

STATEMENT OF CASE TO RENEW THE DESIGNATION OF PARTIYA KARKEREN KURDISTAN AS A TERRORIST ENTITY PURPOSE

1. This paper sets 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 for the renewal of its designation as a terrorist entity within New Zealand pursuant to the Terrorism Suppression Act 2002 (TSA).

STRUCTURE OF THIS PAPER

2. This paper sets out updated information about PKK's continued involvement in terrorist activity and covers any relevant changes or developments to the organisation since its original designation in February 2010¹ and renewals in February 2013,² February 2016,³ January 2019⁴ and December 2021⁵ including PKK's objectives, structure, weapons, and tactics and includes recent attacks which meet the definition of a terrorist act under the TSA.
3. This updated information, together with information contained in the original designation paper and previous renewal papers, provides the basis for the conclusion that PKK meets the legal criteria for renewal of its designation as a terrorist entity under the TSA.

STATUTORY CRITERIA FOR DESIGNATION RENEWAL UNDER THE TSA

4. Section 29B of the TSA provides that a designation of a terrorist entity expires three years after the date of designation unless it is earlier revoked, or 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 5A(a) and (b)) and also includes an attempt to carry out the act (s 5A(c)).
5. The Prime Minister may renew that designation for a further three years under s 29B(2) if satisfied that there are still reasonable grounds as set out in s 22 for the entity to be designated under that section.

Before the expiry of an order made under s 29B(2), the Prime Minister may make another order under s 29B(3) renewing the designation concerned for a further three years. The Prime Minister may make any number of orders under s 29B(3) in respect of the same designation (s 29B(5)).

CREDIBILITY OF SOURCES

6. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include DW News, Al Jazeera English, The Defense Post, Australian National Security, and Reuters.
7. A range of regional news sources were also referred to including TRT World, Kurdistan 24, Rudaw, Daily Sabah, ANF News, Al-Monitor, Hurriyet Daily News, Independent, Middle east eye, EFE Comunica, Asharq Al-Wasat, AA (Anadolu Ajansi), Alarabiya News, Anadolu Agency, and PKK online.

8. Other sources utilised include Europol, US Department of State, International Crisis Group, and Xinhua News Agency.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

9. The PKK has been involved in an ongoing conflict with the Turkish military as it seeks to create its own Kurdish state. It has conducted attacks against non-military targets in Türkiye and Iraq. These actions are detailed below.

Continued involvement in terrorist activity

10. On 1 October 2023 a PKK suicide bomber detonated an explosive device near an entrance of the interior ministry building in Ankara, injuring two police officers. A second assailant was killed in a shootout with police. PKK claimed responsibility for the attack and stated they planned the bombing to coincide with the opening of the parliament. The PKK said the attack was carried out by a team linked to their 'Immortals Battalion' group.⁶ A PKK commander has in the past described the Immortals Battalion unit as a group of suicide bombers in sleeper cells.⁷
11. On 1 July 2024, PKK entities set fire to buildings in the northern areas of Kirkuk, Erbil, and Duhok. Three PKK members were arrested after an extensive investigation. The three later confessed that they were planning to set fires in other regions and were planning to sabotage the Kirkuk-Ceyhan oil pipeline on Iraqi territory.⁸
12. On 18 July 2024, PKK fighters opened fire on a civilian vehicle in the Jamanki district, north of Duhok Governorate in the Kurdistan Region. It is unconfirmed whether anyone was injured or killed in the attack.⁹

Ongoing conflict between the Turkish Military and PKK

13. There has been ongoing conflict between PKK and Turkish forces since the 1980s.¹⁰ At least 7040 people have been killed in Türkiye and northern Iraq following the breakdown of a two-and-a-half year long ceasefire in 2015.¹¹
14. Since 2019, the conflict has predominantly shifted into Iraq, with Türkiye establishing military bases in Iraqi territory to target PKK positions in regular airstrikes and attacks.¹²
15. Although the number of related fatalities is gradually dropping over time, the rate of conflict related violence has increased, exceeding the rate of violent events seen during the urban phase of escalation between 2015 and 2017.¹³

