP utilises 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.





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

In recognition of the fact that increased use of the European Convention on Human Rights (ECHR) is a crucial step towards improving human rights in the Kurdish regions, KHRP, to date, has assisted over 400 applicants to the Court. Of the nearly 890 judgments giving rise to a finding of at least one violation of the Convention in mid-2002, 210-almost one quarter-concerned Turkey. 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. Given the serious human rights and minority rights issues in Azerbaijan, Armenia, and Georgia, KHRP has also expanded its litigation and training project to encompass these regions.

#### European Convention Litigation

KHRP's European Convention litigation continues to be a great success. To date, KHRP has received 44 final judgements from the ECtHR, of which 40 have had positive results. These rulings are of critical importance in the battle for human rights.

At an individual level, access to the ECtHR affords the applicants access to justice which has been denied to them in their home country. By accepting the jurisdiction of the European Convention, a country has agreed to comply with certain basic human rights standards. To the extent that these standards are not complied with, victims can make a case before the European Court 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, especially at the hands of the Turkish State. This evidence can then be used to draw international attention to the true state of affairs in the Kurdish regions. In 2002, KHRP continued to use evidence obtained through its 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. The cases also provide crucial material for other organisations and individuals seeking to lobby on similar grounds.

Where there are fundamental factual disputes between parties, the Court is able to carry out fact-finding hearings, by hearing evidence from witnesses. KHRP has assisted applicants in over 90% of all such hearings ever held involving Turkey. In November 2002, members of the KHRP Legal Team attended a fact-finding

hearing in Ankara related to the case of *Ipek v Turkey* which concerns the 'disappearance' of the applicant's two sons and the alleged burning and destruction of the applicant's house by Turkish security forces in 1994.

In 2002, KHRP also continued in its role as a leading member of the NGO group established the previous year to respond to the proposals for reforming the European Court in relation to the rising volume of applications submitted to the Court and its limited available resources. Along with other leading human rights organisations including Amnesty International, Liberty, the AIRE CENTRE (Advice on Individual Rights in Europe) and Interights, KHRP is concerned that some of the recommended reforms will deprive victims of a remedy under the Convention. KHRP throughout the year has thus been instrumental in bringing together over sixty NGOs in the UK and abroad to lobby on the proposed reforms.

The year 2002 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 problems. In Autumn 2002, following immediately upon each country's ratification of the European Convention, KHRP utilised its in-depth knowledge of the ECtHR system to lodge the first three cases against Armenia with the Court. Aiming to ensure that this historic opportunity to render justice to the Caucasus region is not bypassed, KHRP is also considering cases against Azerbaijan and Georgia.

Also in 2002, KHRP's Legal Team continued to provide assistance on the European Court case of *Abdullah Öcalan v Turkey*. This case, brought on behalf of leader of the Kurdistan Workers' Party (PKK), Abdullah Öcalan, who was sentenced to death in Turkey 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. In October 2002, the state security court in Turkey commuted the Öcalan's death sentence to life imprisonment with no chance of parole or amnesty. While KHRP welcomed the decision, it stressed that a clear and definitive ruling from the European Court on the use of the death penalty in Turkey remains essential. In 2002, 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.

Aiming to provide comprehensive information on the legal human rights developments in the regions in which KHRP operates, KHRP in 2002, published its first two issues of the KHRP

Legal Review. Covering relevant legal issues in Turkey, Armenia, Azerbaijan, Iran, Iraq, and Syria, the Review includes summaries of and commentaries on cases taken by KHRP to the European Court. It is intended that the Review will incorporate a practical focus, providing lawyers in the region with clear guidance on how to effectively take human rights cases.

In its ongoing bid for European Union membership, Turkey passed several reform packages in 2002, notably the Harmonisation Laws of August 3rd, aimed at increasing the country's compliance with Copenhagen accession criteria. However, in its '2002 Regular Report on Turkey's Progress toward Accession', the European Commission noted with concern the high number of cases filed against Turkey at the ECtHR, stating that, "Turkey's failure to execute judgments of the European Court of Human Rights remains a serious problem." At the December EU summit, following the release of the Commission's report, EU members declined to set a date for accession talks with Turkey, declaring that a review of the country's human rights record would be required before advancing further. It is therefore clear that the cases before the European Court provide an important yardstick for measuring Turkey's progress towards meeting European Union criteria.

#### In 2002...

...KHRP continued its support for over 75 applications to the European Court of Human Rights on behalf of both Kurdish and non-Kurdish applicants.

- 7 further applications were lodged or newly registered at the ECtHR with KHRP's assistance.
- 5 KHRP cases were declared admissible.
- Judgment was handed down by the Court in 9 KHRP-assisted 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.

#### Human Rights Training

KHRP's acclaimed litigation training programmes are an integral component of the Human Rights Advocacy and Training project. They provide lawyers and human rights activists in the Kurdish regions, the UK, and other parts of Europe with invaluable instruction in the use of the European Convention and other key

human rights mechanisms available. With years of experience of the ECtHR, 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.

This dimension of the project also includes an internship programme to build capacity among human rights lawyers and institutions from the region. Interns spend between 3 and 6 months at KHRP's London office working with the KHRP team in all areas. During this time they are encouraged to participate fully in KHRP's work, particularly the ECtHR casework. Additionally, KHRP provides its interns with the opportunity to attend hearings at the Court in Strasbourg. Through these means, the interns gain not only intensive training in utilising international human rights mechanisms, but also an opportunity to improve their English while experiencing the operation of a human rights organisation. The objective is to prepare them to return to their own country where they will be in a position to directly use international human rights mechanisms.

In late 2001, KHRP launched a new series of training programmes to enable and encourage the use of human rights mechanisms newly available to Armenia and Azerbaijan as a means of motivating the rule of law and democracy in these countries. Building on KHRP's experience of working with local partners in Turkey, these programmes have been significantly developed in 2002. Accordingly, KHRP this year conducted two training seminars in Armenia and two complimentary sessions in Azerbaijan; a training seminar was also held in Turkey.

Throughout 2002, KHRP staff also delivered various lectures and talks on the practice and jurisprudence of the ECtHR system in a variety of arenas that included educational institutions and NGOs. KHRP was also asked to provide human rights training for judges, lawyers and NGOs by organisations including the Council of Europe and the University of Nottingham.

#### April 2002: Diyarbakir and Istanbul, Turkey

From 10-16 April, KHRP's legal team travelled to Turkey to provide legal training for lawyers in Istanbul and Diyarbakir and to meet with KHRP partner groups to discuss future plans for collaborative work, including possibilities for upcoming trial observations and joint seminars in Turkey.

In Diyarbakir, the KHRP legal training seminar was hosted by the Diyarbakir Bar Association at the Diyarbakir Court. There were 60



While in the region, KHRP Executive Director Kerim Yildiz (third from right) and Chairman Mark Muller (second from left) donated computers to the Kurdish Community in Baku, Azerbaijan.



KHRP's Legal Team in Baku, Azerbaijan conducting European Convention Litigation Training in May 2002.



KHRP in Diyarbakir, Turkey conducting an ECHR Training Seminar for local practitioners.



KHRP Executive Director Kerim Yildiz (left), and Chairman Mark Muller (right) meet with David Harutunyan, Armenian Minister of Justice.



KHRP carrying out one of a series of European Convention Training Seminars conducted in Armenia in October 2002.



KHRP Executive Director, Kerim Yildiz, Ajanta Kaza, on behalf of BHRC, and Chairman of the Helsinki Association, Mikael Danielyan, during an ECHR training session in Yerevan, Armenia 2002.

participants, including lawyers from the Human Rights Association of Turkey (IHD) and the Bar Association as well as three Public Prosecutors. The second training seminar, held in Istanbul, was hosted by the Foundation for Social and Jurisprudence Research (TOHAV). Among the 30 seminar participants were lawyers from TOHAV, Mazlum-Der and the Human Rights Association of Turkey's (IHD) Istanbul branch.

### May 2002: Baku, Azerbaijan

At the end of May, a KHRP team travelled to Baku, Azerbaijan for a series of training and litigation support seminars held in conjunction with the Bar Human Rights Committee of England and Wales (BHRC) and the Azerbaijan National Committee of the Helsinki Citizens' Assembly (HCA).

The seminar had 35 participants, primarily representatives of human rights NGOs and lawyers in private practice. KHRP speakers Kerim Yildiz, Mark Muller and Philip Leach spoke about the practice and procedure of the ECtHR. Erkin Gadirov of the Baku State University discussed the domestic remedies available in Azerbaijan. A one hundred page 'manual' produced by KHRP, including commentaries on Court practice and examples of Court documents, was translated into Azeri and copies were available for the delegates.

### July 2002: Armenia

In July, Kerim Yildiz and BHRC representative Ajanta Kaza travelled to Armenia to conduct a European Convention training seminar and assess and report more generally on the current state of human rights in Armenia.

The seminar was organised in conjunction with the Helsinki Association and was attended by a wide range of local and national NGOs,

academics, practising lawyers and students. NGO participation included representatives from the Armenian Young Lawyers' Association, the Civil Society Development Union, the Kurdish Writers Union and the Avangard Humanitarian Research Centre.

### October 2002: Azerbaijan

Between 15-20 October, the KHRP Legal Team returned to Azerbaijan to conduct ongoing ECtHR litigation seminars in conjunction with the International Bar Association.

Training during this particular visit focused on Article 3 (prohibition of torture) and Article 5 (right to liberty and security). Both of these articles were presented and explained in depth and accompanied by a question and answer session.

### October 2002: Armenia

In October, Kerim Yildiz, Mark Muller and BHRC members Declan O'Callaghan and Ajanta Kaza travelled to Armenia to conduct a second set of European Convention training seminars initiated by KHRP and the BHRC in conjunction with the International Bar Association of Armenia (IBA).

In this seminar, the 34 participants consisted mainly of lawyers, post-graduate law students and NGO representatives. The KHRP manual, Taking Cases to the European Court of Human Rights, together with copies of the ECHR (translated into Armenian) and other relevant materials were distributed to those attending.



KHRP in Azerbaijan conducting an ECHR Training Seminar for local practitioners in October 2002.

## 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.

### 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.

### Legal Internships

In 2002, 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 may then go on to use in their future work. Over the years, KHRP has received interns from Turkey, Europe, the US, the Middle East, and the Caucasus. In 2002, KHRP legal interns included:

**Matthew Moriarty**, a post-graduate in law from London School of Economics

**Zeliha Aydin**, a Kurdish law graduate from Istanbul University, Turkey

**Derya Bayir**, a Kurdish lawyer from the Human Rights Association (IHD) office in Istanbul and member of the Istanbul Bar Association

**Natasha Cade**, a post-graduate in law from University of London

**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

**Moithur Rahman**, a law graduate of York University

**Artak Khachatryan**, an Armenian lawyer with the International Bar Association, Armenia

**Pervana Mamedova**, an Azerbaijani human rights activist and Youth Programme Coordinator for humanitarian centre YUVA, Azerbaijan

**Shake Manukyan**, an Armenian lawyer and member of the Armenian Association on Human Rights and Democracy and AUA Law Club, Armenia

**Laura Mazal**, a post-graduate law from London School of Economics

**Marzia Montemurro**, an MSC student in human rights at the London School of Economics

**Rena Tahirova**, an Azerbaijani human rights activist and Chairwoman of humanitarian centre HCA, Azerbaijan



KHRP Conducts European Convention Litigation Training in Istanbul, Turkey in April 2002



A KHRP training session with legal interns from Azerbaijan.



Armenian legal interns working in KHRP's offices.



For a decade now, KHRP has been active in trying to attain justice for applicants who complain that their rights have been violated according to the European Convention of Human Rights. Pictured above: KHRP at a hearing at the European Court of Human Rights in Strasbourg.

## KHRP CASE REFERRED TO THE GRAND CHAMBER

In the 2002 judgments of KHRP cases *Togcu v Turkey* and *Acar v Turkey*, both concerning 'disappearances' of the applicants' relatives, the European Court of Human Rights has continued its policy of 'striking out' cases on the basis of a formulaic statement from the Turkish Government. In these instances, as in others, the applicants refused to accept the offer of friendly settlement, which they considered was not sufficient to resolve their cases. However, in *Acar v Turkey*, an important development has taken place: KHRP on behalf of the applicant has been successful in getting the case referred to the Grand Chamber of the Court. This referral is considered highly significant in that it re-opens the possibility of just remedy for the applicant and poses a potential challenge to the Court's use of the 'strike-out procedure'.

### Acar v Turkey: A Summary

This case concerns the 'disappearance' of a Kurdish farmer, Mehmet Salim Acar, in August 1994 in southeast Turkey. The application was brought by KHRP to the Court on behalf of the applicant, Tahsin Acar, the victim's brother, on 29 October 1994.

On 20 August 1994, Mehmet Salim Acar was working in a field when two armed men in an unregistered car stopped and claiming to be police officers asked him to accompany them. When he refused to go with them, they allegedly threatened him with their weapons and blindfolded him, tied his hands, took his identity card, punched him in the head and stomach, and forced him into their car and drove away. Several villagers testified that they had witnessed this abduction. Nothing has been heard from Mehmet Salim Acar since.

On 27 August 1994, the victim's sister wrote a petition to the Deputy Governor in Diyarbakir requesting for information about her brother. She was told that he was in the hands of the State and that there was nothing she could do for him. After additional requests for an investigation, the Bismil Public Prosecutor opened an investigation in September 1994. Two and a half years after the abduction, the Diyarbakir Provincial Administrative council decided not to take any proceedings against the gendarme officers and Village Guards on the basis of lack of sufficient evidence.

The Applicant complained of the unlawfulness and excessive length of his brother's detention, of the ill-treatment and acts of torture to which his brother had allegedly been subjected in his detention, and of the failure to provide his brother with the necessary medical care in detention. The Applicant invoked Articles 2, 3, 5, 6, 8, 13, 14, 18, 34 and 38 of the Convention.

On 27 August 2001, the Court received a letter from the Turkish Government declaring its undertaking to adopt "all necessary measures with a view to ensuring that all deprivations of liberty are fully and accurately recorded by the authorities and that the effective investigations into alleged disappearances are carried out in accordance with their obligations under the Convention." The Government also agreed to pay the applicant the sum of £70,000 for a final settlement of the case.

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

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

On 8 July 2002, KHRP requested on behalf of the applicant that the case be referred to the Grand Chamber, relying on Article 43 para 2 of the ECHR which states that a panel of five judges of the Grand Chamber shall accept a request for a case to be referred to the Grand Chamber if the case raises a serious question affecting the interpretation or application of the Convention, or a serious issue of general importance. In September of 2002, KHRP was pleased to note the panel's decision to refer the case to the Grand Chamber. In view of the current policy of the Court, this decision is considered to be highly significant.

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

A case at the European Court of Human Rights, between the initial lodging of the application and the delivery of a judgment, may span over an excess of five years.

#### 20 August 1994

Mehmet Salim Acar is forced into a car by two armed men, who threaten him with their weapons and blindfold him. Several villagers witness his abduction.



