

STATEMENT OF CASE TO RENEW THE DESIGNATION OF PARTIYA KAKEREN KURDISTAN [PKK] 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 and February 2016², 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 the information contained in the original designation paper and previous renewal papers, provide 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 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)).
5. 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.
6. 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

7. This paper has been prepared using open or unclassified sources which have a reputation for careful and unbiased reporting. These include BBC News, Al Jazeera English, Reuters, The Guardian, The Washington Post, Jane's World Insurgency and Terrorism and IHS Jane's 360.
8. A range of think tanks were referred to including International Crisis Group, Control Risks, Stratfor and Oxford Analytica Daily Brief Service.

9. A range of regional news sources were also referred to including TRT World, Kurdistan 24, Rudaw, Daily Sabah, Hurriyet Daily News, Middle East Eye, Daily Star, ANF News and Gefira Channel.
10. Other sources utilised include the website and magazine of PKK's military wing Hezen Parastina Gele Kurdistan (HPG), US Department of State, Europol, ABC News, VOA News, The Times of Israel and The Scottish Sun.

EVIDENCE TO SUPPORT DESIGNATION RENEWAL UNDER THE TSA

Activity since designation renewal in February 2016

11. Following the collapse of a ceasefire between PKK and the Turkish government in July 2015, PKK's conduct of terrorist acts has continued, and Turkish police and military forces have conducted numerous operations against PKK in Turkey's south-eastern provinces.³ Between July 2015 and April 2016, 250 civilians, 433 members of the Turkish security forces and at least 383 verifiable PKK militants had reportedly been killed in the renewed conflict.⁴ International Crisis Group confirmed the deaths of 653 PKK militants, 307 civilians, and 582 security force members between 20 July 2015 and 19 July 2016.⁵ The number of Turkish security personnel killed had reportedly increased to 750 by late 2016, with killed, wounded or captured PKK militants numbered at approximately 8,000.⁶ The United Nations estimates between 350,000 and 500,000 people were displaced by this fighting between July 2015 and December 2016⁷, and numerous villages have been subject to curfews during security operations against the PKK.⁸
12. PKK conducted fewer mass-casualty attacks in 2017, due in part to military action by Turkish security forces, and PKK's focus on supporting allies' territorial holdings in Syria.⁹ PKK entered Sinjar province in mid-2014 to protect the minority Yazidi community from Islamic State in Iraq and the Levant (ISIL) after Kurdistan Regional military forces retreated from the area. PKK reportedly began withdrawing from this area on 23 March 2018, handing over security to PKK-trained Yazidi military units.¹⁰
13. In June 2018, one of PKK's top military commanders, Bahoz Erdal, reported PKK was "fighting fierce battles against the Turkish army in the mountains of Qandil and this is what we are most concerned about now".¹¹ Erdal also confirmed PKK's support to the People's Protection Units (YPG) in Syria through provision of ammunition, military guidance and assistance with attacks.¹²

Continued involvement in terrorist activity

14. On 31 March 2016, a parked car packed with explosives targeted a police vehicle passing near a busy bus terminal in Diyarbakir city, Diyarbakir province, Turkey. The explosives were remotely detonated, killing seven police officers and injuring 27 civilians. Nearby vehicles were also damaged, and windows shattered in an adjacent building. The attack occurred a day before the prime minister was due to visit the city. PKK claimed responsibility for the attack on its website.¹³
15. On 2 April 2016, a vehicle-borne improvised explosive device (VBIED) planted by PKK militants killed five soldiers and one Special Forces police officer in Nusaybin, Mardin province. The VBIED was detonated as a police bus passed by. PKK's military wing, HPG, claimed responsibility for the attack.¹⁴

