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**Submission to the Parliamentary Joint Committee on Intelligence and Security re
the review of the re-listing of Kurdistan Workers' Party (PKK)
under section 102.1(2) of the Criminal Code**

Federation of Democratic Kurdish Society - Australia

19 August 2021

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1. Introduction and recommendations

The Federation of Democratic Kurdish Society – Australia, an umbrella organisation of Kurdish Democratic Community Centres across Australia, urges the members of PJCS to reconsider the August 2021 re-listing of the PKK in the light of information provided in this submission.

Much of the information provided in this submission was included in a letter to the Minister for Home Affairs at the end of May, 2021, but that information was totally ignored and the receipt of the letter was only acknowledged through a reference number (MC21-016596).

The main reason for not re-listing PKK is that it does not meet the legislative criteria of being a terrorist organisation. For PKK to be re-listed as a terrorist organisation under the Criminal Code, the Minister for Home Affairs 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. This has not been demonstrated by the information provided in the Statement of Reason (Attachment C of the regulation) or by the conduct of the PKK. However, as shown in sections 4.2-4.4, civilian Kurds in Turkey, Iraqi Kurdistan and North and East Syria have been and continue to be subjected to terrorist acts by the Turkish regime and its Jihadist mercenaries, through deliberate targeting.

PKK's ideology is incompatible with any involvement in terrorist acts and its actions align with its ideology. PKK has made a considerable contribution to the safety and security of Australia and the rest of the globe through its sacrifices in its fight against Jihadists and the defeat of the ISIS caliphate.

In addition, the unjustified re-listing would have a detrimental impact on Kurds in Australia, as outlined in section 7.

Furthermore, negotiations with the Turkish government are essential to end its conflict with the Kurds, and de-listing of PKK would facilitate such negotiations. Australia could be in the vanguard for this process and play an important role in achieving peace, freedom and democracy for all in that region. Australia has shown courage in calling out the genocide against Uyghurs in China. We urge the PJCS to follow in these footsteps and recommend to Parliament that PKK not be re-listed.

In preparing this input, we have addressed the reasons for the listing, as stated in Attachment C, 'Statement of reasons for Kurdistan Workers' Party (PKK)', of the Explanatory Statement to the Criminal Code (Terrorist Organisation – Kurdistan Workers' Party) Regulations 2021, made by the Governor General on 23 July 2021.

Importantly, in section 7 below, we have also outlined the traumatic impact on the Kurdish communities in Australia of this listing. Our community members are traumatised by the demonisation of the organisation they consider as their legitimate freedom movement. Against this background, it is unfathomable that the explanatory statement does not include any details of the context within PKK operates. This context is the genocide and ecocide committed by the Turkish regime against the Kurdish people living within and beyond Turkey, particularly in Iraqi Kurdistan (South Kurdistan) and North and East Syria (Rojava). While the Turkish regime uses the existence of PKK as a justification for persecuting Kurds and destroying our cultural and natural heritage, PKK exists to protect Kurds against this persecution and oppression. Despite several attempts by PKK and other Kurdish organisations at a peaceful resolution of this conflict, there has been no international support for this peace process and no country has been prepared to bring the persecution of Kurds to the United Nations. What will

it take for the international community to act to stop Turkish aggression described in this submission?
De-listing the PKK would be an important step in this process.

We urge the members of the PJCIS not to be complicit by staying silent about the crimes committed by the Turkish government against the Kurdish people. This can be done by using your influence to work for the de-listing of PKK and for bringing the crimes of genocide and ecocide committed by the Turkish government against the Kurdish people to the attention of the United Nations. You may one day have to answer your children and grandchildren when they ask you “where were you while all this was going on?”

2. Organisational overview and objectives of PKK

The details of PKK provided under the heading of *‘Organisational Overview and Objectives’* in Attachment C, Statement of Reasons, do not adequately reflect the evolution of PKK since its establishment. The philosophy and ideology informing the PKK is democratic confederalism, originally conceptualised by the US political philosopher Murray Bookchin and later adapted to the Kurdish culture and political experience by Mr Abdullah Ocalan. In summary, this is a system of democratic self-organisation with the features of a confederation based on the principles of autonomy, direct democracy, environmentalism, feminism, multiculturalism, self-defence, self-governance and elements of a sharing and solidarity economy.

It was this philosophy that inspired the establishment of the People’s Protection Units (YPG) and the Women’s Protection Units (YPJ) among the Kurdish population in northeast Syria, also known as Rojava. These units, fighting under the umbrella of the Kurdish majority Syrian Democratic Forces (SDF) and with the support of US forces in partnership with the Global Coalition to Defeat ISIS, of which Australia is a member, were successful in defeating ISIS militarily. They, together with PKK, were also rescuing the remnants of the Yazidi population after the Iraqi soldiers had fled the area, by defeating ISIS in Sinjar and providing a path, along which the Yazidis could flee up Mount Sinjar.

The statement that PKK is an *‘an ideologically motivated violent extremist organisation’* indicates that there is a high degree of ignorance about PKK. Following the academic and other literature over the past 20 years or so would demonstrate that democratic confederalism, the ideology pursued by PKK, is the most democratic ideology, not only in the Middle East, but globally. Women’s rights are not something tacked on at the end, but instrumental to the core of the ideology, as is guaranteed religious freedom, protection of the environment and grassroots democracy.

The statement also claims that *‘Kurdistan Workers’ Party aims to monopolise Kurdish political power, including by attacking the interests of rival political parties’*. This statement is totally biased and incorrect. Contrary to this statement, PKK has been the backbone of the Kurdish democratic movement and institutions and has encouraged Kurds to engage in the political process in Turkey through various political parties. Its ideology is to transition to a peaceful situation where differences will be resolved through the political process in the Turkish parliament and local governments. It promotes pluralism in terms of parties, ethnicities, religion and gender.

The objective of PKK’s actions is to protect the Kurdish people. Civilians and civilian infrastructure are not targeted by PKK. However, as in any armed conflict, civilians may become indirect victims and where this is the case the PKK takes responsibility for any negligence and takes appropriate action against its members responsible for such negligence. It also apologises to families of the victims. Many of the civilian deaths attributed to PKK by the Turkish government were actually caused by

indiscriminate attacks by Turkish armed forces in an attempt to turn the Kurdish population against PKK.

