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The Parliament of the Commonwealth of Australia

**Review of the re-listing of  
Al-Shabaab, Hamas' Izz al-Din  
al-Qassam Brigades, Kurdistan  
Workers Party (PKK),  
Lashkar-e-Tayyiba and  
Palestinian Islamic Jihad as  
terrorist organisations**

Parliamentary Joint Committee on Intelligence and Security

September 2015  
Canberra

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## **Membership of the Committee**

**Chair** Mr Dan Tehan MP

**Deputy Chair** Hon Anthony Byrne MP

**Members**

Hon Mark Dreyfus QC, MP	Senator David Bushby
Mr Andrew Nikolic AM, CSC, MP	Senator the Hon Stephen Conroy
Hon Philip Ruddock MP	Senator David Fawcett
Hon Bruce Scott MP	Senator Katy Gallagher
	Senator the Hon Penny Wong



## Terms of reference

This inquiry and report is conducted under the following powers:

### **Criminal Code Act 1995**

#### **Section 102.1A Reviews by Parliamentary Joint Committee on Intelligence and Security**

##### *Disallowable instruments*

- (1) This section applies in relation to the following disallowable instruments:
  - (a) a regulation that specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1;
  - (b) an instrument made under section 102.1AA.

##### *Review of disallowable instrument*

- (2) The Parliamentary Joint Committee on Intelligence and Security may:
  - (a) review the disallowable instrument as soon as possible after the making of the instrument; and
  - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

and

*Criminal Code (Terrorist Organisation – Al-Shabaab) Regulation 2015, Registered 10 August 2015 (FRLI: F2015L01235)*

*Criminal Code (Terrorist Organisation – Hamas' Izz al-Din al Qassam Brigades) Regulation 2015, Registered 10 August 2015 (FRLI: F2015L01236)*

*Criminal Code (Terrorist Organisation – Kurdistan Workers' Party) Regulation 2015, Registered 10 August 2015 (FRLI: F2015L01237)*

*Criminal Code (Terrorist Organisation – Lashkar-e-Tayyiba) Regulation 2015, Registered 10 August 2015 (FRLI: F2015L01238)*

*Criminal Code (Terrorist Organisation – Palestinian Islamic Jihad) Regulation 2015, Registered 10 August 2015 (FRLI: F2015L01239).*



## List of abbreviations

ASIO	Australian Security Intelligence Organisation
the Brigades	Hamas' Izz al-Din al-Qassam Brigades
CIC	Council of Islamic Courts
Criminal Code	<i>Criminal Code Act 1995</i>
the Department	Attorney-General's Department
joint associations	Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia
JuD	Jamaat ud-Dawa
KLA	Kurdish Lobby Australia
LeT	Lashkar-e-Tayyiba
PIJ	Palestinian Islamic Jihad
PKK	Kurdistan Workers' Party
YPG	Yekîneyên Parastina Gel
YPJ	Yekîneyên Parastina Jin





## **List of recommendations**

### **2 Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades, Lashkar-e-Tayyiba and Palestinian Islamic Jihad**

#### **Recommendation 1**

The Committee recommends that the regulations, made under the Criminal Code section 102.1, to list Al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Lashkar-e-Tayyiba, and Palestinian Islamic Jihad as terrorist organisations not be disallowed.

### **3 Kurdistan Workers' Party**

#### **Recommendation 2**

The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Kurdistan Workers' Party as terrorist organisation not be disallowed.



## Introduction

- 1.1 This review is conducted under section 102.1A of the *Criminal Code Act 1995* (the Criminal Code).
- 1.2 Section 102.1A provides that the Parliamentary Joint Committee on Intelligence and Security may review a regulation specifying an organisation as a terrorist organisation for the purpose of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code and report the Committee's comments to each house of the Parliament before the end of the applicable disallowance period.
- 1.3 On 12 August 2015, the Attorney-General advised the Committee that regulations had been made specifying the following organisations as terrorist organisations for the purposes of section 102.1 of the Criminal Code:
  - Al-Shabaab
  - Hamas' Izz al-Din al Qassam Brigades
  - Kurdistan Workers' Party
  - Lashkar-e-Tayyiba
  - Palestinian Islamic Jihad.
- 1.4 The regulations for the re-listing of each organisation were made by the Federal Executive Council on 6 August 2015 and came into effect on 11 August 2015, the day after they were registered on the Federal Register of Legislative Instruments. The regulations were tabled in the House of Representatives and the Senate on 11 August 2015.
- 1.5 This is a review of the re-listing of these five organisations.

## The Committee's review

- 1.6 The Attorney-General's letter, which included statements of reasons for the re-listings and the process of listing undertaken by the Attorney-General's Department, was accepted as a submission to the review and can be found on the Committee's website.
- 1.7 Notice of the review was placed on the Committee website and a media release was issued on 14 August 2015.
- 1.8 The Committee received 5 submissions.
- 1.9 A private hearing with representatives of the Attorney-General's Department and the Australian Security Intelligence Organisation (ASIO) was held in Canberra on 10 September 2015.
- 1.10 It is the practice of the Committee to conduct classified hearings with agencies so that evidence presented can be interrogated in more detail, as required. Some unclassified statements from the hearing may be included in this report to support the Committee's findings.
- 1.11 A public hearing with representatives from the Kurdish Association of Victoria, the Australian Kurdish Association and Kurdish Lobby Australia was held in Canberra on 17 September 2015.
- 1.12 In its first report, *Review of the listing of the Palestinian Islamic Jihad*, the Committee established procedures for reviewing terrorist listings. It also decided that it would test the validity of the listing of a terrorist organisation under the Criminal Code on both the procedures and the merits.<sup>1</sup> The Committee has again adopted this approach in this report.
- 1.13 Where an organisation is to be listed for the first time, the Committee will assess the adequacy and appropriateness of the evidence presented in the statement of reasons as well as the procedures followed by the Government. Where an organisation is to be re-listed, the Committee expects the evidence presented to demonstrate a continuation of activities.
- 1.14 The remainder of this chapter will examine the Government's procedures for the re-listing of each group as a terrorist organisation.
- 1.15 Chapter 2 will examine the merits of the re-listing of Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades, Lashkar-e-Tayyiba and Palestinian Islamic Jihad, based on the evidence provided to the Committee.
- 1.16 Due to the additional evidence received, geostrategic complexities and public interest in the re-listing of the Kurdistan Workers' Party, the

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<sup>1</sup> Parliamentary Joint Committee on ASIO, ASIS and DSD, *Review of listing of the Palestinian Islamic Jihad (PIJ) as a Terrorist Organisation under the Criminal Code Amendment Act 2004*, June 2004.

Committee addresses the merits of its re-listing in a separate chapter, Chapter 3.

## The Government's procedures

1.17 The Attorney-General's letters outlined the procedures followed by the Attorney-General's Department, with input from other agencies, for the listing of each organisation. These documents were accepted as a submission to the inquiry and are included at Appendix A to this report.

### Committee comment

1.18 The Committee reviewed the process of listing and was satisfied with the appropriateness of the procedures undertaken by the Government.

## The criteria for listing an organisation

1.19 To be specified as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, the Minister must be satisfied on reasonable grounds that the organisation:

- is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or
- advocates the doing of a terrorist act.<sup>2</sup>

1.20 In addition to these legislative criteria, ASIO may also have regard to non-legislative factors, including:

- engagement in terrorism,
- ideology and links to other terrorist groups or networks,
- links to Australia,
- threats to Australian interests,
- proscription by the United Nations Security Council or like-minded countries, and
- engagement in peace/mediation processes.

1.21 The Committee was first advised of ASIO's evaluation process, including its use of these non-legislative factors, at a private hearing in 2005. Since

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2 Subsection 102.1(2) of Division 102, Subdivision A of the Criminal Code. A full list of proscribed terrorist organisations is available at the Australian Government's National Security website at:  
<http://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/default.aspx>.

then, the Committee has used these criteria as the basis for its reviews of listings of terrorist organisations under the Criminal Code.

- 1.22 The Committee has again used these criteria to assess the appropriateness and adequacy of evidence provided to it in this review.
- 1.23 In reviewing the listings, the Committee has taken into account the Attorney-General's statement of reasons and other publicly available information. The Committee's evaluation of the appropriateness and adequacy of the evidence it has received is then considered against the criteria listed in paragraph 1.20.

## Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades, Lashkar-e-Tayyiba and Palestinian Islamic Jihad

### Al-Shabaab

- 2.1 Al-Shabaab, or 'the youth', is the name generally applied to the Somali militant group that was formerly the most prominent of the militia groups within the militant wing of the Council of Islamic Courts (CIC). The Somali Transitional Federal Government and Ethiopian forces ousted the CIC in December 2006. Al-Shabaab established itself as the leading insurgent group operating in Somalia and, following the withdrawal of Ethiopian forces in January 2009, Al-Shabaab controlled much of the country.<sup>1</sup>
- 2.2 The statement of reasons notes:
- The intervention of Kenyan and Ethiopian forces from 2011 drove Al-Shabaab from Mogadishu and much of southern and central Somalia. Following its displacement and a pledge of allegiance to al-Qa'ida in February 2012, Al-Shabaab shifted from conventional military tactics and governance to using guerrilla operations against domestic and foreign security forces and the Federal Government of Somalia.<sup>2</sup>
- 2.3 Al-Shabaab's objective is the establishment of an Islamic state in Somalia based on Islamic law, and the elimination of foreign 'infidel' influence. In pursuit of this objective, Al-Shabaab has engaged in a violent insurgency

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1 Statement of Reasons, Al-Shabaab, p. [1]. See also Jane's Counter Terrorism and Insurgency Centre, *Harakat al-Shabaab al-Mujahideen*, viewed 10 September 2015, <<http://janes.ihs.com>>.

