

27 AUGUST 2015

SUBMISSION

**To the Parliamentary Joint Committee on Intelligence
and Security Review of the re-listing of Kurdistan
Workers Party**

**By Kurdish Association of Victoria (KAV), Australian
Kurdish Association and Kurdish Association of
Western Australia**

Inquiries to:

Cemal Erdogan

President

Kurdish Association of Victoria

PO Box 473

Glenroy VIC 3044

CONTENTS

1. EXECUTIVE SUMMARY

2. INTRODUCTION

3. BACKGROUND AND HISTORY

4. IMPACT OF PKK LISTING ON KURDISH AUSTRALIANS

5. CASE FOR THE DELISTING OF THE PKK

6. CONCLUSION

EXECUTIVE SUMMARY

This submission is prepared by the Kurdish Association of Victoria (KAV), Australian Kurdish Association and Kurdish Association of Western Australia in order to analyse the Kurdish question and Kurdish people's social and economic integration in Australia. As part of it, the report gives a critical analysis of the impact of the terror listing of the Kurdistan Workers Party (PKK) on the Kurdish community.

The Kurdish issue is an intricate socio-political problem that has caused great upheaval in the international community. The contemporary problems of the Kurdish issue roots back to the beginning of the 20th century. After the first World I, with the drawing of the boundaries of the Middle East by the western powers including England and France, the Kurds were divided between Turkey, Iraq, Iran and Syria. Consequently, the Kurds have since been prosecuted, marginalized, forcedly assimilated, punished, executed, with their language, culture and history, outlawed and banned. The fundamental drive that exalted and pushed these policies was "national-security" and the creation of a national identity which ostracized and excluded the Kurdish people and other minorities.

The Kurdish question is the single fundamental factor that continues to threaten the sovereignty of these states. These states in the region portray the Kurdish problem merely as a terrorism issue. However, the problem is an amalgamation of economic and socio-political factors. The Kurds an estimated 40 million are the largest minority in the world without a nation-state.

Australia upholds the liberal democratic values in which multiculturalism is a significant policy. The melting pot of Multiculturalism has ensured that people from different creeds, race and religious backgrounds can integrate into mainstream society and live in harmony and cohesion. The cultural diversity and the strong connection of migrants to their homelands and cultures have made Australian identity more rich and solid. Likewise, the Australian Kurds have brought their rich culture, language, experience and skills from their imagined homeland Kurdistan.

In Australia as a result of the constant demonization and criminalization of the Kurdish community, Kurds in Australia have been the target of numerous arsonist and racist attacks. On the 14th of April 2011, the Kurdish Association of Victoria was burned down and deemed unusable as a result of a terror attack. In fact, the media and the security apparatus profiling of the community has isolated and branded the Kurdish community as a "terrorist affiliated" one.

For this reason, this submission scrutinizes the dynamic and complex impact of the terror listing of the PKK on the Australian-Kurdish community. The report further gives an objective solution that asserts that the most plausible and rational resolution to the Kurdish issue is through a peaceful political process. This is only possible through a complete ceasing of demonization of the Kurdish movement and its diaspora communities. Over-policing, jailing and silencing the Kurdish community

and its activists are unjust and undemocratic policies. This paper, urges the Australian government and its related officials to give voice to a voiceless and repressed community.

Finally, this report recommends the government be empathetic to the long historical struggle of the Kurdish people and to take steps to mediate a peaceful political solution. The Kurdish people in diaspora including Kurds in Australia believe that the only possible solution to the conflict would be to grant the Kurds the constitutional right for self-determination, language, culture, education and identity.

INTRODUCTION

The plight of Kurdish people was first brought to world attention during the first Gulf War and has again risen to prominence due to the ongoing conflict in Syria and Iraq. The political and cultural persecution that we have experienced in Syria, Iraq, Iran and Turkey has been a focus of the world media, the international community, international human rights organisations and the Australian government.

The Kurdish people are more than 40 million and they are dispersed predominantly in Turkey, Iraq, Iran and Syria. In these countries Kurds are ethnic "minorities" who are denied basic human rights. They are denied the right to speak, read and write in their mother tongue as well as being denied the right to call and identified themselves as ethnic Kurds.

During the military regime of 1980's in Turkey the Kurds fled state terrorism, prosecution, ethnic cleansing and ethnic displacement. They fled abroad to the west including countries like Australia.