**29 October 1994**

Acting on behalf of applicant T.Acar, the brother of Mehmet Salim Acar, KHRP lodges Acar v Turkey application with the European Commission of Human Rights.

**30 June 1997**

The Commission declares the application admissible.

**1 November 1999**

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

**27 August 2001**

The Turkish Government makes a friendly settlement offer of £70,000. The applicant declines.

**9 April 2002**

The European Court of Human Rights decides to 'strike out' the case being satisfied with the undertakings given by the Turkish Government.

**8 July 2002**

KHRP requests on behalf of the Applicant for the case to be referred to the Grand Chamber.

**4 September 2002**

A panel of judges of the Grand Chamber accepts the request to refer the case to the Grand Chamber.

The Grand Chamber hearing is set to be held on 29 January 2003 with a decision expected early in the same year.

## **KHRP ADMISSIBILITY DECISION AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2002**

**Talat TEPE v Turkey**  
(torture/Inhumane or degrading treatment)

Declared admissible: 22 January 2002

The applicant is a lawyer at the Istanbul Bar and, at the time of the incident, was president of TOHAV (the Foundation for Social and Jurisprudence Studies). In April 1995, he was arrested at the Istanbul Atatürk Airport on the grounds that he was prohibited to leave the country. While in custody, the applicant was interrogated and accused of aiding the Kurdistan Workers' Party (PKK). Upon rejecting the accusation he told to strip, subjected to electric shocks, severe beatings and hosed with cold water. The applicant then agreed to sign and accepted the charges against him.

In November 1995, the public Prosecutor at the Diyarbakir State Security Court filed an indictment against the applicant, accusing him of aiding and abetting the PKK. On 6 June 1996 the applicant was acquitted. In April 1996 the Bitlis Provincial Administrative Council decided not to prosecute the five police officers that had allegedly tortured the applicant.

The Turkish Government submits that the applicant failed to exhaust domestic remedies and points to inaccuracies in the medical report taken after the alleged trauma and relied on by the applicant.

Application lodged: 8 January 1996

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

*All of the applicant's complaints were declared admissible. The case is pending before the Court.*

**Abdürrezak IPEK v Turkey**  
(disappearance, village destruction)

Declared admissible: 14 May 2002

The applicant's complaint centred on the destruction of his house and the 1994 "disappearance" of his two sons. Soldiers from the Gendarmerie Headquarters in Lice raided the Dahla settlement of Türel village (Diyarbakir province) in May 1994. The soldiers set fire to all the houses in the village and left the settlement with the applicant's sons and five other men. Four of the men were later released, but three, including the applicant's sons, remained in custody.

About 15 days after the alleged incident, the applicant, with no news of his sons, travelled to Diyarbakir. With the help of a relative, he applied to the office of the Diyarbakir National Security Court (Diyarbakir Devlet Güvenlik Mahkemesi, hereafter DGM) chief public prosecutor and to the Lice public prosecutor's office and the Lice Gendarmerie command. The applicant was unable to obtain any information about his sons, the State authorities denying that the men had been detained.

Application lodged: November 1994

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

*All of the applicant's complaints were declared admissible. The case is pending before the Court.*

**Nuray SEN v Turkey (torture)**

Declared partly admissible: 30 April 2002

The applicant brought her complaints to the Court in April 1996, initially as a supplementary petition to an earlier case concerning the alleged killing of her husband by

State agents. Mrs Sen was the director of Istanbul's Mesopotamia Cultural Centre (MKM) which focuses on the culture of people who have lived and currently live in Mesopotamia, mainly Kurds. On 10 November 1995, she was arrested along with nine of her MKM colleagues and held in custody for eleven days. While in custody, the applicant claims she was tortured and abused, threatened with death and made to sign a statement, without reading it, accepting claims that she was connected with the outlawed PKK. On 21 November, she was charged at the Diyarbakir State Security Court and sent to the Diyarbakir High Security Prison. She was released on bail on 15 February 1996.

Following the applicant's complaints to the European Commission, the Government claims an investigation was conducted by the Diyarbakir Chief Public Prosecutor resulting in a January 1997 decision not to pursue the investigation. The Government maintained that Mrs Sen failed to exhaust domestic remedies as she could have sought redress under Article 125 of the Turkish Constitution. The applicant claimed that the situation in Southeast Turkey at the time of her arrest was such that potential applicants had a well-founded fear of reprisals for invoking remedies. The ECtHR ruled that, as the applicant did not bring her allegations to the attention of national authorities or appeal the January 1997 decision, she had failed to exhaust domestic remedies.

**Application lodged:** 25 April 1996

**Alleged violation of Articles 3, 5 and 13**

The applicant's complaints under Article 3 and 13 were ruled inadmissible. The examination of the complaint under Article 5 has been adjourned.

**Abdullah Mehmet VARLI and Others v Turkey (freedom of expression)**

**Declared partly admissible:** 17 October 2002

The applicants' complaint centred on criminal proceedings initiated in 1996 in respect of their "Letter of Peace and Brotherhood" concerning the treatment of Kurdish people in Turkey. The letter was intended to draw attention to the human violations being perpetrated against the Kurds and to call on the authorities to take action. The applicants were convicted by the Turkish State for allegedly committing the offence of arousing "hatred and hostility in society on the basis of a distinction between social classes, races or religions". On 17 September 1998 the State Security Court found them guilty under Article 312 of the Turkish Penal Code and sentenced the applicants to two years' imprisonment and a fine. The Supreme Court of Turkey dismissed the applicants' appeal against the said conviction on 8 February 1999.

**Application lodged:** 6 August 1999

**Alleged violation of Articles 6, 8, 9, 10, 11, 13, 14, 18 and Article 3 of Protocol 1**

*The applicants' complaints under Articles 8, 13 and Article 3 of Protocol 1 were ruled inadmissible. The examination of the complaints under Articles 6, 9, 10, 11 and 14 has been adjourned.*

**Aysenur ZARAKOLU and Others v Turkey (freedom of expression)**

**Declared partly admissible:** 10 December 2002

Aysenur Zarakolu, owner and director of the Belge Uluskararasi Yayincilik (BUY) Publishing House, published a book entitled *Our Ferhat, Anatomy of a Murder*. Compiled by K.K, the book consisted of news reports on the death of Ferhat Tepe, a journalist with the Özgür Gündem newspaper.

On 12 October 1994, the Istanbul State Security Court, pursuant to Article 8 of the Law No. 3713 (Anti-Terror Law) and Article 36 of the Turkish Penal Code, ordered the prohibition and confiscation of the book. The appeal of Aysenur Zarakolu was rejected on 21 October 1994. On 29 December 1995, the Istanbul State Security Court convicted Zarakolu and sentenced him to five months' imprisonment and a fine. The Court also ordered the confiscation of all copies of the book. The Supreme Court of Turkey dismissed Zarakolu's appeal against the said conviction on 11 March 1997.

**Application lodged:** 13 March 1995; 9 September 1997

**Alleged violation of Articles 6, 10, 13, 14, 18 and Article 1 of Protocol 1**

*The applicants' complaints under Articles 6, 10, 13 and Article 1 of Protocol 1 were declared admissible. The complaints under Articles 14 and 18 were ruled inadmissible.*

## **KHRP AT EUROPEAN COURT INVESTIGATION HEARINGS IN ANKARA**

**Abdürrezak IPEK v Turkey (disappearance, village destruction)**

The case concerns the alleged burning and destruction of the applicant's house and possessions and the disappearance of his two sons in May 1994. As the facts of the case were disputed, the Court held a fact-finding hearing in Ankara between 18-20 November 2002, attended by the KHRP Legal Team.

It is alleged that on 18 May 1994, a group of approximately 100 uniformed soldiers raided the village. All men, women and boys were



gathered by the village school, outside the village. Both the applicant's and his brothers' houses were completely destroyed. All the villagers were released afterwards, except the applicant's sons and four other men. When interrogated about the 'disappearance' of the applicant's sons, the authorities were unable to supply any information and denied that these men had been detained.

The Court took evidence from eight witnesses at the November 2002 hearing, including family members and those involved in the investigations. When a case concerns allegations of very serious human rights abuses, and there has been no, or no adequate, investigation by the responsible domestic authorities, a fact-finding hearing is essential to shed light on disputed facts. Often, the need for fact-finding hearings arises from systematic Convention violations. However, in the past few years, there have been tensions in Strasbourg between pro- and anti- fact-finding hearing activists, reflecting, in part, the debate as to the Court's role of providing individual or constitutional justice. In reality, it is the very failure of the national authorities to provide an effective remedy to Convention violations which creates the need for the ECtHR to hold these hearings.

There are particular situations, such as allegations concerning torture or deaths in custody, raising issues under Articles 2 and/or 3 of the Convention, where it is the State, rather than the applicant, that has the capability to obtain and/or preserve essential evidence. Where the State fails in this respect, authoritative resolution of the case may only be possible through an oral evidence hearing. Given that the burden of proof falls on the applicant to establish his/her case beyond reasonable doubt, to deny an applicant an oral hearing in some circumstances significantly disadvantages the applicant.

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

*The applicant was represented at the hearing by KHRP Legal Team.*

*Judgment is pending*

## **JUDGMENTS HANDED DOWN BY THE EUROPEAN COURT OF HUMAN RIGHTS IN KHRP CASES IN 2002**

### **Izzet MATYAR v Turkey (village destruction)**

On 23 July 1993, the applicant's village was subject to an armed attack by State-paid Village Guards. During the operation, a seven-year-old boy and a seventy-year-old woman

were killed. Mr Matyar alleged that the Village Guards burned his home and his crops, forcing him to flee. He submitted that he had then been detained several times by gendarmes, intimidated into signing false statements and that whilst in detention he was repeatedly questioned about his application to the ECtHR. Fearing further intimidation, he later made a statement to the Public Prosecutor in which he denied any misconduct by the Village Guards. A year after the incident, the applicant was summoned to the gendarme station and detained for 14 days, tortured and ill-treated. He also alleged that security forces forced his son to burn down their home in order to secure his release.

Although the facts of the case are disputed, the Court decided that a fact-finding investigation, involving oral testimony, would not effectively assist in resolving the issue.

### **THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS**

In its 21 February 2002 judgment, the Court found that there was insufficient evidence to corroborate the allegations made by the applicant. The Court claimed it was "in no better position, more than eight years after the event, to resolve the inconsistencies in the [parties'] accounts" and found no violation of Articles 3, 6, 8, 14, 18 or Article 1 of Protocol 1. The Court held that Article 13 was inapplicable to this case. With regard to Article 34 (formerly Article 25), the Court was unable to conclude that the applicant had been threatened or pressured by the authorities to withdraw or modify his complaint to the Court, as Mr Matyar had not substantiated his complaints about detention and ill treatment. Accordingly, the Court concluded that the Respondent State had not failed to comply with its obligations under Article 34 of the Convention.

### **Sultan SABUKTEKIN v Turkey (extra-judicial killing)**

The applicant, the wife of Salih Sabuktekin, a regional delegate of HADEP (the pro-Kurdish People's Democracy Party), alleged that her husband was killed by or with the connivance of State security forces in Adana on 28 September 1994, due to his political activities. He was shot in front of his house while getting into his car. Eye-witnesses say he was attacked and fired upon by two men in plain clothes. Mr Sabutekkin's brother, Halil, attempted to give chase, but was stopped by plain-clothes police and arrested.

Investigations were conducted first by the Prosecutor of Adana, then by the Prosecutor of the Konya State Security Court and finally by the Adana State Security Court. In each instance it was assumed that responsibility for

the killing lay with the Hizbullah or the PKK, but no one was prosecuted.

#### THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

On 19 March 2002, the Court held that there had been no violations of the ECHR. As for the complaint under Article 2, the Court found that the evidence given did not show that Mr Sabuktekin had been killed by or with the connivance of State security forces. The Court also found that the authorities had taken steps to satisfy the requirements of Article 2. On a similar basis, it did not find a violation of Articles 6 and 13. The applicant's complaint under Article 14 of the Convention (discrimination based on ethnic origin and political opinions) was ruled unnecessary to be examined, as it had not been included in the present application.

#### **Mehmet HARAN v Turkey (extra-judicial killing)**

On 12 May 1994, Vahdettin Haran, the applicant's son, had come to help his father in his vineyard in the village of Arikli. On that day, gendarmes and soldiers arrived in the village, convened everyone in the schoolyard and started burning houses. At 11am the applicant heard gunfire coming from his vineyard where his son had remained. Villagers later said that they had seen gendarmes take someone away in the direction of Lice. The following morning Vahdettin's corpse was found in the vineyard.

On 13 May 1994, the applicant went to Lice to report the killing of his son to the Public Prosecutor. On 6 June 1994, the Public Prosecutor initiated a preliminary investigation into the circumstances surrounding the death. However, the ECtHR was not informed of the outcome of this investigation.

#### THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

On 9 March 2002, the Court received a letter from the Deputy Permanent Representative of Turkey to the Council of Europe which included a declaration that, "The Government regrets the occurrence of individual cases of death resulting from the use of unjustified force as in the circumstances of the present case notwithstanding existing Turkish legislation and the resolve of the Government to prevent such actions. It is accepted that the use of unjustified 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 also agreed to pay the applicant a sum of £80,000 as a final settlement.

The applicant rejected a friendly settlement and asked the Court to reject the Government's request to strike out the case. On 26 March 2002, the Court decided to "strike out" the case stating that, "having regard to the nature of the admissions contained in the declarations as well as the scope and the extent of the various undertakings referred therein, together with the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the application."

#### **Hüseyin TOGCU v Turkey (disappearance)**

This case concerns the 'disappearance' of Önder Togcu in Diyarbakir, Southeast Turkey in November 1994. On or about 29 November 1994, Önder's pregnant wife was taken to Diyarbakir's maternity hospital. Önder failed to return home and has since 'disappeared'. At about 10:30pm on 29 November 1994, the applicant, Önder's father, alleges that seven or eight plain-clothes police officers came to his home to enquire about Önder's whereabouts. According to the applicant, the police officers told him that his son was in police custody and that his body would be returned in three days. Continuing enquiries about Önder remained unanswered and family members were allegedly detained by police and accused of meeting and helping Önder.

#### THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

In a 9 October 2001 letter, the Turkish Government requested the Court strike out the case and enclosed the text of a declaration intending to resolve the issues raised by the applicant. "The Government regrets the occurrence in the actions which have led to the bringing of the present application, in particular the disappearance of the applicant's son, and the anguish caused to his family. It is accepted that unrecorded deprivations of liberty and insufficient investigations into allegations of disappearance, such as in the present case, constitute violation of Article 2, 5, and 13 of the Convention. The Government undertakes 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 the effective investigations into alleged disappearances are carried out in accordance with their obligations under the Convention". The Government agreed to pay the applicant £70,000 for a final settlement.

The applicant rejected the friendly settlement and asked the Court to reject the Government's request to strike out the case. On 9 April 2002, the Court decided to 'strike out' the case stating that "having regard to the nature of the admissions contained in the declarations as well as the scope and extent of the various undertakings referred to therein, together with



the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the application".