Ideology and objectives

16. The PKK's main objective is to create an independent Kurdish state inside Turkish territory. They are a dominant organisation shaping the discourse of Kurdish ethno-nationalism in the region. As a result, the PKK has enabled their violent activity to be overlooked or justified by sympathisers as part of a perceivably legitimate struggle.¹⁴

Organisation and structure

17. PKK's founder and leader, Abdullah Ocalan is serving life imprisonment in Türkiye. Day to day operations and affairs are being run by Murat Karayılan.
18. The PKK's operational command consists of a three-person executive committee comprising of Murat Karayılan, Cemil Bayik and Fehman Huseyin. The committee manages the PKK from its base in the Qandil Mountains in northern Iraq.¹⁵

Weapons, tactics, and capability

19. While sporadic armed clashes between the military and PKK, and PKK terrorist attacks occur in Türkiye's eastern and south-eastern region, the focus of the conflict predominantly lies in the Kurdistan region of Iraq.
20. The current number of PKK members are unknown. As of 2022, it was estimated that membership was at least four thousand militants, the majority of whom are based in Iraq.¹⁶
21. In August 2024, Iraqi Defense Minister Thabet al-Abbasi expressed his concerns over the PKK's current activities due to its expanding outreach in southern and central Iraq. PKK are suspected to be recruiting people in al-Muthanna and Nasiriyah.¹⁷
22. As of October 2022, it is believed the PKK uses a mix of guerrilla warfare and terrorist tactics. The group uses IEDs, FPV suicide drones, car bombs, grenades, small arms, mortars, suicide bombings, kidnapping operations, unmanned aerial vehicles, and man-portable air defence systems in attacks primarily against Turkish and Turkish-supported forces in northern Iraq as well as Turkish personnel and infrastructure in south-eastern Türkiye.^{18,19}
23. PKK remains active in European Union countries, with followers continuing to support them. Recent reporting on PKK activity beyond the Kurdish region includes:
 - 23.1. Germany's 'Domestic Intelligence Agency' issued a report in 2024 outlining the harm that PKK are causing in their country. In 2023 alone, PKK members were involved in 286 crimes, including violent attacks resulting in personal injury and property damage. Ongoing activities include its logistical and financial support operations, recruitment efforts and propaganda campaigns. Over 300 foreign fighters were recruited from Germany since 2013 and received military training in Syria and Iraq. The PKK's membership in Germany reached 14,000 in 2023, making it the largest extremist foreign organisation in the country.²⁰
 - 23.2. PKK continues to engage in drug trafficking to finance the organisation. Reports estimate that up to 80% of illicit drug markets in Europe are supplied by PKK controlled trafficking networks. Europol reported that narcotics operations generated an annual income between \$1.5 billion to \$3 billion for PKK. The taxation of drug transfers, as well as payments from traffickers and smugglers at borders, serve as a crucial income sources for the group.^{21,22}
 - 23.3. A French law enforcement investigation alleges that a local Kurdish organization who came to investigators' attention in 2022 collects approximately \$2.2 million each year in informal taxes from diaspora communities in southeast France.²³

- 23.4. In 2023, Swedish prosecutors charged a man for attempting to finance the PKK in a ruling that could help Türkiye's veto of Sweden's application to join the NATO military alliance.²⁴
- 23.5. In December 2022, Sweden extradited a man who had been convicted of being a PKK member in Türkiye before seeking asylum abroad.²⁵
- 23.6. On 27 March 2024, PKK sympathizers injured three civilians at France's Charles de Gaulle Airport in Paris. Around 20 supporters of the organization opposed to the extradition of PKK member Firaz Korkmaz from France to Türkiye arrived at Charles de Gaulle Airport. The group attacked the National Repatriation Unit team escorting Korkmaz.²⁶
- 23.7. On 28 March 2024, PKK sympathizers attacked Türkiye's Consulate General building in the German city of Hannover. On Tuesday night (26 March), PKK sympathizers in Hamburg also held a march, escorted by German police, in solidarity with other supporters of the terrorist group who have been active in Belgium, including attacking local Belgian Turks.²⁷

LAW OF ARMED CONFLICT (LOAC)

