

Email: [kurdishlobbyaus@gmail.com](mailto:kurdishlobbyaus@gmail.com)  
Website: [www.kurdishlobbyaustralia.com](http://www.kurdishlobbyaustralia.com)



Postal Address:  
Suite 401, Level 4,  
5 Celebration Drive, Bella Vista  
NSW 2153 Australia

23 August 2021

Parliamentary Joint Committee  
On Intelligence and Security  
pjcis@aph.gov.au

We are writing on behalf of the following organisations:



Email: [kurdishlobbyaus@gmail.com](mailto:kurdishlobbyaus@gmail.com)  
Website: [www.kurdishlobbyaustralia.com](http://www.kurdishlobbyaustralia.com)



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We understand that in 2021 the proscription of the Kurdistan Workers' Party (PKK) as a terrorist organisation is being reviewed, that the Minister of Home Affairs is responsible for the decision, which is to be made by August, and that the Joint Parliamentary Committee on Intelligence and Security (JPCIS) reviews the Minister's decision. We consider that re-listing PKK as a terrorist organisation is unjust and has deleterious consequences for thousands of Kurdish Australians, Kurds in other diasporas, and the 40+ million Kurds in the Kurdistan Regions of Turkey, Syria, Iraq, Iran, as well as those in Armenia and Georgia.

**We ask the Australian Government to delist the PKK as a terrorist organisation based on the following points:**

1. The ruling of Justice Lucy McCallum in the Supreme Court of NSW in the case of [R v Lelikan \(No 5\) \[2019\] NSWSC 494 \(7 May 2019\)](#).

Justice McCallum concluded that the PKK, or a member of the PKK, does not pose a threat to Australia or, in any particular sense, to Australians.

Justice McCallum also concluded that PKK's goals are to achieve freedom, justice and democracy for everyone in Turkey, no matter their gender, ethnicity or religion;

2. PKK is not linked to and does not coordinate with any other terrorist organisation. In fact, PKK stands out from other terrorist groups in its goals, values and strategies, and its willingness to defend civilians, such as the Yezidi population of Shingal/Sinjar from ISIS.

3. The 2020 [ruling](#) of Belgium's highest court – the Court of Cassation – upheld two lower [courts'](#) rulings, the rulings being that PKK is not a terrorist organisation because the PKK fits all the criteria of being a non-state party to a non-international armed conflict, or civil war, where the use of legitimate military force is [allowed](#). The Belgium courts found that the PKK adheres to the Geneva Convention and that the Turkish government's evidence that PKK is a terrorist organization was unable to be substantiated. As a result, the courts concluded that any cases brought against PKK should be considered under international humanitarian law, not terrorism law.

4. Since the mid-1990s, PKK has announced numerous unilateral ceasefires and engaged in the first ever bilateral ceasefire with the Turkish Government (2013 – 2015). The Turkish Government called an end to this ceasefire after a pro-Kurdish party succeeded to entering parliament in national elections, and two Kurdish youths (who were not members of PKK) killed two police officers based on allegations (and considerable evidence) that these officers intentionally did not prevent an ISIS terrorist attack that killed 32 Kurdish and non-Kurdish youths in Suruc in July 2015. Since the end of the ceasefire, PKK has repeatedly claimed it is willing to enter into any internationally mediated and monitored peace process.

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5. PKK maintains it maintains a defensive position against Turkey's intensive air and ground campaigns, that now include drones, and has eliminated, or at least greatly reduced, the number of armed offensive actions inside Turkey leading to a 60 percent drop in incidences in 2020 from 2019 levels.

6. In KLA's 2020 Submission to the Ministry of Home Affairs and the JPCIS titled: *'Why Delisting the Kurdistan Workers' Party (PKK) as a terrorist organisation needs to be considered by the JPCIS'* (Appendix B) provides numerous reasons for not relisting the PKK as a terrorist organization. Some of the main arguments are that:

