

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 (PKK), also known as Kurdistan Workers Party, Kongra Gel, Kongra Gele Kurdistan, Kurdistan Labour Party and Kurdistan People's Congress, 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 relevant changes and/or developments to the organisation since its original designation in February 2010 and renewal in February 2013, including PKK's 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,¹ and previous renewal paper² 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: Jane's Terrorism and Monitoring series, BBC News, Al Jazeera, Reuters, New York Times and Crisis Group. Local news sources referenced include Today's Zaman, Al Arabia News, World Bulletin News, Istanbul Daily Sabah and BGN News.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Activity since designation renewal in February 2013

9. PKK was designated as a terrorist entity on 10 February 2010.³ The designation was renewed on 11 February 2013.⁴
10. On 21 March 2013 currently incarcerated PKK leader Abdullah Öcalan, via letter, called a unilateral ceasefire with the Turkish Government. This was the ninth ceasefire called by the group since 1993.⁵ Öcalan stated it was "time for weapons to be silenced and for politics and ideas to speak", and called on armed PKK elements to withdraw from Turkish territory to bases in neighbouring Iraq as part of the peace effort.⁶ Despite this, PKK has breached the ceasefire a number of times⁷ (refer continued involvement in terrorist activity below). With the ceasefire still in place, PKK halted its withdrawal a few months later, claiming the Turkish Government had not taken any steps to reciprocate.⁸
11. Both Turkey and PKK became increasingly distracted by events in Iraq and Syria in August 2014. At this time, PKK became operationally active in northern Iraq after Islamic State (also known as Islamic State of Iraq and the Levant, or ISIL) militants besieged Mount Sinjar in Ninawa province. In early October, Öcalan warned if ISIL captured control of Ayn al-Arab (a Syrian city close to the southern border with Turkey), peace talks with the Turkish government would end. By late October, PKK was actively fighting against ISIL.⁹
12. On 28 February 2015 Öcalan issued another statement calling for PKK's disarmament in order to resume stalled peace talks with the Turkish Government and to find a long-term solution to the conflict.¹⁰ Öcalan also issued a 10-point framework to be met by the Turkish Government and form the basis of peace negotiations, on condition of disarmament. Steps to be taken included the drafting of a new constitution taking into consideration proposed amendments to citizenship rights for ethnic Kurds, an issue which has failed to be resolved in previous talks.¹¹
13. Fighting between the Turkish government and PKK resumed in July 2015 after renewed clashes in south-eastern Turkey.¹² The renewed conflict has again broken a peace process Turkish President Recep Erdogan launched in 2012 in an attempt to end the insurgency.¹³

Continued involvement in terrorist activity

14. In 2013 PKK carried out a limited number of attacks, mostly targeting military convoys in south-eastern Turkey. According to the Turkish Government, in 2014 PKK carried out 293 attacks with firearms and 785 attacks with explosives, including Molotov cocktails, killing nine security officers and 49 civilians. Several hundred people were injured.¹⁴

15. An upsurge in tensions over the Turkish Government's cautious policy on helping the mainly Kurdish Syrian border town of Kobane, which had been besieged by ISIL jihadists, possibly contributed to PKK gunmen shooting dead three soldiers on a street in the town of Yuksekova, Turkey on 25 October 2014.¹⁵ Victims were shot in the head from behind while walking in the centre of town to collect electrical equipment from a police station.¹⁶
16. On 26 December 2014, PKK militants attacked and set fire to conservative families' homes, allegedly members of rival Kurdish party Free Cause Party (HUDA-PAR), in Cizre district of Sirnak province. Two were killed and three injured in the attack.¹⁷
17. On 7 January 2015 PKK militants wounded two police officers in Cizre. The officers were injured when militants used a Rocket-Propelled Grenade to attack an armoured police vehicle. The PKK militants then shot at the Dicle Police Station, which was close to the scene of the previous incident. No injuries were reported at the second location.¹⁸
18. On 22 July 2015 the Armed Wing of PKK, the People's Defence Force (HPG) claimed responsibility for the murder of two Turkish police officers, whom HPG accused of having ties to ISIL. Both officers were shot dead in their homes two days after a suicide attack which killed 32 people, mostly ethnic Kurds, in the Turkey/Syria border town of Suruc. The officers' deaths were reportedly reprisals for the suicide attack.¹⁹
19. On 30 July 2015 a police officer and civilian were shot dead, and another civilian injured, when PKK individuals fired a weapon from a car at the victims who were sitting in front of a teahouse in Cinar district, Turkey.²⁰ A week later on 8 September 2015, PKK members bombed a minibus in Igdir province, killing 14 police officers. A separate bomb attack in south-eastern province Mardin killed one police officer and wounded three others.²¹
20. On 26 September 2015 PKK militants attacked a gendarmerie compound in northeastern Giresun province, opening fire on the gendarmerie with rockets and long barrelled weapons. Shots fired hit buildings, apartments and a school in the area, injuring four civilians.²²