#### **Semse ÖNEN v Turkey** (extra-judicial killing)

The applicant, Ms Semse Önen, was living in the village Karatas near Mazidagi (Mardin) in Southeast Turkey. The application was brought on behalf of the applicant's deceased parents and brother who were killed in 1993, on her own behalf and her ten surviving siblings.

On the evening of 16 March 1993 the applicant's older brother, Orhan Önen, and her parents, Ibrahim and Mome Önen, were killed and the applicant suffered a wound to her foot allegedly as a result of a planned action by members of the Balpınar village guards to kill Orhan Önen. Before he was killed, the applicant's father was allegedly able to pull the scarf from the head of one of the intruders and shouted that he recognised the gunmen as the head of the Balpınar village guards, and his nephew, a former Balpınar village guard. The applicant's mother, who was seriously injured by a bullet, died on her way to hospital.

#### **THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS**

On 14 May 2002, the Court found the Turkish Government had violated the right to life of all three Önens in its failure to conduct a serious, adequate or effective investigation into their March 1993 murders. However, the Court found that there was insufficient evidence to establish beyond reasonable doubt that they had been killed by State officers. Most notably, the Court found the investigation team committed multiple errors in standard criminal investigation procedures, including a failure to take any photographs of the crime scene, to number and record the location of spent cartridges, drawing an inadequate sketch map of the scene and taking no eyewitness statements at the crime scene. In addition, the Court found that the public prosecutor requested that the Önens' death certificates state that they "were murdered by fire-armed members of the outlawed PKK terrorist organisation" without having first conducted an effective official investigation.

In light of Turkey's failure to conduct an adequate investigation into the Önens' murder, the Court held that they had violated both the right to life (Article 2) and the right to an effective remedy (Article 13) of the ECHR. Under Article 41 (just satisfaction), the Court awarded the Önen children 149,000 Euros in non-pecuniary damage and £17,500 in costs and damages.

#### **Selim SADAK and Others v Turkey** (right to free elections)

This case concerns the pro-Kurdish Democracy Party (DEP), founded in May 1993 and was ordered to shut down by the Turkish Constitutional Court on 16 June 1994. On 2 March 1994, DEP MPs Mehmet Hatip Dicle and Orhan Dogan were taken into police custody, followed by the arrests of DEP MPs Sirri Sakik, Ahmet Turk and Leyla Zana two days later. Selim Sadak and Sedat Yurttas, the last to be arrested, were taken into police custody on 1 July 1994.

On 8 December 1994, the Ankara State Security Court applied Article 8 of the Anti-Terror Law no. 3713, sentencing Sadik to three years' imprisonment for "separatist propaganda". In accordance with Article 168 of the Turkish Penal Code, Turk, Dicle, Dogan, Sadak and Zana were sentenced to fifteen years' imprisonment for "membership in armed gang". The Court sentenced Yurttas to seven years' imprisonment for "assisting an armed gang" under Article 169. The 26 October 1995 appeal overturned the sentences of Turk and Yurttas.

#### **THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS**

In its 11 June 2002 decision, the ECtHR ruled that Turkey had violated the right to free elections (Article 3 of Protocol 1) declaring that Turkey "had violated the very essence of the right to stand for election and to hold parliamentary office" and "had infringed the unfettered discretion of the electorate which had elected the applicants". Under Article 41 (just satisfaction), the Court awarded the applicants 650,000 Euros in damages.

#### **Salih ORHAN v Turkey** (disappearance; village destruction)

The applicant, Salih Orhan, alleged that on 6 May 1994, a large military convoy gathered arrived in the village of Deveboyu (also known as Adrok) in Southeast Turkey, and gave them one hour to clear their houses; soldiers then began burning houses, including Orhan's home and those of his two brothers, Hasan and Selim.

On 7 May 1994, Selim Orhan and other villagers went to Kulp and complained about the incident to the Kulp District Gendarme Commander who gave the villagers permission to stay in their village in order to harvest the crops. On 24 May 1994, the soldiers returned to the village and forced Selim, Hasan and his son, Cezayir Orhan, to accompany them as guides. The three men were last seen alive in Gümüssuyu hamlet in the custody of the soldiers.



Selim Orhan



Cezayir Orhan



Hasan Orhan

*All three men were last seen alive in 1994 in the custody of Turkish security forces.*



*Leyla Zana, one of the 13 former Democracy Party (DEP) MPs, who has been in prison in Turkey since 1994.*

THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

In its 18 June 2002 decision, the Court noted that the Orhans were last seen being taken away to an unidentified place of detention by Turkish security forces. There was also some direct evidence that the Orhans were wanted by the authorities, and in the context of the criminal law protection situation in Southeast Turkey in 1994, it could not therefore be denied that detention of such people would be life-threatening. As no information had come to light about the Orhans whereabouts for almost eight years, the Court was satisfied that they be presumed dead following an unacknowledged detention by the security forces (Article 5). Therefore, the Turkish Government was found to be liable for the deaths (Article 2).

The Court found several deficiencies in the investigations into the Orhans' disappearance, violating Article 13 of the ECHR. The Court noted that the applicant had been summoned before Diyarbakir Chief Public Prosecutor in relation to his application to the former European Commission of Human Rights. The Court emphasised that it was inappropriate for State authorities to enter into direct contact with an applicant in this way (Article 34). The Court also found that "the uncertainty and apprehension suffered by the applicant over a prolonged and continuing period [...] has clearly caused him severe mental distress and anguish constituting inhuman treatment" (Article 3). Moreover, the Court found that the homes and certain possessions of the Orhans were deliberately destroyed by the security forces in their unlawful attempt to evacuate the village after the harvest in breach of Article 8 and Article 1 of Protocol 1.

Under Article 41, the Court ordered Turkey to pay a total of £100,000 to Salih Orhan.

Ülkü EKINCI v Turkey (killing)

On 25 February 1994, road workers found the body of Yusuf Ekinci, a lawyer of Kurdish origin and husband of the applicant, alongside the E-90 TEM highway in Gölbaşı on the outskirts of Ankara, Turkey. A criminal investigation was opened into his death and an autopsy, carried out on 26 February 1994, found 11 bullet entry wounds, concluding that he had died of wounds to the head and breast.

At the time Yusuf Ekinci was killed, the focal point of the campaign against terrorism was the victim's native Lice (Southeast Turkey) and its surrounding villages.

THE FINDINGS OF THE EUROPEAN COURT OF HUMAN RIGHTS

In 16 July 2002 decision, the Court noted that there were no eyewitnesses to the killing and the forensic evidence consisted of a number of bullets found at the crime scene which bore no resemblance to bullets previously examined. Thus, the Court found there was insufficient evidence to prove a violation of Article 2 of the Convention with regard to the applicant's allegation that Turkey was responsible for her husband's murder.

However, as to the alleged inadequacy of the investigation, the Court noted that the investigating authorities failed to draw a link between Ekinci and Behçet Cantürk, a former client of the victim's whose murder one month earlier was strongly believed to have involved State agents. Thus, the Court concluded that the investigation by the Turkish authorities was neither adequate nor effective, breaching the State's procedural obligation under Article 2 to protect the right to life.

As regards to Article 3, the Court accepted that the inadequacy of the investigation might have caused the applicant feelings of anguish and mental suffering, but stressed that there were no special features to highlight a violation of Article 3 in relation to the applicant herself. The Court also decided unanimously that it was not necessary to examine the applicant's complaint under Article 6 or if there had been a violation of Article 14.

With Article 13, the Court noted that authorities were obliged to conduct an effective investigation into the circumstances of Ekinci's murder and had therefore violated Article 13.

The Court awarded the applicant damages and costs.



KHRP along with the Bar Human Rights Committee and Helsinki Citizen's Assembly meet with the community of Naradan, Azerbaijan to discuss human rights violations which allegedly occurred in the region in 2002.

Institut kurde de Paris

## PROJECT 2

TRIAL OBSERVATIONS AND  
FACT-FINDING MISSIONS

---

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 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 a case, 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 which 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 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 an individual trial.

KHRP's Fact-Finding Missions help 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, academics, 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.

KHRP Trial Observations and Fact-Finding Missions in 2002 included:

### **Fact-Finding Mission - Syria and Iraq - January 2002**

In early January, KHRP's Executive Director Kerim Yildiz, along with KHRP Deputy Director and Nick Hildyard, head of environmental NGO The Corner House, took part in a fact-finding mission to Syria and Iraq to investigate the downstream impacts of Turkey's dam construction programme. Turkish dams could severely disrupt the downstream flow of the Tigris to Syria and Iraq, affecting communities reliant on seasonal agriculture and heightening political tensions between Turkey and its neighbours. The aim of the mission was to examine the impact of dams already constructed or planned in Turkey: the effect on downstream agriculture, public health and the environment, to investigate if Turkey was abiding by international law in terms of consultation and resettlement programmes and to look into riparian rights of the future shared use of the Euphrates and Tigris rivers.

The mission discovered that as a result of dams already built on the Euphrates and the drought in the region, the flow of water has been reduced by 20%. Syrian and Iraqi officials asserted that Turkey had failed to inform them of its dam construction plans, contravening international law obliging riparian states of shared rivers to notify, consult and negotiate regarding planned projects. The Syrian Deputy Foreign Minister believes that if the South Eastern Anatolia Project (GAP) project goes ahead, in excess of seven million Kurds would suffer from salt water pollution and damage to agriculture and drinking water. Turkey is already known for using water as a political weapon and future military conflict over water rights cannot be ignored.

A report of the findings was published shortly after-Downstream Impacts of Turkish Dam Construction on Syria and Iraq.



*Members of the mission to Syria and Iraq being briefed on the possible downstream effects of Turkish dam construction by the Iraqi Ministry of Foreign Affairs and the Ministry of Irrigation.*



*The fact-finding delegation to Syria and Iraq at the offices of the Iraqi Ministry of Irrigation in Baghdad.*



### **Fact-Finding Mission - Turkey - February 2002**

In February, KHRP sent a fact-finding delegation to Turkey to investigate the current status of Kurdish language rights. The participants included KHRP's Deputy Director, a minority language rights expert, Robert Dunbar of Glasgow University Law School, and Nazmi Gur, the former secretary-general of the Human Rights Association of Turkey.

A group of students at Istanbul University started a campaign for Kurdish education with a petition demanding the introduction of optional Kurdish lessons at the university. Their actions instigated similar petitions at other universities and schools, reverberating around the country. The Turkish authorities responded with serious clampdowns-some 1,359 students were taken into custody and 46 have been suspended from educational establishments to date.

The delegation investigated the broader issues surrounding the status of the Kurdish language in Turkey, examining its use in Turkish law and practice, broadcasting, political discourse, civil society institutions, the justice system, private and commercial life. The mission also aimed to analyse the findings from the perspective of applicable international legal standards, including the Copenhagen Criteria with which Turkey will have to comply before being accepted for entry into the EU. The delegation also explored the basis for potential litigation under the ECHR along with challenges under other international mechanisms.

Kurdish is the mother-tongue for Turkey's Kurds. Legislation from 1983 banned any activity, as well as non-Turkish audio and visual materials. Although the law was annulled in 1991, many restrictions remain, many specifically aimed at preventing the use of Kurdish. However, under pressure from the EU to comply with pre-accession criteria, Turkey is slowly introducing reforms.

A report on the findings was published shortly after-Denial of a Language: Kurdish Language Rights in Turkey.

### **Fact-Finding Mission - Yusufeli, Turkey - April 2002**

In April, a fact-finding mission was conducted in Yusufeli, a town in northeast Turkey. Yusufeli is the site of a dam and hydroelectric project which will force 15,000 people to move out of their homes and villages, and completely flood the town.

The mission set out to discover if the consortium of companies planning to build the dam have



*Halbori Springs, Munzur Valley National Park; Site of proposed Konaktepe II Dam Project.*

complied with the internationally recognised standards for dam construction, discovering that none of these standards had been adequately met. The dam in Yusufeli will have major environmental and social impacts. Resettlement has not been addressed. Impacts on cultural heritage have not been considered.

A preliminary report was completed and circulated soon after the mission. Further research has since been carried out and a full report has been published-Damning Indictment: How the Yusufeli Dam Violates International Standards and People's Rights.

### **Trial Observation - Azerbaijan - May 2002**

In May, KHRP observed the trial of Azerbaijani political prisoner Iskender Gamidov, a Member of Parliament at the time of his arrest in March 1995 and the Interior Minister from 1992-93 under then-President Eichibey.

Azerbaijan undertook a commitment to release or grant a new trial to "those regarded as 'political prisoners' by human rights protection organisations". Mr Gamidov was reportedly detained without the leave of Parliament and it was also alleged that his lawyer was detained on false charges a month before the trial was set to begin, leaving Mr Gamidov without representation. At the Supreme Court Trial, he was sentenced to fourteen years imprisonment and kept in solitary confinement for fifteen months. The re-trial of his case was a closed hearing conducted in Gobustan Prison-his appeal for an open courtroom had been denied. Since the May 29 hearing, the case has been adjourned twice.

### **Trial Observation - Turkey - June 2002**

A KHRP delegation travelled to Turkey in June 2002 to observe the first substantive hearing



*Uzuncayir Dam, Munzur Valley; An indication of what the Halbori Springs site will look like should the proposed dam project for that region go ahead.*



*The KHRP and BHRC delegation sent to Turkey to observe the trial of university students prosecuted by state authorities for requesting optional Kurdish language lessons with the students' team of defence lawyers.*



The KHRP and BHRC delegation making statements to the press outside of the Diyarbakir State Security Court, Turkey after observing the 'W' trial related Kurdish language rights.

against students who have been prosecuted under Article 169 of the Penal Code for allegedly assisting an armed organisation. The students had petitioned the educational authorities for the option of Kurdish language classes. The basis of the indictment is that the petitions could harm the indivisible unity of the state, that education in Kurdish is not legal and that the PKK has called for cultural campaigns and may have incited its sympathisers to carry out such campaigns. Of the 24 students standing trial, 23 have been in custody in excess of five months. The 21 June hearing was adjourned.

A report on the findings was published shortly after-The Trial of the Students: "Tomorrow the Kurdish Language will be Prosecuted..."-Joint Trial Observation

## Trial Observation - Turkey - July 2002

Earlier in 2002, KHRP and the BHRC sent a delegation to Turkey to attend and observe two important and contrasting trials. The delegation first journeyed to Diyarbakir to observe the 'W' trial as part of the ongoing coverage of the denial of Kurdish language rights. The defendants in this case were members of the Diyarbakir branch of the IHD who were prosecuted by state authorities due to their use of the word 'Newroz' (the Kurdish spelling) as opposed to the Turkish version, 'Nevruz'.

The delegation then travelled to Sirnak to observe the ongoing efforts of lawyers from the Human Rights Association (including several of those charged in the 'W' trial) in their representation of alleged victims of torture.

A report on the findings was published shortly after-'W' and Torture: Two Trial Observations

## Fact-Finding Mission - Turkey - July-August 2002

From 26 July to 3 August, KHRP collaborated with several other NGOs to organise and co-ordinate a fact-finding mission to the Turkish section of the Baku-Ceyhan (BTC) pipeline, beginning at Ceyhan on the Mediterranean coast and following the pipeline route up towards the Georgian border.