16. On 8 June 2016, a suicide bomber detonated an explosives-laden vehicle outside a police headquarters in Midyat, Mardin province. The attack killed two police officers and three civilians, and wounded over 30. Another police officer died on 9 June from injuries sustained in the attack. PKK claimed responsibility for the attack on its website, stating “A major suicide attack was carried out on the police headquarters of the fascist state forces...by our comrade”.¹⁵
17. On 10 August 2016, a VBIED was detonated by remote control near a hospital, killing four civilians and injuring at least 25 civilians and police officers in Kiziltepe, Mardin province. Also on 10 August, a car bomb targeting a security checkpoint at a bridge over the Tigris river in Diyarbakir killed at least five civilians and injured twelve people, including five police officers. Both attacks were reported by Turkish officials to be the work of PKK, and both were targeting passing police vehicles.¹⁶ In an interview with Firat news agency a few days earlier, PKK commander Cemil Bayik had warned of fresh attacks, stating “a new style of war has been developed” and that police “will not be able to live as comfortably as they did in the past in cities”.¹⁷
18. On 26 August 2016, a VBIED targeting a checkpoint in Cizre, Sirnak province, killed eleven police officers, injured 78 and destroyed the nearby police headquarters. PKK claimed responsibility for the attack, stating it was in retaliation for the continued isolation of their imprisoned founder Abdullah Ocalan and a lack of information about his welfare.¹⁸ At the same time, PKK claimed responsibility for a 25 August attack on a convoy in Artvin in north-east Turkey, which was carrying Kemal Kilicdaroglu, leader of the main opposition Republican People’s Party (CHP). PKK denied knowing Kilicdaroglu or other civilians were in convoy behind the targeted military vehicle and claimed he was not the intended target. One gendarme was killed in the attack.¹⁹
19. On 12 September 2016, a VBIED was detonated in Van, Van province. The blast occurred near local government offices and wounded approximately 50 people, including four police officers and four Iranian citizens. PKK was initially blamed for the attack, and later claimed responsibility. According to the PKK, the attack was in response to the removal of two dozen mayors from office in Kurdish-run municipalities.²⁰
20. On 11 April 2017, a large explosion targeting a police compound in Amed, Diyarbakir province, killed one police officer, two civilians and wounded ten others. HPG claimed responsibility for the attack, stating it was an attack against the ruling Justice and Development Party (AKP) and had been carried out “in memory of the martyrs of Amed”. HPG claimed that “through underground tunnels 2540 kilos of explosives were placed beneath the building that houses 150 to 200 riot police units and their superiors at all times, and the explosives were detonated at 10.45 during working hours”. HPG stated its forces would “carry the revolutionary struggle against fascism to victory, fulfilling the responsibility of their role better than any other period in time”.²¹
21. On 9 June 2017, a group of PKK militants attacked the official car of Kozluk mayor Veysi Isik with gunfire in Batman, Batman province. Stray bullets from the attack killed a school teacher and injured another civilian walking by. One of the militants involved was later asked to stop by security forces at a gendarmerie station but blew up the vehicle injuring two soldiers (one of whom later died) and a civilian.²²
22. On 16 June 2017, PKK abducted a primary school teacher while he was driving by and burned his vehicle. The PKK announced the teacher was “penalised” for collaborating with Turkish security forces. His body was discovered in a nearby river on 12 July.²³

23. On 1 July 2017, AKP deputy head of Diyarbakir's Lice district, Orhan Mercan, was shot dead in front of his house. The women's branch of PKK's urban youth wing, YPS-Jin (Civil Protection Units-Women) claimed responsibility and alleged Mercan had been spying for the state and attempting to recruit Kurdish youths as spies.²⁴
24. On 11 August 2017, teenager Eren Bulbul died from gunshot wounds sustained while he assisted gendarmes track PKK members near his house in Macka, Trabzon province. Bulbul was shot as he returned from showing security officials a house he had seen PKK militants enter to steal provisions. A gendarme also injured during the attack later died in hospital.²⁵
25. On 26 June 2018, the body of a village grocer was found tied to a pole in Ciftlik village, Dogubeyazit district. The grocer had been shot in the head and a note next to him read "he was killed because he has been a state agent since 2015". PKK's military wing claimed responsibility for the killing on their website and stated the grocer had confessed to playing a role in the arrest and deaths of some PKK members.²⁶

Ideology and objectives

26. The PKK's original objective - to fight for an independent Kurdish state - remains its key focus, as does the continued fight for improved cultural and political rights for Turkish Kurds.²⁷ The PKK have indicated a willingness to negotiate with Turkey, provided Turkey gives up its "genocidal politics", with ceasefire talks only able to begin again once prison conditions for Ocalan have improved.²⁸ PKK's support to the region in the fight against ISIL has also continued.²⁹
27. In April 2016, PKK leadership figure and founding member Cemil Bayik stated "the Kurds will defend themselves to the end, so long as this is the Turkish approach [a military campaign]." In April and August 2016, Bayik claimed PKK would escalate the war beyond Kurdistan to the rest of Turkey, with no distinguishing between "mountains, valleys and cities".³⁰ Bayik alleged PKK did not want to divide Turkey, but sought to live on their own land freely within Turkey's borders. Bayik added PKK's "struggle will continue until the Kurds' innate rights are accepted".³¹ In August 2018, Bayik stated "anyone who opposes the current fascism in Turkey must unite their forces and form a democratic front...They must make the attacks on their democratic values an occasion for resistance".³²

