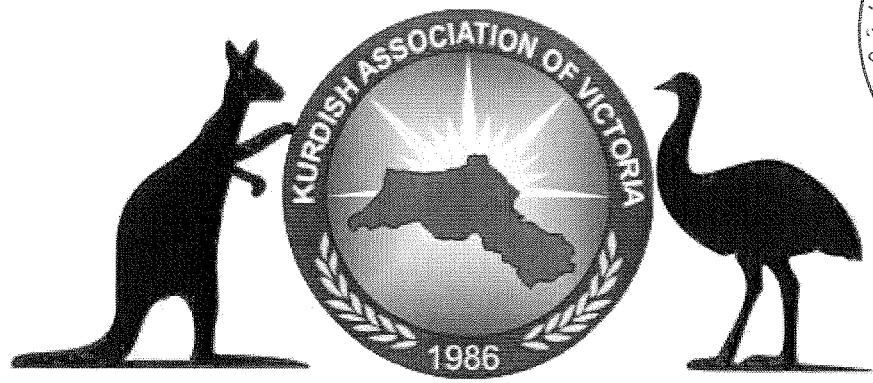


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JOINT SUBMISSION OF AUSTRALIAN KURDISH ASSOCIATION, KURDISH
ASSOCIATION OF WESTERN AUSTRALIA
&
KURDISH ASSOCIATION OF VICTORIA



Providing Social Cultural Services

TO THE PARLIAMENTARY JOINT COMMITTEE ON INTELLIGENCE AND SECURITY

REVIEW OF THE RE-LISTING OF THE KURDISTAN WORKERS PARTY (PKK)
AS A TERRORIST ORGANISATION UNDER THE CRIMINAL CODE ACT 1995

This is a joint submission prepared by Australian Kurdish Association, Kurdish Association of Victoria and Kurdish Association of Western Australia.

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Joint statement on behalf of Australian Kurdish Community

On behalf of Australian Kurdish Association, Kurdish Association of Victoria and Kurdistan Association of Western Australia we thank you for permitting us to hand in a submission in relation to the proscription of Kurdistan Workers Party (PKK) under the criminal Code Act 1995.

The ability to participate and have an input on the case certainly brings hope and optimism to a frustrated Australian Kurdish community. It also points out that such democratic ideals as freedom of speech, expression and the right to demonstrate political will are well and alive here in Australia. Certainly Australian Kurds are anxious and distressed with the political situation in Turkey and the Turkish government's anti-democratic treatment of Kurds. Most specifically they feel a greater concern and dissatisfaction with the events that have taken place here in Australia in the last few years. The re-listing has directly affected the community's image, perception and role in Australia. As a result we look to our elected representatives and government to convey and voice our concerns and humanitarian objections about the mentioned political procedures.

Since the 1980s our association and organisations in Australia have been working as a bridge between our respective government and our community. Australian Kurdish associations have worked to settle, integrate and to intermingle Kurdish community in to main-stream society. Our organisations have also been giving extensive social and cultural services to Kurdish refugees and immigrants. A crucial mechanism in rehabilitating most traumatised individuals in to a liberal progressive Australian society. It must be pointed out that the current political status of PKK in Australia brings great difficulty and dilemma for our work and our community. It is for these reasons we feel obliged as representatives of Kurdish community in Australia to object to the decision in

the hope of a serious re-examination of the decision made in regards to relisting Kurdistan Workers Party.

At the outset we would like to point out that the fundamental factor which lies beyond the ongoing conflict between Kurdistan Workers Party and the Turkish regime is the abhorrent and appalling Turkish state policies. The aggressive, disproportionate and inhumane treatment that minorities are exposed to in Turkey is obvious to Australian government and the international community. Kurdish people have been at the forefront of this endless wave of suppression that has included forced assimilation, ethnic displacement and ethnic cleansing.

We as jointly Australian Kurdish associations refer you to the list of reports attached from second folder which includes ill treatment of the Kurdish people. Turkey's human rights violation against the Kurds is so extensive that Turkey's consistent applications for entry to the European Union has been largely rejected based on this significant humanitarian issue. Efforts by human rights organisation to defend citizenship rights and their human rights are discouraged by imprisonment, and death, thereby the Turkish state attempts to silence civil society.