The pipeline would transfer up to 50 million tonnes of crude oil per annum from Sangachal on the Caspian Sea coast, via Azerbaijan, Georgia and Turkey, to the Mediterranean. Crude oil would be supplied to international markets via tankers loaded at a new marine terminal. The route chosen is one of the most expensive possible for Caspian oil exports. According to the Chair of BP, the project's profitability is dependent on "free public money" becoming available, principally loans from publicity-funded financial institutions such as the World Bank and export credit agencies.

The purpose of the mission was to investigate the claims made by BP in relation to consultation, resettlement and compensation processes, to look at the potential environmental and social impacts of the BTC in the region, especially on Kurds and other minorities, and to gain a sense of local reaction to the project.

## Fact-Finding Mission - Southeast Turkey - August 2002

From 13-20 August, KHRP, in conjunction with the BHRC, sent a fact-finding mission to investigate the human rights situation in the Southeast Turkish provinces of Tunceli, Bingöl, Mus, Van, Hakkari and Diyarbakir. The delegation met with governors, political parties, mayors, bar associations and lawyers, human rights associations, trade unions and individual victims of human rights abuses.

The object of the mission was to evaluate the effect of recent legal and administrative changes in the Kurdish regions, principally the recently lifting of Emergency Rule, known locally as OHAL, in certain districts. The mission also looked at the enactment of Turkey's recent democratic reform package which could significantly liberalise certain provisions that have long been a source of conflict and complaint by those subject to them. The delegation also considered Turkey's relationship with the EU.

A report on the findings was published shortly after-The Lifting of State of Emergency Rule: A Democratic Future for the Kurds?



The KHRP trial observation delegation meet with the representatives of applicant Iskender Gamidov in Azerbaijan in May 2002.



KHRP Fact-finding delegation members Laurence Lustgarten (far left) and Ajanta Kaza (fourth from right) in Southeast Turkey in August 2002 investigating the effects of the recent lifting of State of Emergency Rule in the Kurdish regions.



### **Trial Observation - Turkey - September 2002**

In September, KHRP in conjunction with the BHRC, sent a delegation to Turkey to observe the trial of Eren Keskin, Advocate, Chair of the Istanbul branch of the IDH and founder of the Legal Aid Project Against Sexual Harassment and Rape in Custody. Ms Keskin was charged under Article 312, paragraph 2 of the Turkish Penal Code for inciting people to "hatred or hostility on the basis of a distinction between social classes, races, religions, denominations or regions."

The charge relates to a speech Ms Keskin gave on 16 March 2002 at a meeting organised by the Federation of Alevi Associations in Cologne, Germany, entitled, 'Are Women's Rights Human Rights?' Ms Keskin spoke about sexual violence directed at women by the State. The indictment alleges that she accused the Turkish army of subjecting women to all manner of sexual harassment. By attending the trial, KHRP and the BHRC continued the essential monitoring of this issue undertaken previously by the KHRP delegation visit in December 2001. Moreover, the delegation aimed to expand upon the issues brought to the forefront by the trial, particularly women's rights, Kurdish rights, sexual violence and the independence of human rights lawyers in the context of the present political situation in Turkey. The trial was postponed until the end of November while awaiting testimony against Ms Keskin from a professor who was also present at the Cologne conference.

A report on the findings will be published early in 2003.

### **Fact-Finding Mission - Hakkari and Munzur, Turkey - November 2002**

In mid-November 2002, KHRP conducted an environmental fact-finding mission to the Kurdish regions of Hakkari and Munzur. The primary objective was to research the potential impact of the major dam projects planned for the areas. Furthermore, the delegation examined the issue of internally displaced peoples in Hakkari and Munzur and conduct during the recent national elections.

In Hakkari, the mission discovered allegations of widespread electoral fraud, including intimidation by the army, voting irregularities, detention and assault. Mission representatives also met with delegations from all the major political parties and civil society organisations, and discovered that none of them had had any contact with either the many contractors or elected officials over the proposed Hakkari

Dam. There is no evidence of any effort on the part of the state to make financial or social provision for the thousands of people who will be displaced by the dam project.

In Tunceli, the mission likewise discovered a systematic lack of the consultation, compensation and resettlement procedures. In this case, the violations are even more egregious, since the current plan is to construct eight dams along a single river, the Munzur and its tributaries, located in Turkey's first National Park. Allegations of corruption have been raised over the dams, which analysts have charged are intended to displace people from the Tunceli regions in line with long-standing central state policies.

A report on the findings will be published early in 2003.



*The Syria-Iraq fact-finding mission delegation with officials from the Iraqi Ministry of Foreign Affairs.*



*The January 2002 fact-finding mission in Syria. Left to right: KHRP Deputy Director Fiona McKay, Nicholas Hildyard from the Corner House, KHRP Executive Director Kerim Yildiz with Mr. Mohammed Radwan Martini and Dr. Abdul Aziz Al Masri, Syrian government representatives from the Ministry of Irrigation.*

Institut kurde de Paris





## KHRP Tenth Year Anniversary

"KHRP can count many achievements since its foundation ten years ago, but among these its contribution to the fight against torture and organised violence has been one of the most important. Through its litigation strategies, notably at the European Court of Human Rights, its reports and public advocacy, KHRP has helped expose continuing abuses against both Kurds and others, particularly in Turkey, and to raise hopes that victims and survivors of torture and other state violence may obtain recognition of their ordeal, compensation and justice."

- Malcolm Smart, **Director Medical Foundation for the Care of Victims of Torture**

Since its foundation in December 1992, KHRP has distinguished itself within the human rights and international community as an organisation dedicated to the protection and promotion of human rights within the Kurdish regions of Turkey, Iraq, Syria, Iran and the Caucasus. KHRP has played a pivotal role in documenting the history, identity and persecution of the Kurdish people in these regions over the last decade. Its strategic litigation programme has brought a measure of justice, redress and hope to those individuals whose basic human rights are being consistently violated. In the past ten years, KHRP has developed a pan-European network in defence of human rights within the Kurdish regions. As a result, it has established a reputation for fearless independence and integrity in a region beset by repression.

To commemorate a decade of hard work, KHRP hosted a public lecture at St Paul's Cathedral by internationally

renowned academic and prominent political dissident, Professor Noam Chomsky. On the evening of Monday, 9 December 2002, Canon Edmund Newell welcomed the over 2000 people who had gathered together in the cathedral to mark KHRP's tenth anniversary. Following the Canon's greeting, Mark Muller, Bar Human Rights Committee (BHRC) Vice President and KHRP Board Chair, addressed the audience regarding KHRP's numerous achievements in the human rights field and its long term and productive relationship with the BHRC. Kerim Yildiz, KHRP's Executive Director, went on to express pride at the organisation's rapid development over the years, resulting in the fact that the KHRP is now a central leader in the ongoing battle for fundamental rights in the Kurdish regions. Mr. Yildiz concluded with a declaration of profound thanks to all those who have contributed to KHRP over the last ten years and to all those who continue to aid the organisation in its vital work.

Eminent play-write and long-time KHRP patron, Harold







Canon Edmund Newell



Mark Muller



Kerim Yildiz



Noam Chomsky



Harold Pinter

Pinter then introduced Professor Chomsky. Recalling the Professor's distinguished reputation as a redoubtable proponent of human rights, Pinter eloquently described Chomsky as one who "will not be bullied. He will not be intimidated. He is a fearless, formidable, totally independent voice. He does something which is really quite simple but highly unusual. He tells the truth." Professor Chomsky then approached the podium and proceeded to tell "the truth".

Considering KHRP to be an organisation that has carried out "outstanding work on some of the most serious human rights issues of the decade", Professor Chomsky walked the audience through some of the major human rights problems in the Kurdish regions since the 1980s, building up to the question of another war with Iraq: "In the Kurdish areas the general opposition to war is heightened by concern over the consequences for the

Kurds. The neighbouring countries are likely to intensify domestic repression in the context of war. Similar concerns extended to Kurds elsewhere, including the 4 million who, for the moment, have achieved unusual progress in the northern enclaves of Iraq under the uneasy alliance of Masoud Barzani and Jalal Talabani....The UN High Commissioner for Refugees is planning for the possible flight of hundreds of thousands to neighbouring countries, where they are not likely to receive a warm welcome, and where the prospects for the indigenous Kurdish populations are sufficiently grim even without what might lie ahead-or perhaps to camps in northern Iraq that are being constructed by the Turkish army there, according to Turkish sources, a development with threatening portent."

Further expanding on human rights abuses in Turkey, Professor Chomsky commended KHRP's extensive work





Noam Chomsky



Kerim Yildiz, Noam Chomsky and Mark Muller

"As someone who had the privilege of playing a small part in the setting up of the Kurdish Human Rights Project, I have watched with admiration the way in which it has gained in stature and authority over the years. KHRP has made a real difference to the lives of many individuals and through its groundbreaking work in the European Court of Human Rights and elsewhere it has brought about policy change in some of the most intractable situations on earth. I congratulate them on their tenth anniversary and hope that their important work promoting human rights will continue for as long as needed."

Jane Winter

in battling the atrocities of the Turkish government against its Kurdish population which, he stated, "rank among the most terrible crimes of the grisly 1990s, leaving tens of thousands dead and millions driven from the devastated countryside, with every imaginable form of barbaric torture."

The impact of US involvement on world events was also discussed, not only in relation to possible war, but also in a broader context. Chomsky touched on the delicate issue of arms flow into Turkey, stating that the US was responsible for 80 per cent of those coming into the region during the Clinton administration. The Professor paralleled this situation with the relationship between the US and Colombia, which replaced Turkey as the major recipient of arms from the US in 1999. Besides the distressing correlations that can be made between Turkey and Colombia, Chomsky noted that the level of human

rights activism in both countries provide "a model of courageous resistance that should be observed with shame and humility by privileged Westerners-particularly those who labour to suppress the continuing atrocities and terror for which we bear responsibility, to efface the disgraceful record of the past, and to erect firm barriers against the threat of exposure of crimes that the general population would not tolerate, were the barriers to be breached."

Following an eloquent thank you from renowned barrister Michael Mansfield QC, Professor Chomsky received a standing ovation.

Among notable guests who came to support KHRP at the event were, actress Vanessa Redgrave, Lord and Lady Hylton, Lady Antonia Fraser and Harold Pinter, Stephen Solley QC, Michael Birnbaum QC, author David McDowell, comedian Mark Thomas, solicitor Gareth Pierce,



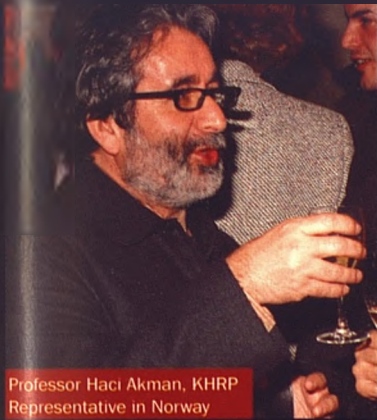
## KHRP Tenth Year Anniversary



Rea, Vanessa Redgrave, Michael Mansfield QC



Chris Dandredge, Hikmet Tabak, and Kerim Yildiz



Professor Haci Akman, KHRP Representative in Norway

"Index congratulates the Kurdish Human Rights Project for the sterling work they have done for the Kurdish people of Iran, Iraq, Syria, Turkey and the former Soviet Union over the past ten years. With their promotion and protection of the human rights of the Kurdish people in these regions, KHRP has significantly raised public awareness and given visibility to people who have been too often marginalised." Ursula Owen, *Index on Censorship*



ick Stuart QC with others



Kerim Yildiz, Barrister Declan O'Callaghan, Lord Rea



KHRP Executive Director Kerim Yildiz and Michael Mansfield QC

journalist Can Dundar, solicitor Louise Christian, director of Human Rights Watch UK Jonathan Sugden, members of Parliament, representatives of Kurdish organisations throughout Europe and other distinguished members of the academic and legal communities.

KHRP warmly appreciates the work of all those who made this important evening possible. KHRP also wishes to extend its deepest gratitude to all who have supported the organisation throughout the past decade in its continuing struggle for fundamental human rights in the Kurdish regions.



Journalist Ann Treneman, Comedian Mark Thomas, and Barrister Ajanta Kaza



Fazil Kawani of the British Refugee





Barrister Fiona Darroch, Journalist Ann Treneman, KHRP Executive Director Kerim Yildiz



Barristers Mark Muller and Tim Otty

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

- Can Dundar, Journalist



Jonathon Sugden, Director of Human Rights Watch UK



Noam Chomsky signs autographs at the reception

"Over the past decade the BHRC has had great pleasure in working with the KHRP. No organisation has had more impact both in Strasbourg at the European Court of Human Rights, and in Turkey's political-legal configuration. The BHRC is proud of its close association with the KHRP."

- Stephen Solly QC, BHRC President



Michael Mansfield QC with Stephen Solley QC



Tanja Suvisaakso and Pertti Ikonen from Finland

"KHRP's work has been an important element in the continuing struggle for freedom of expression in Turkey over the past ten years. In 1994, Kerim Yildiz, KHRP's director, was one of a core of international experts who helped elaborate Article 19's groundbreaking Johannesburg Principles on National Security, Freedom of Expression and Access to Information, and in 1998 Article 19 and KHRP collaborated to research and publish State Before Freedom, a major analysis of Turkey's failure to respect international standards on freedom of expression, and to convene with the Contemporary Journalists' Association, an important public seminar on the issue in Istanbul."

- Andrew Puddephat, Director Article 19



Institut kurde de Paris

## PROJECT 3

RESEARCH AND PUBLICATIONS

---

Based upon objective and thorough research - an essential component to the monitoring of human rights - KHRP publications provide a concrete factual basis for KHRP to influence the international community in applying pressure on States within the Kurdish regions with the aim of forcing reform policy and legislation which contravenes international and regional human rights norms and jurisprudence. Such research is especially crucial in the Kurdish regions where sound information is frequently hard to secure, thereby making KHRP's detailed and meticulous research all the more vital as we continue to uncover crucial facts and information on the key issues affecting the Kurds.

The Research and Publication project thus plays a significant role in the work of KHRP to educate, inform and communicate the plight of the Kurds and the human rights abuses occurring in the region to the international community. In 2002, KHRP managed to produce many such internationally respected publications, detailing KHRP research findings and advocacy work. These reports play a vital role in the success of KHRP's training and empowerment programmes, increasing the capacity of indigenous lawyers and human rights groups to expose the violations and argue in favour of satisfactory human rights standards, in both domestic and international courts. Furthermore, they are a valuable resource for academics, education institutions, policy makers at a governmental level, NGOs, students, human rights activists on the ground and the general public.