Ideology and objectives of PKK

21. Along with its longstanding objective of creating an independent and socialist Kurdish state, PKK has vowed to support the region's Kurds in fighting against extreme jihadist groups, particularly ISIL. In July 2014 Öcalan stated, "[We] will fight [ISIL] until the end. And whatever force is behind it, we will fight that force, too".²³ PKK continue to participate in operations against ISIL in Iraq's Ninawa province, including assisting Kurdish forces in retaking control of villages and towns around Sinjar.
22. PKK's immediate objectives include greater cultural and political rights for Turkey's Kurdish minority (including the amendment of the Turkish constitution to include an explicit recognition of a Kurdish identity), a comprehensive amnesty for PKK militants and an easing of the conditions on Öcalan including, eventually, his release.²⁴

Organisation and structure of PKK

23. Despite being imprisoned since 1999, Öcalan continues to lead PKK. Day-to-day running of PKK is via the Kurdish Democratic Federation executive, headed by Murat Karayilan, and generally operates within the parameters set by Öcalan.²⁵
24. The core military wing of PKK still operates and coordinates attacks from the Qandil mountains in northern Iraq.²⁶ PKK also maintains its own training camps in the Qandil mountains where recruits are given basic military training, including weapons familiarisation and guerrilla warfare tactics.²⁷

Weapons, tactics and capability of PKK

25. PKK operations have utilised kidnapping, ambush, road block and assault tactics and conducted attacks involving AK-series assault rifles, improvised explosive devices (IEDs), grenades and explosives to target military and law enforcement sectors as well as infrastructure.²⁸ For example:

25.1 On 24 August 2014 PKK militants abducted three Chinese engineers in the town of Silopi before attacking a power plant construction site. There had reportedly been protests in recent months against the power station.²⁹ The engineers were later released on 10 October 2014;³⁰

25.2 On 15 June 2015 PKK militants attacked a dam construction site in Adiyaman province, setting fire to two trucks and three bulldozers.³¹

26. The Turkish government estimated PKK's fighting strength in January 2013 at 5,000 militants.³² PKK mostly recruits from among the rural and urban poor in predominantly Kurdish areas of southeast Turkey, as well as younger generations of Kurdish migrants in cities in western Turkey. Rural insurgency recruits also hail from the Kurdish population in Syria, Iraq and Europe; however the latter are often ill-suited to the demanding conditions of the mountains in southeast Turkey.³³
27. PKK currently makes extensive use of the internet to disseminate propaganda, principally through the official HPG website.³⁴ PKK continues to engage in criminal activities to fund operations, with its largest source of revenue reportedly derived from smuggling goods. The most profitable source of income for PKK is reportedly smuggling cigarettes.³⁵

Law of armed conflict (LOAC)

28. 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. Currently, there is no situation of non-international armed conflict in Turkey and 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

29. 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.

30. Since its designation in February 2010 and renewal in February 2013, and notwithstanding the attempts to establish an enduring peace process, PKK has continued to carry out terrorist acts as defined in ss 5 and 25 of the TSA (paragraphs [14]–[20]). Accordingly, given there are still reasonable grounds to believe that 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.
31. The designation must be renewed by 11 February 2016 to be effective.

¹ The statement of case, dated 10 February 2010 can be accessed at: <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>

² The statement of case, dated 11 February 2013 can be accessed at:

<http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>

³ The statement of case, dated 10 February 2010 can be accessed at: <http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>

⁴ The statement of case, dated 11 February 2013 can be accessed at:

<http://www.police.govt.nz/advice/personal-community/counterterrorism/designated-entities/lists-associated-with-resolution-1373>

⁵ (6/11/2014) “*Turkey and the PKK: Saving the Peace Process*”, Crisis Group Europe Report No. 234. Accessed via

<http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/234-turkey-and-the-pkk-saving-the-peace-process.pdf> on 08/07/2015

⁶ (28/02/2015) “*Jailed Kurdish Leader Calls on PKK to Lay Down Arms*”, New York Times, accessed via

<http://www.nytimes.com/aponline/2015/02/28/world/europe/ap-eu-turkey-kurds.html> on 08/07/2015

⁷ (6/11/2014) “*Turkey and the PKK: Saving the Peace Process*”, Crisis Group Europe Report No. 234. Accessed via

<http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/234-turkey-and-the-pkk-saving-the-peace-process.pdf> on 08/07/2015

⁸ (28/02/2015) “*Jailed Kurdish Leader Calls on PKK to Lay Down Arms*”, New York Times, accessed via

<http://www.nytimes.com/aponline/2015/02/28/world/europe/ap-eu-turkey-kurds.html> on 08/07/2015

⁹ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 25/09/2015.

¹⁰ (28/02/2015) “*Jailed Kurdish Leader Calls on PKK to Lay Down Arms*”, New York Times, accessed via

<http://www.nytimes.com/aponline/2015/02/28/world/europe/ap-eu-turkey-kurds.html> on 08/07/2015

¹¹ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 7/07/2015.

¹² (12/08/2015) “*Turkey v Islamic State v the Kurds: What’s going on?*”, BBC News, accessed via <http://www.bbc.com/news/world-middle-east-33690060> on 28/09/2015.

