

# **STATEMENT OF CASE TO RENEW THE DESIGNATION OF PARTIYA KARKEREN KURDISTAN [PKK] AS A TERRORIST ENTITY**

## **PURPOSE**

1. The purpose of this paper is to set out the case demonstrating Partiya Karkeren Kurdistan, also known as Kongra Gel, Kongra Gele Kurdistan, Kurdistan Labour Party, Kurdistan People's Congress, The Kurdistan Workers Party and PKK meets the statutory criteria to renew its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).
2. The paper concludes that the group meets the criteria for renewal as a designated terrorist entity under the TSA.

## **STRUCTURE OF THIS PAPER**

3. This paper sets out updated information about PKK's continued involvement in terrorist activity and covers any changes and/or developments to the organisation since its original designation, including to its objectives, structure, weapons and tactics and includes recent attacks which meet the definition of a terrorist act under the TSA.
4. This updated information, together with the information contained in the original designation paper,<sup>1</sup> provide the basis for the paper's conclusion that PKK meets the legal criteria for renewal of its designation as a terrorist entity under the TSA.

## **STATUTORY CRITERIA FOR THIS DESIGNATION RENEWAL UNDER THE TSA**

5. Section 35(1) of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is earlier renewed by the Prime Minister. The original designation is made pursuant to s 22 of the TSA, which provides that the Prime Minister may designate an entity as a terrorist entity if the Prime Minister believes on reasonable grounds that the entity has knowingly carried out, or has knowingly participated in the carrying out of, one or more terrorist acts. Carrying out a terrorist act includes the planning, preparation or credible threat to carry out the act, whether it is actually carried out or not (s 25(1)(a) and (b)) and also includes an attempt to carry out the act (s 25(1)(c)).
6. The Prime Minister may renew that designation for a further three years under s 35(2) if satisfied that there are still reasonable grounds as set out in s 22 for the entity to be designated under that section.
7. Before the expiry of an order made under s 35(2), the Prime Minister may make another order under s 35(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 35(3) in respect of the same designation (s 35(5)).

## **CREDIBILITY OF SOURCES**

8. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These are: International Crisis Group, International Strategic Research Organisation, Silk Road Studies, Janes Terrorism and Security series, Immigration and Refugee Board of Canada, the BBC, Associated Foreign Press (AFP), Reuters, Wall Street Journal and others.

## EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

### Continued involvement in terrorist activity

9. PKK was designated as a terrorist entity on 10 February 2010.<sup>2</sup>
10. On 11 June 2010, police officers in Izmir discovered a vehicle wired with 50 kg of explosives. Evidence suggested the vehicle was to be used in PKK's first Suicide Vehicle Borne Improvised Explosive Device (SVBIED) attack, although the target of the attack was not disclosed.<sup>3</sup> Four PKK rebels located with the vehicle were arrested.<sup>4</sup>
11. During August 2011, there were three PKK attacks in the space of two days in southeast Turkey. In the first two attacks, PKK militants killed two soldiers and two village guards. In the third, five members of PKK, armed with automatic weapons, fired into a crowd of families watching a football game between two police teams in Tunceli Province, killing a senior police officer and his wife and injuring eight other police officers. Police returned fire, killing one insurgent.<sup>5</sup>
12. On 4 November 2011, a PKK militant carrying a suspected explosive device hijacked a passenger ferry and took hostage 18 passengers and six crew members in the Marmara Sea, near Istanbul.<sup>6</sup> Turkish marine commandos boarded the ferry and shot and killed the militant who was later identified as a member of PKK. He had told the ferry's captain that he was a member of PKK and that he would detonate his explosives if any attempt was made to intercept the ferry.<sup>7</sup> The commandos found 450 grams of plastic explosives on his body.<sup>8</sup>
13. On 1 March 2012, 15 police officers and a civilian were wounded in an improvised explosive device (IED) attack which targeted a Turkish police bus in Istanbul. The device, believed to have been mounted on a motorcycle, was triggered by remote control and exploded as the bus passed the headquarters of the ruling Justice and Development Party. This attack occurred during a police crackdown on suspected affiliates of PKK, who had threatened that Turkey would face more violence if it did not halt its military drive against them.<sup>9</sup>
14. In May 2012, the PKK claimed responsibility for a suicide attack on a police station in Kayseri, central Turkey, saying it was carried out in revenge "for the political and armed attacks targeting the Kurdish people".<sup>10</sup> Two members of PKK drove their vehicle at high speed into the station, firing weapons at the occupants before triggering explosives. A police officer was killed and 17 were wounded.<sup>11</sup>
15. In September 2012, a pair of PKK insurgents shot and killed Chief Public Prosecutor Murat Uzun. He was shot in the head as he returned to his Ovacik apartment. Turkish intelligence units intercepted radio transceiver conversations between PKK militants which confirmed their responsibility for this attack.<sup>12</sup>
16. On 15 September 2012, a group of PKK insurgents armed with AK47 assault rifles opened fire on a helicopter being used to transport international civilian staff working for Perenco Oil, a company employed on an oil exploration project in southeast Turkey. Fourteen New Zealanders from Webster Drilling NZ were part of the team working on the project, but were not on the helicopter at the time of the attack. Four people were wounded when the helicopter was struck by 15 rounds of ammunition. As a result of the attack the project was abandoned and all New Zealand personnel were evacuated from Turkey under armed escort.