24. Section 5(4) of the TSA provides that an act does not constitute a terrorist act for the purposes of the TSA if two conditions are met. The first condition is that there must be a situation of armed conflict in those areas in which the entity conducts its operations, at the time the act occurs. Secondly, the act must accord with rules of international law applicable to the conflict – the law of armed conflict (LOAC). If one of these conditions is not met, the acts in question may constitute a terrorist act.
25. The ongoing armed violence between Türkiye and the PKK in Northern Iraq is of a degree of intensity that it *may* amount to an armed conflict. The clashes between the PKK and Turkish armed and security forces within Türkiye have decreased recently and are currently sporadic, such that it is assessed that they do not reach the threshold of a non-international armed conflict.
26. Given the assessment that there is no armed conflict within Türkiye at present, the exemption in s 5(4) of the TSA does not apply. On the assumption that the activities of PKK in Northern Iraq amounted to an armed conflict, it is nonetheless clear that many acts of PKK have not complied with LOAC. The PKK's intentional targeting of civilians and civilian objects is not in accordance with LOAC and the principle of distinction. Accordingly, the acts do not meet the exemption in s 5(4) and PKK's attacks against these targets are properly characterised as terrorist acts.¹

CONCLUSION

27. 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.
28. Since its designation in February 2010, and renewals in February 2013, February 2016, January 2019 and December 2021, PKK has continued to carry out activities which meet the definition

¹ The acts outlined above at paragraphs 15-24 against Turkish military forces may not be unlawful if PKK was assessed as participating in an armed conflict.

of terrorist acts in ss 5 and 25 of the TSA (paragraphs 11-13). 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 29B.

29. The designation must be renewed by 14 December 2024 to be effective.

¹ The statement of case, dated 10 February 2010 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/statement-of-case-pkk-terrorist-entity-10-feb-2010.pdf>

² The statement of case, dated 11 February 2013 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-pkk-as-terrorist-entity-11-feb-2013.pdf>.

³ The statement of case, dated 2 February 2016 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-pkk-as-terrorist-entity-9-feb-2016.pdf>.

⁴ The statement of case, dated 30 January 2019 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-pkk-terrorist-entity-30-january-2019.pdf>.

⁵ The statement of case, dated 14 December 2021 can be accessed at: <https://www.police.govt.nz/sites/default/files/publications/renew-pkk-terrorist-entity-17-december-2021.pdf>.

⁶ 02/10/2023, 'Turkey says PKK targets in north Iraq destroyed after Ankara suicide attack', *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2023/10/1/banned-kurdish-group-pkk-claims-responsibility-for-turkey-suicide-attack> on 20/09/2024.

⁷ 03/10/2023, 'What is the PKK, the Kurdish rebel group behind bomb blast in Turkey?' *Reuters*, accessed via <https://www.reuters.com/world/middle-east/what-is-pkk-kurdish-rebel-group-behind-bomb-blast-turkey-2023-10-02/> on 07/10/2024.

⁸ 01/07/2024, 'Terrorist PKK responsible for fires in northern Iraq', *AA (Anadolu Ajansı)*, accessed via <https://www.aa.com.tr/en/middle-east/terrorist-pkk-responsible-for-fires-in-northern-iraq-iraqi-interior-ministry/3262926> on 19/09/2024.

⁹ 19/07/2024, 'PKK attack on a civilian vehicle in Duhok followed by deadly Turkish airstrikes', *Shafaq News*, accessed via <https://shafaq.com/en/Kurdistan/PKK-attack-on-a-civilian-vehicle-in-Duhok-followed-by-deadly-Turkish-airstrikes> on 19/08/2024.

¹⁰ 08/08/2023, 'Conflict Between Turkey and Armed Kurdish Groups', Center for Preventative Action, *Council for Foreign Relations*, accessed via <https://www.cfr.org/global-conflict-tracker/conflict/conflict-between-turkey-and-armed-kurdish-groups> on 07/10/2024

¹¹ 21/07/2024, 'Turkey's PKK conflict: A visual explainer', *International Crisis Group*, accessed via <https://www.crisisgroup.org/content/turkiyes-pkk-conflict-visual-explainer> on 10/09/2024.