Organisation and structure

28. There has been no significant change to PKK's leadership. The imprisoned Ocalan remains PKK's leader, with PKK operations led by an executive of PKK members headed by Murat Karayilan.³³ The mountainous Qandil region of Iraqi Kurdistan also continues to be PKK's main operational base.³⁴ Turkish jets have carried out intermittent strikes against PKK in the area since the end of the ceasefire in July 2015, including Mount Khuakurk 25 kilometres west.³⁵ Turkey has also conducted regular attacks against PKK targets in Kurdish regions near Turkey's border, where PKK has other established camps.³⁶
29. In December 2015, PKK sought to establish an umbrella organisation of leftist militant groups in order to expand their capabilities and support base. On 12 March 2016, the Peoples' United Revolutionary Movement (HBDH) officially announced its formation. HBDH seeks to unite and strengthen Turkey's revolutionary forces, and promote its political agenda and armed struggle against the Turkish government. PKK senior commander Duran Kalkan heads the new coalition, comprising ten likeminded autonomous entities. Kalkan has spoken of expanding HBDH's role to defending Kurds elsewhere in the region, and

contributing to the revolutionary process in northern Syria.³⁷ In March 2018 on the third anniversary of HBDH's creation, Kalkan stated "we will be more assertive in the third year and gain victory".³⁸

Weapons, tactics and capability

30. Since the end of the ceasefire in July 2015, PKK has largely focused on fighting the Turkish military in the countryside.³⁹ Most attacks continue to be conducted in Turkey's Kurdish southeast, and typically include remote-controlled VBIED attacks, roadside IED attacks and hit-and-run attacks with firearms.⁴⁰ PKK treat civilian bystanders as acceptable collateral, though foreigners are generally not an intended target.⁴¹
31. PKK's arsenal contains relatively sophisticated equipment such as satellite phones, advanced radios, man-portable air defence systems (MANPADs) and effective explosive devices. PKK can also quickly form alliances and adapt to political developments, further enabling acquisition of weapons, training and intelligence sources.⁴² In May 2016, PKK used a MANPAD to shoot down a Turkish AH-1W Cobra attack helicopter.⁴³ The attack highlighted the potentially increasing number of heavy weapons in use by PKK militants, and the possibility of PKK benefiting from the flow of arms to YPG fighters in Iraq and Syria.⁴⁴
32. Grassroots support for PKK in Turkey remains strong, as does recruitment from Kurdish communities in Turkey, Syria and Iraq.⁴⁵ Turkish authorities assess PKK uses Europe as a base for logistics, weapons procurement, recruitment and "transporting the conflict into the Kurdish diaspora".⁴⁶ PKK remains active in European Union countries, with several hundred thousand PKK followers continuing to support them.⁴⁷ Recent reporting on PKK activity beyond the Kurdish region includes:
 - 32.1. In France, militants are reportedly recruited through the Kurdish Youth Organisation, sent to indoctrination camps throughout Europe then trained in combat techniques in military camps in Armenia, Iran and Iraq. France estimates the annual number recruited in Europe is in the dozens.⁴⁸
 - 32.2. In July 2016, Australian citizen Renas Lelikan was charged with being a member of PKK. Details of Lelikan's involvement with PKK are not publicly known, though his passport application was refused on national security grounds in August 2015.⁴⁹
 - 32.3. In 2017, Austria, France, Romania and Switzerland reported on an annual campaign to finance PKK and its armed wing HPG.⁵⁰ Also in 2017, Scottish police investigated an unknown number of individuals allegedly linked to the financing of PKK.⁵¹
33. Turkish authorities assess PKK predominately generates income via drug trafficking, migrant smuggling, human trafficking, fuel and cigarette smuggling, extortion, kidnapping and money laundering.⁵² PKK also continues to make use of the official HPG website (hezenparastin.com) to disseminate propaganda and report on recent attacks. PKK also posts videos on YouTube and runs video channel Gerila TV to broadcast operations, eulogies, and interviews.⁵³

LAW OF ARMED CONFLICT (LOAC)

34. 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

35. 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.
36. Since its designation in February 2010, and renewals in February 2013 and February 2016, PKK has continued to carry out activities which meet the definition of terrorist acts in ss 5 and 25 of the TSA (paragraphs 14–25). 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.
37. The designation must be renewed by 2 February 2019 to be effective.

¹ The statement of case, dated 10 February 2010 can be accessed at:

<http://www.police.govt.nz/sites/default/files/publications/statement-of-case-pkk-terrorist-entity-10-feb-2010.pdf>.