It is the deliberate targeting of civilians and civilian infrastructure to achieve political and/or religious objectives that differentiates terrorists from non-state armed groups and we contend that PKK does not deliberately target civilians or civilian infrastructure.

3. Links to other terrorist organisations

The groups that are referred to as *'other pro-Ocalan Kurdish violent extremist organisations across Turkey, Iraq, Syria and Iran'* when describing *'links to other terrorist organisation'* include the Syrian Democratic Forces (SDF) and its core, the Peoples Protection Units (YPG) and Women's Protection Units (YPJ), which were and still are partners in the Global Coalition to Defeat ISIS, of which Australia is a member.

While the Regulation implies that the SDF is a *'violent extremist organisation'*, the US has a completely different view of SDF. This is how Ms [Dana Stroul](#)¹, Deputy Assistant Secretary of Defence for the Middle East, US Office of the Secretary of Defence described its continued collaboration with SDF at an August 10, 2021 hearing on defence strategy and military assistance in the Middle East by the US Senate Foreign Relations Committee, Subcommittee on Near East, South Asia, Central Asia, and Counterterrorism: *'Over time, our goal is to partner with self-reliant, capable, and accountable partner forces, who will work alongside the United States to achieve mutual objectives based on shared threats and shared interests'*.

So, on the one hand the Australian Government accepts that the Global Coalition to Defeat ISIS partners with the SDF, which it on the other hand refers to a *'violent extremist organisation'*, regurgitating claims made by the Turkish regime for which every Kurd is violent and an extremist. The close relationship between SDF and the west continues, as reflected in this statement by Sinam Mohamad, representative of the Syrian Democratic Council (the political wing of the SDF) in the US that *'[The U.S. military plays a critically important role in NE Syria, and the SDF is a key ally of the United States in the region](#)'*².

Then the explanatory statement goes on to state that the *Turkish government makes little or no distinction between the Kurdistan Workers' Party and the Syria-based Kurdish People's Protection Units (YPG).....* without explaining why it even takes seriously any statement made by the barbaric Turkish regime that uses mercenaries from a variety of Jihadist groups to commit genocide against Kurds and ecocide against its traditional lands within and beyond Turkey.

The Global Coalition is still effective and the SDF, of which YPG and YPJ are essential elements, is [capturing members of ISIS](#)³ [leaders](#)⁴ and sleeper cells. According to the June 2021 monthly report released by the [SDF's Military Observation Desk](#)⁵, ISIS had carried out 11 attacks in northeastern Syria in June 2021. SDF forces had arrested 57 wanted persons, most of whom are members of terrorist cells in separate areas. This effort of fighting ISIS is hampered by the Turkish occupation and it is

¹ <https://www.syriandemocratictimes.com/2021/08/14/us-troop-presence-in-north-and-east-syria-will-continue-says-top-dod-official/>

² <https://www.newsweek.com/biden-leaves-afghanistan-pulls-back-iraq-us-troops-fight-syria-1616281>

³ <https://npasyria.com/en/63393/SDF>

⁴ <https://npasyria.com/en/63522/>

⁵ <https://www.kurdistan24.net/en/story/25272-Kurdish-led-SDF-arrest-ISIS-suspect-in-Syria's-Deir-al-Zor>

reasonable to ask whether the Turkish government would prefer these ISIS members to resume their barbaric deeds?

4. Directly or indirectly engaged in preparing, planning, assisting in or fostering the doing of terrorist acts

4.1 Claims included in the Regulation

In the background to the listing, three attacks were mentioned in Attachment C:

- *On 28 October 2020, the Kurdistan Workers' Party attacked and destroyed the Botaş oil pipeline in Turkey's Mardin province. There were no injuries or deaths reported. The Kurdistan Workers' Party claimed responsibility for the attack the next day.*

No background or context to this action, which did not result in any injuries or deaths, were given. The context was that this attack was in response to Turkey's attacks on Kurdish villages in Turkey and Iraqi Kurdistan. These were the [actions by the Turkish regime in 2020 against which PKK responded](#)⁶:

- On October 24, at 18:00, the village of Yekmalê in the Bergarê area of the Garê region was bombed by war planes.
- On October 24, at 18:30, while civilians were carrying out their daily work in the Kolit area of the Xakurkê region, fighter jets belonging to the occupying Turkish state bombarded the area. Later, the same area was bombed with howitzers and mortars. As a result of these bombardments, civilians did not suffer any loss of life, but their vehicles were destroyed and they suffered financial damage.
- On October 25, at 04:30, the Çemrobotkî village in the Meyrokê area of the Garê region was bombed by war planes.
- On October 26, at 12:50 pm, the area of Letter T in the Zap region was bombed by jets.
- On October 26, at 13:00, the Çemço area in the Zap region was bombarded.
- On October 27, at 05:30, the surroundings of Kani Ohran village in the Siyanê area of the Garê region were bombed by war planes.
- On October 28, at 16:30, the Stêvra Jêr district in Kaniya Contra, in the Meyrokê area of the Garê region, was bombed by fighter jets.
- On October 28, at 18:40, the Çemço area in the Zap region and later on the Sida area in the Zap region were bombed by war planes on the same day.

So we ask the PJCIS to consider under which circumstances Kurds are allowed to react against such unprovoked attacks and to take into account that no individual was injured or killed in the PKK attack on the pipeline.

- *On 31 March 2020, a suicide bombing damaged a natural gas pipeline between Turkey and Iran near the city of Barzagan, Agri province, eastern Turkey. The Kurdistan Workers' Party claimed responsibility, stating it had killed at least 30 Turkish soldiers who were guarding the pipeline.*

While all loss of life is regrettable, in this attack those who lost their lives were Turkish soldiers, not civilians.