- A. PKK's designation is largely based on a non-rigorous process that entails political expediency, rather than security or legal considerations, as indicated by the USA and Australia only classifying PKK as a terrorist organisation after intense lobbying from Turkey and after the PKK had made significant changes in its goals, strategies and tactics.
- B. The 'evidence' offered by the various arms of the Turkish State used to support the 'terrorist' classification is often hearsay, unverifiable, or has been disproved. It must be emphasized that Turkish authorities often blame PKK for an act before an investigation takes place, and rarely conducts adequate investigations into who is responsible for a 'terrorist' act in Turkey or Syria. Nor does Turkey allow impartial international investigations of acts allegedly committed by PKK in Turkey, Syria or Iraq, the most recent being Turkey's accusation that PKK killed Turkish soldiers, intelligence officers and police that had been PKK prisoners for many years, during a Turkish raid on a PKK camp in Gare, in the Qandil Mountains of the Kurdistan Region of Iraq. In contrast, PKK has repeatedly expressed its willingness to fully cooperate with any impartial investigation into any incident.
- C. The Turkish state is unwilling to have its actions scrutinized, as evidenced by Turkey having the world's [highest rate of incarceration of investigative journalists in the world](#), raw numbers being second only to China's record.
- D. Despite President Recep Tayyip Erdogan claiming 'We have no problem with our Kurdish brothers, only with terrorists' the Turkish State grossly misuses the label 'terrorist', which frequently results in any pro-peace and/or pro-Kurdish elected parliamentarian, municipal mayor or councilor, or any journalist, lawyer, academic or activist, who questions the Turkish president and his government policies, actions, and/or accounts, being dismissed and/or imprisoned for years without charge.

7. PKK's armed struggle was born out of the Turkish state's massacre, torture, incarceration, displacement, oppression and discrimination of Kurds (as outlined in Appendix A). These crimes are on-going in Turkey, Syria and Iraq. Hence, Kurds in Turkey are not allowed to freely express their culture, be educated in their mother tongue, or even

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advocate for peace and basic human rights. For a period between 2009 and 2015 Kurds had the freedom to identify as Kurdish, speak Kurdish, publish and perform in Kurdish, and attend private Kurdish language classes. Since 2015, Kurds have been physically attacked in the street for identifying as Kurdish and/or speaking Kurdish, and have been imprisoned for performing or publishing in Kurdish. State authorities have closed down many Kurdish publishing houses, cultural organisations, charities and other non-government organisations. In the last month, Turkey has arrested more than 20 Kurdish women for advocating a woman's right to be protected from domestic [violence](#). An Assyrian priest, Sefer Bilecen, has been given a two-year prison sentence on unsubstantiated charges related to providing food and water to 'terrorists'. His real crime is that he serves in the [Kurd-majority area](#) of Mardin.

8. Turkey prevents Kurds from politically and democratically organizing. Even those who [mediated](#) between the government and PKK in the past are now being called 'terrorists' by association. Turkey has a history of allowing and then banning pro-Kurdish political parties. The most recent example is what is happening to the People's Democratic Party (HDP). In June 2015, HDP became the first pro-Kurdish party to pass the 10 percent electoral threshold. This allowed HDP parliamentarians to participate in parliament as a party, rather than as independents. HDP became the third largest party in Turkey, preventing President Erdogan's party from gaining a parliamentary majority. Rather than form a coalition, Erdogan called an end to the ceasefire with PKK, and began air and ground offensives against Kurds in towns and villages of eastern Turkey, claiming to be targeting PKK. More than a thousand civilians were killed (some burnt to death while hiding in Cizre basements); hundreds of thousands of civilians were displaced, and whole townships were destroyed. In this climate Erdogan re-ran the elections in November 2015. The following year, Erdogan ordered air and ground offensives in northern Syria and the Kurdistan Region of Iraq, again claiming these offensives were targeting PKK terrorists. From November, HDP parliamentarians, HDP mayors and members of HDP were being imprisoned, allegedly for having links to terrorism or spreading terrorist propaganda. The Turkish [government](#) and an [Ankara court](#) are now moving to ban HDP.

9. Turkey has killed or imprisoned every significant Kurdish political leader in the history of the republic. Abdullah Ocalan, co-founder of PKK, has been held in solitary confinement for 22 years. Former HDP Co-chair, Ms Figen Yuksekdag, and former HDP Co-chair and two time presidential candidate, Selahattin Demirtas, have been held without charge since November 2016. In Demirtas' case, this is despite the European Court of Human Rights twice ordering his release.

In the 97-year history of the Republic of Turkey, the Turkish state has denied Kurds in Turkey their political, cultural, social and economic rights to self-determination. Its military approach to PKK has failed. PKK has proved to be enduring and adaptable. The organization is not based on one individual or family, but on frameworks that could lead to progressive change, such as having a male and female co-chair for every leadership position. Since the

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outbreak of the Syrian civil war, the Republic of Turkey has also been working to deny Syrian Kurds, Armenians and others their same right to self-determination, despite these rights being enshrined in the UN Charter, the United States' Declaration of Independence, and the constitutions of many nation-states.