² The statements of case, dated 11 February 2013 and 2 February 2016 can be accessed at:

<http://www.police.govt.nz/sites/default/files/publications/renew-pkk-as-terrorist-entity-11-feb-2013.pdf> and

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³ 01/07/2017 “Country Reports on Terrorism 2016”, United States Department of State, accessed via

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<https://www.dailysabah.com/war-on-terror/2017/05/22/93-pkk-terrorists-killed-in-anti-terror-operations-in-10-days-military-says> on 15/08/2018.

⁴ 25/04/2016 “Kurdish PKK warns Turkey of long fight for freedom”, BBC News, accessed via

<https://www.bbc.com/news/world-europe-36081204> on 09/07/2018.

⁵ 20/07/2016 “Turkey’s PKK conflict: The death toll”, International Crisis Group, accessed via

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⁶ 01/07/2017 “Country Reports on Terrorism 2016”, United States Department of State, accessed via

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⁷ 10/03/2017 “Turkey-PKK conflict: UN report tells of ‘2,000 dead’ since truce collapse”, BBC News, accessed via

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<https://www.aljazeera.com/news/2017/05/turkey-declares-curfew-43-villages-diyarbakir-170530084449370.html> on 15/08/2018.

⁹ 07/02/2018 “CORE: Turkey – Domestic terrorism threat to remain elevated for duration of Syria operation”, Control Risks, accessed on 07/02/2018. Available on subscription.

¹⁰ 29/03/2018 “CORE: Iraq Turkey – Deployment of federal troops, Kurdistan Workers’ Party withdrawal will prevent increased war risk”, Control Risks, accessed on 29/03/2018. Available on subscription.

¹¹ 07/06/2018 “PKK’s top military leader confirms support to US-backed YPG in Syria”, Daily Sabah, accessed via

<https://www.dailysabah.com/war-on-terror/2018/06/07/pkks-top-military-leader-confirms-support-to-us-backed-ypg-in-syria> on 17/08/2018.

¹² 07/06/2018 “PKK’s top military leader confirms support to US-backed YPG in Syria”, Daily Sabah, accessed via

<https://www.dailysabah.com/war-on-terror/2018/06/07/pkks-top-military-leader-confirms-support-to-us-backed-ypg-in-syria> on 17/08/2018, and;

18/07/2017 “Partiya Kakeren Kurdistan (PKK)” IHS Jane’s World Insurgency and Terrorism, accessed on 09/07/2018. Available on subscription.

¹³ 02/04/2018 “PKK claims responsibility for Turkey police car bombing”, Al Jazeera English, accessed via

<https://www.aljazeera.com/news/2016/04/160401132738910.html> on 14/08/2018, and;

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<https://www.reuters.com/article/us-turkey-blast/car-bomb-kills-seven-police-officers-in-turkeys-diyarbakir-officials-idUSKCN0WX1XL> on 14/08/2018, and;

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¹⁵ 10/06/2016 “Turkey’s PKK militants claim responsibility for deadly attack”, VOA News, accessed via

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¹⁷ 11/08/2016 “Bomb attacks, cross-border fire kill 13 in southeast Turkey – sources”, Reuters, accessed via <https://af.reuters.com/article/idAFKCN10L1YO> on 14/08/2018.

¹⁸ 26/08/2016 “Turkey PKK conflict: Cizre bomb kills 11 policemen”, BBC News, accessed via <https://www.bbc.com/news/world-europe-37193197> on 09/07/2018, and;

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¹⁹ 26/08/2016 “PKK claims deadly suicide bombing at Turkish police station”, Middle East Eye, accessed via <http://www.middleeasteye.net/news/pkk-claims-responsibility-suicide-bombing-left-11-dead-turkey-1381604350> on 09/07/2018, and;

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²⁰ 13/09/2016 “Kurdish militant group says it was behind car bombing in Turkey’s Van”, Daily Star, accessed via <http://www.dailystar.com.lb/News/Middle-East/2016/Sep-13/371752-kurdish-militant-group-says-it-was-behind-car-bombing-in-turkeys-van.ashx> on 09/07/2018, and;

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²³ 20/07/2017 “Turkey’s PKK conflict kills almost 3,000 in two years”, International Crisis Group, accessed via <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/turkeys-pkk-conflict-kills-almost-3000-two-years> on 10/07/2018.

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²⁵ 03/08/2018 “Killing babies not an issue for PKK terrorists”, Daily Sabah, accessed via <https://www.dailysabah.com/war-on-terror/2018/08/04/killing-babies-not-an-issue-for-pkk-terrorists> on 17/08/2018, and;

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