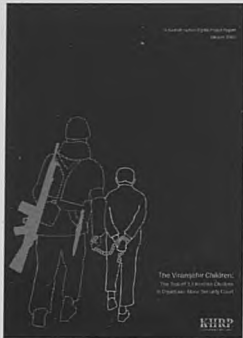


**B Yolunda Türkiye: Değişim İçin Fırsat mı? Yoksa Yol Ayrımı mı? Turkey on the Way to the EU: Is it an Opportunity for Change or is it a Crossroad? (April 2002)**

This report, published in Turkish by KHRP, comments on Turkey's failure to live up to the human rights criteria set out in its EU Accession Partnership Agreement. The report also goes on to offer recommendations to the EU and

Turkey on how to press the Turkish Government to clean up both its atrocious human rights record and its internationally criticised legal system which falls far from EU standards regarding the rule of law, democracy and human rights.

The report argues that time has long since passed for the EU to demand that Turkey implement full respect for the human rights of Kurds and other ethnic minorities in Turkey once and for all. More than 80 years of Turkish State violence and persecution of its ethnic minorities makes it a moral imperative that can no longer be avoided by Turkey or the EU.



**The Viransehir Children: The Trial of 13 Kurdish children in Diyarbakir State Security Court, Southeast Turkey (January 2002)**

This report discusses the arrest, detention and prosecution of a group of children in the Kurdish town of Viransehir, Southeast Turkey, following a street demonstration in January 2001. The demonstration was to protest against prison conditions in the context of Turkey's

continuing "F-Type" prison crisis: Twenty-eight children were initially detained, some for more than a month, and thirteen were eventually charged with supporting the PKK. Two of those charged were only 12 years old, the others between the ages of 14 and 17.

The Viransehir Children report outlines the applicable international human rights standards and highlights the many ways in which Turkey has contravened these rights. What emerges is that Turkey has fallen short both of human rights safeguards guaranteed to all, and of the particular protections pertaining to children as in the Convention on the Rights of the Child and other international instruments that bind Turkey. The report also details other concerns relating to this particular case as well as KHRP's recommendations addressed to the Government of Turkey.



**Denial of a Language: Kurdish Language Rights in Turkey (June 2002)**

The fact-finding and research based report investigates the wider status of the Kurdish language both within Turkish law and practice, education, broadcasting, political discourse, civil society institutions, the justice system, cultural life, private and commercial life and in the use of names.

This publication reports on the Kurdish education campaigns which began at the end of last year when a group of students at Istanbul University signed a petition demanding the introduction of optional Kurdish lessons. It prompted the presentation of similar petitions at other universities and schools around the country resulting in widespread clamp downs by the authorities.

The report argues that Turkey has violated a number of international principles and standards, and that a wide range of changes are needed in the Turkish Constitution, from legislation to policy and practice, before Turkey can be considered to have seriously complied with international standards.



### **Internally Displaced Persons: The Kurds in Turkey (June 2002)**

The inhabitants of more than 3,000 villages and hamlets that were evacuated in the Kurdish regions have not been allowed to return to their villages. Most were forced into cities without the capacity to receive them, leaving the expelled villagers to create homes in ghettoised communities on the margins of society. Displacement has been one of the harshest aspects of Turkish policy towards the Kurds in Southeast Turkey over the past 20 years and remains one of the most significant issues for the community today. It stems not only from the long term discrimination against the Kurds in Turkey, the policy of Turkification and the armed conflict with the PKK, but also from large scale infrastructure projects such as the Ilisu Dam that are pursued without regard to the interests and the wishes of the local population. The question of return or resettlement of the displaced is still not resolved and remains one of the burning issues for the Kurds.

The report aims to update previous KHRP reports on village destruction and internal displacement in Southeast Turkey, to evaluate Turkey's current programmes for return and resettlement of the displaced, and to view Turkish practice against international standards. Recent years have seen a growing realisation that internally displaced persons can require as much protection and assistance as refugees and that the international community needs to do more to address this issue.



### **The Trial of the Students: "Tomorrow the Kurdish Language will be Prosecuted..."-Joint Trial Observation (July 2002)**

This report is based on observations of the KHRP delegation that went to Turkey to observe the first substantive hearing of the students arrested after petition education institutions for optional Kurdish classes. The report portrays a detailed and accurate description of

the facts of this prosecution and, so far as possible, of the Turkish system. It also lists a number of recommendations informed by the culture of rights reflected in international human rights instruments and by the delegation's experience of relevant steps to achieve the aims avowed by the Turkish state in endorsing these human rights texts.

Beyond the trial is the issue of language rights. The Turkish state appears to link Kurdish culture automatically to separatism and a form of separatism serious enough to require repression. The defendant interviewed by the delegation reduced the issue to its core: "Kurdish is the language of our people and we are denied access to it...Tomorrow the Kurdish language will be prosecuted, not the students".

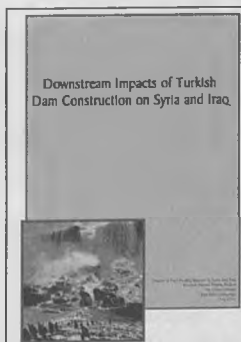


### **Sadak & Others v. Turkey: The Right to Free Elections-A Case Report (August 2002)**

This report is based on the KHRP case which received a groundbreaking judgment on 11 June 2002-for the first time the ECtHR found the Turkish government to be in violation of the right to free elections (Article 3 of Protocol 1 of the ECHR), based on the Government's 1994 dissolution of the

pro Kurdish Democracy Party (DEP) and further imprisonment of the Party's MPs.

As the applicants in this case were all lawfully elected members of the Turkish Grand National Assembly prior to the State Constitutional Court's dissolution of their party, this case represents a violation of rights and freedoms which form the basis of the democratic principle: the right of the electorate to freely choose their parliamentary representatives, and of those elected representatives to enact their mandate. Moreover, by dissolving the DEP, the Turkish Government continued their series of actions aimed at suppressing the political voice of its Kurdish minority, including the disbanding of several other pro-Kurdish parties. Therefore, this judgment could have profound political consequences as all the former applicants in this case are Kurdish and represent a large swathe of Turkey's Kurdish minority in the southeast.

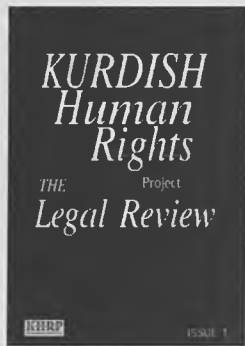


### **Downstream Impacts of Turkish Dam Construction In Syria and Iraq: Joint Report of Fact Finding Mission to Syria and Iraq (August 2002)**

From 29 January to 4 February 2002, a fact-finding delegation from KHRP, the Ilisu Dam Campaign and The Corner House travelled to Syria and Iraq to conduct research and interviews on the potential downstream impacts of the proposed

Ilisu Dam, scheduled for construction near the ancient town of Hasankeyf in southeast Turkey.

In order to provide an in depth assessment of the potential downstream impacts which such projects may have on Syria and Iraq, the mission report analyses the extent to which international financial backing for dams in Turkey has destabilised water politics in the region, the extent to which Turkey is abiding by international law governing shared rivers and the known impacts of dams already constructed and of those proposed in Turkey, on the downstream agriculture, public health and environment of the relevant regions among other observations. The delegation concluded that the threat to future water supplies in Syria and Iraq is very real. The report goes on to list a series of recommendations urging the international community to pressurise Turkey into halting further GAP projects until international standards related to dam construction have been met.



**The Kurdish Human Rights Project Legal Review - Issue 1 (August 2002)**

This is the first edition of KHRP's new Legal Review, to be published bi-annually, which consolidates individual case reports, with the addition of summaries and commentaries on cases taken by KHRP to the ECtHR and other legal relations.

The Review includes reports on cases not only at the admissibility stage and the judgment, but also to discuss, when possible, the case when it is first 'communicated' by the Court to the Respondent Government. The Review is intended to incorporate a practical focus, providing lawyers in the region with clear guidance on how to be most effective in taking human rights cases. This new format of documenting cases allows for a wide-ranging scope, including legal human rights developments in the regions that KHRP operates in, including Turkey, Armenia, Azerbaijan, Iran, Iraq and Syria. The journal will also incorporate important Court judgments against other Council of Europe states which have relevance to the 'KHRP region', in addition to significant human rights developments within other regional and international human rights systems.

In this first edition, the Review covers Court admissibility decisions and judgments from May 2000 to December 2001.

**The Kurdish Human Rights Project Legal Review - Issue 2 (December 2002)**

The second edition of the KHRP Legal Review considers significant legal developments that have occurred in the Kurdish regions of Turkey, Iraq, Iran, Syria and the Caucasus in 2002.

The Review thus examines, amongst other issues, the human rights situations of Armenia and Azerbaijan following their recent accession to the Council of Europe; Turkey's August 2002 reform package aimed at helping its accession to the EU, including the abolition of the

death penalty (except in times of war and imminent threat), the granting of certain cultural rights to Kurds, and the lifting of state of emergency rule in Turkey's southeast; The principles of the European Convention on Human Rights and the response of states to terrorism; and the recent coming into force of the Rome Statute which established the International Criminal Court.

This edition covers Court admissibility decisions and judgments from January 2002 to November 2002.



**Taking Cases to the European Court of Human Rights: A Manual (September 2002)**

The European Convention on Human Rights (ECHR) was the first Convention adopted by the Council of Europe (CoE) in 1950 and is integrally linked with the founding principles underlying both the CoE and the European Court of Human Rights (ECtHR). These principles, which are implicitly stated in the

Council of Europe Statute are the promotion of pluralist democracy, the respect of the rule of law and the protection of human rights and fundamental freedoms.

This manual provides commentaries on the practice and procedure of the ECtHR, as well as including key texts, such as the Convention itself, the Court's application form and a table of legal aid rates. It has been produced in order to complement on-going KHRP training seminars being held in Armenia, Azerbaijan, Turkey and elsewhere in Europe, which have been designed to provide very practical advice about taking cases to the Court. The manual was prepared by KHRP Executive Director Kerim Yildiz and solicitor and Lecturer of Law Philip Leach and was published jointly with the BHRC.

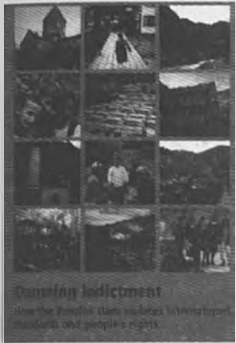


**'W' and Torture: Two Trial Observations (September 2002)**

In July 2002 a KHRP and BHRC delegation travelled to Turkey to observe two important and contrasting trials. The team made their first stop in Diyarbakir to observe the 'W' trial as part of the on-going research on the denial of Kurdish language rights. The case here concerns IHD Diyarbakir Branch's use of the word 'Newroz' (the

Kurdish spelling) as opposed to the Turkish version, 'Nevruz'. The delegation then continued on to Sirnak to observe the ongoing efforts of IHD lawyers (including several of those charged in the 'W' trial) in their representation of alleged victims of torture, proceedings in which five security personnel and six doctors have been indicted in relation to allegations of torture on six Kurdish civilians.

The delegation was witness to the pressures ever-present for human rights lawyers, defendants one day and representatives the next. Moreover, observing the Sirnak trial presented the KHRP team with an opportunity to give an overview of the problems facing victims of torture who assert their right to justice and to formulate suggestions on how this gross violation of human rights must be addressed.



**Damning Indictment: How the Yusufeli Dam Violates International Standards and People's Rights-KHRP, The Corner House, the Ilisu Dam Campaign, Friends of the Earth, and France Libertes Joint Report (September 2002)**

This report details the findings of an international fact-finding mission which visited the site of the proposed Yusufeli dam and hydro-electric

project, on the Çoruh river in northeast Turkey, in April 2002. When construction, resettlement and road reconstruction costs are culminated, the estimated price tag on the 540MW Yusufeli project is likely to exceed US\$3 billion. It would directly displace 15,000 people and significantly impact the lives of up to 15,000 more, as well as having a detrimental impact on the Çoruh river and the local ecosystem, a largely pristine area rich in wildlife.

This report discusses the various concerns surrounding the project, how it correlates with international standards, particularly those set out in the World Bank Safeguard policies and with the recommendations of the World Commission on Dams.

**The Ilisu Dam: Displacement of Communities and the Destruction of Culture- KHRP, Ilisu Dam Campaign, The Corner House, National University of Ireland, Galway Joint Report (October 2002)**

Despite the victory of the Ilisu Dam Campaign and others in drawing attention to the human rights disaster that this Dam would have constituted, the Turkish state seems

determined to press ahead with this and other similar projects in the Kurdish regions and elsewhere in Turkey. In June 2001, two members of the Ilisu Dam Campaign and an archaeologist undertook a fact-finding mission to the region where the Dam was to be built, seeking to examine the effects of the Dam on those most affected by it, particularly women and those already displaced from the area by war, poverty and repression. The delegation also investigated the potential cultural destruction that the Dam could cause. This report documents crucial findings on the continuing failure to consult and inform

affected communities about development projects that may enormously impact their lives.



**Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System - KHRP, Platform, The Corner House, Friends of the Earth International, Campagna per la Riforma della Banca Mondiale, and CEE Bankwatch Network Joint Report (October 2002)**

This is a study of an oil and gas pipeline system that has not yet been

constructed. The pipelines systems' backers intend to build the pipelines through Azerbaijan, Georgia and Turkey between early 2003 and late 2005. The project comprises two pipelines, one oil (Baku-Tbilisi-Ceyhan or BTC) and one gas (South Caucasus Pipeline or SCP), both starting near Baku in Azerbaijan on the Caspian Sea and passing through Tbilisi in Georgia. The complete system is referred to as the Azerbaijan-Georgia-Turkey pipelines system-AGT.

At present, the pipelines systems are in the preconstruction phase, existing only in the imagination of the companies and governments backing the project. However, it is extremely difficult to imagine what the pipelines will be like, and the effects they will have for the next two generations at least. This study attempts to assist this process of imagination by asking and trying to answer some of the most pressing questions related to the project such as: How safe would the AGT pipelines system be for the environment? Would the pipelines system exacerbate conflict? Would the people living along the AGT pipelines system actually benefit?



**The Lifting of State of Emergency Rule: A Democratic Future for the Kurds? (November 2002)**

From 13 to 20 August 2002, KHRP in conjunction with the BHRC sent a fact-finding mission to investigate the human rights situation in the southeast Turkish provinces of Tunceli, Bingöl, Mus, Van, Hakkari and Diyarbakir. The object of the mission was to evaluate the effect of recent legal and administrative

changes in the Kurdish regions, principally the recent lifting of Emergency rule, locally referred to as OHAL, in certain districts.

This report is a rich documentation of the delegation's experience and findings, and includes a detailed analysis of the troubling conclusion that despite the formal lifting of OHAL from much of southeast Turkey, most of the regions' inhabitants remain literally under a police state.

In order continue providing reliable and thorough information to the Kurdish regions, KHRP this year has

published translated versions of the following publications:

- Denial of a Language: Kurdish Language Rights in Turkey - Turkish translation
- Internally Displaced Persons: The Kurds in Turkey - Turkish translation
- Taking Cases to the European Court of Human Rights: A Manual - Azeri and Armenian translations
- Downstream Impacts of Turkish Dam Construction in Syria and Iraq: Joint Report
- Fact Finding Mission to Syria and Iraq - Turkish translation
- The Kurdish Human Rights Project Legal Review: Issue 1 and Issue 2 - Turkish Translation

### **KHRP Information Sheets**

In 2002, KHRP continued to update the wide 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 extensive 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)
- '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)



Institut kurde de Paris

# 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.



KHRP Executive Director Kerim Yildiz visits the Washington State Department during his May 2002 visit to the United States to meet with NGOs, researchers, and funders.