2 Statement of Reasons, Al-Shabaab, p. [1].

and committed numerous terrorist attacks against the Somali Government and African Union forces supporting that government.<sup>3</sup>

- 2.4 The statement of reasons notes that Al-Shabaab does not participate in the Somali political system despite invitations from the African Union Mission in Somalia to disarm and participate in the Somali peace process.<sup>4</sup>
- 2.5 It is estimated that Al-Shabaab has between 3000 and 9000 fighters most of whom are ethnic Somalis. In addition to recruiting members from neighbouring Kenya, a small number of Al-Shabaab fighters are recruited from other countries including the United States, Canada and Australia.<sup>5</sup>
- 2.6 The statement of reasons lists a number of attacks that are attributed to Al-Shabaab, or for which Al-Shabaab has claimed responsibility, that demonstrate a continuation of an engagement in terrorism since the organisation's last re-listing in August 2012.<sup>6</sup> Al-Shabaab has also exhibited the intent and capability to undertake mass casualty terrorist attacks on targets outside Somalia.<sup>7</sup>
- 2.7 According to Jane's Counter Terrorism and Insurgency Centre, Al-Shabaab suffered a series of significant blows to its leadership following several American operations against the group in 2014 and early 2015, including the killing of its leader, Ahmad Abdi Aw Muhammad Godane, in an airstrike on 1 September 2014. Attacks by the group quickly resumed with a continuation of suicide attacks in Mogadishu as well as cross-border assaults in Kenya, most notably the attack on Garissa University on 2 April 2015 that killed at least 148 people.<sup>8</sup>
- 2.8 The statement of reasons advises that Al-Shabaab was listed as a proscribed terrorist organisation by the governments of the United States in March 2008, New Zealand in February 2010, Canada in November 2010, United Kingdom in May 2010 and by the European Union in April 2010.<sup>9</sup>
- 2.9 In Australia, Al-Shabaab was originally listed as a terrorist organisation under the Criminal Code on 22 August 2009, and relisted on 18 August 2012.
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3 Statement of Reasons, Al-Shabaab, pp. [1-2]. See also Jane's Counter Terrorism and Insurgency Centre, *Harakat al-Shabaab al-Mujahideen*, viewed 10 September 2015, <<http://janes.ihs.com>>.

4 Statement of Reasons, Al-Shabaab, p. [5].

5 Statement of Reasons, Al-Shabaab, p. [2]. See also Jane's Counter Terrorism and Insurgency Centre, *Harakat al-Shabaab al-Mujahideen*, viewed 10 September 2015, <<http://janes.ihs.com>>.

6 Statement of Reasons, Al-Shabaab, pp. [2-3].

7 Statement of Reasons, Al-Shabaab, p. [1]. See also Jane's Counter Terrorism and Insurgency Centre, *Harakat al-Shabaab al-Mujahideen*, viewed 10 September 2015, <<http://janes.ihs.com>>.

8 Jane's Counter Terrorism and Insurgency Centre, *Harakat al-Shabaab al-Mujahideen*, viewed 10 September 2015, <<http://janes.ihs.com>>.

9 Statement of Reasons, Al-Shabaab, p. [5].



## Hamas' Izz al-Din al Qassam Brigades

- 2.10 Hamas is a Palestinian Sunni Islamist organisation and political party founded in 1987. Hamas' Izz al-Din al-Qassam Brigades (the Brigades) were officially established circa 1991 to provide Hamas with a paramilitary capability.<sup>10</sup>
- 2.11 Hamas is a multifaceted organisation that maintains extensive social service networks and is largely responsible for the administration and provision of government services, including health, education and security, to Gaza's inhabitants. Despite previous power struggles between Hamas and Fatah, the primary Palestinian authority in the West Bank, the two groups attempted to establish a unity government in 2014.<sup>11</sup> The Australian Government does not recognise Hamas as a legitimate government.<sup>12</sup>
- 2.12 The Brigades were forced to develop, at least partially, into a more traditional military unit following Hamas forming government in Gaza in 2007 and the announcement of the unity government with Fatah in 2014. The Brigades operate predominantly in Gaza, with limited representation in the West Bank.<sup>13</sup> According to 2014 estimates, the Brigades have several thousand full-time members and thousands of reservists and trainees.<sup>14</sup>
- 2.13 The Brigades seek to establish a Palestinian Islamist state comprising Gaza, the West Bank and Israel, destroying Israel as a political entity in the process. Due to the disparity in the military capabilities of the Brigades and Israel, the Brigades have adopted terrorist tactics in their efforts to defeat Israel, including indiscriminate rocket attacks, suicide bombings and kidnappings. The Brigades have never demonstrated intent to conduct attacks outside of Israel and the Palestinian Territories or to target interests of countries other than Israel.<sup>15</sup>
- 2.14 Due to the operational losses incurred during Israel's Operation Protective Edge, the Brigades are rebuilding, but still retain the capability to conduct attacks on Israel, primarily through rocket fire and asymmetric tactics.<sup>16</sup>

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10 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [1].

11 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [1].

12 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, footnote 1.

13 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [1].

14 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [2].

15 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [1].

16 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [5].

- 2.15 The statement of reasons advises that governments in the United Kingdom and New Zealand have proscribed the Brigades as a terrorist organisation.<sup>17</sup> Canada and the United States have proscribed Hamas (including the Brigades) as a terrorist organisation. Hamas is listed by the European Union and the Department of Foreign Affairs and Trade for the purposes of the financing of terrorism.
- 2.16 In Australia, the Brigades were originally listed as a terrorist organisation under the Criminal Code on 9 November 2003, and re-listed on 5 June 2005, 7 October 2005, 10 September 2007, 8 September 2009, and 18 August 2012.

## Lashkar-e-Tayyiba

- 2.17 Lashkar-e-Tayyiba (LeT) is a Pakistan-based Sunni Islamic extremist organisation that uses violence in pursuit of its stated objective of uniting Indian-administered Kashmir with Pakistan.<sup>18</sup> LeT is 'one of the most capable and high-profile militant groups currently active in South Asia'.<sup>19</sup>
- 2.18 LeT's broader objectives include establishing an Islamic Caliphate across the subcontinent to encompass all of India's Muslim populations even in areas where they do not form a majority.<sup>20</sup>
- 2.19 LeT was formed circa 1989 as the military wing of the Pakistan-based Islamist fundamentalist movement Markaz al-Dawa wal Irshad (also known as Jamaat al-Dawa). LeT was originally formed to wage militant jihad against the occupation of Afghanistan by the former Soviet Union, though shifted its focus to the insurgency in Indian-administered Kashmir in the 1990s following the Soviet withdrawal from Afghanistan.<sup>21</sup>
- 2.20 LeT was banned by the Pakistani government in 2002, but continues to operate in Pakistan under the alias Jamaat ud-Dawa (JuD). According to the statement of reasons, JuD functions as a front organisation for LeT to mask its activities and to continue to solicit funds for its activities.<sup>22</sup> JuD

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17 Statement of Reasons, Hamas' Izz al-Din al-Qassam Brigades, p. [6].

18 Statement of Reasons, Lashkar-e-Tayyiba, p. [1].

19 Jane's Counter Terrorism and Insurgency Centre, *Lashkar-e-Tayyiba*, viewed 10 September 2015, <<http://janes.ihs.com>>.

20 Statement of Reasons, Lashkar-e-Tayyiba, p. [1]. See also Jane's Counter Terrorism and Insurgency Centre, *Lashkar-e-Tayyiba*, viewed 10 September 2015, <<http://janes.ihs.com>>.

21 Statement of Reasons, Lashkar-e-Tayyiba, p. [1].

22 Statement of Reasons, Lashkar-e-Tayyiba, p. [2].

- was subsequently named as a terrorist group by the United Nations Security Council.<sup>23</sup>
- 2.21 The statement of reasons comments that although the current strength of LeT is unknown, it is reported to include several thousand active members, the majority of whom are fighters from Pakistan and Afghanistan.<sup>24</sup>
- 2.22 Since the Committee last reviewed the re-listing in 2012, LeT has continued to either directly engage in terrorist acts or facilitate the commission of terrorist acts.<sup>25</sup> These activities have occurred predominantly in Indian-administered Kashmir and India but also in Afghanistan. The statement of reasons lists four recent attacks which 'can be reliably attributed to LeT' between March 2013 and December 2014.<sup>26</sup>
- 2.23 In addition, the statement of reasons notes that LeT has demonstrated an ongoing intent to undertake attacks in both India and India-administered Kashmir. The statement of reasons further comments that LeT 'seeks opportunities for surveillance, attack facilitation and recruitment in the furtherance of future attacks', and cites a number of recent examples where LeT-planned attacks have been disrupted by Indian authorities.<sup>27</sup>
- 2.24 Although LeT's links with Australia were more direct in previous years – a French court and the New South Wales Supreme Court convicted two individuals in 2003 and 2006 respectively for planning terrorist attacks in Australia in conjunction with LeT – the statement of reasons states that the organisation still poses a threat to Australian interests.<sup>28</sup>
- 2.25 LeT has been listed as a terrorist organisation in the United States, Canada, the United Kingdom, New Zealand, Pakistan and India. LeT is also listed in the United Nations Security Council 1267 Committee's consolidated list, and this listing has been adopted on the Consolidated List maintained in Australia by the Department of Foreign Affairs and Trade.<sup>29</sup>
- 2.26 In Australia, LeT was originally listed as a terrorist organisation under the Criminal Code on 9 November 2003, and re-listed on 5 June 2005, 7 October 2005, 8 September 2009, and 18 August 2012.
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23 Jane's Counter Terrorism and Insurgency Centre, *Lashkar-e-Tayyiba*, viewed 10 September 2015, <<http://janes.ihs.com>>.

