



CAMPAIGN AGAINST CRIMINALISING COMMUNITIES

Briefing 4

The UK ban on the PKK: Persecuting the Kurds

The Kurdish region of south-eastern Turkey has undergone over 30 years of violent conflict and persecution. The conflict originates in a racist Turkish state that denies the existence of the Kurdish people and their right to self-determination over their future. In the name of preventing terrorism, the UK banned the Kurdistan Workers' Party (PKK) in 2001 – and the EU followed suit soon afterwards. In practice this ban helps to legitimate and reinforce Turkey's terror against the Kurdish people and to criminalise their political activity in the UK (see box below).

Kurdish people are still prevented from using their language. Since the formation of the Turkish state, hundreds of people have been persecuted and jailed simply for speaking their own language. There is a strong connection between denying a people's language and the denial of their collective identity. The Turkish state was founded on the denial and exclusion of other nationalities and religions within Turkey. Since the 1920s Kurds have been called 'Mountain Turks'. The state's assimilation policies and its continued persecution are therefore based on denying the existence of the Kurdish people.

The conflict has been perpetuated by Turkey's historic and contemporary practices of assimilation, eradication and violence against the Kurdish people. Over the last few decades, Kurds have fled this brutality and sought refuge in Western Europe, where they form a significant Diaspora community.

The UK Terrorism Act 2000 criminalises the entire Kurdish community as 'terrorist'. For example, four Kurds were arrested at Dover in March 2002, detained at Belmarsh Prison, and prosecuted for allegedly supporting the PKK. Evidence from the prosecution included photos of the defendants holding placards listing several banned organisations. In reality, at this 2001 demonstration they had been among 4000-plus protestors ridiculing the bans, e.g. by wearing t-shirts which said 'I am the PKK'. After hearing about Turkey's persecution of the Kurds, the jury acquitted the defendants in November 2002.

After the initial arrests, one detainee was asked by MI5 to provide information on Kurdish political activities in the UK. MI5 hinted that such cooperation would help his case for political asylum. Similar blackmail efforts have a long history, since Kurdish refugees began fleeing the Turkish government's destruction of Kurdish villages and its persecution of political activists in the 1990s. The 'terror' ban, carrying severe penalties for any criminal conviction, strengthens the threat behind such blackmail.

UK 'anti-terror' bans: supporting state terrorism

The UK government has been attempting to deter protest by migrant communities against oppressive regimes from which they have fled. A major weapon has been bans on 'terrorist' organisations. Through these bans, state terrorism abroad is represented as counter-terrorist activity, thus justifying and reinforcing the UK's alliance with those oppressive regimes. Such bans attack the right of national self-determination, as well as popular support for that right across countries. The bans are used selectively as an instrument of foreign policy.

Under the UK Terrorism Act 2000, 'terrorism' includes simply 'the threat' of 'serious damage to property', in ways 'designed to influence the government' for a 'political cause'. This broad definition blurs any distinction between military, political and civilian targets. Organisations could

be banned on the basis that their activities anywhere fit the broad, vague definition of 'terrorism'. It also became a crime to give verbal or symbolic support to a banned organisation, or even to host a meeting with a speaker from such an organisation.

Under the 2000 Act, the Home Office banned 21 organisations including the Kurdistan Workers Party (PKK) and Hamas' military wing in 2001. The Tamil Tigers (LTTE) and the Balochistan Liberation Army were added in 2006. The EU 'terrorist' blacklist has generally followed the UK's lead.

More information available at:

<http://www.statewatch.org/terrorlists/terrorlists.html>
<http://campacc.org.uk/campaigns/terror-bans/anti-terror-laws-and-communities.htm>

In March 2003 two Kurds from the Halkevi Community Centre were carrying funds to help set up businesses in cities around Britain. Detained in Preston, they were asked to prove that their funds were not for 'terrorist' purposes. The judge eventually dismissed the case.