⁶ <https://anfenglishmobile.com/kurdistan/hpg-guerrillas-target-botas-oil-pipeline-47596>

- *On 12 September 2019, seven civilians were killed and 10 were injured when a roadside improvised explosive device detonated in Kulp District, Diyarbakir province, south-east Turkey. The Kurdistan Workers' Party subsequently claimed responsibility for the attack, stating they were targeting 'spies'.*

As far as we know, the [PKK has not claimed responsibility](#)⁷ for this, but we are aware that the Turkish government reported that the IED was believed to have been placed by PKK fighters. During the months preceding this incident, the Turkish government stepped up pressure on Kurdish groups and politicians. In August, it removed three mayors from office over alleged links to the PKK and arrested more than 400 people amid a deepening crackdown on the pro-minority People's Democratic Party (HDP), including suspension of the mayors of Diyarbakir, Mardin and Van provinces in the Kurdish majority areas of eastern Turkey – all members of HDP elected in March 2019. This suspension occurred despite the captive Kurdish leader and PKK founder, Abdullah Ocalan, having announced that he was ready to find a solution on the Kurdish issue.

Similarly, without evidence Kurds in general and PKK in particular have been surreptitiously [blamed for the wild fires during the 2021 summer](#)⁸, e.g. through trolls, even though there is no evidence that any group is behind Turkey's natural forest fires. In relation to the fires, there have also been racist incidents against Kurdish people, including by vigilante groups that set up road blocks, stopping vehicles and checking if the occupants of the vehicles were Kurdish. In one incident two Kurdish civilians were accused of starting a fire, and were then attacked by the crowd in the Manavgat district of Antalya. They had delivered water in their van to help extinguish a fire, but [became targets of a racist attack](#)⁹. There have been reports from at least one prison, [Elazig Prison No. 1](#)¹⁰, of Kurdish prisoners being tortured because of the fires.

4.2 Persecution of Kurds in Turkey by the Turkish government

The persecution of Kurds in Turkey by the Turkish government takes several forms, including terrorist acts, destruction of cultural and natural heritage, prohibition against cultural expressions such as speaking and teaching the Kurdish language and political persecution.

4.2.1 Terrorist acts perpetrated by the Turkish government against Kurds in Turkey

When referring to terrorist acts resulting in injuries and deaths, it is essential to also include terrorist acts against the Kurdish population conducted by the Turkish regime, mostly for no reason other than the victims being Kurds and practicing their Kurdish culture. [According to Australia's Department of Foreign Affairs and Trade \(DFAT\) 2020 Report on Turkey](#)¹¹: *'pro-Kurdish political activists face a high risk of official discrimination in the form of arrest, monitoring, harassment and prosecution, which may be enhanced during election periods. They also face a moderate risk of physical violence from both security authorities and ultra-nationalist supporters. The level of risk is the same for high-level politicians and low-level activists, and applies nationwide*'.

⁷ <https://www.aljazeera.com/news/2019/9/13/several-dead-injured-in-explosion-in-turkeys-restive-southeast>

⁸ <https://www.duvarenglish.com/turkeys-forest-fires-racism-and-kurd-hunting-article-58387>

⁹ <https://medyanews.net/turkey-human-rights-association-calls-for-investigation-into-racist-road-checks/>

¹⁰ <https://anfturkce.com/kurdistan/tutsaklar-orman-yanginlari-bahane-edilerek-iskenceye-maruz-birakiliyor-160086>

¹¹ <https://www.dfat.gov.au/sites/default/files/country-information-report-turkey.pdf>

Criminalisation policies by the Turkish regime against Kurds and the HDP, supported by the listing of PKK, have encouraged racist attacks against Kurds. Discriminatory practices by the Turkish authorities, in combination with its use of incendiary language and the lack of intervention by the law enforcement agencies against attacks on Kurds have further emboldened those carrying out these attacks.

[Attacks against Kurds in the fortnight prior to the re-listing of PKK include](#)¹²:

- On 17 June 2021, an assailant with a shotgun attacked the HDP office in İzmir and tortured and murdered Deniz Poyraz, the daughter of a party employee.
- On 14 July 2021, another assailant with a shotgun attacked the HDP office in the Marmaris district of Muğla and fired more than 100 bullets.
- On 19 July 2021, seven people, including two women, were injured in a racist attack on Kurdish seasonal agricultural workers in the western province of Afyon.
- On 20 July, a fight broke out between two families in the Altındağ district of Ankara. Four people from a Kurdish family were injured in the attack, which was carried out by a family from Kırıkkale. A member of the Kurdish family explained that the family from Kırıkkale had insulted and attacked them. He stated, "At least 150 people attacked us. Four of them fired their guns against us. Four of my brothers were injured.....".
- On 21 July, Hakim Dal, aged 43, was shot dead in an attack against a Kurdish family in the Meram district of the Central Anatolian province of Konya. Around sixty people attacked the family, shooting at the car they were in. The family, who were originally from Diyarbakir, had been living in Konya's Meram district for twenty years. On 12 July, another Kurdish family had been attacked by the same group of villagers in Meram. Seven members of the family, including women, had been injured in that attack.
- In early August it was reported that three ISIS members who had been arrested for kidnapping and trying to [sell a Yazidi child in Turkey](#)¹³ were released.

Two examples from 2020 are:

- In [September 2020, Ali Boçnak, a 76-year-old man convicted for speaking Kurdish](#) died in prison. He was detained in 2009 for conducting a religious ceremony in his mother tongue of Kurdish. The court rejected the appeals by his family that he be released after he caught an infection following surgery. He suffered from advanced prostate cancer, a brain embolism, breathing difficulties and renal failure. The prison administration did not even allow Mr Boçnak's family to see him in person on the day he died, although they had permission from the prosecutor.¹⁴
- In November 2020, Turkish soldiers took [two Kurdish farmers up in a helicopter](#)¹⁵ and threw them out. This atrocity is consistent with a broad pattern of operations, the Turkish regime claims are against PKK in rural areas.

4.2.2 Political and ethnic persecution of Kurds in Turkey, by the Turkish government

The Peoples' Democratic Party (HDP), the third largest party in the 2018 Turkish parliamentary elections, is a progressive political party with major support within the Kurdish community and

¹² <https://www.hdp.org.tr/en/racist-attacks-on-kurds-in-western-turkey/15637/>

¹³ <https://bianet.org/english/human-rights/248465-court-releases-isis-members-who-kidnapped-and-tried-to-sell-ezidi-child>

¹⁴ <https://stockholmcf.org/76-year-old-man-convicted-for-speaking-kurdish-dies-in-prison>

¹⁵ <https://www.al-monitor.com/originals/2020/09/turkey-army-kurd-farmers-helicopter-pkk.html>

broad appeal among other ethnic and religious groups, including the Alevis, Yazidis, Armenians and other group, including Christians as well as the ethnic Turkish population. The party promotes the rights of all ethnic groups as well as women's and LGBTIQ+ rights. Every organisational structure of the party has co-chairs with gender diversity.