**We consider that delisting the PKK as a terrorist organisation has potential to contribute to peace and stability in Turkey, Syria, Iraq, Iran and beyond because:**

1. PKK is a secular organisation that advocates for multi-ethnic representation, democracy, federalism, women's rights, religious freedom and a sustainable ecology.
2. PKK has played a vital role in fighting ISIS in Syria and Iraq.
3. Turkey has veered away from democracy and [judicial independence](#) in favour of authoritarianism, nepotism, Islamism and ultra-nationalism.
4. Turkey is using the label terrorist to outlaw the third largest political party in Turkey's parliament, and imprison elected parliamentarians and municipal mayors, academics, journalists, lawyers and others who criticize Turkey's military offensives;
5. The Turkish state is using the PKK terrorist label to justify waging multiple wars. Since Turkey declared an end to a bilateral ceasefire with the PKK in mid 2015, Turkey has launched military offensives in Turkey (2015 – 2016 ), Syria (2016, 2018, 2019) and Iraq in the name of neutralizing all PKK 'terrorists', that includes fighters, administrators, workers and sympathisers. These actions are ongoing. Turkey's offensives destabilize the targeted regions, cause thousands of civilian deaths, thousands more to 'disappear' or be kidnapped for ransom, thousands to be imprisoned and tortured, more than 1000 documented cases of rape in Afrin (Syria) alone, and more than one million civilians being forcibly displaced. Such atrocities continue unabated, in [northern Syria](#) and the [Kurdistan Region of Iraq](#). In Iraq, Turkey's air and ground offensives have killed more than 100 civilians and have caused the evacuation of up to 500 villages. These military offensives are also killing and displacing Armenians, Assyrians and Arabs.
6. The Turkish State supports terrorism in multiple ways.
  - The Turkish state is waging war against the US-allied, Kurd-led Syrian Democratic Forces (SDF) that continue to fight ISIS in Syria, and are responsible for securing camps of ISIS members and their families on behalf of countries that refuse to take responsibility for their ISIS citizens.
  - Members of ISIS live freely in Turkey and transfer money, weapons and people through Turkey. If they are arrested they are often released within a short time.
  - Turkey is recruiting, training and paying Islamist extremist militants, including former ISIS, al-Qaida and Hayat Tahir al-Sham fighters, to take part in military offensives in Syria, Iraq, Libya, Azerbaijan and elsewhere.

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- Turkey is creating a 'safe haven' for these fighters and their families in Turkey and Turkey-occupied Syria. In northern Syria, these fighters are committing war crimes and crimes against humanity, including ethnic cleansing; renting out or selling the houses of displaced people; destroying temples, churches and cemeteries; burning crops and silos of wheat and cutting down olive trees when not trying to profit from the sale of olives. Turkey is drastically cutting water flow into the Syrian section of the Euphrates River, and Turkish forces frequently stop water being pumped to supply water to one million people in northeast Syria. ● Many tens of Turkey's Syrian Islamist mercenaries have escaped to Europe.

7. Turkey supports ultra-nationalist mercenary organisations such as SADAT, in and outside Turkey. It is alleged that Turkish National Intelligence (MIT) and SADAT train Turkey's proxies in the Syrian 'National' Army.

8. Only by Turkey negotiating with Kurds and their political, civil, tribal and religious representatives, and their women and youth, will there be potential for mutually advantageous peace, stability and prosperity. Levers need to be applied to convince Turkey to change its 97-year trajectory. One unilateral lever is that governments can delist PKK as a terrorist organization, and support a peace process.

**If the Australian Government relists the PKK as a terrorist organisation, then the Australian Government is complicit in:**

- Turkey justifying its military offensives, Islamisation and Turkification of eastern Turkey, northern Syria and northern Iraq in the name of eliminating PKK terrorists;
- Turkey's current authoritarian, militaristic, Islamist trajectory; and
- Turkey's capacity to further destabilise the Middle East, north Africa, the Caucasus, the Mediterranean Sea, the Black Sea and Europe.

The Australian Government should not relist the PKK as a terrorist organisation out of concern for Australia's so called 'special relationship' with Turkey based on Turkey allowing Australians to visit Gallipoli to celebrate the ANZACS' defeat in 1915. Turkey has no trouble dealing with Russia and the UN, neither classifying PKK as a terrorist organisation. Other democracies, like Switzerland and India, do not classify PKK as a terrorist organisation. For all these reasons, we ask you to seriously consider delisting the PKK as a terrorist organization.