24 Statement of Reasons, *Lashkar-e-Tayyiba*, p. [2].

25 Statement of Reasons, *Lashkar-e-Tayyiba*, p. [3].

26 Statement of Reasons, *Lashkar-e-Tayyiba*, p. [3].

27 Statement of Reasons, *Lashkar-e-Tayyiba*, pp. [3-4].

28 Statement of Reasons, *Lashkar-e-Tayyiba*, p. [6].

29 Statement of Reasons, *Lashkar-e-Tayyiba*, p. [6].

## Palestinian Islamic Jihad

- 2.27 Palestinian Islamic Jihad (PIJ) is a Sunni Islamist organisation committed to the destruction of Israel. PIJ seeks to establish a sovereign Islamic state within the geographic borders of the pre-1948 British-mandated Palestine.<sup>30</sup> The organisation has not participated in the political process and rejects the possibility of a negotiated settlement to the ongoing conflict in Israel/Palestine.<sup>31</sup>
- 2.28 Formed in 1981 in Gaza, PIJ comprises a leadership council and a military wing called the al-Quds Brigades, which claims responsibility for PIJ attacks.<sup>32</sup> The statement of reasons notes that as PIJ focuses ‘almost exclusively on militant activities that further its objectives, the organisation as a whole and the al-Quds Brigades are essentially indistinguishable’.<sup>33</sup>
- 2.29 Although PIJ is a Sunni group, the organisation remains ideologically supportive of and maintains close ties with Iran’s Islamic Revolutionary Guards Corp and Hizballah. PIJ is principally funded by Iran, though it has also received funding from Syria and the Palestinian community.<sup>34</sup>
- 2.30 PIJ recruits its members principally from Palestinian communities in Gaza and the West Bank. The statement of reasons comments that as it is a secretive organisation, the exact size of PIJ membership is unknown, though it is likely to consist of less than 1000 members.<sup>35</sup> Despite its relatively small size, PIJ is considered to be one of the more effective Palestinian militant groups with a significant presence in both Gaza and the West Bank.<sup>36</sup>
- 2.31 Since the Committee last reviewed the relisting of PIJ in 2012, the organisation has continued to engage in terrorist activity. In response to Israel’s Operation Protective Edge in July and August 2014, PIJ increased

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30 Statement of Reasons, Palestinian Islamic Jihad, p. [1]. See also Jane’s Counter Terrorism and Insurgency Centre, *Palestinian Islamic Jihad*, viewed 10 September 2015, <<http://janes.ihs.com>>.

31 Statement of Reasons, Palestinian Islamic Jihad, p. [2].

32 Statement of Reasons, Palestinian Islamic Jihad, p. [1].

33 Statement of Reasons, Palestinian Islamic Jihad, p. [1].

34 Statement of Reasons, Palestinian Islamic Jihad, p. [1]. See also Jane’s Counter Terrorism and Insurgency Centre, *Palestinian Islamic Jihad*, viewed 10 September 2015, <<http://janes.ihs.com>>.

35 Statement of Reasons, Palestinian Islamic Jihad, p. [1].

36 Jane’s Counter Terrorism and Insurgency Centre, *Palestinian Islamic Jihad*, viewed 10 September 2015, <<http://janes.ihs.com>>.

the intensity of its rocket and mortar fire from Gaza. Despite suffering losses during this conflict, PIJ retains the capability to attack Israel.<sup>37</sup>

- 2.32 In addition, the statement of reasons notes that PIJ has renewed its asymmetric warfare capabilities and has encouraged Palestinians to use 'all available means' to attack Israel.<sup>38</sup>
- 2.33 PIJ has been listed as a terrorist organisation in Canada, New Zealand, the United Kingdom and the United States.<sup>39</sup> The European Union has also listed the organisation for the purposes of anti-terrorism financing measures. Similarly, PIJ is included in the Department of Foreign Affairs and Trade's Consolidated List which implements Australia's obligations under the United Nations Security Council Resolution 1373 in relation to countering the financing of terrorism.<sup>40</sup>
- 2.34 In Australia, PIJ was originally listed as a terrorist organisation under the Criminal Code on 3 May 2004, and re-listed on 5 June 2005, 7 October 2005, 8 September 2007, 8 September 2009 and 18 August 2012.

## Committee comment

- 2.35 As with its previous reviews of the re-listings of Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades, Lashkar-e Tayyiba, and Palestinian Islamic Jihad as terrorist organisations, the Committee again used ASIO's criteria (as outlined at paragraph 1.20) to assess the information provided to support the re-listing.
- 2.36 On the basis of evidence provided, the Committee is satisfied Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades, Lashkar-e Tayyiba, and Palestinian Islamic Jihad continue to engage in and advocate terrorist acts, thereby satisfying the definition of terrorist organisations set out in section 102.1 of the Criminal Code. Consequently, the Committee supports the re-listing of these four group under section 102.1 of the Criminal Code.

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37 Statement of Reasons, Palestinian Islamic Jihad, p. [2]. See also Jane's Counter Terrorism and Insurgency Centre, *Palestinian Islamic Jihad*, viewed 10 September 2015, <<http://janes.ihs.com>>.

38 Statement of Reasons, Palestinian Islamic Jihad, p. [2].

39 Statement of Reasons, Palestinian Islamic Jihad, p. [2].

40 Statement of Reasons, Palestinian Islamic Jihad, p. [3].

**Recommendation 1**

**The Committee recommends that the regulations, made under the Criminal Code section 102.1, to list Al-Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Lashkar-e-Tayyiba, and Palestinian Islamic Jihad as terrorist organisations not be disallowed.**

## Kurdistan Workers' Party

- 3.1 The Committee first considered the listing of the Kurdistan Workers' Party (PKK) as a terrorist organisation in April 2006, and has reviewed each subsequent re-listing of the organisation (June 2008, November 2009 and October 2012). In each case, the listing and re-listing of the PKK as a terrorist organisation has been supported.<sup>1</sup>
- 3.2 However, since the Committee's last consideration in 2012, a number of important developments have occurred. This includes the PKK's participation in peace talks and Australia's direct military involvement in the region in response to the threat presented by Da'esh (also known as Islamic State). Due to the additional evidence received, the geostrategic complexity and the public interest, this Chapter will examine the re-listing of the PKK separately to the other re-listings considered in this Report.

## Overview of the PKK

- 3.3 The PKK was formally established by Abdullah Ocalan in 1978 at which time it was primarily committed to the creation of an independent Kurdish state in south-eastern Turkey, Syria and Iraq.<sup>2</sup> However, in response to the evolving political environment in Turkey, the PKK's objectives have changed over time and the organisation now calls for autonomy for Kurds within Turkey.<sup>3</sup> In addition, the PKK seeks to

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1 The initial listing of the PKK as a terrorist organisation was supported by the majority of the Committee, however two members (the Hon Duncan Kerr SC MP and Senator the Hon John Faulkner) presented a minority report on its proscription. Each subsequent review of the re-listing of the organisation was unanimously supported by Committee members.

2 Statement of Reasons, Kurdistan Workers' Party, p. [1].

3 Statement of Reasons, Kurdistan Workers' Party, p. [1]. See also Jane's Counter Terrorism and Insurgency Centre, *Partiya Karkerên Kurdistan*, viewed 10 September 2015, <<http://janes.ihs.com>>.

‘promote the rights of Kurds living in Turkey, specifically the right to maintain a Kurdish ethnic identity’.<sup>4</sup>

- 3.4 As shown in Appendix A, the statement of reasons was prepared and the decision was made to re-list the PKK prior to the end of a ceasefire with Turkey on 25 July 2015.<sup>5</sup>
- 3.5 Although the group’s activities have waned since 2013,<sup>6</sup> the statement of reasons comments that the PKK has continued to conduct terrorists attacks against civilian, military and other government targets in Turkey. According to the statement of reasons, PKK militants ‘continue to frequently attack military bases and police interests, kidnap civilians and military personnel and sabotage infrastructure projects, including dams, gas pipelines and power plants’.<sup>7</sup>
- 3.6 The exact membership of PKK is unknown, although it is widely believed to number approximately 7000, the majority of whom are based in northern Iraq. The organisation also draws on logistical support from Kurdish communities in south-east Turkey, Syria and Iran. A large diaspora in Europe provides support to the organisation.<sup>8</sup>
- 3.7 The PKK has been listed as a terrorist organisation in Turkey, the European Union, the United States, the United Kingdom, Canada, Austria, Azerbaijan, Iraq, France, Germany, the Netherlands, Kazakhstan, Moldova, New Zealand and the Philippines.

## **Legislative test to list a terrorist organisation**

- 3.8 As stated in Chapter 1, to be specified as a terrorist organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1 of the Criminal Code, the Attorney-General must be satisfied on reasonable grounds that the organisation:
- is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, or
  - advocates the doing of a terrorist act.
- 3.9 The Attorney-General may also consider a range of non-legislative factors in the course of making a decision to list (or not to list) an organisation as

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4 Statement of Reasons, Kurdistan Workers’ Party, p. [1].

5 Attorney-General’s Department, *Submission 4*, p. 4.

6 Statement of Reasons, Kurdistan Workers’ Party, p. [2].

7 Statement of Reasons, Kurdistan Workers’ Party, p. [2].

8 Statement of Reasons, Kurdistan Workers’ Party, p. [2].



a terrorist organisation under the Criminal Code. These are addressed later in this Chapter.