The largest arrival of Kurds to Australia was during the Gulf war of 1991. Thousands of Kurds were displaced, murdered, tortured and imprisoned by the Turkish and Iraqi regime.

The Kurdish community in Australia is estimated to be over 10,000 people many of these people came under the refugee and humanitarian programs.

The Kurdish people are one of the largest oppressed ethnic minority groups in the world, struggling for self-determination and to end brutal discrimination. Kurdish people in Australia who call Australia their homeland have settled in successfully. They have integrated and contributed to Australian society through their work, education and careers.

On 18th August 2010 the Australian Kurdish Community was shocked after it was targeted in counter terrorism raids. The Australian Federal police accused the Kurdish community of providing financial funding to the PKK.

BACKGROUND AND HISTORY

The Kurdish people are the largest ethnic group in the world without their own state, with a population of more than 40 million. Kurdish people can trace their origins back to an ancient culture more than 10,000 years ago in a region of the Middle East known as Kurdistan. The majority of the Kurdish people live in the Kurdistan region across the four borders of Iran, Iraq, Syria, and Turkey. Turkey itself is home to nearly 25 million people of Kurdish origin. Because the Kurds live in four different borders and under different sovereigns it adds to the complexity of the Kurdish problem, as only Iraq provides legal recognition to the rights of the Kurdish people. In Turkey until recently the state refused to accept even the existence of the Kurdish people. As a result, the International community, international law and Non-Governmental Organizations have disregarded and bypassed the Kurdish people and its long political question when dealing with Middle East. On the whole, this negatively affects the Middle East region and Europe. For example, Turkey's aspirations to join the EU are largely impeded by its refusal to solve the Kurdish issue and human rights dilemmas that arise from it.

The contemporary Kurdish predicament has its roots in the 20th century. Following the end of World War I and the collapse of the Ottoman Empire, the Allied powers drafted the Treaty of Sevres to divide the Ottoman Empire and to create nation-states throughout the region. The treaty contained provisions requiring Turkey to grant sovereignty to Arab Asia and North Africa, an independent Armenia, Greek control over the Aegean islands and an autonomous Kurdistan. However, as disagreements between the Allies, as well as a strong lobbying from the nationalist Turkish movement opposed several of the required provisions. The Treaty of Sevres was annulled and eventually replaced by the Treaty of Lausanne. However, this new treaty excluded any mention of an autonomous Kurdistan. Consequently, with the re-design of the Middle East by the Allied powers such as Great Britain, France and Turkey. Kurdistan and the Kurdish people were divided between the four parts of Middle East, namely, Turkey, Iraq, Iran and Syria.

Since these key events, when the major players dealt the fate of the Kurds, the Kurds have had to deal with the consequences of not having their own independent state. The consequences were costly and included a brutal crackdown by the occupying states of any element of Kurdish culture and language. The Kurdish people became second class Turkey, Iraq, Iran and Syria, where each state tried in vain to annihilate, assimilate, persecute and oppress the Kurdish people for being Kurdish. Their language, and practices of culture was banned often with brutal and violent force, from both the state itself and state sponsored paramilitaries and militias.

The Kurds have often been subjected to brutal suppression of their culture and language at the hands of the Turkish, Syrian, Iraq and Iranian governments. They have been subject to some of the worst atrocities of mankind including genocide,

ethnic cleansing, ethnic displacement, chemical attacks and other bombings, the ban of their language and culture, the destructions of their lands, homes and properties, restrictions on social, political, and economical rights, and the burdens of impoverishment.

Kurdish question in Turkey present times

Kurdish people systematically have been oppressed, prosecuted, displaced, tortured, and murdered by the Turkish State. Turkey, refused to recognize the existence of the Kurdish population for most of the 20th Century since the founding of the Turkish Republic, and instead referred to Kurdish people as mountain Turks. As a result of this denial of the Kurdish people, the Kurds have suffered systematic and personal cultural discrimination and persecution by the State. There continues Turkish clauses in the constitution that restrict the use of the Kurdish language in public and political institutions. There are also serious economic problem that exist in the Kurdish south-eastern region of Turkey with mass unemployment and poverty. However, this arose out of the state sponsored destruction of nearly 4000 villages by the Turkish government in the 1990's. The government burnt down and destroyed every home, including possessions in those 4000 villages in an effort to displace and disorient the Kurdish population. This destruction led to the displacement of 3 million people¹ with no place to go and no compensation for their severe losses. These people who managed to escape the destruction of their towns fled to safety in neighbouring towns, and other parts of Turkey as well as other countries. There are millions of Kurdish people in Diasporas. This Diaspora led to increased unemployment and poverty rates among the Kurds who had to start their lives all over again.