KHRP Executive Director Kerim Yildiz with Malcolm Smart, Director of Human Rights Watch, New York.

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](http://www.khrp.org), which is consistently updated with our latest news and our newsletter, Newsline, which is issued quarterly.

The highlight of this memorable year took place in December when KHRP celebrated its tenth anniversary with a lecture by renowned academic Professor Noam Chomsky at St. Paul's Cathedral. Attended by over 2000 people, the evening resulted in an unprecedented level of awareness of KHRP's work and was an appropriate commemoration of what is now officially a decade of struggle for human rights in the Kurdish regions.

### Press Work

Among the many international journalists, news broadcasters, filmmakers, and other members of the media KHRP met with in 2002, key interviews were held with:

AFX News  
Aharq Alawsak Newspaper  
Armenian TV & Newspaper  
Associated Press, USA  
Austrian Broadcasting Corporation  
The Observer Newspaper, UK  
BBC Channel 4  
BBC Radio 4  
BBC Radio Manchester  
BBC TV  
BBC Turkish Service  
BBC World Service  
Chicago Radio Station WNUR 89.3 FM, US  
Community Newspaper Weekly  
Deutsche Welle Radio  
The Evening Standard Newspaper, UK  
The Guardian Newspaper, UK  
The Hurriyet Newspaper, Turkey  
The Independent Newspaper, UK  
Kurdish Observer  
Londra Toplum Postasi, UK  
Medya Television, Kurdish News Network  
The Milliyet Newspaper, Turkey  
MSNBC.com  
National Geographic Magazine, UK  
OneWorld.Net  
Özgür Politika, Germany  
Radio Barcelona, Spain  
Radio Popolare, Italy  
Red Pepper Magazine  
Reuters  
SBS Radio, Australia  
The Times Newspaper, UK  
Time Magazine  
Turkish Daily News, Turkey  
Turkish Television  
Voice of America Radio - Kurdish Service  
Yahoo Internet News Service



### Participation at Events

Throughout 2002, KHRP attended a wide range of international conferences, seminars, public lectures, and special events. The following are some of the events in which KHRP participated:

- Export Credit Agency Watch Conference, Berlin where KHRP made a joint-presentation on 'Lessons from Ilisu'
- OSCE (Organisation for Security and Cooperation in Europe) Annual Human Dimensions Implementation Meeting, Poland where KHRP delivered a speech on electoral practise in Turkey
- Baku-Ceyhan Pipeline Coalition International Strategy Meeting of which KHRP was a key organiser
- Institute of Commonwealth Studies MA seminar on 'Understanding Human Rights' where KHRP lectured on the issue of torture
- Council of Europe Training Seminar, Bosnia where KHRP provided training on European Court procedure to local practitioners
- Expert Seminar on Baku-Ceyhan Pipeline at the House of Lords of which KHRP was a principal organiser and panel member
- Birkbeck College MA seminar, London where KHRP lectured on Ilisu Dam and Kurdish human rights
- British Parliament public meeting during which KHRP spoke on 'Lessons from Ilisu'
- British Institute of International and Comparative Law Day Seminar on the European Court of Human Rights: The Year in Review
- University College London seminar where KHRP delivered a presentation on Turkey, the European Court of Human Rights, and the work of KHRP
- Foreign and Commonwealth Office Human Rights Training Programme where KHRP spoke on the role of NGOs in human rights promotion and protection
- Council of Europe Seminar, Ukraine where KHRP provided European Convention training to local judges
- International Nordic-Kurdish Cultural Heritage, Norway where KHRP delivered a speech on the cultural legacy of Hasankeyf and Ilisu
- British Institute of Human Rights/Law Society seminar during which KHRP spoke on "Reform of the European Court of Human Rights: What might the Evaluation Group Report mean for human rights protection in Europe?"
- Amnesty International Reception to mark the Anniversary of the Rome Statute of the International Criminal Court
- NGO Export Credit Reform Seminar where KHRP delivered a joint presentation on "The ECGD and the Human Rights Act"
- Fringe Meeting of the Trade Union Congress Conference, Blackpool where KHRP spoke on the Ilisu Dam Campaign
- Body Shop Human Rights Awards Reception
- British Environment and Media Awards in which the Ilisu Dam Campaign, of which KHRP is a leading member, was nominated for the Redwood Award for Best Environmental Campaign
- Week-long reverse international Environmental Fact-finding Mission of which KHRP was a principal organiser
- Organised KHRP 10th Anniversary Lecture with Professor Noam Chomsky at St Paul's Cathedral, London

### KHRP Press Releases in 2002...

#### ...on KHRP's European Court Litigation Work

"European Court Judgment Shows Urgent Need for Fact-finding Hearings"-25 February 2002

"Kurdish Children Receive Justice for Murdered Family Members: European Court Orders Turkey to Pay over 175,000 Euros to Victims' Family"-20 May 2002

"Judgment in Leyla Zana and Fellow Kurdish MPs Case to be Delivered by European Court: After Eight Year Wait, Decision to be Handed Down Tomorrow"-10 June 2002

"European Court of Human Rights Rules in Leyla Zana and Kurdish MPs Case: Turkey has Violated the Right to Free Elections and Must Pay Over 700,000 Euros"-11 June 2002

"Turkey to Pay a Total of £100,000 in Kurdish 'Disappearance' and Village Destruction Case"-4 July 2002

"Council of Europe Adopts New Resolution on Turkish Security Forces in Light of Continued Human Rights Abuses"-11 July 2002

"Kurdish Women Emerges Victorious in Case against Turkey over Husband's Murder"-17 July 2002

#### ....on Human Rights and Kurdish Issues

"Victory for Freedom of Expression in Chomsky Censorship Case"-13 February 2002

"Turkish Government's 'Village Guard' System Underlies Murder of Three Kurdish Villagers" - 12 July 2002



Vice-President of Mazlum-Der (third from right) and President of the Law Association (right) in Turkey visit KHRP.



Osman Baydemir and Nazmi Gur, human rights defenders in Turkey, visit KHRP's offices in April 2002.



In June 2002, KHRP bid farewell to former deputy Director Fiona McKay and former Legal Director Philip Leach, who worked for KHRP for three years. KHRP wishes Ms. McKay all the best in her new post as Programme Director of the International Justice Programme and also Mr. Leach who is now a Senior Lecturer in Law and Director of the European Human Rights Advocacy Centre.



KHRP Executive Director, Kerim Yildiz, and Public Relations Officer, Angela Debnath, at the September 2002 OSCE (Organisation for Security and Cooperation in Europe) Conference in Warsaw, Poland.



Before proceeding to St. Paul's Cathedral to deliver KHRP's tenth anniversary lecture, Professor Noam Chomsky visited KHRP to meet with staff.

"Turkish Court Commutes Ocalan Death Sentence to Life Imprisonment"-04 October 2002

"Legitimacy of Recent Turkish Elections in Serious Doubt"-28 November 2002

"KHRP Sends Critique on Turkey's Failure to Meet Accession Criteria to Main Players at EU Summit"-12 December 2002

#### ....on the Environment

"Ilisu Dam Project in Turkey Suffers Another Blow as Main Financiers Pull Out" -28 February 2002

"A Major Victory as AMEC Pulls out of Yusufeli Dam in Turkey"-13 March 2002

"Human Rights and Environmental Concerns about the Yusufeli Dam to be Raised at AMEC AGM on 8th May 2002"-7 May 2002

"Yusufeli Project Violates International Standards: International Fact-finding Mission Releases Preliminary Report"-6 June 2002

"Oil Companies Colonise Turkey: MAI BY the Back Door?"-30 August, 2002

"Baku-Ceyhan Project Breaks Ground, Fails to Allay Reservations"-18 September 2002

"House of Commons Expert Seminar: BP's New Caspian pipeline: Fit for Public Funding?" -29 October 2002

"Controversial BP Pipeline Delayed-Campaigners Insist Human Rights and Environment Must be Considered First"-16 December 2002

#### Newsline - Issues 17 through 20

Now in its fifth year of publication, KHRP's quarterly news bulletin, Newsline, continues to offer a concrete and detailed overview of news and events in the Kurdish regions along with regular 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.

A new membership scheme for supporters aimed at increasing public awareness and raising funds for KHRP's work has meant that Newsline's readership has again increased throughout 2002. KHRP's mailing list is now approximately 1,000, including members of the public both in the UK and internationally, lawyers, human rights organisations, academics, researchers, writers, embassies and libraries. Moreover, 2000 copies of the winter Newsline were distributed at KHRP's 10th Anniversary Event at St Paul's Cathedral in December.

This year, Newsline has featured some exclusive articles including a private interview with long time KHRP patron, Professor Noam Chomsky detailing the distinguished academic's view on the plight of the Kurds in the context of current world affairs.

#### KHRP's Website: [www.khrp.org](http://www.khrp.org)

Aware that the Internet is now a key component in the accessing and disseminating of information, KHRP continues to put much effort in ensuring that the KHRP website ([www.khrp.org](http://www.khrp.org)) provides an exceptional level of information in a user friendly format. Considered a crucial element of our public awareness strategy, 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.

In 2002, KHRP's site was given a dynamic new look and expanded to include a section detailing the work of KHRP's new Environmental Unit with fully downloadable copies of all of KHRP's environment publications. The site also provides a detailed breakdown of KHRP's core projects along with all of our latest press releases, summaries of new KHRP reports, and news about on our public awareness work. In addition, the website posts information on the countries in which KHRP is active, and contains a helpful search engine and links section for those eager to find more information on specific issues. As evidenced by the great amount of e-mails we have received over the course of 2002 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.

2002 also witnessed the launch of KHRP's new Turkish website which will be continually developed and expanded to incorporate all of our translated publications. The aim of establishing a Turkish language website was to ensure that people in the Kurdish regions have access to all of KHRP's resources and materials. The Turkish website is still in its infancy, but KHRP intends to translate and upload further materials during 2003.

#### KHRP Tenth Anniversary Lecture

2002 was the year in which KHRP celebrated a decade of human rights activism. In order to commemorate the event, KHRP organised a special lecture by guest speaker Noam Chomsky at St. Paul's Cathedral which was attended by over 2000 people. The evening was highly successful and generated enormous awareness of KHRP's work. Please see page 27 for a detailed account of the event.

Institut kurde de Paris

## PROJECT 5

THE KHRP ENVIRONMENTAL UNIT

---

From 1999 - 2001, KHRP 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 which, if built, would have threatened the lives and livelihoods of close to 80,000 people - the vast majority of whom are Kurds. 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 in November 2001 as the dam's lead contractor, the UK construction company Balfour Beatty, withdrew from the project along with its Italian construction partner, Impregilo, effectively meaning that the Ilisu project no longer had sufficient financial support to go ahead.

Building on its experiences from the Ilisu Dam Campaign, KHRP, in mid 2002, launched its Environmental Unit aimed at further combating human rights violations arising from numerous other large-scale infrastructure projects proposed for the Kurdish regions. The principal focus of the Environmental Unit has so far been on researching and investigating the Baku-Ceyhan (BTC) pipeline. This project, designed to transport Caspian oil to the West via Azerbaijan, Georgia and Turkey and undertaken by a consortium of companies led by British Petroleum, involves numerous ongoing and potential social, human rights and environmental violations. It is also predicated on the provision of at least \$1.5 billion in public money from international financial institutions, primarily the International Finance Corporation and the European Bank for Reconstruction and Development, as well as from the export credit agencies of the major Western nations, and is therefore a matter of the highest public interest.

As well as undertaking specific projects, the Environmental Unit has been involved in ongoing research into political and social changes in Turkey. Issues which may have bearing on BTC at which we have looked include recent reform packages such as the Harmonisation Law reforms; changes in the Turkish political climate and attitudes towards the Kurds, such as the lifting of the State of Emergency; and environmental factors not fully taken into consideration by BTC's planners.

In addition to collaborating with several other NGOs in July 2002 to organise and coordinate a fact-finding mission to the Turkish section of the pipeline, KHRP helped organise and host a week-long reverse fact-finding mission, inviting representatives from the three host countries to visit Britain to find out more about the BTC project. The reverse mission included a seminar at the House of Lords, attended by over a hundred parliamentarians, oil analysts, NGO representatives and environmentalists, at which BP's record in pipeline construction was examined. It also provided an opportunity to question senior decision makers at the IFC, EBRD and the UK Department for International Development and our ECA, the Export Credit Guarantee Department.

KHRP's environmental department has also written or contributed to a number of important publications by the Baku-Ceyhan Campaign. These include:

- A memo to Department for International Development (DFID) and the Foreign Office, outlining the range of the campaigns concerns over BTC. These include denial of public purpose, regional development and poverty alleviation concerns, corruption allegations, effect on domestic debt in the host countries, legal ramifications, security and militarisation and treatment of ethnic minorities.
- Several articles, published in newsletters, journals and national newspapers, including the Observer, outlining the campaign's objections to BTC.
- A memo to the president of the EU and the permanent representatives of the EU member states, detailing the ways in which Turkey as yet does not meet the Copenhagen Criteria for EU accession, focusing in particular on BTC and other environmental violations.
- Numerous letters to significant political institutions and personages, including the International Finance Corporation, European Bank for Reconstruction and Development, BP, the various Export Credit Agencies considering funding the project, the Foreign and Trade and Industry Secretaries and the EU Commissioner for Enlargement, further specifying concerns.
- Regular press releases and press materials to publicise the topic more widely.

In addition, we have given speeches at a number of locations, including the Trade Union Congress Conference, The London School of Economics and the Liberal Democrat ethnic minority conference, to debate and discuss Baku-Ceyhan. In 2003, KHRP intends to carry on expanding its work in this vitally important area by arranging further missions to the affected regions and continue to raise awareness of the intimate link between environmental issues and human rights.



Representatives of the KHRP, Corner House, and Friends of the Earth with Lord Rea (second from left) hand in letter of protest against large-scale infrastructure projects being built in the Kurdish regions of Turkey to 10 Downing Street in March 2002.



Representatives of the KHRP, Corner House, and Friends of the Earth demonstrate against the Yusufeli dam at the 2002 AMEC Annual General Meeting in London.



Delegates from the week-long reverse environmental fact-finding investigating the Baku-Ceyhan Pipeline Project meet at KHRP.



Expert Seminar on the Baku-Ceyhan Pipeline at the House of Lords.