## Engagement in terrorism

- 3.10 At the time the statement of reasons was prepared, the PKK's engagement in terrorist activities had slowed as a result of a unilateral ceasefire announced in 2013. Despite the ceasefire, however, members of the PKK had 'continued to conduct terrorist attacks against civilian military and other government targets in Turkey'.<sup>9</sup>
- 3.11 The PKK's terrorist activities have largely occurred in Turkey's south and east, though the organisation has also conducted attacks outside of this region, including in Turkey's capital Ankara, and in its largest city, Istanbul.<sup>10</sup>
- 3.12 The statement of reasons notes that since August 2012, when the group was last listed as a terrorist organisation in Australia, over 50 people have been killed in PKK attacks and the group is reported to have kidnapped more than 300 children between December 2013 and May 2014.<sup>11</sup>
- 3.13 More specifically, the statement of reasons provides a list of 26 significant attacks for which responsibility has been claimed by or reliably attributed to the PKK since its last re-listing in mid-2012.<sup>12</sup> The statement of reasons is included at Appendix C.
- 3.14 In response to the Committee's request for further information, the Attorney-General's Department (the Department) provided an updated list of attacks which had occurred since the statement of reasons was initially prepared. This second list detailed a further 17 attacks between 22 July 2015 and 8 September 2015.<sup>13</sup>
- 3.15 In light of these attacks, ASIO assessed that the PKK continues to directly and/or indirectly engage in preparing, planning, assisting in, or fostering the doing of terrorist acts, therefore satisfying the legislative definition of a terrorist organisation.<sup>14</sup> Legal advice from the Australian Government Solicitor to the Attorney-General confirmed that the Attorney-General could be satisfied on reasonable grounds that the matters specified in section 102.1(2) had been met in relation to the PKK (see Appendix A).

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9 Statement of Reasons, Kurdistan Workers' Party, p. [2].

10 Statement of Reasons, Kurdistan Workers' Party, p. [2].

11 Statement of Reasons, Kurdistan Workers' Party, p. [2].

12 Statement of Reasons, Kurdistan Workers' Party, pp. [3-4].

13 Attorney-General's Department, *Submission 4*, pp. 10-11. The submission is available on the Committee's website.

14 Statement of Reasons, Kurdistan Workers' Party, p. [4].

- 3.16 However, representative organisations of the Kurdish community in Australia disputed the facts asserted in the statement of reasons and opposed the re-listing of the PKK on this basis.
- 3.17 A joint submission from the Kurdish Association of Victoria, the Australian Kurdish Association and the Kurdish Association of Western Australia (the joint associations) disputed the PKK's involvement in the kidnapping of children, stating, 'this allegation has only ever been made by the Turkish security forces and no independent body has verified this allegation'.<sup>15</sup> The joint submission further argued,
- in the absence of ASIO's provision of reliable sources of information, it would appear to be a gross breach of procedural fairness if the Statement of Reasons were based on even some, at best, inaccurate information.<sup>16</sup>
- 3.18 In support of its argument, the joint associations referred the Committee to reports that PKK leaders signed Geneva Call's *Deed of Commitment for the Protection of Children from the Effects of Armed Conflict* in October 2013.<sup>17</sup> The effect of the Deed is to publicly formalise the PKK's policy to prevent children under 18 years of age from taking part in hostilities and to protect them from the effects of the conflict. Significantly, the PKK made a reservation to the Deed, which establishes a new non-combat category for children between 16 and 18 years of age who join the organisation.<sup>18</sup>
- 3.19 The submission from the Department provided details of a number of child kidnappings. The Department provided specific details of one such child kidnapping:
- On 23 April 2014, the PKK kidnapped 25 students between the ages of 14 and 16 from the Lice District Revolutionary Patriotic High School in Diyarbakir Province while they were attending a picnic commemorating Turkey's National Sovereignty and Children's Day. The parents of one of the kidnapped children, 15 year old Sinan Bockum, staged a sit-in protest demanding that the

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15 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 15. See also, Dr Gina Lennox, Co-Chair, Kurdish Lobby Australia, *Committee Hansard*, Canberra, 17 September 2015, p. 6.

16 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 15.

17 Australian Kurdish Association and Kurdish Association of Victoria, *Submission 5*, p. 1; Geneva Call, 'Major Kurdish armed group commits to the protection of children in armed conflict', 25 October 2013, < <http://www.genevacall.org/major-kurdish-armed-movement-commits-protection-children-armed-conflict/> > accessed 21 September 2015.

18 Geneva Call, 'Major Kurdish armed group commits to the protection of children in armed conflict', 25 October 2013, < <http://www.genevacall.org/major-kurdish-armed-movement-commits-protection-children-armed-conflict/> > accessed 21 September 2015.

PKK return their son. On 19 May 2014, the parents of Halime Gunduz and Firay Aydin Eren (who were also kidnapped) joined the protest. By 30 May 2014, 21 families were demonstrating against the PKK and demanding the return of their children. After 17 days of protests, the PKK returned three of the children. The rest of the children remain missing.<sup>19</sup>

- 3.20 The Kurdish Association of Victoria also disputed assertions that the PKK targets civilians in its attacks, commenting that the leadership had officially and publically stated it would hold its members to account if any civilian was killed in an operation.<sup>20</sup> The Kurdish Association of Victoria further commented that it 'is not acceptable if any civilian lost their life. But ... unfortunately if there is political violence ... civilians [will always] suffer'.<sup>21</sup>
- 3.21 Similarly, Kurdish Lobby Australia (KLA) and the Australian Kurdish Association questioned whether all of the acts attributed to the PKK were committed by the PKK, and argued that some acts attributed to the PKK may have been conducted by militant youth acting alone.<sup>22</sup>
- 3.22 However, the Department's submission stated that the PKK has claimed responsibility for a number of recent attacks:
- 8 September 2015 - PKK militants bombed a police shuttle bus escorting customs officials at the Dilucu border crossing between Turkey and Azerbaijan, then conducted an armed attack against the police officers. The militants killed 13 police officers and injured one other.
  - 10 August 2015 - the PKK conducted a series of attacks in Istanbul. A car bomb exploded outside the Sultanbeyli Fatih police station, injuring 10 people. PKK militants then opened fire on emergency service workers and police investigators who responded to the bombing, killing a police officer. Two PKK militants and a police officer were later killed in clashes elsewhere in Istanbul.
  - 22 July 2015 - PKK militants killed two police officers in their home in Ceylanpinar, Sanliurfa province.<sup>23</sup>

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19 Attorney-General's Department, *Submission 4*, p. 2.

20 Mr Mahmut Kahraman, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 3.

21 Mr Mahmut Kahraman, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 3.

22 Dr Gina Lennox, Co-Chair, Kurdish Lobby Australia, *Committee Hansard*, Canberra, 17 September 2015, p. 8; Mr Asker Aeiveri, Co-Chair, Australian Kurdish Association, *Committee Hansard*, Canberra, 17 September 2015, pp. 2-3.

23 Attorney-General's Department, *Submission 4*, pp. 10-11.

- 3.23 The Committee notes that the PKK publicly claimed responsibility for at least two of these attacks through a Kurdish media organisation with links to the group.<sup>24</sup> The Committee further notes that the organisation has claimed responsibility for other attacks not on the list supplied by the Department.<sup>25</sup>

## Political context

- 3.24 Representative organisations of the Australian-Kurdish community argued that not all acts of politically-directed violence amount to acts of terrorism in a civil conflict, and that the context in which these acts occur must be recognised.
- 3.25 While the representative organisations accepted that the PKK had engaged in acts of violence,<sup>26</sup> the organisations argued that the political context in which they occurred, and continue to occur, is a conflict between ‘the occupying Turkish Army and Kurdish guerrillas’.<sup>27</sup> The KLA was of the view that the Criminal Code does ‘not appear to distinguish between an act of terrorism and an act of war’.<sup>28</sup>
- 3.26 The joint associations’ submission explained:
- [S]tates in the region portray the Kurdish problem merely as a terrorism issue. However, the problem is an amalgamation of economic and socio-political factors. The Kurds [are]... the largest minority in the world without a nation-state.<sup>29</sup>
- ...
- From a Kurdish point of view, Kurdish people generally see that state discrimination and policies as well as social and economic problems as the main causes of Kurdish unrest, which led to the

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24 For example, ‘Two police officers punished by Apoist team of self-sacrifice’, *Firat News Agency*, 22 July 2015, <<http://anfenglish.com/kurdistan/hpg-two-police-officers-punished-by-apoist-team-of-self-sacrifice>> accessed 18 September 2015; ‘HPG claims responsibility for the action in Sultanbeyli’ *Firat News Agency*, 11 August 2015, <<http://anfenglish.com/kurdistan/hpg-claims-responsibility-for-the-action-in-sultanbeyli>> accessed 18 September 2015.

25 ‘15 soldiers killed in Geliye Doski’ *Firat News Agency*, 6 September 2015 <<http://anfenglish.com/kurdistan/hpg-15-soldiers-killed-in-geliye-doski>> accessed 18 September 2015.

26 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 14; Mr Mahmut Kahraman, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 2.

27 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 14.

28 Kurdish Lobby Australia, *Submission 3*, p. 12.

29 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 3.

military uprising of the Kurdistan Workers' Party (PKK) party. The Kurdish problem in Turkey stems from Turkey's refusal to recognise the existence of the Kurdish people, their language and culture.<sup>30</sup>

3.27 The joint submission argued that the PKK 'is engaged in a protracted civil conflict in furtherance of self-determination by an ethnic minority, subject to the laws of armed conflict and the Geneva Convention'.<sup>31</sup> The submission stated that

it is not justified to continue to list the PKK in the context of the well evidenced political violence and human rights abuses committed by the Turkish state ... We submit that continuing and present human rights abuses against Kurds require specific consideration by the Committee in discharging its obligation to Parliament ... Turkey's human rights record is of fundamental relevance to the Committee's deliberations whether the PKK should be re-listed.<sup>32</sup>

3.28 At a classified hearing, the Committee pursued these arguments with the participating agencies. In response, the Department advised the Committee that:

The Statement of Reasons for renewing the listing of the PKK provides examples of the PKK's activities. The Attorney-General is satisfied that the PKK meets the definitions of 'terrorist organisation' and 'terrorist act' respectively ... Attacks against Kurdish interests in Turkey are not relevant to determining whether the PKK meets the criteria for listing according to Division 102 of the Criminal Code.<sup>33</sup>

3.29 The Department further stated:

The issue of whether the conflict between Turkey and the PKK is a 'civil armed conflict in international law' is not relevant for the purposes of the Attorney-General's determination of whether the

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30 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 7.