Further, there are still many human rights abuses in Turkey. This includes taking child prisoners for many years without a fair trial in a children's court due to crimes to do with participation in demonstrations which demand for the rights Kurds. The use of torture and intimidation for those imprisoned for political reasons and 'thought' crimes are also prevalent, as well as the jailing of journalists who advocate Kurdish rights and freedom of speech in the media.²

From a Kurdish point of view, Kurdish people generally see that state discrimination and policies as well as social and economic problems as the main causes of Kurdish unrest, which led to the military uprising of the Kurdistan Workers' Party (PKK) party. The Kurdish problem in Turkey stems from Turkey's refusal to recognise the existence of the Kurdish people, their language and culture. The Kurds have frequently been referred to as 'mountain Turks' referring to the mountainous regions that most Kurds in Turkey reside. As a result of denying the existence of the Kurdish people as a separate ethnic entity, the Turkish government have for many years enacted campaigns with the aim of annihilating the Kurdish language and culture.

¹ <http://www.internal-displacement.org/europe-the-caucasus-and-central-asia/turkey/summary>

² <https://cpj.org/reports/Turkey2012.English.pdf>

This has been in the form of legally banning the Kurdish language from being spoken or written in both the public and private arenas. Only recently, has the Kurdish language been accepted to be spoken in the private arena without repercussions. Nonetheless Turkish state hostility towards Kurds remains as prevalent as ever. From September 2014 til January 2015 whilst Kurds in Kobane bravely defended themselves from the attacks of the Islamic State thugs, the Turkish state actively provided logistic support to Islamic State members to cross their borders and attack the Kurds.³

The Kurdish issue remains the most important political issue in Turkey and the surrounding regions, as vast amounts of resources are spent in trying to either deny the existence of the Kurdish people or trying to eradicate the Kurds through the use of military tactics.

There are general demands of the Kurdish people in Turkey include the right to speak the Kurdish language freely, and for this to be accepted into the constitution along with the recognition of the Kurdish ethnic identity. Presently, the Turkish constitution does not recognise the Kurdish ethnic group. The Kurdish people would also like the Kurdish areas to be an autonomous region in Turkey with the right to determine and govern their own internal affairs such as education, health and electoral affairs.

At the June 2015 general elections in Turkey the Peoples Democracy Party (HDP), the main political voice of the Kurdish community, achieved over 13% of the national vote in what could only be described as a vicious election campaign. In total there were 176 attacks recorded against the HDP and its party activists.⁴ The worst attacks included 3 bombings in the cities of Adana, Mersin and Diyarbakir which tens of Kurdish activists were killed. Regrettably the Turkish state in most instants failed to arrest anyone and even provoked further attacks on Kurds.

To discuss and understand and to find a resolution to the Kurdish question, it is necessary to look at the issue from an historical perspective. The focus on solving the issue through the use of military power alone has not solved the problem in the past 30 years that brutal oppression of the Kurdish people first came to attention.

Iran

The region that the Kurds live in Iran is the most impoverished and least developed regions in Iran. The region has been denied the basic infrastructure for education, health, transport and housing. In fact the disparity in wealth, economy and education

³ <http://www.wsj.com/articles/luqman-barwari-and-barry-fisher-why-turkey-shrugs-as-isis-closes-in-on-kobani-1412901826>

⁴ http://www.todayszaman.com/national_i-hd-report-176-attacks-against-hdp-during-election-period_384223.html

is a direct symptom of state's brutal and prejudiced policy. The foundation of the Kurdish problem in Iran stems from Iran's refusal to recognise the Kurdish people and their basic rights. Laws enacted in Iran in the 1960's regarding the banning of Kurdish language and culture exist till today, and the Kurdish people remain one of the most targeted ethnic groups in Iran. Numerous Kurdish people have been, and are continuing to be arrested and executed for demanding rights and equality for the Kurdish people. Kurdish political prisoners are among the many that languish in Iranian prisons, without access to a fair trial and judicial process. Many have received death sentences for speaking out about human rights abuses in Iran. Iran continues its oppression and most recently hanged numerous Kurdish activists for campaigning for education in the Kurdish language.⁵