The Kurdish struggle in Turkey faces sever restrictions in freedom of association and organization. Turkish constitution, its mechanism and institutions since the establishment of the Turkish republic have inherently aimed at suppressing Kurdish people's right to political representation and participation. A chronological study of the plight of the legitimate Kurdish political parties in Turkey will show a predominant pattern of subjugation and banning of these parties. Currently Democratic Society Party (DTP) is the only legitimate Kurdish political entity operating officially within Turkey. DTP has attempted to bring the Kurdish issue and demand in to the political discourse

and arena. The Turkish government has moved to contain and destroy DTP's influence. The anti-democratic and authoritarian nature of the Turkish government is evident in the arrest and harassment of DTP representatives and members. It has gone to the extent of removing numerous DTP MPs parliamentary immunity and imprisoned many of its representatives. This is accompanied by other forms of state coercion, perpetuated by the military apparatus, militia groups and other deep-state agents. Furthermore the Turkish government despite DTP's overwhelming March local elections victory in south east Turkey it has worked consistently to ban the party or it has moved to cut the budgets or social services of Kurdish jurisdictions which have voted for DTP.

Turkish state because of its role in the state-centric international system, its influence in international organizations and its greater ability to tap in to world media has been able to delegitimize and demonize Kurdish aspirations for peace, democracy and justice. The label 'terrorism' is often goes hand in hand with the suppressive and extremist apartheid like policies of Turkish Republic. Under the banner of terrorism the most horrific crimes humanity has witnessed have been inflicted upon the Kurdish people. Historical analysis illustrates that Turkish state has systematically terrorized Kurdish people through oppression, prosecution, genocide, ethnic displacement, torture, rape and murder. These historical facts can easily be attained by our government and anyone interested on the plight of the Kurdish people.

Australian Kurdish community and its associations believe and support a peaceful political solution to the Kurdish or any other human crisis, yet in regards to the relisting of PKK there are some important factors in the conflict which needs to be taken in to account.

From the foundation of the Turkish State it has been authoritarian. Kurdish people are born as slaves into the Turkish States authoritarian rule and

are not equal in terms of dignity and rights. As each human being is endowed with reason and conscience Kurdish people are stripped off this basic right every-day. With clear distinction set by the Turkish State in terms of of our race, political opinion, national and social origin. Kurdish people living in Turkey do not have right to life, liberty and security of person. Kurdish women and children and men are subject to cruel, inhuman degrading treatment and punishment, and we don't have a right to recognition as every person should have before law. The Constitution of Turkey does not recognise an estimated 25 million Kurdish people's language. Kurdish people are subject to arbitrary arrest, detention, murder or exile. PKK represents freedom for the Kurdish people in all parts of Kurdistan. The above human rights violations against the Kurdish people exist in Turkey, and have been reasons for its foundation.

The convention affirms to the fact that United Nations supports "people who are fighting against colonial domination and alien occupation and against racist regimes in the *exercise of their rights of self-determination, have the right to use force* to accomplish their objectives within the framework of international humanitarian law". Let us also remind the committee that PKK has accepted the conditions and has signed the Geneva Convention.

Furthermore as representatives of our community we cannot ignore the fact that there are millions of Kurdish people in Kurdistan and diaspora who support and back the political aims of the PKK. Majority of Kurds view PKK as a legitimate political representative and as the only possible path towards peace, liberty and democracy. While relisting the organization it must be considered that the procedure will lead to demonization and criminalization of a large portion of Kurdish people, the same conditions apply to our community here in Australia.

Additionally a thorough examination of the history of the conflict will reveal that PKK time and time again has called unilateral cease-fire. In 1999 through the instruction and calls of jailed Kurdish leader Mr. Abdulla Ocalan the organization withdrew all its forces from Turkey in order to seek a non-violent solution. PKK leadership since 1999 and especially in the recent months have continuously called for political and democratic solution to Kurdish question. They have reiterated the fact that they are willing to lay down their arms in return for a peaceful solution. The Turkish Government in return has replied the calls for peace by further suppression, cross border incursions and heavy crack down of Kurdish and human right activists. Turkish government has consistently enforced martial law upon Kurdistan with Gestapo like policies. This in turn has further marginalised Kurdish people who feel they have no other choice but resistance. We believe that the military controlled past and current Turkish governments have no intent in proposing a peaceful solution to the Kurdish issue. The policy of denial and repression has been the main theme in dealing with Kurdish people. We believe it is these aggressive and abhorrent Turkish policies are the main source beyond the arm conflict and the loss of lives.