31 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 13. See also Mr Deniz Ozer, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 1.

32 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, pp. 13-14.

33 Attorney-General's Department, *Submission 4*, p. 5.

organisation meets the legislative criteria for listing as a terrorist organisation under subsection 102.1(2) of the Criminal Code.<sup>34</sup>

## Non-legislative factors

- 3.30 As noted Chapter 1, in preparing advice to the Attorney-General, ASIO gives consideration to a range of non-legislative factors, including engagement in peace or mediation processes and any links to Australia.

## Engagement in peace negotiations

- 3.31 Although there have been several unilateral ceasefires since the late 1990s, the statement of reasons notes that the PKK has repeatedly resumed an armed campaign against the Turkish Government.<sup>35</sup> Most recently in March 2013, the PKK announced a unilateral ceasefire and commenced peace talks with the Turkish Government. In recent months, however, these talks have stagnated.<sup>36</sup>
- 3.32 Importantly, the statement of reasons notes that, despite the ceasefire the PKK had ‘not renounced the use of violence, and sporadic terrorist attacks, attributable to certain elements within the PKK, continue’.<sup>37</sup> According to the statement of reasons, PKK leaders had threatened to end the ceasefire and resume attacks if the peace process fails.<sup>38</sup>
- 3.33 Jane’s Counter Terrorism and Insurgency Centre similarly comments that although peace talks between the PKK and the Turkish Government were ongoing between 2013 and early 2014, ‘little progress was made’.<sup>39</sup> Jane’s further notes that the talks ‘stalled’ in 2014 following attacks by Da’esh against ethnic Kurd populations in Iraq and Syria:

These attacks prompted direct PKK involvement in the fighting in Iraq and a call by the group for Turkish Kurds to fight in Syria alongside its affiliate, the Yekîneyên Parastina Gel (YPG), much to the concern of the Turkish Government. The PKK has since

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34 Attorney-General’s Department, *Submission 4*, p. 6.

35 Statement of Reasons, Kurdistan Workers’ Party, p. [1]. See also Jane’s Counter Terrorism and Insurgency Centre, *Partiya Karkerên Kurdistan*, viewed 10 September 2015, <<http://janes.ihs.com>>.

36 See also Jane’s Counter Terrorism and Insurgency Centre, *Partiya Karkerên Kurdistan*, viewed 10 September 2015, <<http://janes.ihs.com>>.

37 Statement of Reasons, Kurdistan Workers’ Party, p. [1].

38 Statement of Reasons, Kurdistan Workers’ Party, p. [4].

39 Jane’s Counter Terrorism and Insurgency Centre, *Partiya Karkerên Kurdistan*, viewed 10 September 2015, <<http://janes.ihs.com>>.

accused the Turkish government of supporting the Islamic State's attacks against Kurds in areas near the border with Turkey, while the Turkish Government has shown concern over the PKK's growing influence in neighbouring Iraq and Syria.<sup>40</sup>

- 3.34 However, the representative organisations of the Kurdish communities in Australia were of a different view. In its submission, KLA suggested that the peace process 'stagnated' in the lead up to the general election on 7 June 2015 due to claims made against pro-Kurdish groups amid increasing support for the People's Democratic Party (HDP).<sup>41</sup> At the public hearing, the KLA also argued that previous ceasefires were broken as a result of Turkey's 'actions or inaction on the peace process'.<sup>42</sup>
- 3.35 In July 2015, news outlets reported that the ceasefire had effectively collapsed as the cycle of violence escalated.<sup>43</sup> In August 2015, the PKK interim leadership council announced that the PKK would accept a ceasefire under international mediation efforts, and called for armed followers to avoid harming civilians and to refrain from all unprovoked attacks on Turkish forces.<sup>44</sup>
- 3.36 The joint associations' submission also noted the recent pronouncements by the PKK and the calls for an international mediator. The joint submission, however, was critical that this development was not reflected in the statement of reasons, commenting:
- In this context the expectation of Kurdish Australians is that the Australian government along with allies such as the US play an active role in mediating a peace process where grievances can be heard and lasting peace established. The proscription of the PKK only hinders the constructive role Australia can play in bringing an end to this conflict.<sup>45</sup>
- 3.37 At the public hearing, the Kurdish Association of Victoria updated the Committee on recent developments:

40 Jane's Counter Terrorism and Insurgency Centre, *Partiya Karkerên Kurdistan*, viewed 10 September 2015, <<http://janes.ihs.com>>.

41 Kurdish Lobby Australia, *Submission 3*, pp. 3-4.

42 Dr Gina Lennox, Co-Chair, Kurdish Lobby Australia, *Committee Hansard*, Canberra, 17 September 2015, p. 6.

43 Lucy Kafanov, 'End of Turkey-PKK ceasefire puts HDP in a tough spot', *Al-Jazeera*, 10 August 2015, <<http://www.aljazeera.com/news/2015/08/turkey-pkk-ceasefire-puts-hdp-tough-spot-150806110231827.html>>

44 Kurdish Lobby Australia, *Submission 3*, p. 4.

45 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 16.

In considering whether to re-enlist the PKK, I think it is important to note that the PKK would ideally like to find a diplomatic way of negotiating a peace deal with Turkey. In fact, only yesterday the PKK released a statement announcing that they are, in accordance with the recommendations from the European Parliament, ready for a 'mutual consolidated ceasefire' with Turkey. The PKK has also recently stated that it would prefer the likes of the US to help mediate a peace deal between themselves and a Turkish state. Obviously, removing the PKK from the terror list would help the peace process progress. Currently, it makes it much easier for the Turkish state to dismiss the PKK as a terrorist organisation whenever there are difficult periods in negotiations. The important thing is that the millions of people the PKK represent cannot all be seen as terrorists. These people need Turkey to stay at the negotiation table until a deal is negotiated. This will be achieved if the international community removes the PKK from the terrorist lists.<sup>46</sup>

- 3.38 The KLA similarly noted that the listing of the PKK as a terrorist organisation in Australia and other countries is unhelpful in encouraging all parties to reach a negotiated peace:

Support for a bilateral ceasefire and transparent peace process in Turkey will require liaising with the Turkish state, PKK and others. Given Erdogan's repeated claim he will not talk to or negotiate with terrorists, and given PKK's critical role in negotiations and its effectiveness in fighting ISIS, we ask you to consider the merits of delisting PKK as a terrorist organisation.<sup>47</sup>

- 3.39 In previous reviews of the re-listing of the PKK, the Committee was informed by ASIO that it would consider de-listing the PKK if there were peace discussions 'of a substantial character'.<sup>48</sup> In light of this previous evidence, the Committee questioned the agencies about these recent developments at the classified hearing. In response, the Department submitted:

With respect to the PKK's participation in peace negotiations, the PKK announced the end of the ceasefire on 25 July 2015 and has since conducted a number of attacks in 22 Turkish provinces. Further, as was the case with previous ceasefires, the PKK's

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46 Mr Deniz Ozer, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 2.

47 Kurdish Lobby Australia, *Submission 3*, p. 12.

48 Parliamentary Joint Committee on Intelligence and Security, *Review of the re-listing of Hamas' Brigades, PKK, LeT, and PIJ as terrorist organisations*, Canberra, November 2009, p. 28.



terrorist activities and attacks continued throughout the 2013 – 2015 ceasefire.<sup>49</sup>

## **Links to, and impact of listing on, the Kurdish community in Australia**

- 3.40 As has been the case with each re-listing of the organisation, the statement of reasons for this re-listing records no known PKK links to Australia.
- 3.41 The Committee sought further information from the agencies at a classified hearing about the character of the connection between some in the Kurdish community in Australia and the PKK. ASIO advised that although there are a number of people in Australia who are sympathetic to the PKK, they are not members, and consequently, any link with the PKK is very indirect.<sup>50</sup>
- 3.42 The joint associations' submission expressed concern that, as a result of the initial listing and each subsequent re-listing of the PKK, the Kurdish community in Australia is profiled as a 'terrorist affiliated' one.<sup>51</sup> The joint submission was of the view that a peaceful political process in Turkey could only be achieved 'through a complete ceasing of demonization of the Kurdish movement and its diaspora communities'.<sup>52</sup>
- 3.43 The joint submission further argued that the listing of the PKK 'prevents the Australian Kurdish community from directly or indirectly showing their own personal support for the Kurds engagement in self-determination'.<sup>53</sup> The joint submission expressed the view that, for Australian Kurds, their listing results in:
- [Erosion of] free speech to speak out against rights violations committed by the Turkish government and security forces and supporting the self-determination rights of Kurds;
  - [Creation of] uncertainty over Kurdish activities that are simply an expression of their identity;
  - [Erosion of] freedom of association by creating a wedge between Kurds and the various organisation that support or are sympathetic to the PKK;
  - Racial profiling of the Kurdish community and isolating them from mainstream Australian society. Indeed, Kurdish Australians have become increasingly isolated, thus making

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49 Attorney-General's Department, *Submission 4*, p. 4.