KHRP has extended its work into fruitful collaborations with a number of fellow NGOs and international organisations throughout 2002. 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 2002 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 2002:

- Green Alternatives, Georgia
- Helsinki Citizens' Assembly, Azerbaijan
- Human Rights Association of Turkey (IHD)
- Human Rights Watch, US
- The Ilisu Dam Campaign, UK
- Kurdish Cultural Centre, Azerbaijan
- Liberty, UK
- Mazlum-Der, Turkey
- Mesopotamia Cultural Centre, Turkey
- Munzur Valley Protection Centre, Turkey
- Norwegian Bar Human Rights Committee, Norway
- Platform, UK
- The Foundation for Social and Legal Studies (TOHAV), Turkey
- University of Nottingham Human Rights Law Centre, UK
- The World Organisation Against Torture [OMCT], Switzerland
- Advice on Individual Rights in Europe (AIRE), UK
- Amnesty International
- Amnesty International Secretariat
- Association of Internally Displaced people, Turkey
- Azerbaijan's Lawyers' Association
- The Baku-Ceyhan Campaign, UK
- Bar Human Rights Committee of England and Wales
- Bretton Woods Project
- Campaign An Eye on SACE, Italy
- CEE Bankwatch
- Contemporary Journalists Association (CJA), Turkey
- Contemporary Lawyers Association (CLA), Turkey
- The Corner House, UK
- Diyarbakir Bar Association, Turkey
- Environmental Defense, US
- Friends of the Earth, UK
- Goc-Der, Turkey

## KHRP FUNDERS

Among those organisations who provided support for KHRP in 2002 were:

Bishop's Commission for MISEREOR (Germany)  
 The John Merck Fund (USA)  
 The Community Fund (UK)  
 Joel Joffe Charitable Trust (UK)  
 Ajahma Trust (UK)  
 Environmental Defence Fund (USA)  
 Allan and Nesta Ferguson Trust (UK)  
 The Ruben and Elisabeth Rausing Trust (UK)  
 The Netherlands Ministry of Foreign Affairs (Netherlands)  
 The Bromley Trust (UK)  
 Oakdale Trust (UK)  
 ACAT Suisse - Action des Chrétiens pour l'Abolition de la Torture (Switzerland),  
 The Sycamore Charitable Trust (UK)  
 The AB Charitable Trust (UK)  
 Global Greengrants (USA)  
 The Corner House (UK)  
 The Jane Hodge Foundation (UK)  
 UN Voluntary Fund for Victims of Torture (Switzerland)  
 The Avenue Charitable Trust (UK)  
 Stichting Cizira Botan (Netherlands)  
 UNISON (UK)  
 Finnish Ministry of Foreign Affairs (Finland)  
 The Netherlands Ministry of Foreign Affairs (Netherlands)  
 The World Organisation Against Torture [OMCT] (Switzerland)

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

## THE STRUCTURE OF KHRP

**Honorary President**  
 Lord Avebury

**Executive Director**  
 Kerim Yildiz

**BOARD OF DIRECTORS**  
**Chairman**  
 Mark Muller (Barrister)

**MEMBERS**  
 Davinder Virdee (Solicitor)  
 Bridget Hughes (Surgeon)  
 Gareth Peirce (Solicitor)  
 Julian Ozanne (Journalist)  
 Paul Lewis (Editor)

**Legal Consultant**  
 Tim Otty (Barrister)

**Representative in Scandinavia**  
 Prof. Haci Akman

**International Board of Patrons**  
 Geoffrey Bindman  
 George Black  
 Hans Branscheidt  
 Noam Chomsky  
 Julie Christie  
 Nazmi Gür  
 Paul Hoffman  
 Bianca Jagger  
 Baroness Helena Kennedy QC  
 Bruce Kent  
 Lord Kirkhill  
 Michael Mansfield QC  
 Ian McDonald QC  
 Harold Pinter  
 Lord Rea  
 Bernice Rubens  
 Jon Rud  
 Daniel Serin MD  
 Klaus Slavensky  
 Per Stadig  
 Willem Van Genugten  
 Sanar Yurdatapan  
 Leo Zwaak

## KHRP STAFF

Kerim Yildiz  
**Executive Director**

Fiona McKay  
**Deputy Director**

Philip Leach / Anke Stock  
**Legal Director**

Valentina Devadasan  
**Projects Officer**

Sally Eberhardt /  
 Angela Debnath  
**Public Relations Officer**

Anders Lustgarten  
**Environmental Officer**

Victoria Steward /  
 Hannah Vaughan-Lee  
**Assistant Fundraiser**

Andrew Penny  
**Translator**

Pinar Ceyhanlilar  
**Project Secretary**

Reyhan Yalçındag  
**KHRP Legal Consultant  
 in Turkey**

## LEGAL TEAM

Emin Aktar	Murray Hunt
Cihan Aydin	Chris Jacob
Osman Baydemir	Ajanta Kaza
Orhan Kemal Cengiz	Sydney Kentridge QC
Tahir Elci	Philip Kirkpatrick
Osman Ergin	Philip Leach
Metin Kilavuz	Fiona Mckay
Nuri Ozmen	Mark Muller
Kenan Sidar	Caroline Nolan
Sezgin Tanrikulu	Hugo Norton-Taylor
Sinan Tanrikulu	Mark O'Connor
Reyhan Yalçindag	Tim Otty
Yusuf Alatas	Gita Parihar
David Anderson QC	Gareth Peirce
Miriam Benitez-Carrion	Rajesh Rai
Professor Bill Bowring	Paul Richmond
Michael Birnbaum QC	Michael Rollason
Louis Charalambous	Jessica Simor
Louise Christian	Keir Starmer QC
Andrew Collender QC	Nicholas Stewart QC
Fiona Darroch	Jemima Stratford
Tim Eicke	Colin Wells
Ben Emmerson QC	Chris Williams
Joanna Evans	Nigel Wray
Alice Faure Walker	Arild Humlen
Edward Grieves	Jon Rud
John Guess	Ola Maeland
Matthew Happold	Øvind Østberg
Gill Higgins	Knut Rognlien
Andrea Hopkins	

## VOLUNTEERS

Fabio Carrington  
Kasim Has  
Magee Hawbash  
Man Hoang  
Nevin Hussein  
Emas Jawad  
Jade Meaney  
Quentin Mills  
Kasim Muhammed  
Fakruddin Shaharar  
Quang Trah  
Ebru Turk



## KHRP PUBLICATION LIST

CODE	TITLE	PUBLISHER/DATE	PRICE/ISBN
<b>REPORTS</b>			
<b>2002</b>			
02/S	<b>The Kurdish Human Rights Project Legal Review 2</b>	KHRP December 2002	£8.00 ISBN 1 900175 55X
02/R	<b>Ülke İçinde Göç Ettirilen İnsanlar: Kürt Göçü</b> (A Turkish Translation of KHRP's June 2002 Report, " <i>Internally Displaced Persons: The Kurds in Turkey</i> ")	KHRP/Goç-Der/Senfoni/IHD	ISBN 9759286181 <i>Available only in Turkey.</i>
02/Q	<b>Dicle-Firat ve Su Sorunu: Türkiye'de Baraj Yapımı Suriye ve Irak'taki Etkileri</b> (A Turkish Translation of KHRP's August 2002 Report, " <i>Downstream Impacts of Turkish Dam Construction on Syria and Iraq</i> ")	KHRP/Senfoni	ISBN 9759286159 <i>Available only in Turkey.</i>
02/P	<b>Türkiye'de Kürtçe Hakkı</b> (A Turkish Translation of KHRP's June 2002 Report, " <i>Denial of a Language: Kurdish Language Rights in Turkey</i> ")	KHRP/Senfoni/IHD November 2002	ISBN 9759286165 <i>Available only in Turkey.</i>
02/O	<b>Azeri and Armenian translations of KHRP's September 2002 Publication, "Taking Cases to the European Court of Human Rights: A Manual"</b>	KHRP/HCA/TBA November 2002	<i>Available only in Armenia and Azerbaijan.</i>
02/N	<b>The Lifting of State of Emergency Rule: A Democratic Future for the Kurds?</b>	KHRP/BHRC/IHD November 2002	£5.00 ISBN 1 900175 541
02/M	<b>Some Common Concerns: Imagining BP's Azerbaijan-Georgia-Turkey Pipelines System</b>	KHRP/Platform/The Corner House/FOE/CRBM/CEE Bankwatch Network October 2002	£5.00 ISBN 1 900175 495
02/L	<b>Damning Indictment: How the Yusufeli Dam Violates International Standards and People's Rights</b>	KHRP/IDC/The Corner House/FOE/Frances Libertes September 2002	£5.00 ISBN 185750 344 9
02/K	<b>'W' and Torture: Two Trial Observations</b>	KHRP/BHRC/IHD September 2002	£5.00 ISBN 1900175 533
02/J	<b>The Ilisu Dam: Displacement of Communities and the Destruction of Culture</b>	KHRP/IDC/The Corner House/University of Ireland, Galway	£5.00 ISBN 1900175 525

02/I	<b>Taking Cases to the European Court of Human Rights: A Manual</b>	KHRP/BHRC September 2002	£5.00 ISBN 1 900175 509
02/H	<b>The Kurdish Human Rights Project Legal Review I</b>	KHRP August 2002	£8.00 ISBN 1900175 517
02/G	<b>Downstream Impacts of Turkish Dam Construction in Syria and Iraq: Joint Report of Fact Finding Mission to Syria and Iraq</b>	KHRP/The Corner House/ Ilisu Dam Campaign August 2002	£5.00 ISBN 1 900175 487
02/F	<b>Sadak &amp; Others v. Turkey: The Right to Free Elections—A Case Report</b>	KHRP/August 2002	£10.00 ISBN 1 900175 479
02/E	<b>The Trial of Students: "Tomorrow the Kurdish Language will be Prosecuted..." –Joint Trial Observation</b>	KHRP/ BHRC/ IHD July 2002	£5.00 ISBN 1 900175 460
02/D	<b>Internally Displaced Persons: The Kurds in Turkey</b>	KHRP/June 2002	£5.00 ISBN 1 900175 444
02/C	<b>Denial of a Language: Turkish Language Rights in Turkey – KHRP Fact-Finding Mission Report</b>	KHRP/June 2002	£5.00 ISBN 1 900175 436
02/B	<b>AB Yolunda Türkiye: Değişim İçin Fırsat mı? Yoksa Yol Ayrımı mı?</b>	KHRP/Bumerang Yayınları/April 2002	ISBN 975831769X <i>Available only in Turkey.</i>
02/A	<b>The Viranşehir Children: The trial of 13 Kurdish children in Diyarbakir State Security Court, Southeast Turkey – KHRP Trial Observation Report</b>	KHRP/January 2002	£5.00 ISBN 1 900175 428
<b>2001</b>			
01/J	<b>State Violence Against Women in Turkey and Attacks on Human Rights Defenders of Victims of Sexual Violence in Custody – KHRP Trial Observation Report</b>	KHRP/December 2001	£5.00 ISBN 1900175 41X
01/I	<b>Salman v Turkey and İlhan v Turkey: Torture and Extra-Judicial Killing - A Case Report</b>	KHRP/December 2001	£10.00 ISBN 1900175 401
01/H	<b>The F-Type Prison Crisis and the Repression of Human Rights Defenders in Turkey</b>	KHRP, Euro-Mediterranean Human Rights Network & World Organisation Against Torture/October 2001	£5.00 ISBN 1900175398
01/G	<b>"Şu nehir bir dolmakalem olaydı..." - Ilisu Barajı, Uluslararası Kampanyası ve Barajlar ve</b>	KHRP and Scala-Bumerang	ISBN 975830755X <i>Available only in</i>

	<b>Dünya Komisyonu Degerlendirmeleri Isiginda Hazirlanan Bir Rapor</b> (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> )	Yayinlari/October 2001	Turkey.
01/F	<b>Akduvar davasi: Bir dönüm noktası - Avrupa İnsan Haklari Mahkemesi Karalari Işiginda Ifade Özgürlüğü</b>	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 9757866229 Available only in Turkey.
01/E	<b>Özgür Gündem Davasi (2) - Avrupa İnsan Haklari Mahkemesi Karalari Işiginda Ifade Özgürlüğü</b>	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 975866210 Available only in Turkey.
01/D	<b>Özgür Gündem Davasi - Avrupa İnsan Haklari Mahkemesi Karalari Işiginda Ifade Özgürlüğü</b>	KHRP and Çağdaş Gazeteciler Derneği (CGD - the Contemporary Journalists Association of Turkey)/July 2001	ISBN 975866210 Available only in Turkey.
01/C	<b>Kaya v Turkey, Kiliç v Turkey: Failure to Protect Victims at Risk - A Case Report</b>	KHRP/June 2001	£10.00 ISBN 190017538X
01/B	<b>Ertak v Turkey, Timurtaş v Turkey: State Responsibility in 'Disappearances' - A Case Report</b>	KHRP/June 2001	£10.00 ISBN 1900175371
01/A	<b>"If the River were a Pen..." - The Ilisu Dam, the World Commission on Dams and Export Credit Reform</b>	KHRP and the Ilisu Dam Campaign/March 2001	£5.00 ISBN 1900175363
2000			
OO/J	<b>Özgür Gündem v Turkey: Violations of Freedom of Expression - A Case Report</b>	KHRP/December 2000	£10.00 ISBN 1900175355
OO/I	<b>Azərbaycan-Ermənistan: Etnik Azinliklar, İnsan Haklari ve Kürtler</b> [Turkish Version of KHRP's July 2000 report, Azerbaijan and Armenia - An Update on Ethnic Minorities and Human Rights by Deborah Russo and Kerim Yıldız]	KHRP and Scala/December 2000	ISBN 9758535064 Available only in Turkey.
OO/H	<b>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).</b>	KHRP/November 2000	£2.50
OO/G	<b>Adil bir yargılamanın güvenceleri - Karen Reid Avrupa İnsan Haklari Sözleşmesi Rehberi, Üçüncü Kitap.</b>	KHRP and Scala/October 2000	ISBN 9757132934 Available only in Turkey.