¹³ (08/09/2015) “*UPDATE 7-Bombs kill 15 Turkish police officers as jets strike PKK in Iraq*”, Reuters. Accessed via

<http://www.reuters.com/article/2015/09/08/mideast-crisis-turkey-pkk-idUSL5N11E0NS20150908> on 24/09/2015.

¹⁴ (6/11/2014) “*Turkey and the PKK: Saving the Peace Process*”, Crisis Group Europe Report No. 234. Accessed via

<http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/234-turkey-and-the-pkk-saving-the-peace-process.pdf> on 08/07/2015

¹⁵ While no claim of responsibility was made, the Turkish army blamed “three terrorists from the separatist terrorist organisation”, a reference to PKK who the Turkish army do not mention by name.

¹⁶ (25/10/2014) “*Three Turkish soldiers shot dead in ‘terrorist’ attack*”, Al Arabiya News, accessed via <http://english.alarabiya.net/en/News/middle-east/2014/10/25/Three-Turkish-soldiers-shot-dead-in-terrorist-attack.html> on 28/09/2015.

¹⁷ (27/12/2014) “*PKK militants attack rival party members’ houses in Turkey*”, World Bulletin News, accessed via <http://www.worldbulletin.net/haber/151735/pkk-militants-attack-rival-party-members-houses-in-turkey> on 28/09/2015.

¹⁸ (08/01/2015) “*2 policemen injured in suspected PKK shooting in Cizre*”, Today’s Zaman Online, accessed via

http://www.todayszaman.com/anasayfa_2-policemen-injured-in-suspected-pkk-shooting-in-cizre_369193.html on 02/07/2015

¹⁹ (22/07/2015) “*Kurdish group claims ‘revenge murder’ on Turkish police*”, Al Jazeera, accessed via

<http://www.aljazeera.com/news/2015/07/kurdish-group-claims-revenge-murder-turkish-police-150722132945249.html> on 24/09/2015.

²⁰ (30/07/2015) “*Officer and civilian killed in PKK assault in southeast Turkey*”, BGN News. Accessed via <http://national.bgnnews.com/officer-and-civilian-killed-in-pkk-assault-in-southeast-turkey-haber/8112> on 24/09/2015.

²¹ (08/09/2015) “*UPDATE 7-Bombs kill 15 Turkish police officers as jets strike PKK in Iraq*”, Reuters. Accessed via <http://www.reuters.com/article/2015/09/08/mideast-crisis-turkey-pkk-idUSL5N11E0NS20150908> on 24/09/2015.

²² (27/09/2015) “*PKK terrorist attack injures 4 civilians in Turkey’s northeastern Giresun province*”, Daily Sabah <http://www.dailysabah.com>, accessed via Open Source Centre on 28/09/2015.

²³ (6/11/2014) “*Turkey and the PKK: Saving the Peace Process*”, Crisis Group Europe Report No. 234. Accessed via

<http://www.crisisgroup.org/~media/Files/europe/turkey-cyprus/turkey/234-turkey-and-the-pkk-saving-the-peace-process.pdf> on 08/07/2015

²⁴ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 28/09/2015.

²⁵ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 28/09/2015.

²⁶ (05/10/2015) “*Facts on PKK terror attacks*”, Republic of Turkey Ministry of Foreign Affairs, accessed via <http://vasington.be.mfa.gov.tr/ShowAnnouncement.aspx?ID=242732> on 06/10/2015.

²⁷ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 25/09/2015.

²⁸ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 29/09/2015.

²⁹ (25/08/2014) “*Three Chinese engineers kidnapped in southeast Turkey: sources*”, Reuters, accessed via <http://www.reuters.com/article/2014/08/26/us-turkey-china-kidnapping-idUSKBN0GQ04N20140826> on 28/09/2015.

³⁰ (12/10/2014) “*Three Chinese engineers kidnapped by PKK released*”, Today’s Zaman Online, accessed via http://www.todayszaman.com/national_three-chinese-engineers-kidnapped-by-pkk-released_361337.html on 28/09/2015.

³¹ (15/06/2015) “*Turkey: PKK torches trucks in latest sabotage attempt*”, Istanbul Daily Sabah Online, accessed via

<http://www.dailysabah.com/nation/2015/06/15/turkey-pkk-torches-trucks-in-latest-sabotage-attempt> on 23/09/2015

³² No reliable estimates of PKK’s fighting strength since 2013 have been identified.

³³ (08/05/2015) “*Partiya Karkerên Kurdistan (PKK)*”, Jane’s World Insurgency and Terrorism, available on subscription. Accessed on 25/09/2015.

³⁴ As at 06/10/2015, the official website could be accessed at <http://www.hezenparastin.org/>.

³⁵ (26/09/2015) “*Cigarette smuggling biggest source of income for PKK*”, Daily Sabah, accessed via <http://www.dailysabah.com/investigations/2015/09/26/cigarette-smuggling-biggest-source-of-income-for-pkk> on 06/10/2015.