See:

**Appendix A:** The Ruling of Justice Lucy McCallum in the Supreme Court of NSW [R v Lelikan \(No 5\) \[2019\] NSWSC 494 \(7 May 2019\)](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2019/494.html?context=1;query=renas%20lelikan;mask_path=). Link: [http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2019/494.html?context=1;query=renas%20lelikan;mask\\_path=](http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/nsw/NSWSC/2019/494.html?context=1;query=renas%20lelikan;mask_path=)

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**Appendix B: [Why Delisting the Kurdistan Workers' Party \(PKK\) as a terrorist organisation needs to be considered by the relevant authorities in Australia.](#)**

Note: Appendix B was written when the Attorney-General was responsible for proscribing an organisation. Link:

<http://www.kurdishlobbyaustralia.com/wp-content/uploads/2021/05/WHY-DELISTINGOF-PKK-AS-A-TERRORIST-ORGANISATION-NEEDS-TO-BE-CONSIDERED.pdf>

Yours Sincerely,

Kurdish Lobby Australia

Co-Chairs: Mr Eziz Bawermend BSc MBA and Dr Gina Lennox BSc PhD

Email: [kurdishlobbyaus@gmail.com](mailto:kurdishlobbyaus@gmail.com)

Federation of Democratic Kurdish Society - Australia

Co-Chairs: Mr Ismet Tastan in Sydney and Ms Cigdem Aslan in Melbourne Email:

[kurdsaustralia@gmail.com](mailto:kurdsaustralia@gmail.com)

Sydney Kurdish Youth Society (SKYS)

President: Mr Sam Baban

Email: [Sydneykurdishyouth@outlook.com](mailto:Sydneykurdishyouth@outlook.com)

PUK Australia (Patriotic Union of Kurdistan, the second largest political party in the Kurdistan Region of Iraq)

Dr Mofak Sorani and Mr Sirwan Barzinji, PUK Australia

Email: [pukaustralia@hotmail.com](mailto:pukaustralia@hotmail.com)

Gorran Australia (the third largest political party in the Kurdistan Region of Iraq)

Mr Ismaeel Askary, Representative of Gorran in Australia

Email: [gorran.australia@yahoo.com.au](mailto:gorran.australia@yahoo.com.au)

Kurdish Society of Queensland

President: Mr Dlawar Faraj

Email: [dlawar4@hotmail.com](mailto:dlawar4@hotmail.com)

Australians For Kurdistan

Professor John Tully

Email: [John.Tully@vu.edu.au](mailto:John.Tully@vu.edu.au)

Rojava Solidarity, Sydney (Rojava = West Kurdistan/Northern Syria)

Mr Peter Boyle

Email: [rojavasol.sydney@gmail.com](mailto:rojavasol.sydney@gmail.com)

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Suite 401, Level 4,  
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**Copy:**

Prime Minister Scott Morrison  
Leader of the Opposition, The Hon. Mr. Anthony Albanese  
Shadow Minister of Home Affairs, Senator Kristina Keneally  
Attorney-General, the Hon. Ms. Michaelia Cash  
Shadow Attorney General, The Hon. Mr. Mark Dreyfus  
Minister of Foreign Affairs, The Hon. Ms. Marise Payne  
Shadow Minister of Foreign Affairs, Senator Penny Wong  
Minister of Defence, The Hon. Mr. Peter Dutton  
Shadow Minister of Defence. The Hon. Mr. Brendon O'Connor  
Office of National Intelligence  
Australian Geospatial-Intelligence Organisation  
Australian Secret Intelligence Service; Australian Security Intelligence Organisation  
Australian Signals Directorate; Australian Transaction Reports and Analysis Centre  
Australian Federal Police  
NSW Premier, The Hon. Ms. Gladys Berejiklian  
NSW Leader of the Opposition, The Hon. Ms. J. McKay  
Victorian Premier, The Hon. Mr. Daniel Andrews  
Victorian Leader of the Opposition, The Hon. Mr. M. O'Brien  
Queensland Premier, The Hon Ms. A. Palaszczuk  
Queensland Leader of the Opposition, The Hon. Ms. D. Frecklington  
Tasmanian Premier, the Hon. Mr. Peter Gutwein  
Tasmanian Leader of the Opposition, The Hon. Ms. R. White  
South Australian Premier, The Hon. Mr. S. Marshall  
South Australian Leader of the Opposition, the Hon. Mr. P. Malinauskas  
Western Australian Premier, The Hon Mr. Mark McGowan  
Western Australian Leader of the Opposition, The Hon. Ms. L. Harvey  
Chief Minister of the Northern Territory, The Hon. Mr. Michael Gunner  
Opposition Leader in the Northern Territory, The Hon. Mr. G. Higgins  
Chief Minister of the ACT, The Hon. Mr. Andrew Barr  
Opposition Leader in the ACT, The Hon. Mr. Alistair Coe  
The Hon. Mr Andrew Wilkie, Independent Member for Clark, Tasmania