### Ideology and objectives of PKK

17. When beginning their campaign of armed violence in 1984, PKK's objective was to force the Turkish government to comply with their desire to establish an independent Kurdish state in southeast Turkey. That objective has been modified somewhat, to the extent that PKK now seek the creation of an autonomous Kurdish region within Turkey with its own democratic system<sup>13</sup>.
18. PKK has been designated a terrorist organisation by Turkey, the European Union, the United States, Australia and Canada.

### **Organisation and structure of PKK**

19. PKK founder and leader Abdullah Ocalan, captured in 1999, remains in prison serving a life sentence. Day to day leadership of the group is provided by Murat Karayilan, leader of PKK's executive committee. Their current hierarchical structure has remained in place since 2005.<sup>14</sup> Units operating in the field retain some autonomy to act on local unit commanders' orders.

### **Weapons, tactics and capability of PKK**

20. PKK numbers are estimated to be between four and five thousand militants, based both in Turkey and in northern Iraq.<sup>15</sup> Additionally there are larger numbers of Kurdish sympathisers who offer logistical support, based in Turkey, Iran and Syria.<sup>16</sup> The Umut Foundation has reported that a significant percentage of PKK mountain fighters are aged between 9 and 18 years.<sup>17</sup>
21. PKK militants continue to use suicide bombers, remote controlled IEDs and landmines as part of their campaign of urban bombings and as a means of attacking buses, military convoys and oil pipelines. They are also routinely armed with automatic weapons such as AK-47s. The group's use of SVBIEDs is a relatively new development in tactics and capability since 2010.
22. On 5 June 2010, PKK acting leader Murat Karayilan gave a media interview in which he said that PKK would intensify and broaden their campaign of violence, not only in the mountains of the southeast, but by attacking "economic and military targets" in the cities of western Turkey.<sup>18</sup> A Turkish military intelligence report, made public in February 2012, reported that PKK leaders had discussed their intentions to escalate their terror campaign by conducting large scale attacks throughout the southeast of Turkey, with the aim of inflicting major losses on the Turkish military as well as attacking civilians and police in urban areas using IED devices.<sup>19</sup>

### **Law of armed conflict (LOAC)**

23. There have been no significant changes in the status of the conflict or in the conduct of PKK to invalidate the legal analysis contained in the original designation. There still fails to exist an "armed conflict" for the purposes of the exemption in section 5(4) of the TSA. Accordingly, the exemption in s 5(4) cannot apply, and the PKK attacks are properly characterised as terrorist acts.

### **Conclusion**

24. On the evidence set out above, this paper concludes that there are still reasonable grounds as set out in s 22 of the TSA for PKK to be designated under that section.

25. Since its designation in February 2010, PKK has continued to carry out terrorist acts as defined in the TSA (ss 5 and 25), including preparation for (paragraph 10), attempting (paragraph 12) and actually carrying out such acts (paragraphs 11, 13-16). Accordingly, given there are still reasonable grounds to believe PKK has knowingly carried out terrorist acts as set out in s 22 of the TSA, PKK meets the legal criteria for renewal of its designation as a terrorist entity under s 35.
26. The designation must be renewed by 11 February 2013 to be effective.