Since 2016, 20,000 party members have been arrested and 10,000 imprisoned, including Selahattin Demirtas, an HDP co-founder, former co-chair and presidential candidate, who has been in jail since 2016 on politically motivated charges and was recently found guilty and sentenced to more prison time for insulting President Erdogan. In December 2020, the [European Court of Human Rights \(ECHR\) called for his immediate release](#)¹⁶, but Turkey has ignored this.

Many, including former co-chair Leyla Guven, have staged lengthy hunger strikes whilst in jail. She was released for a short time and then in [December 2020, she was sentenced to a 22 years jail term](#)¹⁷. One of the latest high-profile party leaders and member of parliament to be stripped of parliamentary immunity and sentenced is [Omer Faruk Gergerlioglu](#)¹⁸, who was arrested in March 2021 for sharing and commenting on a tweet in 2016 that called on the Turkish government to restart peace talks with PKK. He is one of the few HDP members who has been released (in July 2021) after Turkey's Constitutional Court ruled on July 1 that his rights were violated in his detention on terrorism charges. In April 2021, the [HDP politician Halide Türkoğlu](#)¹⁹ was sentenced to six years and three months in prison for her membership in the Kurdish language association Kurdî-Der and the Congress of Free Women (KJA), both of which were shut down with emergency decrees.

The government has replaced HDP municipal officials with [centrally appointed "trustees"](#)²⁰ Of the [65 mayors](#)²¹ elected on the HDP ticket in the 2019 local elections, only a few remain, as most of them have at best been expelled from office or worse, been arrested. During the five days between [12 and 17 February 2021](#)²² alone, at least 139 HDP members and executives were detained in several provinces.

The HDP is currently facing two large-scale judicial operations organised by the AKP government. One is the closure case against the HDP, which was filed by the prosecutor of the Court of Cassation. The case will be heard by the Constitutional Court, whose members are mainly judges appointed by President Erdogan, and the AKP-MHP majority group in parliament. President Erdogan appointed this prosecutor in June 2020. This is part of a plan by Erdogan and the AKP-MHP coalition to [eliminate the HDP before the next election](#) by arresting its members and demanding that their parliamentary immunity be lifted²³.

The other, known as the 'Kobani Case,' was filed against 108 people, including Mr Demirtaş and Ms Figen Yüksekdağ, current co-chair Ms Pervin Buldan, several current and former HDP deputies and mayors, all members of HDP's Central Executive Board in 2014, and many others. This case was launched as a counter move of the Turkish government just two weeks after the Grand Chamber of the ECHR made its final judgment and demanded the immediate release of Selahattin Demirtaş. The

¹⁶ <https://www.reuters.com/article/us-turkey-echr-demirtas-idUSKBN28W1PJ>

¹⁷ <https://www.bbc.com/news/world-europe-55407129>

¹⁸ <https://www.hrw.org/news/2021/03/16/turkey-dont-expel-opposition-deputy-parliament>

¹⁹ <https://anfenglish.com/women/another-kurdish-politician-sentenced-to-prison-in-turkey-51182>

²⁰ <https://freedomhouse.org/country/turkey/freedom-world/2021>

²¹ <https://www.economist.com/briefing/2021/04/10/the-kurdish-spring-did-not-happen>

²² <https://www.hdp.org.tr/en/more-detentions-target-hdp-members-and-executives/15076/>

²³ <https://www.haaretz.com/middle-east-news/turkey/.premium-erdogan-s-crazy-canal-project-challenges-russia-and-could-shake-up-region-1.9717907>

indictment of this case demands more than 15,000 years prison sentence for Selahattin Demirtaş alone. The case is both crucial in itself, and is being used by the government as a vehicle to ban the HDP and eliminate HDP leadership and executives from the political field.

The indictment accuses the HDP of organising peaceful protests in solidarity with the people of Kobanî, a Kurdish city in Northern Syria, who were fighting against the attacks by ISIS and Turkey's embargo on Kobanî at the time. At least 37 people were killed during the protests, the overwhelming majority of whom were HDP supporters killed by Turkish police gunfire. HDP has so far tabled many proposals to set up a parliamentary commission to investigate the protests, reveal the truth, and find out the instigators of violence and murderers. But all of these proposals were rejected by the ruling AKP-MHP alliance at the parliament. So far, no single Turkish police officer has been effectively prosecuted, no investigation was carried out into those responsible for the deaths of HDP supporters. More than six years after the protests, Turkey is using a politicised judiciary to punish HDP for the murder of its own supporters. While President Erdoğan has long been accusing HDP leadership of inciting violence by calling for protests, the [Grand Chamber of the European Court of Human Rights underlined, in its ruling on 22 December 2020](#)²⁴, that HDP's Kobanî protest calls "remained within the limits of political speech, in so far as they cannot be construed as a call for violence." The hearings of the Kobanî started in early 2021.

Ethnic persecution and efforts by the Turkish government to destroy the Kurdish identity take many forms, such as prohibition against speaking and teaching the Kurdish language, changing place names from Kurdish to Turkish (e. g. Amed, the Kurdish name for Diyarbakir is no longer in official use) and bilingual (Kurdish and Turkish) street names in cities changed to Turkish monolingual signs. The name of a 17th century mosque in Kilis province, south central Turkey, initially funded by a Kurdish landowner was changed from "[Kurds Mosque](#)" to "[Turks Mosque](#)"²⁵.

4.3 Terrorist acts perpetrated by the Turkish government against Kurds in Iraqi Kurdistan

Under the pretext of fighting the PKK, Turkey has established and is expanding its military footprint in northern Iraq, deforesting the border area and constructing military bases from which it attacks Kurdish civilians in South Kurdistan (northern Iraq). Are responses to such attacks by the Turkish military considered terrorist acts?

