



ATTORNEY-GENERAL
THE HON PHILIP RUDDOCK MP



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18 SEP 2007

The Hon David Jull MP
Chair
Parliamentary Joint Committee on Intelligence and Security
Parliament House
CANBERRA ACT 2600

Dear Mr Jull

I am writing to advise you that I have decided to re-list the Kurdistan Workers Party (PKK) as a terrorist organisation for the purposes of section 102.1 of the *Criminal Code Act 1995* (the Criminal Code).

The PKK was last listed as a terrorist organisation by the *Criminal Code Amendment Regulations 2005 (No. 14)*, with effect from 17 December 2005. Under subsection 102.1(3) of the Criminal Code these regulations will cease to have effect on 17 December 2007.

I am satisfied on reasonable grounds that the PKK is an organisation that is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

The re-listing of the PKK will ensure that the offence provisions under Division 102 of the Criminal Code will apply.

My decision to re-list the PKK was made following careful consideration of unclassified intelligence information provided by the Australian Security Intelligence Organisation (ASIO) in consultation with the Department of Foreign Affairs and Trade, in relation to this organisation, as well as legal advice provided to me by the Australian Government Solicitor.

It is proposed that the Governor-General make regulations for the purpose of re-listing the PKK at the Federal Executive Council meeting on 26 September 2007.

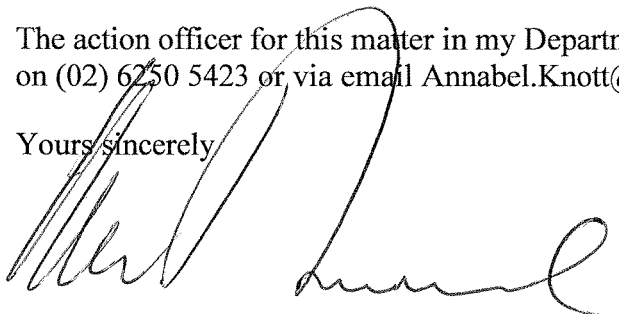
Section 102.1A of the Criminal Code provides that the Parliamentary Joint Committee on Intelligence and Security may review the regulations as soon as possible after it has been made, and report the Committee's comments and recommendations to each House of the Parliament before the end of the applicable disallowance period for that House.

To assist the Committee, should it decide to review the regulations, I enclose a copy of the Statement of Reasons provided by ASIO, in relation to the PKK upon which my decision to

re-list this organisation was based. Additional information detailing the procedure followed for the purposes of re-listing the PKK will be provided to you upon the registration of the regulations.

The action officer for this matter in my Department is Annabel Knott who can be contacted on (02) 6250 5423 or via email Annabel.Knott@ag.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Ruddock', written over the 'Yours sincerely' text.

Philip Ruddock

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Kurdistan Workers Party (PKK)

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

The following information is based on publicly available details about the Kurdistan Workers' Party (PKK). These details have been corroborated by material from intelligence investigations into the activities of the PKK and by official reporting. ASIO assesses that the details set out below are accurate and reliable.

The Kurdistan Workers' Party (PKK) is listed as a proscribed terrorist organisation by the governments of the United Kingdom and Canada. The organisation is proscribed by the government of the United States under the name of Kongra Gel. The PKK is listed by the European Union for the purposes of its anti-terrorism measures.

Current Status of the PKK

The PKK is a Kurdish separatist organisation founded in Turkey by Abdullah Ocalan in 1974. The organisation initially presented itself as part of the communist revolution. To increase popular support from the Kurdish community, the PKK began to adopt Islamic beliefs in the late 1980s. However, the organisation remains predominantly secular. During the 1980s and 1990s, the PKK was responsible for numerous attacks on Turkish security forces and civilians, including foreign tourists. Following Ocalan's arrest by Turkish authorities in February 1999 the group announced a unilateral ceasefire in September 1999. Despite this, PKK attacks continued.

The PKK changed its name to the Congress for Freedom and Democracy in Kurdistan (KADEK) in April 2002, claiming the PKK had accomplished its mission. KADEK announced its dissolution in October 2003 and re-formed as Kongra Gel. The armed wing of KADEK, known as the Peoples' Defence Forces (HPG), remained active. In early 2004, Kongra Gel split, with militants taking control of the organisation when others broke away to form a new political party. In April 2005, Kongra Gel reverted to the name Kurdistan Workers Party (PKK) or the 'New' PKK. However, not all elements of the organisation have reverted to the name PKK.

PKK front groups, including the Kurdistan Freedom Falcons (TAK), claim responsibility for attacks against civilians. In reality, the PKK directs these operations. The groups are created to give plausible deniability for attacks against civilians. The military wing of the PKK, the HPG is also controlled by the PKK leadership and is not distinguishable from the PKK.