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<sup>1</sup> The statement of case, dated 10/02/2010 can be accessed at:  
<http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html>

<sup>2</sup> The statement of case, dated 10/02/2010 can be accessed at:  
<http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html>

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- <sup>3</sup> (21/06/2010) *The PKK Insurgency enters a new era*. Retrieved 03/10/2012 from [www.silroadstudies.org/new/inside/turkey/2010/100621A.html](http://www.silroadstudies.org/new/inside/turkey/2010/100621A.html)
- <sup>4</sup> (17/02/2011) *Turkey 2011 Crime and Safety Report*. Retrieved 08/10/2012 from <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=10444>
- <sup>5</sup> (05/10/2011) *PKK militants kill two at Turkish police football game*. Retrieved 04/10/2012 from <http://www.turkishweekly.net/news/122720/pkk-militants-kill-two-at-turkish-police-football-game.html>
- <sup>6</sup> (12/11/2011) *Turkish passenger ferry is hijacked*. Retrieved 08/10/2012 from <http://online.wsj.com/article/SB10001424052970203537304577032322168736642.html>
- <sup>7</sup> (12/11/2011) *Turkish commandos end ferry hijack in Gulf of İzmit*. Retrieved 31/01/2012 from <http://www.bbc.co.uk/news/world-europe-15701025>.
- <sup>8</sup> (12/11/2012) *Turkish commandos shoot dead lone ferry hijacker*. Retrieved 08/10/2012 from <http://www.reuters.com/article/2011/11/12/us-turkey-hijack-idUSTRE7AA4UI20111112>.
- <sup>9</sup> (2012) *Bomb mounted on motorcycle wounds 15 policemen, 1 civilian in Istanbul, Turkey*. Retrieved 08/10/2012 from <http://ikjnews.com/?p=3505>.
- <sup>10</sup> (25/05/2012) *Suicide bombing kills policemen in Central Turkey*. Retrieved 04/10/2012 from <http://www.pkkterrorism.org/2012/05>
- <sup>11</sup> (29/05/2012) *Jane's Terrorism and Security Monitor: PKK claims suicide attack*. Retrieved 18/12/2012 from <http://articles.janes.com/articles/Janes-Terrorism-And-Security-Monitor-2012/OSINT-Summary-PKK-claims-suicide-attack-in-Turkey.html>
- <sup>12</sup> (21/09/2012) *PKK claims responsibility for Tunceli prosecutor killing*. Retrieved 04/10/2012 from <http://www.worldbulletin.net/?atype=haber&ArticleId=95884>.
- <sup>13</sup> (06/05/2011) *Kurdish rebels claim attack on Turkish PM convoy, PKK chief threatens war with Turkey*. Retrieved 11/10/2012 from <http://www.ekurd.net/mismas/articles/misc2011/5/turkey3208.html>
- <sup>14</sup> The statement of case, dated 10/02/2010 can be accessed at: <http://www.police.govt.nz/service/counterterrorism/designated-terrorists.html>
- <sup>15</sup> (11/09/2012) *Turkey: The PKK and a Kurdish settlement*. Retrieved 11/10/2012 from [www.crisisgroup.org/Europe report No219,11 September 2012. Pg 12](http://www.crisisgroup.org/Europe/report/No219,11%20September%202012/Pg%2012)
- <sup>16</sup> (17/08/2012) *PKK terrorist organisation report*. Retrieved 08/10/2012 from <http://www.nationalsecurity.gov.au/agd>.
- <sup>17</sup> A Turkish based non governmental organisation (NGO) which holds consultant status with the UN. Their ideology is as follows "*The knowledge pool of the Umut Foundation, operating for 17 years with the basic philosophy to create peace and tranquillity among citizens, to ingrain reconciliation culture and to develop conscience of citizenship is an important source of reference for developing draft bills, creating new suggestions with the aim of finding solutions for problems.*" Retrieved 03/10/2012 from <http://www.umut.org.tr/en/page.aspx?id=7995>
- <sup>18</sup> (21/06/2010) *The PKK Insurgency enters a new era*. Retrieved 03/10/2012 from [www.silroadstudies.org/new/inside/turkey/2010/100621A.html](http://www.silroadstudies.org/new/inside/turkey/2010/100621A.html)
- <sup>19</sup> (17/08/2012) *What Governments are doing Listing of Terrorism Organisations Kurdistan Workers Party*. Retrieved 08/10/2012 from <http://www.nationalsecurity.gov.au/agd/WWW/nationalsecurity.nsf/Page/>