Some examples of Turkish terrorism activities include:

- [On 10 February 2021, Turkey launched an attack on Gare](#)²⁶, a mountainous area in South Kurdistan (northern Iraq), purportedly to rescue 13 hostages (seven servicemen, three policemen and three civilians, two of whom were allegedly members of Turkey's national intelligence agency) held by PKK in a cave complex in Gare. All of them died. While Turkey accused PKK of shooting them, PKK has insisted that Turkish forces were responsible for their deaths from repeated bombing by Turkish fighter jets and ensuing clashes on the ground.²⁷ Prior to the Turkish attack, PKK as it has done in the past when it has held Turkish prisoners, offered to hand over the hostages through an official process involving human rights organisations and Turkish parliamentarians from the ruling

²⁴ <https://hdpeurope.eu/2021/03/hdp-co-chairs-invitation-to-observe-the-kobani-case/>

²⁵ <https://ahval.io/kurds/kurds-mosque-changed-turks-mosque-due-restoration-says-govt>

²⁶ <https://www.al-monitor.com/originals/2021/02/turkey-opposition-chp-kilicdaroglu-blame-erdogan-pkk-iraq.html>

²⁷ <https://www.al-monitor.com/originals/2021/02/turkey-opposition-chp-kilicdaroglu-blame-erdogan-pkk-iraq.html>

and opposition parties. It also urged families of the hostages to be part of this process. The Turkish campaign in that area had already been going on for several months at that time and despite the many deaths caused by the Turkish armed forces, the first time this reached the mainstream media was when 13 Turkish soldiers held captive by PKK died. PKK has urged the international community to visit the area to investigate.

- On the anniversary of the Armenian Genocide on 24 April 2021, the same day as US President Joe Biden recognised that genocide, Turkey intensified its attacks against several parts of the Kurdish Regional Areas of Iraq, including the Zap, [Avashin and Metina](#)²⁸. This military campaign is part of the Turkish expansion plan led by President Erdogan. Following these attacks and occupations, Turkey has established new military bases in the occupied territories. The date of the attack is significant, as it was a message to the Kurds – just as they committed genocide against the Armenians, so they will do against the Kurds.
- In early June 2021, a Turkish air strike killed three people and wounded others at the [Makhmur refugee camp](#)²⁹ for displaced people in the ‘disputed area’ (claimed by both the Iraqi government and the Kurdish regional government in Iraq) in northern Iraq housing thousands of Kurdish refugees, an official.
- At noon on 16 August, 2021, Turkey assassinated the Yazidi politician (member of the Yazidi Democratic Movement) and commander of the Shengal Resistance Units (YBS) [Saaed Hassan](#) as he drove through the streets of his hometown Shengal (Sinjar). This is the place of the genocide against the Yazidis in 2014 and Mr Hassan helped organise the Yazidi resistance against ISIS. One other passenger in the vehicle was killed and three others wounded³⁰. This is what [Nadine Maenza](#), Chair of the United States Commission on International Religious Freedom tweeted after this attack: “*USCIRF urges #Turkey to cease these attacks in Northern #Iraq that endanger #Yazidis & other religious communities, preventing refugees & IDPs from returning to their homes. We urge the US gov't to condemn Turkey's actions.*”³¹ This crime by the Turkish government was committed the day after the Yazidis commemorated one of the worst days of the ISIS genocide against them, on August 15, 2014 in the [village of Kocho](#), where 800 people were murdered³².
- The following day, on 17 August, 2021, when the global media was preoccupied with Kabul, the Turkish army attacked a medical centre in the [Yazidi village of Sikeniyé](#), also in the Shengal region. The facility was hit by four airstrikes. At the time of writing, there was an unconfirmed number of deaths and injured people. Mazloun Abdi, general commander of the US ally, SDF, said that ‘*This is added to the series of war crimes committed by the Turkish state.....*’. Nadine Maenza, also condemned this attack, repeating the call she made after the attack on 16 August: ‘*Turkey's continued targeting of Yazidis should be condemned by the US & intl [international] community.*’³³

4.4 Terrorist acts perpetrated by the Turkish government against Kurds in North and East Syria

Having been oppressed by the Syrian regime since its establishment, and not even given citizenship, the Kurds established an autonomous region following the start of the civil war in 2011. The governing body is formally named the Autonomous Administration of North and East Syria (AANES) and is governed according to the principles of democratic confederalism. Human rights, equality, feminism

²⁸ <https://www.rudaw.net/english/kurdistan/24042021>

²⁹ <https://www.middleeasteye.net/news/turkey-northern-iraq-air-strike-kills-three-kurdish-refugee-camp>

³⁰ <https://syriacpress.com/blog/2021/08/16/turkey-assassinates-yezidi-politician-and-ybs-commander-saaed-hassan-in-shengal-with-drone-strike/>

³¹ <https://twitter.com/USCIRF/status/1427343173253271557>

³² <https://www.kurdistan24.net/en/story/25296>

³³ <https://www.rudaw.net/english/middleeast/iraq/170820211>

and ecology are important pillars of the social contract on which the governance of the area is based. In this grassroots democracy, there are gender diverse co-chairs in every governance structure, from the smallest units to the head of AANES.

It was this democratic structure that enabled the Kurdish majority People's and Women's Protection Units, YPG and YPJ respectively serving under the umbrella of the Syrian Democratic Forces to defeat the ISIS caliphate militarily, albeit at the heavy cost of 11,000 martyrs. But the peace did not last for long.

Turkey is now attempting to destroy this democratic administration in several ways. It is shelling the civilian population on a regular basis, creating fear and chaos in an attempt to destroy the democratic structure of AANES. One illustration of what this means for daily life are the machine gun attacks by Turkish forces and Turkish-backed armed Jihadist factions of the [village of al-Hoshariya](#)³⁴, northeast of Manbij, on August 10, 2021.

Although not recognised by the United Nations, several countries are engaging with AANES, including [France](#)³⁵ and Sweden. In addition, there are contacts with parliamentarians from different countries, including Germany. AANES has [representative offices](#) in the Kurdistan Region of Iraq, Russia, Germany, France, Sweden, and the Benelux nations. The Syrian Democratic Council, a body that includes the AANES and the SDF, has an office in Washington³⁶. Australia has also engaged with AANES. In early August, almost on the same day as the re-listing of PKK, the Australian Ambassador to Lebanon, [Rebekah Grindlay, held a virtual meeting](#) with the Foreign Relations Commission AANES to discuss the latest developments in the regions governed by AANES³⁷.