In 2009 in the UK there was a massive rise in the harassment, intimidation and imprisonment without charge of Kurds – solely for publicising the situation of the Kurds in Turkey. The UK's persecution transforms the Kurds into a 'suspect community'. This suspicion and harassment have deterred some Kurds from taking part in cultural activities, though many have persisted.

Across Europe in 2010 Kurdish activists have been arrested, though most released without charge, simply for their political activity in supporting Kurdish rights. For example, there have been mass arrests of Kurds in Belgium. ROJ TV (which broadcasts in Kurdish) was raided and many staff were arrested alongside senior Kurdish politicians such as Remzi Kartal, Zubeyir Aydar and Eyup Doru in March 2010. By targeting the Kurdish Diaspora, European states collude with the Turkish government in persecuting the Kurds.

Turkey's terror against the Kurds: UK complicity

The Kurds, numbering over 30 million, are thought to be the largest group of people in the world without a homeland. The geographical region of Kurdistan spans the border area between Iran, Iraq, Syria and Turkey. 'Kurdistan' also refers to the culture and identity of the people who live on these lands.

The UK has played a central role in attacking Kurds and creating a long-term basis for their persecution. After World War I, the UK and France agreed to partition Kurdistan into three countries – Turkey, Iraq and Iran. When Iraqi Kurds revolted against this plan, the UK bombed their villages with poison gas.

On 19 February 1920, before the start of the Arab uprising, Churchill (then Secretary for War and Air) wrote to Sir Hugh Trenchard, the pioneer of air warfare. Would it be possible for Trenchard to take control of Iraq? This would entail 'the provision of some kind of asphyxiating bombs calculated to cause disablement of some kind but not death...for use in preliminary operations against turbulent tribes'. In response to criticism, he asserted, 'I do not understand this squeamishness about the use of gas. I am strongly in favour of using poison gas against uncivilised tribes.' RAF pilots were ordered to bomb any Kurd who looked hostile. In the same vein, Squadron Leader Kendal of 30 Squadron recalls that 'if

the tribespeople were doing something they ought not be doing, then you shot them'. Imposed by state terror, partition lay the basis for the long-term suppression of Kurds, their political aspirations and cultural identity.

The Turkish republic was founded in 1923 on an exclusionary constitution which enforced a single Turkish identity and put the military at the centre of state power. This was the basis for repressive programs of violence and assimilation which denied the existence of Kurdish identity and of Kurds themselves. The Kurdish language and all expression of identity were banned. In the 1920s Kurdish opposition was brutally repressed and martial law imposed. Turkish forces were deployed to the Kurdish regions, destroying hundreds of villages and killing many Kurds. Military coups in the 60s and 70s culminated in a third in 1980, which imposed martial law directed at leftists and those seen as 'separatists'. Parliament was abolished and state-sponsored violence intensified against leftists and the Kurds in particular. Thousands of people were arrested, tortured and imprisoned.

Struggle for Kurdish self-determination and its denial

The PKK's armed conflict against the Turkish army began in 1984 as a response to these attempts by the Turkish state to annihilate the Kurdish people. Founded in 1978 by Abdullah Ocalan, the PKK's origins lay in the radical student movement in the Marxist-Leninist tradition of seeking broader social transformation. The PKK's initial aims were for an independent Kurdistan. In the late 90s this aim was abandoned in favour of seeking a democratic republic in order to democratize both the state and minority communities in Turkey.

The PKK's present objectives are: cultural and political rights for the Kurds and other persecuted minorities; constitutional amendments to recognize Kurdish identity; an end to the genocidal policies and practices of the state; political amnesty for PKK militants; and allowing the PKK to participate in political activities. On this platform the PKK had repeatedly called for its involvement in negotiations for resolution of the conflict, particularly after indications in 2009 that the ruling AKP party sought a 'democratic opening'.