¹² 08/08/2023, 'Conflict Between Turkey and Armed Kurdish Groups', Center for Preventative Action, *Council for Foreign Relations*, accessed via <https://www.cfr.org/global-conflict-tracker/conflict/conflict-between-turkey-and-armed-kurdish-groups> on 07/10/2024

¹³ 21/07/2024, 'Turkey's PKK conflict: A visual explainer', *International Crisis Group*, accessed via <https://www.crisisgroup.org/content/turkiyes-pkk-conflict-visual-explainer> on 10/09/2024.

¹⁴ (2021) 'The Kurdistan Worker's Party (PKK) in London: Countering Overseas Terrorist Financing and Support with "Nudge" and Situational Approaches', Akartuna, E. A., & Thornton, A. E. *Terrorism and Political Violence*, 35(2), 470–496. <https://doi.org/10.1080/09546553.2021.1941902>

¹⁵ 22/09/2024, 'Kurdistan Workers' Party (PKK)', *Australian National Security*, accessed via https://www.dni.gov/nctc/ftos/pkk_fto.html on 07/10/2024.

¹⁶ October 2022, 'Kurdistan Workers' Party (PKK)', *Counterterrorism Guide*, accessed via https://www.apb.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/pjicis/five_terrorist/report on 8/10/2024.

¹⁷ 10/09/2024, 'Iraqi defense minister worried over growing PKK threat', *Daily Sabah*, accessed via <https://www.dailysabah.com/politics/war-on-terror/iraqi-defense-minister-worried-over-growing-pkk-threat> on 10/09/2024.

¹⁸ 31/10/2022, 'National Counterterrorism Center – PKK', *Counter Terrorism Guide*, accessed via https://www.dni.gov/nctc/ftos/pkk_fto.html on 10/09/2024.

¹⁹ 09/07/2024, 'PKK established drone workshop to fend off Turkish operations in Iraq', *Middle East Eye*, accessed via <https://www.middleeasteye.net/news/pkk-establishes-fpv-drone-workshops-fend-turkish-operations-iraq> on 20/09/2024.

²⁰ 26/06/2024, 'PKK spreads tentacles inside Germany, says domestic intel report', *TRT World*, accessed via <https://www.trtworld.com/turkiye/pkk-spreads-tentacles-inside-germany-says-domestic-intel-report-18177112> on 16/09/2024.

²¹ 16/09/2024, 'PKK terrorist group spreads propaganda under guise of festival in France', *Türkiye Today*, accessed via <https://www.turkiyetoday.com/world/terrorist-group-pkk-spread-propaganda-under-the-name-of-festival-in-france-53425/> on 20/09/2024.

²² 13/09/2024, 'Report unveils PKK's multibillion-dollar drug ops in Europe', *Daily Sabah*, accessed via <https://www.dailysabah.com/politics/war-on-terror/report-unveils-pkks-multibillion-dollar-drug-ops-in-europe-us> on 16/09/2024.

²³ 13/07/2023, 'Examining Extremism: Kurdistan Workers' Party (PKK)', *CSIS*, accessed via <https://www.csis.org/blogs/examining-extremism/examining-extremism-kurdistan-workers-party-pkk> on 18/09/2024.

²⁴ 06/07/2024, 'Swedish court convicts' man of supporting outlawed Kurdish PKK', *Al Jazeera*, accessed via <https://www.aljazeera.com/news/2023/7/6/swedish-court-convicts-man-of-supporting-outlawed-kurdish-pkk> on 20/09/2024.

²⁵ 06/09/2023, 'Sweden charges suspected fundraiser for Kurdish militants' *DW*, accessed via <https://www.dw.com/en/sweden-charges-suspected-fundraiser-for-kurdish-militants/a-65868265> on 20/09/2024.

²⁶ 28/03/2024, 'PKK supporters injure 3 people at France's Charles de Gaulle Airport', *AA (Anadolu Ajansı)*, accessed via <https://www.aa.com.tr/en/europe/pkk-supporters-injure-3-people-at-frances-charles-de-gaulle-airport/3176928> on 20/09/2024.

²⁷ 27/03/2024, 'PKK terror group sympathizers in Germany attack Turkish Consulate building', *AA (Anadolu Ajansı)*, accessed via <https://www.aa.com.tr/en/europe/pkk-terror-group-sympathizers-in-germany-attack-turkish-consulate-building/3176129> on 20/09/2024.