Turkey is trying to prevent AANES from establishing representative offices in some countries. Following the establishment of a representative office in Geneva in August 2021, to be closer to the negotiations about Syria's future from which AANES has been excluded, the Turkish Foreign Ministry protested to the Swiss government, [summoning the chargé d'affaires of the Swiss Embassy in Ankara](#)³⁸.

Turkey has occupied several regions of AANES, Afrin in 2018 and around Gire Spi (Tel Abyad) and Serekani (Ras al-Ayn) in 2019, using Islamist Jihadists as mercenaries.

4.4.1 Afrin - Turkish offensive 'Operation Olive Branch'

In early 2018, [Afrin was attacked](#)³⁹ by Turkey as well as by the Turkish-backed Syrian National Army, a mob of jihadists and mercenaries Turkey had recruited from among Syrian refugees and which had been armed and radicalised by Turkey, which also incited them to attack Kurds, Christians, Yazidis and women in Afrin. Some 170,000 indigenous Kurds, including women have been targeted for kidnapping, rape, imprisonment in secret prisons run by these Turkey-backed groups since 2018.

³⁴ <https://npasyria.com/en/63454/>

³⁵ <https://npasyria.com/en/63363/>

³⁶ <https://www.rudaw.net/english/middleeast/syria/09082021>

³⁷ <https://syriacpress.com/blog/2021/08/04/virtual-meeting-between-foreign-relations-commission-of-north-and-east-syria-and-australian-ambassador-to-lebanon/>

³⁸ <https://nordicmonitor.com/2021/08/turkey-politically-selective-in-reacting-syrian-kurdish-activities-in-europe/>

³⁹ <https://www.jpost.com/middle-east/us-targets-turkey-backed-extremists-in-syria-with-sanctions-analysis-675205>

Soon after the operation was launched, Turkish President Recep Tayyip Erdogan said they would “[show no mercy to those who try to harm our future and freedom](#)⁴⁰.”

Concern over growing abuses against civilians by Turkish-backed armed groups has been and continues to be voiced [by rights groups](#)⁴¹, but to no avail.

By the time Turkey had seized control of Afrin city in March 2018, some [150,000](#)⁴² people had been displaced from their homes, most of them Kurds who fled to Kurdish-controlled areas in northeast Syria. This number has since increased to [300,000](#). [There have been reports](#)⁴³ that one of the Turkish-backed armed factions is imposing large sums of money on Afrin IDPs for returning to their homes in Afrin.

Photographs emerged in March 2018 of militiamen looting and pillaging Kurdish homes and businesses and pulling down a statue of Kawa the Blacksmith – a core figure in Kurdish folklore. The [UN](#)⁴⁴, [Amnesty International](#)⁴⁵ and other human rights organisations have identified damning evidence of war crimes, ethnic cleansing, abuses of arbitrary arrest, detention and other human rights violations, including kidnappings for ransom, by Turkish forces and their Jihadist allies.

The information gathered by Amnesty provides evidence of indiscriminate attacks in residential areas, including attacks on a home, a bakery and a school, carried out by Turkey and allied Syrian armed groups.

[One recent example](#)⁴⁶ of how this occupation affects the daily lives of people is an arbitrary arrest of 15 civilians, including elderly people, on 11 August, 2021, by the Turkish-backed Sultan Murad faction in a raid on the Qourt Qlaq al-Kabir village in the Sharran subdistrict of the Afrin region. The reason for the arrests is unknown, as is the place and fate of the detainees.

At dawn on [Saturday 14 August, 2021](#)⁴⁷, Turkish forces stationed in the military base in the village of Naddah, east of Azaz city, targeted the village of Maraanz, in the northern countryside of Aleppo, with heavy artillery, shelling populated neighbourhoods in the village. Many of the more than 300,000 IDPs from Afrin have been living in the northern countryside of Aleppo since the 2018 Turkish invasion of Afrin. In such regular shelling of towns and villages, there are civilian casualties and many wounded, as well as material losses.

On [17 August 2021](#), the Turkish-backed armed al-Amshat faction arrested two Kurdish sisters, 25-year-old Delvin Jamil Osman and her 20-year-old sister Fatimah after they returned from Lebanon to their village of Qermeltiq in the Afrin countryside, demanding their parents pay a ransom of USD 4,000 in return for releasing them⁴⁸.

⁴⁰ <https://www.dailysabah.com/war-on-terror/2018/01/27/operation-olive-branch-in-syria-aims-to-secure-turkeys-future-erdogan-says>

⁴¹ <https://www.voanews.com/extremism-watch/rights-groups-concerned-about-continued-abuses-afrin>

⁴² <https://www.refworld.org/docid/5b7400f2a.html>

⁴³ <https://npasyria.com/en/63432/>

⁴⁴ <https://undocs.org/A/HRC/45/31>

⁴⁵ <https://www.amnesty.org/en/latest/news/2019/10/syria-damning-evidence-of-war-crimes-and-other-violations-by-turkish-forces-and-their-allies/>

⁴⁶ <https://npasyria.com/en/63423/> The

⁴⁷ <https://npasyria.com/en/63488/>

⁴⁸ <https://npasyria.com/en/63675/>

4.4.2 Gire Spi and Serekani - Turkish offensive 'Operation Peace Spring'

The 2019 Turkish offensive into north-eastern Syria, dubbed 'Operation Peace Spring', was a cross-border military operation conducted by the Turkish Armed Forces and the Syrian National Army against the majority Kurdish areas around Gire Spi (Tell Abiad) and Serekani (Ras al-Ayn) in North East Syria. There is still frequent shelling with heavy artillery and mortars, of villages in the area.

Shortly after this invasion, Hevrin Khalaf, who was the head of the Future Party and a women's rights activist was brutally murdered when her armoured vehicle was forced off the road by heavy machine gun fire. She and her driver were pulled out by Jihadist mercenaries employed by the Turkish army. This is a rough translation of her [autopsy report](#)⁴⁹:

'The woman was beaten with a solid body [object] on the head ... and on the bottom of the left leg, which led to the fractures of the two bones of the leg, and also beating by sharp objects on the posterior face of the legs, and dragged from her hair causing the hair to take off ... with the skin from the back of the head.... Then she was hit by gunshot ... in the head from the right front of the body at close range ... After falling to the ground, she was hit by four shots from the back and exited the abdomen at not close range'.

