

Review of the listing of the Kurdistan Workers' Party (PKK)

Parliamentary Joint Committee on Intelligence and Security

April 2006
Canberra

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ISBN 0 642 78649 6



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Membership of the Committee

Chair The Hon David Jull MP

Deputy Chair Mr Anthony Byrne MP
(from 7 March 2006)

Members Mr Stewart McArthur MP

The Hon Duncan Kerr SC MP
Mr Stephen Ciobo, MP
(from 8 December 2005)

Senator the Hon John Faulkner
(from 9 December 2005)

Senator Alan Ferguson

Senator the Hon Robert Ray

Senator Julian McGauran
(8 September 2005 to 28 March 2006)

Committee Secretariat

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Research Officer Dr Cathryn Ollif

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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 ASIO, ASIS and DSD

Review of listing regulation

- (1) If a regulation made after the commencement of this section specifies an organisation for the purposes of paragraph (b) of the definition of terrorist organisation in section 102.1, the Parliamentary Joint Committee on ASIO, ASIS and DSD may:
 - (a) review the regulation as soon as possible after the making of the regulation; and
 - (b) report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period.

And

Criminal Code Amendment Regulations 2005 (No 14)

Select Legislative Instrument 2005 No. 298

Dated 15 December 2005



List of recommendations

2 The Listing

Recommendation 1

The Committee supports the listing.

However it also recommends that the matter be kept under active consideration and requests, in that process, that the Government take into account:

- the number of Australians of Kurdish origin who may support the broad aims of the PKK without endorsing or supporting its engagement in terrorist acts;
- whether it would be sufficient to proscribe the PKK's military wing, the Kurdistan Freedom Brigade (Hazen Rizgariya Kurdistan HRK) referred to in the Attorney's Statement of Reasons; and
- the fluid state of moves towards possible ceasefires.

Minority Report Conclusion

Recommendation 1

The Minority recommends that the Government reassess this listing.

Recommendation 2

In undertaking the reassessment the Minority requests the Government to take into account, inter alia:

- the number of Australians of Kurdish origin who may peacefully support the broad aims of the PKK;
- whether it would be sufficient to proscribe the PKK's military wing, the Kurdistan Freedom Brigade (Hazen Rizgariya Kurdistan, HRK); and
- the fluid state of moves towards possible ceasefires.