Australian government as an important player in the international system has played a very positive role in its recent history to bring peace and democracy in the region. We believe these has been due to the fact Australia has chosen in the past to act based on its independent political policies and its desire to disseminate liberty, justice and democracy in the world. However Kurdish community in Australia are distressed about the fact the listing process in proscribing PKK seems to have been politicized. The direct political pressure and influence of Turkish state and its lobbying efforts should not influence the domestic politics and decisions of Australian government. We believe that the process and procedures in PKK's enlisting process may some what have been tainted for the mentioned reason. The Committee has asserted that PKK does not

create any threat to Australian interest and we believe it will never will. It is for this reason we further believe the enlisting of PKK is unwarranted.

The enlisting of PKK does not only have domestic effects but also international impact on Kurdish people. We believe that listing PKK will only encourage Turkish State to keep its repressive, discriminatory and extremist policies. We believe in the long term it may lead to total eradication of Kurdish history, culture, identity, language and heritage. Kurdish community especially Kurdish immigrants have great concerns on the criminalization of the PKK. Claims of persecution due to real or alleged association with the PKK or related organizations will expose Kurdish refugees and asylum-seekers to criminal prosecution.

It must be noted that the international community is slowly but surely realizing the political realities and facts in Turkey. European Court only last year annulled the European Union decision of enlisting PKK as a terrorist organization. The law suit was supported by Britain. We hope that these positive steps guide and convince the committee of a new approach towards the conflict.

It further must be noted of the role of deep state in order to further deepen the crisis and the conflict. There has been an element with in Turkish army and government which have conducted terrorist activities and acts and have blamed it upon PKK. This is part of a sophisticated psychological warfare policy against Kurdish people. Recently a highly publicised terrorist act was the bombing of a Kurdish bookshop in the Kurdish city of Shirnak by two Turkish security operatives in disguise under direct orders from a Turkish general. They were caught by locals whilst trying to flee the scene. The operation was intended to demonize PKK as a movement. Furthermore the recent Ergenekon case and the former Turkish republics human rights minister Adnan Ekmen officially confessing that the state has committed numerous terrorist acts which it had

blamed upon PKK, is a testimony that the committee should re-examine its decision and the facts of the events which comes out of Turkey and Turkish state.

Another aspect of psychological warfare has been the horrible process of criminalization and demonization of PKK. Turkish republic in order to legitimize the subjugation and suppression of Kurdish activists and people have often resorted to preposterous claims and allegations against PKK. Allegations of human trafficking, drug dealing and prostitution have been hurled at PKK by the state and its media apparatus. Kurdish culture and PKK who are a by product of the society have shown great respect and admiration for women. In fact no political or social movement in Middle East and perhaps the world has done so much for emancipation and empowerment of women. One of the fundamental values which PKK discourse propagates is breaking the chains and shackles which primitive and theological traditions have imposed on Kurdish women in Middle East. These allegations whilst obviously have no real bases and facts have caused great anger and resentment with Australian Kurds. The false demonization of PKK has led to unjust criminalization of Kurdish people and identity. Australian government accepting such preposterous claims will only lead to further marginalisation of Kurdish community in Australia.

We write to you as a joint Australians Kurdish associations acting on behalf of Kurdish community in Australia asking the committee and the Australian government to undo the mass historical injustices that have been imposed upon Kurdish people, in specifically the enlistment of Kurdistan Workers Party. This submission is a plea on behalf of Australian Kurdish community to seriously analyse the impact of enlisting PKK on the community. Furthermore as illustrated all proclamations by the PKK leadership and the four consistent unilateral ceasefire points to the fact that the organisation is genuine in its approach towards democracy and a peaceful solution. Kurdish jailed leader,

Abdulla Ocalan's road map to a peaceful solution only affirms this. Considering the local and international implications of the enlistment on Kurdish people and the fact there is no real threat from PKK in regards to Australian interest we believe that Kurdistan Workers party should be removed from the Australian terrorist list. Furthermore we urge Australian government to play an active role in encouraging dialogue and negotiation between both sides. This is the only path to a stable long lasting peace in Turkey and Middle East.