According to [Reliefweb](#)⁵⁰, the offensive displaced more than 200,000 people and the Jihadist militias serving as Turkey's ground force have been accused of war crimes. The Turkish regime has conducted ethnic cleansing and demographic reengineering in the area it has occupied since November 2019. Some of the inhumane methods used in this process, including abductions and rape are documented in paragraphs 38-46 in the March 2021 '[Report of the Independent International Commission of Inquiry on the Syrian Arab Republic](#)⁵¹: *'While detained, Kurdish (and, on occasion, Yazidi) women were also raped and subjected to other forms of sexual violence, including degrading and humiliating acts, threats of rape, performance of "virginity tests", or the dissemination of photographs or video material showing the female detainee being abused'* (paragraph 44).

One way of [ethnically cleansing villages](#) near the occupied areas is for Turkey and its Jihadist mercenaries to bomb them frequently. Residents then flee and become internally displaced⁵².

According to the US Department of State 2020 Human Rights Report, published on March 30, 2021, [p.3 of the Turkey report](#)⁵³: *'Following the launch of the Turkish armed forces' offensive in northern Syria in October 2019 the UN Office of the High Commissioner for Human Rights, Amnesty International, and Human Rights Watch continued to report claims from local and regional human rights activists and media organizations that Turkish-supported Syrian opposition groups committed human rights abuses, reportedly targeting Kurdish and Yezidi residents and other civilians, including arbitrary arrests and enforced disappearance of civilians; torture and sexual violence; forced evacuations from homes; looting and property seizures in areas under Turkish control; transfer of detained civilians across the border into Turkey; restricting water supplies to civilian populations; recruitment of child soldiers; and looting and desecrating religious shrines. Reports by the UN*

⁴⁹ <https://www.smh.com.au/world/middle-east/this-kurdish-woman-s-death-sparked-a-global-outcry-now-we-know-how-she-died-20191017-p531qs.html>

⁵⁰ <https://reliefweb.int/report/syrian-arab-republic/displacement-and-despair-turkish-invasion-northeast-syria>

⁵¹ <https://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/Detention-report.aspx>

⁵² <https://npasyria.com/en/63268/>

⁵³ <https://www.state.gov/wp-content/uploads/2021/03/TURKEY-2020-HUMAN-RIGHTS-REPORT.pdf>

Commission of Inquiry into Syria similarly suggested that Turkish-supported opposition groups may have been responsible for attacks against civilians’.

Some examples of the frequent attacks by the Turkish occupation forces on innocent civilians include an attack on August 4, 2021 in the village of Sefawiye in eastern Ain Issa. [Four members of a family were killed by a tank shell, including a 12-year old boy and two young girls](#)⁵⁴. On the same day, the Turkish forces targeted the countryside of [Tel Tamr](#)⁵⁵, wounding an elderly woman from the village of Umm al-Kaif, and another from the village of Tel al-Ward in the countryside of Abu Rasin. The Turkish bombings in this area escalated on the weekend of 14/15 August as Assyrian residents in the [Tel Tamr](#)⁵⁶ town celebrated the Assumption of Mary in the Church of Virgin Mary. [On 13 August, 2021](#), Turkish forces and Turkish-backed armed factions shelled two villages in the countryside of Hasakah with artillery shells and mortars, forcing families to leave their houses and flee⁵⁷. According to several international treaties to which Turkey is a party, including the UN Charter, such bombing is an act of aggression.

[On August 17, 2021](#), Turkish-backed groups killed a woman and a child and injured 15 in shelling of the SDF held town of Zirgan (Abu Rasein), some 20 km east of Serekani. An SDF spokesperson said that the increased Turkish shelling will affect the SDF’s fight against ISIS⁵⁸.

The Turkish regime is conducting ethnic cleansing and demographic reengineering in the occupied areas. Turkey’s human rights violations include abduction, rape, murder, reduction of the water flow of the Euphrates River, leaving many villages without water, thus affecting availability of drinking water and water for hygiene and irrigation⁵⁹. Turkish forces and their affiliated armed factions have [shut the Alouk water station 15 times](#) since their invasion and occupation of Ras al-Ain in October 2019. This station is the primary source of drinking water for nearly one million people in the towns of Tel Tamr, Hasakeh, Shaddadi, Hol and rural areas and camps affiliated with these towns⁶⁰.

One of the organisations to which Turkey has outsourced these war crimes is Ahrar al-Sharqiya, which was recently sanctioned by the US Department of Treasury Office of Foreign Assets Control (OFAC). The crimes described in the media release announcing the sanctions are occurring in areas occupied by the Turkish regime, which is thus responsible for these crimes. Here are some extracts from the [28 July 2021 media release](#)⁶¹:

‘OFAC is also sanctioning Syrian armed group Ahrar al-Sharqiya, which operates in northern Syria, for abuses against civilians, and is also sanctioning two of the group’s leaders. Ahrar al-Sharqiya has committed numerous crimes against civilians, particularly Syrian Kurds, including unlawful killings, abductions, torture, and seizures of private property. The group has also incorporated former Islamic State of Iraq and Syria (ISIS) members into its ranks. These horrific acts compound the suffering of a population that has repeatedly endured mass displacement..... Ahrar al-Sharqiya has a record of human rights abuse that includes the unlawful killing of Hevrin Khalaf, a Kurdish politician and Secretary General of the political party Future Syria, as well as her bodyguards in October 2019.

⁵⁴ <https://www.hawarnews.com/en/haber/whole-family-killed-in-ain-issa-by-turkish-forces-h26028.html>

⁵⁵ <https://npasyria.com/en/63476/>

⁵⁶ <https://npasyria.com/en/63569/>

⁵⁷ <https://npasyria.com/en/63476/>

⁵⁸ <https://www.kurdistan24.net/en/story/25306>

⁵⁹ <https://anfenglish.com/rojawa-syria/people-of-kobane-why-is-the-world-silent-on-turkey-s-crimes-51170>

⁶⁰ <https://english.aawsat.com/home/article/3124636/turkey-speaks-deal-russia-securing-electricity-water-northeast-syria>

⁶¹ <https://home.treasury.gov/news/press-releases/jy0292>

The United Nations High Commissioner for Human Rights identified the murders as a possible war crime. Ahrar al-Sharqiya has killed multiple civilians in northeast Syria, including health workers. The militia has also engaged in abductions, torture, and seizures of private property from civilians, barring displaced Syrians from returning to their homes. Ahrar al-Sharqiya constructed and controls a large prison complex outside of Aleppo where hundreds have been executed since 2018. The group has also used this prison to operate an extensive kidnapping for ransom operation targeting prominent business and opposition figures from the provinces of Idlib and Aleppo. Ahrar al-Sharqiya has also integrated former ISIS members into its ranks.'