The PKK periodically announces ceasefires. During these periods, attacks by the PKK decline in number but do not cease. Continued clashes with the Turkish security forces and attacks during ceasefire periods indicate ceasefires are not recognised or adhered to by either side. Ceasefires were announced by the group in October 2006 and again in June 2007. However, PKK attacks have continued, including the 22 May 2007 suicide

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bombing in Ankara, the 15 June 2007 bombing in Diyarbakir and the 23 June 2007 suicide attack against a police station.

The PKK retains its capability despite disruption activity by the Turkish authorities. In December 2006, Turkish police seized over 100kg of explosives, rockets, grenades and a range of firearms in a raid against PKK militants. In March 2007, police operations against the PKK recovered explosives and detonators. The PKK has continued to conduct terrorist attacks, including attacks targeting local civilians, foreigners and tourist areas. Examples of this include the three near-simultaneous bombings in the tourist resort area of Marmaris in August 2006 and a suicide bombing in a shopping area of Ankara in May 2007. Taken together, this confirms the PKK continues to have the capability (including current access to the necessary resources) and intent to conduct further terrorist attacks.

Objectives

The PKK's aims and objectives have evolved over time. Initially the group aimed to establish a Kurdish nation separate from Turkey, Syria, Iraq and Iran. The organisation now calls for autonomy for Kurds within Turkey and seeks to promote and advance the rights of Kurds living in Turkey, specifically the right to maintain ethnic identity. The PKK exhibits a willingness to use violence in order to achieve these objectives.

Leadership and membership

Abdullah Ocalan, currently serving life imprisonment in Turkey, is still considered the leader and figure-head of the PKK. In practice, the PKK is run by Murat Karayilan. Although the organisation has undergone numerous name changes, there is a continuity of key leaders, including Abdullah Ocalan, Cemil Bayik and Murat Karayilan.

PKK membership is estimated at approximately 5000, predominantly based in northern Iraq and south-eastern Turkey. The PKK maintains camps in northern Iraq where military and weapons training is provided. PKK funding is generated largely through criminal activity, including extortion and smuggling, and from the fundraising activities within Kurdish communities worldwide (collected by both voluntary donation and through intimidation). Some money is also raised through the sale of publications.

PKK engagement in terrorist activities

Recent significant terrorist activities attributed to the PKK, or for which it has claimed responsibility, include:

- February 2006: A bomb exploded at a supermarket in Istanbul, injuring at least 11;
- March 2006: A bomb exploded near the police station and supply office in Kadifekale district of Izmir, injuring one;
- May 2006: A bomb exploded in Hakkari targeting a bus carrying children of military officers, injuring 15;
- June 2006: A mobile-phone triggered grenade was detonated in Mersin, injuring 15;
- August 2006: A bomb exploded in Sultanahmet Square, Istanbul, injuring three;

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- August 2006: Three percussion bombs exploded in Marmaris within 15 minutes of each other. One aboard a minibus injuring 16, including 10 British tourists. The other two bombs were in rubbish bins, injuring five;
- August 2006: A bomb exploded in a shopping area of Antalya, killing three and injuring more than 20;
- September 2006: A mobile-phone triggered bomb exploded at a bus stop in Diyarbakir, killing 11 and injuring 16;
- May 2007: A suicide bombing in a shopping area of Ankara, killing 10;
- June 2007: A bomb exploded near a bus station in Diyarbakir, injuring six;
- June 2007: A suicide truck bomb attack on a police station in Tunceli, killing the two occupants of the truck; and
- June 2007: A bomb exploded on the railway line near Islahiye, damaging a freight train.

Conclusion

The Criminal Code provides that for an organisation to be listed as a terrorist organisation, the Attorney-General must be satisfied that:

- (i) the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act (whether or not a terrorist act has occurred or will occur); or
- (ii) the organisation advocates the doing of a terrorist act (whether or not a terrorist act has occurred or will occur).

On the basis of the above information, ASIO assesses that the PKK is directly preparing, planning, assisting in or fostering the doing of terrorist acts. It is submitted that the acts attributable to the PKK are terrorist acts, as they:

- (i) are done with the intention of advancing a political cause, namely, promoting and advancing the rights of Kurds living in Turkey;
- (ii) are intended to coerce or influence by intimidation the government of a foreign country, namely Turkey, and/or intimidate sections of the public; and
- (iii) constitute acts which cause serious physical harm to persons, including death, as well as serious damage to property.

This assessment is corroborated by information provided by reliable and credible intelligence sources.

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