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The nature and dimensions of the problem and its impact on Kurdish community in Australia

Enlisting an organisation in to the “terror list” has a wide and lasting impact. The nature of the problem in this case certainly is political, economical, moral, social and cultural. Listed below is the first draft a systematic research conducted by the mentioned Kurdish Association in Australia on how the enlisting Kurdistan Workers Party impacts the Kurdish community.

Political

The enlistment process and the induction of Kurdistan Workers party in to the list, by the Australian government has been presented as a security and terrorism issue. Although officially the proscription of PKK is supposedly has gone through the enlisting process involving the governments many institutions and mechanisms. Nevertheless there certainly seems to be significant evidence the induction was highly politically motivated and influenced.

The very induction of the PKK in to the terrorist list is seen to come as a result of a complicated political ploy involving foreign states and its institutions. The proscription of PKK seems to have come as a result of direct Turkish government’s initiative and pressure. The “banning of the PKK was announced on 15 December 2005, a week after the visit to Australia by Recep Erdogan, prime minister of Turkey. This at least raises the suspicion that the banning of the PKK was at the instigation of the Turkish government”.¹ The proscription of PKK political promulgates the message that domestic policy and the rule of law certainly can be sacrificed and overwhelmed by foreign policy.

¹ Joo-Cheong Tham, Why the Kurdistan Workers Party should not be banned
<http://apo.org.au/commentary/why-kurdistan-workers-party-should-not-be-banned>

The link and threat to Australia's national security and interests should be an important aspect in the enlistment process; however AMCRAN argues that the listing was purely political because there was "no public evidence to suggest that PKK is any threat to Australia²". There is a sense of frustration and aggravation built within Kurdish community. Kurdish community feels that their government has clearly chosen political interest and relation with Turkish government and military over the rights and interest of its citizens. The community feels that Australian government political relations with the Turkish military state takes precedent over the well documented oppression of the Kurdish population and its aspirations for self determination.

The political impact of the enlistment of PKK does not cease only with favouritism towards the Turkish state. The proscription process has clearly tarred the Kurdish community. State institutions and organisation are far less likely to aid and support the demands of the Kurdish community due to the 'terrorist stigma'. This stigma has led politicians to take a cautious if not a more dismissive line with Kurdish communities needs. It certainly is not in the best interests of any politician to be seen associating with a community labelled with such concepts. Local and state politicians have pushed away or chosen not to deal with the needs of Kurdish community. Time and time Kurdish communities invitation to their respective elected politicians are declined and over looked, leaving the Kurdish community marginalised and isolated.

Furthermore the foreign policy consideration and the political influence from abroad leads to numerous economical, social and moral issues that is likely to trouble Kurdish community in Australia.

² AMCRAN, Monitoring the Impact of Terrorism Laws on Muslim and Culturally and Linguistically Diverse Communities
<http://ejp.icj.org/IMG/AustraliaAMCRAN.pdf,march2006>

Economic

The enlistment issue creates great concerns in terms of the economic plight of Kurdish community within Australia and in Kurdistan. The enlistment of the PKK, the broad scope of terrorist act, as well as the suppression of financing terrorism act effectively restrains and disables the Kurdish communities efforts to donate, raise funds and particularly sponsor particular projects(specifically political) both in Australia and in Kurdistan.

Kurdistan Workers Party is not an homogenous entity; PKK is an umbrella organisation that incorporates the endless different objectives and aspirations of Kurdish people from different ideologies, backgrounds and regions. The organisation includes hundreds of different associations and communities from active in numerous regions in Middle East and diaspora.