Another indication that democratic institutions in the US are starting to protest the Turkish brutality against Kurds is a recent [bipartisan letter penned by some 27 members of the U.S. Congress](#)⁶² to Secretary of State Antony Blinken, calling for the suspension of the transfer of drone technology to Turkey. The letter included a reference to how Turkish drones have been deployed '*.. against Kurdish forces that have partnered with the U.S. in the war against ISIS.....'*

On March 11, 2021, the [European Parliament](#)⁶³ called on '*Turkey to withdraw its troops from Northern Syria which it is illegally occupying outside of any UN mandate'*.

5. Links to Australia and threats to Australian interests

Under this heading, the Statement of Reasons refers to Mr Renas Lelikan who was sentenced to a three-year Community Corrections Order for being a member of the PKK. It would have been appropriate for the words of Justice McCallum in the May 2019 ruling of the [Supreme Court of NSW](#)⁶⁴ to have been included when referring to Mr Lelikan, as they are very relevant to the re-listing of the PKK. Justice McCallum concluded that the PKK, or any of its members, does not present a threat to Australia or Australians anywhere. In paragraph 80 of this ruling, Justice McCallum supported the ideology of PKK, as described in section 1 above: '*the ideology of the PKK as expressed in the writings of Abdullah Öcalan has more in common with the values of our democracy than it does with extremist violent jihad. It is based on the notion of "democratic confederalism", which Öcalan describes as being "open towards other political groups and factions ... flexible, multi-cultural, anti-monopolistic, and consensus-oriented" and an ideology of which "ecology and feminism are central pillars". I consider that an ideology advancing core democratic principles such as those is less serious than the ideologies of other listed terrorist organisations....'*

It is actually the Turkish military's brutality against the civilian Kurdish population and Kurdish legitimate institutions, including HDP that is a threat to Australians as this creates instability both in the region and in the "west" and enables the Turkish regime to act with impunity. For example, during the night between Wednesday 9 and Thursday 10 January 2013, the bodies of three Kurdish women activists, [Fidan Doğan, Sakine Cansız and Leyla Şaylemez](#) – were found in the premises of the Centre d'Information sur le Kurdistan located on 147 Rue La Fayette in Paris. Each of them was shot execution-style with several bullets in the head⁶⁵.

⁶² <https://www.duvalenglish.com/us-lawmakers-call-for-suspension-of-drone-technology-transfer-to-turkey-news-58450>

⁶³ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html

⁶⁴ [http://www.austlii.edu.au/cgi-](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2019/494.html?context=1;query=renas%20lelikan;mask_path)

bin/viewdoc/au/cases/nsw/NSWSC/2019/494.html?context=1;query=renas%20lelikan;mask_path

⁶⁵ <http://edition.cnn.com/2013/01/10/world/europe/france-kurd-deaths/index.html>

6. Listings by likeminded countries or the United Nations

As mentioned in Attachment C, Statement of Reasons, the PKK is proscribed as a terrorist organisation by the governments of Canada, New Zealand, the United Kingdom and the United States. In addition, it is also listed in most European countries.

However, the listing of PKK was appealed in court in Belgium. [A January 2020 ruling by the Court of Cassation, Belgium's highest court](#)⁶⁶, upheld the rulings by two lower courts that PKK is not a terrorist organisation, as it meets the criteria applicable to a non-state party to a non-international armed conflict, or civil war. The Belgium courts found that the PKK adheres to the Geneva Convention in its use of legitimate military force and that the Turkish government's evidence that PKK is a terrorist organisation was inadequate or unable to be substantiated. The implication of this ruling is that any case brought against PKK should not be considered under terrorism legislation.

7. Impact of the listing on the Kurdish community in Australia

The listing of PKK is traumatic for the Kurdish community and the most important issue affecting Kurds in Australia and a human rights violation of Kurds as it leads to discrimination. To be listed among Islamist Jihadist groups is offensive, as PKK's values are compatible with Australian values. The other listed groups tried to annihilate Kurds and Christians across the Middle East and violate the rights of women. That PKK, as a democratic and secular organisation promoting the rights of women (as PKK's leader Abdullah Ocalan said: '[A society can never be free without women's liberation](#)'⁶⁷) peace among all ethnic groups and religions is listed as a terrorist organisation pains us.

Moreover, the listing prevents us from expressing our solidarity with what we consider as our freedom movement. We were prevented from expressing this solidarity and contributing to the heroic fight of PKK against the barbaric ISIS. The listing thus violates our rights and our liberty to live freely as Australian Kurds. PKK's sacrifices have made Australia and the world more safe and secure. So delisting of PKK is the highest priority for the Kurdish community in Australia.

On 19 August 2010, there were police raids on Kurdish homes in Melbourne, Sydney and Perth. As a result, the Kurdish communities felt deprived of their freedoms and liberties. Information about these raids were published in the Australian media and as a result the Kurdish communities felt threatened and there were cases of bullying and other targeting of children at school, labelling them as terrorists. There were also incidents of Kurds being discriminated against at work places and a Kurdish business man lost contracts.

As a result of an arson attack on the Kurdish Democratic Community Centre of Victoria in 2011, which destroyed the centre, the community felt further isolated, unsafe and traumatised. The centre had been built by volunteers in their spare time and is considered as a second home to many. Shortly after the centre was rebuilt, unknown individuals and/or groups were shooting at the community centre, with several bullets hitting windows.

⁶⁶ <https://www.hawarnews.com/en/haber/belgium-court-of-cassation-pkk-is-not-a-terrorist-organization-h14105.html>

⁶⁷ <https://www.duvarenglish.com/painting-with-pkk-leader-abdullah-ocalans-quote-kurdish-militants-in-oslo-angers-turkey-news-55890>