50 *Classified Committee Hansard*, 10 September 2015, p. 4.

51 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 3, 11.

52 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 3.

53 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 12.

them vulnerable to various acts by arsonists and vandals, which can rightly be defined as racist and terrorist in nature.<sup>54</sup>

3.44 The joint submission concluded:

The listing of the PKK not only criminalises Kurdish Australians, but also prevents 'freedom of political expression and association' and for Australians to speak out against the human rights violation towards oppressed people, such as the Kurds.<sup>55</sup>

3.45 The Department noted that 'although background information on the PKK's objectives is included in the statement of reasons, the PKK's designation as a proscribed terrorist organisation is based on its activities, not its stated aims or ideology'.<sup>56</sup>

3.46 The Department further stated that the PKK's support within the Kurdish community in Australia 'is not relevant to determining whether the organisation meets the criteria for listing as a terrorist organisation'.<sup>57</sup>

3.47 The Department also sought to allay the concerns of Kurdish community organisations about the impact of the listing on community support for the broader Kurdish independence movement:

Australians do not face penalties for supporting Kurdish civil society movements or political parties in Turkey, for supporting a peaceful resolution to the conflict between the PKK and the Turkish Government or the promotion of Kurdish rights in Turkey. The listing of the PKK only provides for criminal penalties for individuals who are members of the PKK, provide support, recruit for or direct the activities of the PKK, provide training to, receive training from or participate in training with the PKK, get funds to the PKK, and in certain circumstances, associate with the PKK.<sup>58</sup>

## **PKK role in fighting Da'esh**

3.48 Unlike the other organisations listed under the Criminal Code, the PKK is currently engaged in a conflict with another declared terrorist organisation Da'esh (also known as Islamic State). Significantly, Australia

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54 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 12.

55 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 17.

56 Attorney-General's Department, *Submission 4*, p. 7, 8.

57 Attorney-General's Department, *Submission 4*, p. 7.

58 Attorney-General's Department, *Submission 4*, p. 8.

is working to disrupt and dismantle Da'esh in both Iraq, and more recently, Syria, where the PKK is also engaged.

3.49 Although this is not a criteria to which the Attorney-General is able to give consideration under the Criminal Code,<sup>59</sup> the Committee considered it important to look at this aspect.

3.50 At a public hearing, the Kurdish Association of Victoria discussed the role of the Kurdish forces against Islamic State:

Some of the most effective forces against the Islamic State have been provided by Kurdish forces, whether that be the Peshmerga forces, YPG, YPJ [Yekîneyên Parastina Jin] or PKK. When the Yazidis were stranded on Mount Sinjar, it was the PKK that fought against Islamic State and helped over 40 000 Yazidis escape with the assistance of US airstrikes. The PKK, along with sister Kurdish forces, have played an active role in defending Kurds and other minorities against Islamic State in areas such as Kobani, Kirkuk and Mosul.<sup>60</sup>

3.51 The Kurdish Association of Victoria sought to distinguish the PKK from the YPG and YPJ, while noting the linkages between the three organisations:

They have a similar ideology – they want to have a democratic autonomous system in Syria, like Kurds in Turkey want. But they are separate organisations – they have their own administration, their own leadership; they run independently. Ideologically, yes, they follow Mr Ocalan's ideology.<sup>61</sup>

3.52 The representative organisations of Kurdish communities in Australia were of the view that a re-listing of the PKK may be counter-productive to the more direct threat to Australia posted by Da'esh. The KLA stated:

In fighting ISIS in Syria and Iraq, PKK has proved a highly effective, reliable ally, alongside Kurdish forces from Iraqi Kurdistan, Syria and Iran. PKK has made a vital contribution in:

- Makhmur, south of Erbil, and in Kirkuk province, since August 2014;
- Mount Sinjar in northern Iraq in August 2014, rescuing thousands of Yezidi from a siege by ISIS;

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59 Attorney-General's Department, *Submission 4*, p. 4.

60 Mr Deniz Ozer, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 2.

61 Mr Mahmut Kahraman, Spokesperson and Committee member, Kurdish Association of Victoria, *Committee Hansard*, Canberra, 17 September 2015, p. 4.

- Diyala province in northern Iraq, alongside Kurdish Peshmerga and Shia militia from Iraq and Iran since August 2014;
- ISIS siege of Kobani in northern Syria between October 2014 and January 2015;
- Tel Abyad, Hasaka and elsewhere in northern Syria since February 2015, alongside YPG/YPJ and other forces, cutting supply routes into Raqqa.<sup>62</sup>

3.53 The joint associations' submission argued that the PKK plays 'a vital role in protecting thousands of civilians from the horrors of jihadi extremism'.<sup>63</sup> The joint submission also stated that, in light of its successes against Da'esh, the re-listing of the PKK is 'illogical' and 'inappropriate':

The PKK is a force which has successfully repelled these groups but also damaged their organisational capacity. This further highlights that in the context of this fight against global Jihadism the listing of the PKK is inappropriate ... The relisting of the PKK in this context is illogical as the only effective ground force against the Islamic State are the Kurds, some of which are aligned with the PKK. The delisting of the PKK could provide an opportunity for direct cooperation with the US and Australia against IS.<sup>64</sup>

3.54 In response to these points, the Department commented:

In determining whether an organisation meets the legislative criteria for listing as a terrorist organisation under subsection 102.1(2) of the Criminal Code, the Attorney General is not required to consider whether an organisation represents a threat to Australian allies.

Similarly, the PKK's fight against the Islamic State of the Iraq and the Levant (ISIL) is not relevant to determining whether the group meets the criteria for listing under Division 102 of the Criminal Code.<sup>65</sup>

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62 Kurdish Lobby Australia, *Submission 3*, p. 11.

63 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, p. 16.

64 Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia, *Submission 2*, pp. 16-17.

65 Attorney-General's Department, *Submission 4*, p. 4.

## Committee comment

- 3.55 In making the following comment and recommendation, the Committee acknowledges the Kurdish people's desire for autonomy and the right to maintain a Kurdish ethnic identity in Turkey. The Committee also notes the very effective military force that the Kurdish populations provide in the fight against Da'esh in neighbouring countries.
- 3.56 However, in undertaking its responsibilities to the Parliament, the Committee is tasked with ensuring that the Attorney-General has followed the appropriate procedures in listing the PKK as a terrorist organisation under the Criminal Code, and that the organisation meets the legislative definition provided within that Code. Consequently, although the Committee recognises the legitimate concerns raised by the representative organisations of Kurdish communities in Australia, these concerns are not directly relevant to the assessment of whether the PKK is a terrorist organisation as defined in Australian law.
- 3.57 The Committee is satisfied that the PKK continues to engage in terrorism as defined in Australian law.<sup>66</sup> In reaching this conclusion, the Committee considered the list of attacks referred to in both the statement of reasons and the Department's later submission.
- 3.58 Although the Committee accepts that the PKK has not claimed responsibility for all the listed attacks, the Committee is nonetheless satisfied that the attacks for which the PKK has claimed responsibility meet the test provided for in Division 102 of the Criminal Code.
- 3.59 The Committee questioned agencies about the matters that were considered during formulation of the most recent re-listing, including political and security issues. Specifically, the Committee questioned

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66 Section 100.1 of the Criminal Code defines a terrorist act as 'an action or threat of action' which is done or made with the intention of:

advancing a political, religious or ideological cause; *and*

coercing, or influencing by intimidation, the government of the Commonwealth, State or Territory or the government of a foreign country or intimidating the public or a section of the public.

Action will only be defined as a terrorist act if it:

causes serious physical harm or death;

seriously damages property;

endangers a person's life;

creates a serious risk to public health or safety; or

seriously interferes with, seriously disrupts, or destroys, an electronic system.

Action will not be a terrorist act if it is advocacy, protest, dissent or industrial action and is not intended to cause serious physical harm or death, endanger the lives of others or create a serious risk to the public health or safety.

agencies as to whether a certain element within the PKK could be listed under the Criminal Code, as opposed to the whole organisation. ASIO advised that although there is a policy preference, consistent with this Committee's state view, to proscribe a distinct element of an organisation as opposed to the organisation as a whole, there is not a structure within the PKK that can be identified as a distinct element responsible for its terrorist activities.<sup>67</sup>

- 3.60 The Committee takes this opportunity to reassure Kurdish communities in Australia about the effect of a listing of a terrorist organisation under the Criminal Code. As was made clear by the Department, Australians do not face penalties for supporting Kurdish civil society movements or political parties in Turkey, for supporting a peaceful resolution to the conflict or the promotion of Kurdish rights in Turkey.
- 3.61 Rather, the listing of the PKK only provides for criminal penalties for individuals who are members of the PKK, provide support, recruit for or direct the activities of the PKK, provide training to, receive training from or participate in training with the PKK, get funds to the PKK, and in certain circumstances, associate with the PKK.
- 3.62 Indeed, expressing support for Kurdish autonomy is not a criminal offence as a result of the listing of the PKK. Nor is the listing of the PKK the result of the PKK's support for greater Kurdish autonomy – rather it is the organisation's activities, which are of a distinctly terrorist nature, that give rise to its listing under Australian law.
- 3.63 The Committee welcomes the recent statements from senior leaders within the PKK for a ceasefire and a renewed commitment to restart peace talks.<sup>68</sup> The Committee expresses its support for peace talks between all parties, and anticipates that, should these negotiations prove successful, ASIO will give consideration to supporting the de-listing the PKK, as indicated in previous advice to this Committee.
- 3.64 The Committee is also of the view that the Australian Government, through its strong diplomatic relationship with the Turkish Government, should work, in cooperation with international partners, to encourage all parties to engage with the peace process in good faith. Australia's encouragement of a peaceful resolution to this conflict is particularly important in light of the ongoing conflict in Syria and Iraq against Da'esh.