PKK's political civil wing aims at "reconstructing Kurdish society, creating a new Kurd with cultural, economical and political rights³". This objective has led to establishment of civil and charitable organisations that aid the underprivileged, the impoverished and the needy by providing them with welfare services. PKK's numerous civil organisations have been active establishing schools, hospitals, women and language centres⁴.

An Australian Kurd will support the social, political, cultural and welfare organisations. As citizens of Australia, as human beings, as free people it is essential to develop and enhance ones self and ones community within a democracy. PKK and its leader Mr. Abdullah Ocalan represent the free Kurd. We

³ Pcdk, <http://pcdk.org/kurdi/page.php?sid=4407#TOP>, 2006

⁴ Due to the bann on Kurdish language, PKK has given emphasis in establishing schools to reunite Kurdish people with their native tongue. whilst there is no real statistics due to the suppressive policies of Turkish state there is no doubt the percentage of Kurdish people who are unable to speak their mother tongue is far greater than the Kurdish speaking kurds.

will struggle against cultural and linguistic genocide against our people. Yet once the economic support has been given to third party, he or she under the current laws can be charged with funding a terrorist organisation. The extreme economic difficulties Kurdish people face in south east Turkey and the Australian government's policies and restriction on the economics further exacerbates Australian Kurdish community's frustrations and grievances.

Moral

The banning of the PKK has had a disastrous moral impact not only on Australian Kurds but the Kurdish issue itself. It has imposed criminal liability upon a community who feels that they are being punished for raising their voice and practicing their basic rights. The illegalisation of PKK has stamped Kurds with a guilt banner, it enforces that the entire Kurdish community is guilty by identity and association. This breaches the predominant principle that criminal liability should be established up on an individuals regard to cause harm. Labelling an organisation that is not only deeply entrenched within a particular community but also is strictly enmeshed with their very identity creates great despondency and dilemmas for the community. In fact the demonization of Kurdish community and cause is certain with enlisting of PKK. Yet the enlisting has wider impacts than just in Australia, it effectively brands entire aspiration and status of 40 million Kurds as illegitimate.

By accepting Turkey's branding of the PKK the international community can abdicate responsibility for contributing to a peaceful solution and use this terrorist branding to justify the repression of the Kurdish community throughout the world including Australia. Under this smokescreen Turkey can pose as the aggrieved party and is left to pursue its violent solutions like forced assimilation, banning of Kurdish culture and language, state terrorism, ethnic displacement and displacing as a policing action against "terrorists".

Cultural

The enlistment of PKK has altered and shaped public imagination and perception of the Kurdish community. Kurdish people want their freedom and to live in a democracy, whether it is the Australian Federation or in their homeland. There is no doubt that the process of enlisting PKK does not eradicate the problem, rather it exacerbates it, it adds fuel to fire, breeds frustrations and reopens festering wounds, it destroys hope for the unjustly treated, and it serves to teach a community that the only means of help is self-help in whatever means possible. No doubt when self-help is not enough to demolish the walls of suppression and injustice, then naturally the likely outcome is further frustration, isolation and resentment. This is the case with Kurdish community in Australia. In Kurdistan their history, heritage, identity even their very existence as a people is denied, whilst in Australia they are refused the very socialization process that most Australians undertake. There is no doubt denying Kurdish community inclusion in to the political and socialization process only further marginalises and radicalises the Kurdish community. It must be noted that in this very process Kurdish youth by far are the most impacted, the blockade on Kurdish communities desire for integration leaves the Kurdish youth unable to adapt to mainstream society. Most often lack of inclusion and connection with mainstream society leads to the rise of extremism.

In taking in to consideration these important factors, it must also be noted that the enlistment of PKK and the criminalization of entire Kurdish community has lead to over-policing of Kurdish community. A Phenomenon that can only lead to further marginalisation and radicalisation of Kurdish community. Cultural practices, social events and festivals are restricted and heavily watched or controlled by the institutions of the state. Kurdish community's right to demonstrate are often banned or turned down by authorities on the bases of security threat. This despite the fact Kurdish community has shown tremendous

desire to cooperate and coordinate with executive and legislative officials. Over-policing further brews anger and resentment amongst the Kurdish community in Australia creating serious social problems for the Australian government and society.