OO/F	<b>Kişinin Özgürlük ve Güvenlik Hakları</b> 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	<b>Turkey and the European Convention on Human Rights – A Report on the Litigation Programme of the Kurdish Human Rights Project</b> by Carla Buckley	KHRP/July 2000	£10.00 ISBN 1900175304
OO/D	<b>Azerbaijan and Armenia – An Update on Ethnic Minorities and Human Rights</b> by Deborah Russo and Kerim Yildiz	KHRP/June 2000	£5.00 ISBN 1900175339
OO/C	<b>Tanrikulu v Turkey, Çakıcı v Turkey: Violations of the Right to Life - A Case Report</b>	KHRP/May 2000	£10.00 ISBN 1900175320
OO/B	<b>Avrupa İnsan Hakları Mahkemesi'ne Bireysel Başvuru Hakkı</b> , Karen Reid - Avrupa İnsan Hakları Sözleşmesi Rehberi, Birinci Kitap	KHRP and Avesta/April 2000	ISBN 9757112658 <i>Available only in Turkey.</i>
OO/A	<b>'Peace is Not Difficult - Observing the Trial of Nazmi Gur, Secretary General of the Human Rights Association of Turkey (IHD).</b>	KHRP/April 2000	£5.00 ISBN 1900175312
<b>1999</b>			
99/G	<b>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</b>	KHRP/November 1999	£5.00 ISBN 1900175290
99/F	<b>Media, Elections and Freedom of Expression: A Summary Report of International Conference, Istanbul, Turkey 30-31 January 1999</b>	KHRP, and Article 19 (International Centre Against Censorship)	Free
99/E	<b>Kaya v Turkey, Kurt v Turkey: Case Reports</b>	KHRP/January 1999	£10.00 ISBN 1900175215
99/D	<b>Yasa v Turkey and Tekin v Turkey: Torture, Extra-Judicial Killing and Freedom of Expression Turkey: Case Reports</b>	KHRP/April 1999	£10.00 ISBN190017524X
99/C	<b>Intimidation in Turkey</b>	KHRP, BHRC of England and Wales, Howe & Co Solicitors/May 1999	£5.00 ISBN 1900175266
99/B	<b>Policing Human Rights Abuses in Turkey</b>	KHRP and BHRC of England and Wales/May 1999	£5.00 ISBN 1900175258
99/A	<b>Ergi v Turkey, Aytekin v Turkey: Human Rights and Armed Conflict in Turkey – A Case Report</b>	KHRP and medico international/August 1999	£10.00 ISBN 1900175282
<b>1998</b>			
98/H	<b>The Kurds of Syria</b> by David McDowall	KHRP/December 1998	£5.00

			ISBN 1900175231
98/G	<b>The Kurds of Azerbaijan and Armenia</b> by Julie Flint	KHRP/December 1998	£5.00 ISBN 1900175223
98/F	<b>Turkiye'de Basın: Once Devlet, Sonra Devlet</b>	CAGAS GAZETECILER DERNEGI, ARTICLE 19 & KHRP/December 1998	<i>Available only in Turkey.</i>
98/E	<b>Gundem v Turkey, Selcuk and Asker: A Case Report</b>	KHRP/October 1998	£10.00 ISBN 1900175207
98/D	<b>Mentes and Others v. Turkey: A KHRP case report on Village Destruction in Turkey</b>	KHRP/September 1998	£10.00 ISBN 1900175169
98/C	<b>Freedom of Association: Law and Practice in Turkey</b>	KHRP/August 1998	£5.00 ISBN 1900175185
98/B	<b>State before Freedom - Media Repression in Turkey</b>	Article 19/Contemporary Journalists Association of Turkey/KHRP/July 1999	£5.00 ISBN 1870798791
98/A	<b>Freedom of Thought, Conscience, Religion and Expression.</b> 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	<b>Aksoy v. Turkey &amp; Aydin v. Turkey: Case reports on the practice of torture in Turkey - volume I.</b>	KHRP/December 1997	£5.00 ISBN 190017510X
97/B	<b>Aksoy v. Turkey &amp; Aydin v. Turkey: Case reports on the practice of torture in Turkey - volume II.</b>	KHRP/December 1997	£5.00 190017510X
97/C	<b>The Protection of Human Rights Defenders.</b> Presentation to the Euro-Mediterranean Human Rights Network	KHRP/December 1997	£2.00
97/D	<b>Written presentation to the OSCE Implementation Meeting on Human Dimension Issues</b>	KHRP/1997	£2.00
R01	<b>Cultural and Language Rights of Kurds: A study of the treatment of minorities under National law in Turkey, Iraq Iran and Syria in the light of international human rights standards</b>	KHRP/February 1997	£5.00
R02	<b>Due Process: State Security Courts and Emergency Powers in Southeast Turkey - Report of trial observer missions to southeast Turkey to observe the continuing trial of 25 lawyers and others before the State Security Courts in</b>	KHRP with Article 19, International Centre against Censorship UK, Lawyers for Lawyers Foundation (Holland),	£5.00 ISBN 1900175134



	Diyarbakir.	BHRC of England & Wales and Human Rights Committee and Norwegian Bar Association/1997	
R03	<b>The HADEP Trial: The Proceedings Against Members of the People's Democratic Party.</b> A report from the trial observation mission	KHRP/January 1997	£5.00
1996			
R04	<b>The Internal Conflict and Human Rights in Iraqi Kurdistan: A Report on Delegations to Northern Iraq in June 1995 and December 1995</b> KHRP, Dr. Risgar Amin, and Kerim Yildiz	KHRP/March 1996	£5.00 ISBN 1900175061
R05	<b>A Fearful Land: A Report on a KHRP Fact-finding mission to Southeast Turkey (5-10 February 1996)</b> by Prof Laurence Lustgarten, David McDowall, and Caroline Nolan	KHRP/1996	£5.00 ISBN 1900175045
R06	<b>The Destruction of Villages in Southeast Turkey</b>	KHRP and Medico International/June 1996	£5.00
R07	<b>Profile on Torture in Turkey: Making remedies work?</b> A report prepared by KHRP for the Symposium; Torture in the Middle East and North Africa, Prevention and Treatment Strategies, Athens (June 21-23 1996).	KHRP/1996	£5.00
R08	<b>Submission To the Committee Against Torture on Turkey.</b> For the session 11-22 November 1996.	KHRP/1996	£5.00
R09	<b>Akduvar v. Turkey: The story of Kurdish Villagers Seeking Justice in Europe.</b> Report of the decision of the European Court of Human Rights on the 16 <sup>th</sup> of September 1996, on the destruction of the Kurdish village of Kelekci in Southeast Turkey.	KHRP/October 1996	£10.00 ISBN 1900175096
R10	<b>Update on Human Rights Violations Against Kurds in Turkey</b>	KHRP/October 1996	£5.00
R11	<b>Written Submission to the Organisation for Security and Cooperation in Europe (OSCE),</b> Human Rights Violations against the Kurds in Turkey, Vienna	KHRP/November 1996	£5.00
R12	<b>Report to the UNESCO General Conference at its Sixth Consultation on the Convention and Recommendation against Discrimination in Education</b>	KHRP/November 1996	£5.00
R13	<b>Surviving for a Living: Report on the Current Conditions of Kurds in Turkey</b>	KHRP/November 1996	£5.00
R14	<b>Disappearances: A Report on Disappearances in Turkey</b>	KHRP/November 1996	£5.00

R15	<b>Kurds in the Former Soviet Union: A Preliminary Report on the situation of the Kurdish community in the Republics of the Former Soviet Union</b>	KHRP/December 1996	£5.00
1995			
R16	<b>Report of a Delegation to Turkey to Observe the Trials Former MPs and Lawyers for Alleged Separatists Activities, September 1994</b>	KHRP and the Law Society/1995	£5.00
R17	<b>Report of a Delegation to Turkey to Observe the Trial Proceedings in the Diyarbakir State Security Court against Twenty Lawyers, February, April and June 1994</b>	KHRP, BHRC Of England & Wales and the International Bar Association/1995	£5.00
R18	<b>Advocacy and the Rule of Law in Turkey - January 1995</b>	KHRP, Medico International and BHRC of England and Wales/1995	£5.00
R19	<b>The Law: Freedom of Expression and Human Rights Advocacy in Turkey - February 1995</b>	KHRP, BHRC of England & Wales and the Law Society/1995	£5.00
R20	<b>The European Convention Under Attack: The Threat to Lawyers in Turkey and the Challenge to Strasbourg.</b> A report on delegations to Turkey between February and May 1995	KHRP, the International Bar Association, the BHRC of England & Wales and the Law Society/1995	£5.00 ISBN 1853283134
R21	<b>Human Rights Violations against Kurds in Turkey, presentation in Warsaw</b>	KHRP/October 1995	£5.00
1994			
R22	<b>Report on Mission to Turkey to Attend the Trial of the Istanbul Branch of the Turkish Human Rights Association, KHRP and the International Bar Association, Lesley Mitchell and Phillippa Mendel</b>	KHRP and International Bar Association/1994	£5.00
R23	<b>Censorship and the Rule of Law: Violations of Press and Attacks on Özgür Gündem</b>	KHRP with Article 19, International Centre on Censorship, Medico International, and BHRC of England & Wales/1994	£5.00
R24	<b>Report of the International Human Rights Law Group and KHRP delegation to Iraqi Kurdistan, 13-16 June 1994</b>	KHRP and Law Group USA/1994	£5.00
R25	<b>The Current Situation of the Kurds in Turkey</b> by Jane Connors	KHRP/November 1994	£5.00
R26	<b>Human Rights Violations against Kurdish People - August 1994.</b> A report presented to the United Nations Sub-commission on prevention of discrimination and protection of minorities 46 <sup>th</sup>	KHRP/August 1994	£5.00



	session		
R27	<b>Human Rights Violations Against Kurdish People in Turkey.</b> A KHRP report presented to the Budapest Review Conference, of the Conference on Security and Co-operation in Europe, (October 1994 - December 1994).	KHRP/1994	£5.00
1993			
R28	<b>Lawyers in Fear - Law in Jeopardy.</b> A report of a delegation to Istanbul and Diyarbakir (southeastern Turkey) to investigate the situation of lawyers defending people in political trials and involved in human rights work. (5-11 October 1993).	KHRP and the Law Society/1993	£5.00
R29	<b>Freedom of the Press in Turkey: The Case of Özgür Gündem</b>	KHRP, Article 19, International Centre on Censorship, Medico International/1993	£5.00
R30	<b>A Delegation to investigate the Alleged Used of Napalm or other Chemical Weapons by the Turkish Security Forces in Southeast Turkey, 18-24 September 1993</b>	KHRP/1993	£5.00
C1	<b>Final Resolution of the International Conference on Northwest Kurdistan (Southeast Turkey), March 12-13 1994, Brussels.</b>	KHRP, Medico International/1994	£2.00
PAPERS			
P1	<b>Human Rights and Minority Rights of the Turkish Kurds,</b> a paper presented to the Conference on Minority and Group Rights towards the New Millennium, Institute of Advanced Legal Studies, University of East London, (3 May 1996).	KHRP/May 1996	£2.00
P2	<b>National Security and Freedom of Expression in Turkey.</b> Paper presented to the Conference on National Security and Freedom of Expression, Article 19 and the University of Witwatersand, Johannesburg, South Africa (23 September to 1 October 1995).	KHRP/1995	£2.00
ANNUAL REPORTS			
A1	<b>Annual Report,</b> April 1993 to April 1994		Free
A2	<b>Annual Report,</b> April 1994 to December 1995		Free
A3	<b>Annual Report,</b> January 1996 to December 1996		Free

A4	Annual Report, January 1997 to December 1997		Free
A5	Annual Report, January 1998 to December 1998		Free
A6	Annual Report, January 1999 to December 1999		Free
A7	Annual Report, January 2000 to December 2000		Free
A8	Annual Report, January 2001 to December 2001		Free
A9	Annual Report, January 2002 to December 2002		Free
Continuing Series			
V1	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume 1, April 1995.		£10.00
V2	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume 2, June 1995.		£10.00
V3	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume, 3, Jan. 1996.		£10.00 ISBN 1900175037
V4	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume 4, June 1996.		£10.00 ISBN 1900175088
V5	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume 5, June 1997.		£10.00 ISBN 1900175142
V6	KHRP Cases Declared Admissible by the European Commission of Human Rights, Volume 6, June 1998.		£10.00 ISBN 1900175177
V7	Cases Against Turkey Declared Inadmissible by the European Commission of Human Rights Volume 1, September 1998.		£10.00 ISBN 1900175193
V8	KHRP Cases Declared Admissible by the European Commission and Court of Human Rights, Volume 7, December 2000.		£10.00 ISBN 1900175347
BOOKS			
B1	The Safe Haven in Northern Iraq: An Examination of Issues of International Law and Responsibility relating to Iraqi Kurdistan, March 1995. Published by KHRP and Human Rights Centre of University of Essex.		£7.50 ISBN 1900175002
B2	A Democratic Future for the Kurds of Turkey: Proceedings of the Conference on Northwest Kurdistan (Southeast Turkey), March 12-13		£10.00 ISBN 1900175010

	1994, Brussels. Published by medico international and KHRP.		
--	--	--	--

Institut kurde de Paris

Institut kurde de Paris

# **PUBLICATIONS INVOICE / ORDER FORM**

Number of copies	Code and Title of Publication	Unit Price	Total Cost
	Postage @ £1.50 per copy to UK addresses or £3.00 per copy to overseas addresses		
		<b>Total</b>	

Name: \_\_\_\_\_ Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

**Orders should be sent together with payment to the address shown below**

**(Your goods will not be dispatched until payment has been received)**

Kurdish Human Rights Project, 2 New Burlington Place, London W1S 2HP

Please make cheques or send international Money Orders in pounds sterling payable to **Kurdish Human Rights Project**.

*Charges are made for publications to cover publishing, postage, packing and administrative costs associated with the publications. Annual reports are available upon request at no extra charge.*

☐ **YES** I/We would like to support the work of KHRP. Please find enclosed a donation for:

£500 \_\_\_\_\_ £250 \_\_\_\_\_ £100 \_\_\_\_\_ £50 \_\_\_\_\_ £20 \_\_\_\_\_ £10 \_\_\_\_\_ £ \_\_\_\_\_ Other

*NB Please note that certain gifts may be eligible for tax relief*

## **ALL DONATIONS ARE WELCOME**

Cheques should be made payable to: Kurdish Human Rights Project

### **WE ACCEPT CAF Charity Card**

☐ I wish to donate by CAF Charity Card. Please debit my Charity Card for the sum of: £ \_\_\_\_\_

My card number is: \_\_\_\_\_ Expiry Date: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Signature \_\_\_\_\_

Please send me a deed of covenant / gift aid form so I can make my donation more effective by enabling KHRP to claim the tax paid.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_

**Please return to:**

**KHRP, 2 New Burlington Place, London W1S 2HP**

**Tel: 0207 287 2772 / Fax: 0207 734 4927 / Email: [khrrp@khrrp.demon.co.uk](mailto:khrrp@khrrp.demon.co.uk)**

1910

Institut kurde de Paris

THE CURDISH INSTITUTE OF PARIS  
FONDATION DE LA RECHERCHE CURDE

# The Kurdish Human Rights Project

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

## AIMS

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



## METHODS

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

---

2 New Burlington Place  
London W1S 2HP  
Tel: +44 20 7287 2772  
Fax: +44 20 7734 4927  
E-mail: [khrrp@khrrp.demon.co.uk](mailto:khrrp@khrrp.demon.co.uk)  
Website: [www.khrrp.org](http://www.khrrp.org)

Registered charity (No. 1037236)

A Company Limited by guarantee registered in England (No. 2922108)



"KHRP's work in bringing cases to the European Court of Human Rights, seeking justice for the victims of human rights violations including torture and extra-judicial killings, has been ground-breaking. In many of these cases the European Court of Human Rights has concluded that the Turkish authorities have violated individual's rights under the European Convention on Human Rights. Amnesty International salutes the work of this organisation over the last 10 years in defending human rights."

Kate Allen, **Director Amnesty International UK**

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

A Kurdish Applicant before the ECtHR

"For more than a decade after the military coup, governments in Turkey committed the gravest of human rights while blandly denying that the violations were taking place. By pioneering the use of the personal petition to the European Court of Human Rights in Turkey KHRP helped to make those violations a matter of record in the form of court judgments. This has added valuable leverage in the continuing struggle to bring abuses such as 'disappearance', forced displacement, torture and repression of free speech to an end."

Jonathan Sugden, **Director Human Rights Watch UK**