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67 *Classified Committee Hansard*, 10 September 2015, p. 2.

68 'PKK says ready for "tactical" cease-fire', *Daily Sabah*, 16 September 2015, <<http://www.dailysabah.com/kurdish-issue/2015/09/17/pkk-says-ready-for-tactical-cess-fire>> accessed 17 September 2015.

**Recommendation 2**

**The Committee recommends that the regulation, made under the Criminal Code section 102.1, to list the Kurdistan Workers' Party as terrorist organisation not be disallowed.**

**Mr Dan Tehan MP**

Chair

September 2015







## Appendix A – Process of listing

Source: Attorney-General, *Submission 1*



**Process for the 2015 proscription of  
Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades,  
Kurdistan Workers' Party, Lashkar-e-Tayyiba and  
Palestinian Islamic Jihad as 'terrorist organisations'  
under the Criminal Code**

The National Security Law and Policy Division of the Attorney-General's Department (the department) facilitates the process by which the Attorney-General makes a decision to list, re-list or de-list a terrorist organisation under the *Criminal Code Act 1995* (the Criminal Code). This includes obtaining written Statements of Reasons from the Australian Security Intelligence Organisation (ASIO) that assess organisations and seeking the advice of the Australian Government Solicitor in relation to ASIO's assessments. This information is included in a package of information submitted to the Attorney-General to assist him in deciding whether or not to list, re-list or de-list an organisation as a terrorist organisation under the Criminal Code.

The following processes were undertaken for the purpose of re-listing Al-Shabaab, Hamas' Izz al-Din al Qassam Brigades (Brigades), Kurdistan Workers' Party (PKK), Lashkar-e-Tayyiba (LeT) and Palestinian Islamic Jihad (PIJ) as 'terrorist organisations' under the Criminal Code.

1. Unclassified Statements of Reasons were prepared by ASIO, and endorsed by the Department of Foreign Affairs and Trade, outlining the case for re-listing Al-Shabaab, Brigades, PKK, LeT and PIJ.
2. In June 2015, the Australian Government Solicitor (AGS) provided written advice that the Attorney-General could, on the basis of the statements, be satisfied on reasonable grounds that the matters specified in section 102.1(2) of the Criminal Code have been met in relation to Al-Shabaab, Brigades, LeT and PIJ, and in July 2015 in relation to PKK.
3. On 13 July 2015, the Director-General of Security wrote to the Attorney-General outlining the background, training activities, terrorist activities and relevant statements of Al-Shabaab, Brigades, PKK, LeT and PIJ.
4. On 14 July 2015, following consideration of the Director-General of Security's advice, ASIO's Statements of Reasons with respect to Al-Shabaab, Brigades, LeT and PIJ, including legal advices from AGS, the Attorney-General approved and signed separate Statements that he is satisfied on reasonable grounds that Al-Shabaab, Brigades, LeT and PIJ are directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of terrorist acts, or advocate the doing of terrorist acts, and on 21 July 2015 in relation to PKK. The Attorney-General also signed letters to the Prime Minister, First Ministers and the Leader of the Opposition regarding the proposed re-listings, signed the *Criminal Code (Terrorist Organisation—Al-Shabaab) Regulation 2015*; *Criminal Code (Terrorist Organisation—Hamas' Izz al-Din al Qassam Brigades) Regulation 2015*; *Criminal Code (Terrorist Organisation—Kurdistan Workers' Party) Regulation 2015*; *Criminal Code (Terrorist Organisation—Lashkar-e-Tayyiba) Regulation 2015* and *Criminal Code (Terrorist Organisation—Palestinian Islamic Jihad) Regulation 2015*, and approved associated Federal Executive Council (ExCo) documentation, including an ExCo Minute, Explanatory Memorandums and Explanatory Statements for consideration by the Administrator, His Excellency the Honourable Paul de Jersey AC, Governor of Queensland, at a meeting of ExCo on 6 August 2015.

**UNCLASSIFIED**

5. On 15 July 2015, the Attorney-General wrote to the Prime Minister advising of his decision to re-list Al-Shabaab, Brigades, LeT and PIJ, and on 21 July 2015 in relation to PKK.
6. In accordance with subsection 102.1(2A) of the Criminal Code, on 15 July 2015 the Attorney-General wrote to the Leader of the Opposition to offer a briefing in relation to the re-listing of Al-Shabaab, Brigades, LeT and PIJ, and on 28 July 2015 in relation to PKK.
7. On 15 July 2015, the Attorney-General wrote, on behalf of the Prime Minister, to the Premiers of the States and Chief Ministers of the Territories, advising them of his decision to re-list Al-Shabaab, Brigades, LeT and PIJ, and on 21 July 2015 in relation to PKK.
8. On 16 July 2015, State and Territory officials and members of the Australia-New Zealand Counter-Terrorism Committee (ANZCTC) were advised by email of the proposed re-listing of Al-Shabaab, Brigades, LeT and PIJ and given advance copies of the Statements of Reasons by email, and on 23 July 2015 in relation to PKK.
9. The Premiers of the States and Chief Ministers of the Territories responded on the dates recorded below in relation to the proposed re-listing of Al-Shabaab, Brigades, PKK, LeT and PIJ:
  - New South Wales – responses dated 30 July 2015 (Al-Shabaab, Brigades, LeT and PIJ) and 31 July 2015 (PKK)
  - Victoria – response dated 4 August 2015 (Al-Shabaab, Brigades, PKK, LeT and PIJ)
  - Queensland – response dated 6 August 2015 (PKK)
  - Western Australia – response dated 30 July 2015 (Al-Shabaab, Brigades, PKK, LeT and PIJ)
  - South Australia – response dated 30 July 2015 (Al-Shabaab, Brigades, PKK, LeT and PIJ)
  - Tasmania – responses dated 31 July 2015 (Al-Shabaab, Brigades, LeT and PIJ) and 10 August 2015 (PKK)
  - Australian Capital Territory – response dated 1 August 2015 (Al-Shabaab, Brigades, PKK, LeT and PIJ) and
  - Northern Territory – responses dated 28 July 2015 (Al-Shabaab, Brigades, PKK, LeT and PIJ) and 31 July 2015 (PKK).
10. None of the State and Territory responses objected to the proposed re-listing of Al-Shabaab, Brigades, PKK, LeT and PIJ.
11. On 6 August 2015, the Administrator made the Regulations at ExCo.
12. On 10 August 2015, the Regulations re-listing Al-Shabaab, Brigades, PKK, LeT and PIJ were registered on the Federal Register of Legislative Instruments (FRLI) (references [F2015L01235](#), [F2015L01236](#), [F2015L01237](#), [F2015L01238](#) and [F2015L01239](#)).
13. On 11 August 2015, the Regulations came into effect, the day after they were registered.
14. On 12 August 2015, the Attorney-General issued a media release announcing the re-listing of Al-Shabaab, Brigades, PKK, LeT and PIJ.
15. The Australian National Security website was updated to reflect the re-listings.

**UNCLASSIFIED**



## **Appendix B – List of submissions and witnesses appearing at hearings**

### **Submissions**

1. Attorney-General
2. Kurdish Association of Victoria, Australian Kurdish Association and Kurdish Association of Western Australia
3. Kurdish Lobby Australia
4. Attorney-General's Department
5. Australian Kurdish Association and Kurdish Association of Victoria

### **Witnesses appearing at hearings**

#### **Private Hearing – Canberra, Thursday 10 September 2015**

##### **Attorney-General's Department**

Ms Jamie Lowe, First Assistant Secretary, National Security Law and Policy Division

##### **Australian Security Intelligence Organisation**

First Assistant Director-General, Security Advice and Assessments  
Assistant Director-General, National Threat Assessment Centre  
Coordinator, National Threat Assessment Centre

##### **Office of National Assessments**

Coordinator, Threat Assessment Team

## **Public Hearing – Canberra, Thursday 17 September 2015**

### **Australian Kurdish Association**

Mr Asker Aeiveri, Co-Chair

### **Kurdish Association of Victoria**

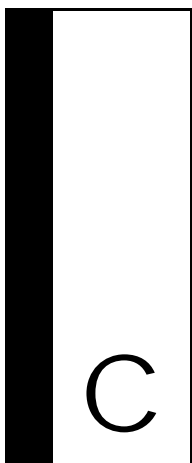
Mr Mahmut Kahraman, Spokesperson and Committee member

Mr Deniz Ozer, Spokesperson and Committee member

### **Kurdish Lobby Australia**

Mr Zirian Fatah, Co-Chair

Dr Gina Lennox, Co-Chair



## Appendix C – Kurdistan Workers’ Party— Statement of Reasons

Source: Attorney-General, *Submission 1*





**Kurdistan Workers' Party**

**(Also known as: Freedom and Democratic Congress of Kurdistan, Hezan Parastina Gel, Kongra Gel, Kongra Gele Kurdistan, Kurdistan Freedom and Democracy Congress, Kurdistan Freedom Brigade, Kurdish Freedom Falcons, Kurdistan Freedom Hawks, Kurdistan Halk Kongresi, Kurdistan Labor Party, Kurdish Liberation Hawks, Kurdistan Ozgurluk Sahinleri, Kurdistan People's Congress, New PKK, Partiya Karkeren Kurdistan, People's Congress of Kurdistan, People's Defence Force, PKK Teyrbazên Azadiya Kurdistan)**

This statement is based on publicly available details about the Kurdistan Workers' Party (PKK). To the Australian Government's knowledge, these details are accurate and reliable and have been corroborated by classified information.