The AKP began to give signals for a possible solution to the Kurdish question from 2005 onwards. But the AKP initiative has been used as a smokescreen by anti-democratic political forces to extend the war against the PKK, as well as repression against the legal pro-Kurdish opposition parties. These forces are known as the 'deep state', composed of high-level elements within

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the intelligence services, military, security, judiciary, and mafia. The Ergenekon group has been accused of plotting assassinations and a military coup and many key members have been prosecuted for such crimes. Nevertheless the deep state continues to lead attacks on Kurdish political and cultural activities.

The PKK has repeatedly maintained unilateral ceasefires in order to facilitate resolution of the conflict, but these initiatives have not been observed by Turkey. The PKK entered into ceasefire in 1993, in 1995-1996 in 1999-2004, 2006, 2009, and 2010. The PKK subsequently re-entered armed conflict after its requests for resolution were rejected by Turkey. The Turkish state has had a significant role in frustrating the PKK ceasefires with military escalations as well as alleged “false-flag” operations by security forces in the 1990s (McGregor, 2007).

The PKK called rolling ceasefires in 2009, beginning on 13 April 2009. The PKK pledged not to attack so long as it was not attacked by the Turkish armed forces, thus maintaining the right to self-defence. The objectives of the ceasefires were to empower the main Kurdish parliamentary party, the DTP, in the political process and to give the AKP an opportunity to advance opportunities to address the Kurdish question.

Turkey has responded by increasing repressions against Kurds, including banning Kurdish political parties, and arresting thousands of politicians and activists. As of October 2010, there are 1,700 Kurdish politicians (including several Kurdish mayors) and activists in Turkish jails. The PKK returned to armed conflict in June 2010, after all political opportunities for dialogue were closed off by Turkey. The PKK again called a ceasefire in August 2010, to give a chance for a peaceful solution to the Kurdish question.

Banning the PKK, preventing peace

As the Kurdish people suffered ever-increasing brutality, they gave greater support to the liberation movement and its armed struggle. The emergence of the PKK is widely recognised by the Kurdish people as the last opportunity for their survival as a people. The legitimacy of the PKK lies in the Kurds’ right to self-determination under international law. Imprisoned PKK leader Abdullah Ocalan is widely respected and considered the representative of the Kurdish people. Although many Kurds may not agree with some or all of the PKK’s military tactics, the PKK enjoys broad support as a Kurdish political party.

The PKK’s representatives have repeatedly stated their commitment towards dialogue and peaceful resolution.

They have acted in self-defence to prevent the ongoing genocide of Kurds, in the face of Turkey’s repeated refusal to desist in violence or to engage with the PKK or Kurdish parties such as the now-banned DTP or BDP. The Turkish political system can be called a graveyard for political parties. Pro-Kurdish political parties – such as HEP, DEP, OZDEP, HADEP, DEHAP and lastly DTP – were banned for allegedly having ties with the PKK. Banning electoral parties, and killing and arresting their members, express state policies towards the Kurds. With the recent arrests of political activists, human rights activists and mayors, Kurdish political parties have been constantly criminalised and pushed away from the political arena.

Western states often justify the banning of the PKK by reference to its attacks directed towards civilians, not just the military. Some of these acts, attributed to the PKK, were committed by ‘deep state’ forces. For instance the 16 September 2010 bombing of a bus in the Kurdish town of Hakkari killed 9 Kurdish villagers and injured 2. The attack was attributed by the state to the PKK, which denied any involvement. Local villagers collected significant evidence, which they provided to prosecutors, identifying military forces at the scene of the crime.

The Turkish state has yet to explain the fate of 17,000 disappeared people between 1980-2010. Journalists, human rights defenders and ordinary people who seek to expose hidden state crimes are still subject to silencing through the use of anti-terrorism laws as well as extra-judicial punishment.

As part of the process of Turkey seeking membership of the EU, significant reforms have liberalised the Turkish Criminal Code. The outright ban on speaking Kurdish has been formally softened, and television broadcasts in Kurdish are available. However, the state continues repression on the basis of Kurdish identity and attacks on Kurds for cultural expression.