**Basis for listing a terrorist organisation**

Division 102 of the *Criminal Code Act 1995* provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied on reasonable grounds that the organisation:

- (a) is directly or indirectly engaged in, preparing, planning, or assisting in or fostering the doing of a terrorist act; or
- (b) advocates the doing of a terrorist act.

**Details of the organisation**

*Objectives*

The PKK was formally established by Abdullah Ocalan in 1978. The organisation adopted a communist ideology, but from its inception was primarily committed to the creation of an independent Kurdish state in south-eastern Turkey, Syria and Iraq. After the end of Cold War, the PKK increasingly emphasised its role as a Kurdish nationalist movement. The group has periodically sought to increase its popularity by exploiting the religious sentiment of the Kurdish community, but the organisation remains predominantly secular.

The PKK's objectives have changed over time, in line with Turkey's evolving political environment. The organisation now calls for autonomy for Kurds within Turkey and seeks to promote the rights of Kurds living in Turkey, specifically the right to maintain a Kurdish ethnic identity. It also aims to monopolise Kurdish political power, including by attacking the interests of rival Kurdish political parties.

The PKK announced a unilateral ceasefire in March 2013, and is involved in peace talks with the Turkish Government. Despite this, and calls by Ocalan for the group to disarm, the group has not renounced the use of violence, and sporadic terrorist attacks, attributable to certain elements within the PKK, continue. A ceasefire announced in 1999 was also marred by periodic attacks before the PKK resumed its terrorist campaign in 2004. Another ceasefire between 14 April 2009 and 3 June 2011 was similarly violated.

## **Leadership, membership and recruitment**

### *Leadership*

Although PKK's founder, Ocalan, is currently serving life imprisonment in Turkey, he is still the group's leader and figurehead. Day-to-day affairs are run by Murat Karayilan. Other key leaders include Nurettin Halef al-Muhammad, Cemil Bayak, Duran Kalkan, Remzi Kartal, Sabri Ok and Adem Uzun.

### *Membership*

The precise strength of the PKK is not known; however, it is widely believed to number approximately 7000 militants, the majority of whom are based in northern Iraq. Additionally, the group draws on considerable logistical support from a large number of sympathisers among the Kurdish community in south-east Turkey, Syria and Iran. There are also thousands of PKK supporters outside the region, mostly in Germany, the Netherlands and Belgium.

### *Recruitment*

Most PKK members are recruited from the main Kurdish areas in south-east Turkey, with some drawn from cities in the country's west. The group also recruits from the Kurdish population in Iran and Syria and the Kurdish diaspora in Europe. Most recruitment in rural areas of Turkey occurs through personal acquaintance, although the PKK has also forced kidnapped teenagers to join the group. In urban areas and in Europe, a network of PKK members and sympathisers working in non-governmental organisations and predominantly Kurdish political parties manage the recruitment process.

## **Terrorist activity of the organisation**

Although the PKK's terrorist activities have slowed since its most recent ceasefire with the Turkish Government, its members have continued to conduct terrorist attacks against civilian, military and other government targets in Turkey. PKK militants continue to frequently attack military bases and police interests, kidnap civilians and military personnel and sabotage infrastructure projects, including dams, gas pipelines and power plants. Over 50 people have been killed in PKK attacks since 20 August 2012, and the group is reported to have kidnapped more than 300 children between December 2013 and May 2014.

### **Directly or indirectly engaged in the doing of terrorist acts**

The PKK has engaged in terrorist acts since its foundation in 1978, including during periods covered by ceasefires with the Turkish Government. Its main targets are the Turkish military and police, along with other Turkish Government interests. These include infrastructure, schools and civilians associated with the government.

The group's terrorist activities have been largely concentrated in Turkey's south and east, particularly the provinces of Diyarbakir, Sirnak and Hakkari. The PKK has also conducted attacks outside of this region, including in Turkey's capital, Ankara, and in its largest city, Istanbul. Since 2012, the PKK's activities have mostly consisted of bombings, kidnappings, armed assaults and attacks against infrastructure. This includes setting up roadblocks and checkpoints and acts of sabotage against dams and other infrastructure.

Significant attacks for which responsibility has been claimed by or reliably attributed to the PKK since its last listing include:

- 29 June 2015: The PKK attacked Daglica military base in Hakkari province with mortar shells and machine guns.
- 25 June 2015: The PKK fired on a military base in Eruh district in Turkey's southeastern Siirt province.
- 19 June 2015: The PKK fired on a military base in Siirt in southeastern Turkey.
- 17 June 2015: The PKK attacked Daglica military base in Hakkari province with mortars and anti-aircraft weapons. A teenage girl was injured when PKK mortar fire hit the village near the base.
- 15 June 2015: The PKK attacked a dam construction site in Adiyaman province, setting fire to two trucks and three bulldozers.
- 6 June 2015: The PKK attacked the Daglica military base in Hakkari province with mortars.
- 2 June 2015: Two PKK members were arrested after allegedly kidnapping a teenage girl in Turkey's south-eastern Bitlis province.
- 18 May 2015: The PKK kidnapped a gendarmerie soldier on leave and a civilian in Baltas, a village in Erzurum province.
- 13 May 2015: The PKK abducted two construction workers in the south-eastern province of Diyarbakir.
- 11 April 2015: A PKK attack on Turkish military forces near Yukaritutek, Agri province, injured four soldiers.
- 25 March 2015: The PKK launched multiple attacks against Turkish military units in Daglica, Hakkari province, with mortars, machine guns and anti-aircraft guns.
- 15 March 2015: The PKK attacked a convoy of Turkish soldiers in Sirnak province and the Keri Tepe military base in Daglica, Hakkari province, in separate incidents.
- 14 January 2015: The PKK attacked a police station in Mardin province, injuring two police officers. PKK supporters also set up roadblocks in the area following the attack.
- 26 December 2014: The PKK attacked the homes of rival Kurdish party members in Cirze, Sirnak province, killing two people and injuring three others.
- 16 December 2014: The PKK's youth wing, the Patriotic Revolutionary Youth Movement (YDG-H), rioted in Cirze, Sirnak province. The group threw Molotov cocktails at police, the offices of the Turkish ruling political party, a school and a police station.
- 29 October 2014: The PKK shot and killed a Turkish soldier who was shopping with his wife in Diyarbakir.
- 25 October 2014: The PKK shot and killed three off-duty soldiers in Hakkari province. The Turkish military confirmed the PKK's responsibility for the attack through an intercepted radio call between local PKK leaders.
- 9 October 2014: The PKK opened fire on police during a demonstration in Bingol province, killing two police officers.
- 26 September 2014: A PKK ambush between Diyarbakir and Bitlis killed three police officers.
- 24 August 2014: The PKK attacked a power plant construction site in the town of Silopi and abducted three Chinese engineers working at the site. The engineers were later released.

- 20 August 2014: The PKK attacked a group of Turkish troops patrolling the border with Iran in Van province, killing one soldier.
- 23 April 2014: The PKK abducted 25 teenaged students in the Lice district of Diyarbakir. Although the PKK released several of the children following protests by their parents, the majority remain missing. The group is reported to have kidnapped more than 300 children between December 2013 and May 2014.
- 5 March 2014: A PKK ambush with a remote-controlled bomb and gunfire on a military unit near Sirnak killed one soldier.
- 19 October 2012: The PKK bombed a gas pipeline near Eleskirt in Agri province, also hitting a military vehicle and injuring 28 soldiers. On the same day, PKK militants attacked a guard post in Ortakapi, Bitlis province, killing three guards, and fired on a military convoy between Van and Hakkari provinces.
- 18 September 2012: The PKK attacked a Turkish military convoy near Bingol with a rocket and firearms, killing 10 soldiers. The attack occurred days after a weekend campaign by the PKK killed eight police officers and four soldiers in two separate ambushes in south-eastern Turkey.
- 23 August 2012: The PKK launched three attacks on military posts in the Semdinli district of Hakkari province, killing five military personnel and injuring four others.
- 20 August 2012: A PKK car bomb attack on a police station in Gaziantep killed eight officers.

### **Conclusion**

On the basis of the above information, ASIO assesses that the PKK continues to directly and/or indirectly engage in, preparing, planning, assisting in, or fostering the doing of terrorist acts. This assessment is corroborated by information provided by reliable and credible intelligence sources. In the course of pursuing its objectives, the PKK is known to have committed or threatened actions that:

- cause serious damage to property, or the death of persons or endanger a person's life;
- are intended to have those effects;
- are done with the intention of advancing the PKK's political, religious or ideological causes;
- are done with the intention of coercing or influencing by intimidation the government of a foreign country; and
- are done with the intention of intimidating the public and sections of the public.

### **Other relevant information**

#### *Level of participation in peace negotiations*

The PKK announced a unilateral cease fire in 2013 and has been engaged in peace talks with the Turkish Government. However, the group continues to kill and injure members of the Turkish military and police in sporadic attacks, and PKK leaders have threatened to end the ceasefire and resume attacks if the peace process fails.

#### *Links to other terrorist groups or networks*

The PKK maintains close links with its Iranian affiliate, the Kurdistan Free Life Party (PJAK). Like the PKK, the PJAK has training camps in northern Iraq. Iran and Turkey are reported to have conducted probable coordinated military operations against both groups in their shared border areas.

*Other designations*

The PKK is listed as a proscribed terrorist organisation by Turkey, the European Union, the United States, the United Kingdom, Canada, Austria, Azerbaijan, Iraq, France, Germany, the Netherlands, Kazakhstan, Moldova, New Zealand and the Philippines.

The PKK is also included in the Department of Foreign Affairs and Trade's Consolidated List maintained under the *Charter of the United Nations Act 1945*, which implements Australia's obligations under United Nations Council Resolution 1373 in relation to countering the financing of terrorism.