Cultural expression and political dissent are equated with terrorism. For example, on 29 September 2009 a lawyer, a writer and an actor were each sentenced to one year’s imprisonment for saying the words ‘Kurds’ and ‘Kurdistan’ at public events. They were found to be in breach of article 216 of the Turkish Criminal Code, concerned with ‘inciting hatred and hostility amongst the public and humiliation of the public’. Azadiya Welat, the only daily Kurdish newspaper published in Kurdish, has been banned eight times since its first publication. Its editor Vedat Kursun was sentenced to a total of 166 years jail for 30 offences in relation to ‘spreading terrorist propaganda’. Kursun’s only crime was to cover the realities of conflict and the repressions against the Kurdish people.

Turkey still persecutes Kurds by:

- Denying the existence and free expression of Kurdish identity, language, cultural and political rights.
- Criminalising Kurdish aspirations for basic human rights as support for terrorism.
- Arresting and repressing Kurds for exposing Turkish state crimes.
- Imprisoning and prosecuting thousands of children for throwing stones or being in the vicinity of demonstrations.
- Banning political parties speaking for Kurds as a 'PKK front' and arresting thousands of Kurdish politicians and activists.
- Systemically dislocating the Kurdish communities of the south east of Turkey by: criminalising their shared history and identity; imposing policies of economic deprivation and cultural assimilation.
- Urging Western states to ban the PKK and to use the ban against Kurdish activists.

Kurdish politician and human rights activist Leyla Zana, several times nominated for the Nobel Peace Prize, was convicted in April 2010 to 3 years imprisonment for 'terrorist propaganda'. Prosecution evidence was the speeches she made in the UK, where she asked for a peaceful and diplomatic solution to the Kurdish issue in Turkey, and for the Kurdish population of Turkey to be able to enjoy their basic human rights. Leyla Zana came to international attention when she won a seat in the Turkish Parliament in 1991, the first ever Kurdish woman to be elected. When taking her seat in Parliament, she courageously delivered part of her oath in Kurdish; as a result, she was given a 15-year prison sentence, of which she served ten years. She was released in 2004 as a result of intense international pressure.

Challenging the ban of the PKK

The UK government denies that its ban on the PKK undermines peace prospects in Turkey. This was stated by a Home Office letter in November 2009, in response to a petition demanding de-listing of the PKK. In reality, labelling the PKK terrorist legitimates the systematic violence of the Turkish state and blocks any opening towards peace.

Turkey justifies its position by declaring a refusal to negotiate with 'terrorists'. By labelling a political movement as terrorist, the state denies its own role in causing the Kurdish conflict. The state also denies the fundamental rights of the Kurds. The terror bans have

justified the Turkish state's military responses in order to crush the PKK and inflict human rights abuses on the Kurdish people.

Nevertheless Kurdish activists have continued their protest against Turkey's genocidal practices and military escalation, while calling for 'democratic autonomy' for Kurdish regions within the Turkish state. By doing so, Kurds challenge the legitimacy of the UK ban. We should support Kurdish efforts to challenge Turkish state terror, as well as demands to remove the PKK from the banned 'terrorist' list.

For more information see:

<http://www.kurdish-info.eu/>

<http://www.khrp.org/>

<http://english.rojhelat.eu/>

Publications

British Use of Chemical Weapons in Iraq, <http://www.iraqwar.org/chemical.htm>

Fernandes, D (2006), *United States, German, British, Israeli and NATO Inspired 'Psychological Warfare Operations' Against the 'Kurdish Threat' in Turkey and Northern Iraq* (Stockholm, Apec Press).

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Yildiz, K. and Breau, S. (2010), *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms* (London: Routledge).

McGregor, A. (2007) *Tactical and strategic factors in Turkey's offensive against the PKK*, *Terrorism Focus* 4(31), http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=4450

The Campaign Against Criminalising Communities (CAMPACC) opposes all 'anti-terror' bans and special powers.

Our aims include: To oppose crimes against humanity, regardless of who (or what government) commits them.

For more information: <http://campacc.org.uk/>

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