Syria

The Syrian government continues to treat the Kurdish people living in Syria as second class citizens. Only recently, the Syrian government granted citizenship to Kurds, something that was denied to them for the past 50 years. The number of Syrian Kurds that were deprived of citizenship ranged from 200,000 to 360,000 people. The long term effects of not having citizenship can still be seen. This is because not having citizenship meant that the Kurdish population were unable to gain access to the most basic public services enjoyed by the rest of the population in Syria. This included legal employment, access to public medical treatment and schools and universities. Furthermore, they did not have the option of leaving Syria as they lacked legal documents and such were not able to get a passport. However, this citizenship right has yet to take legal effect within the government. Furthermore, at this point the Kurdish people still do not have rights such as a right to speak their language in the public arena and be provided educational and information material in their own language. This leaves many Kurdish people unable to access information and education in their own language that would enable them to access basic services such as medical care, legal representation and schooling.

Politically the Kurds have been marginalised and banned. Kurdish political parties do not have the right to participate and actively conduct politics. Kurdish politicians disappeared, jailed or executed by the state or its paramilitaries.

Since the Syrian Civil War began in 2011 Kurds have managed to establish three autonomous cantons. These cantons are controlled and administered by multicultural regional communities in a transparent, democratic and nonpartisan fashion. Local communities including Kurds, Arabs, Assyrians, Armenians, Alawites have organised themselves and established their institutions and councils in order to administer their own socio-economic and political affairs and to protect their territory from the repercussions of the ongoing brutal sectarian civil war. These cantons are

⁵ <https://www.amnesty.org/en/articles/news/2015/03/iran-six-kurdish-sunnis-about-to-be-hanged/>

under attack by the Syrian regime but also Jihadist extremist groups such as the Islamic State. The future of the Kurds of Syria remains uncertain but the joint struggle of the YPG, Peshmerga and the PKK at Kobane provided inspiration and hope for a better future. The recent cooperation between the US and the YPG has proven effective in containing the Islamic State.

Iraq

The Kurdish people suffered immensely under Saddam Hussein's regime, particularly throughout the 1980s when Saddam Hussein's regime carried out a genocidal campaign called Al-Anfal. This included the use of chemical weapons, abductions, and executions against the Kurdish people. The most infamous attack against the Kurds during this period was the chemical bombing of the city of Halabja in which 5,000 people (mostly women and children) were killed instantly and thousands more suffered long-term effects. Approximately 200,000 Kurds were killed during this brutal Al-Anfal campaign.

Since 2003 the Kurdish people living in Iraq have formed a Kurdistan Regional Government as a result of the collapse of Saddam Hussein's regime. This government forms a part of the current federal system in Iraq, and has the right to manage its own affairs in relation to the Kurds. However, it still comes under the Iraqi constitution. This regional government, within a federated Iraq, represents the only recognised status that Kurdish people have in the international arena. The Kurds of Iraq like the Kurds of Syria are now in a battle for survival against the Islamic State thugs.

Kurdish demands

The establishment of a nation state and sovereignty is not the ultimate demand of the Kurdish people. Rather, the Kurdish people demand a right to live peacefully and not be persecuted for their culture, history and language. A beginning to a solution of the Kurdish problem would be to recognise the Kurds as a distinct ethnic group and secure their rights to speak and practice their culture freely. The solution should include governmental recognition of Kurdish identity and liberalisation of policies on the Kurdish language within the borders that Kurds reside.

Kurdish claims for the political and cultural rights should be met by the granting of cultural rights to the Kurds, the lifting of the prohibitions on using the Kurdish language, and a constitutional recognition of the Kurdish identity. Granting cultural rights to the Kurds would not harm the unity and integrity any sovereign nation. Rather, it can strengthen it from a political, social and economic perspective.

IMPACT OF THE PKK LISTING ON KURDISH AUSTRALIANS

With the introduction of the Australia Anti-Terrorism Act (No. 2) 2005 and the inclusion of the PKK organisation in the 'Terrorist Organizations List' on 15 December 2005, a week after the Turkish Prime Minister Recep Tayyip Erdogan visited Australia Kurdish Australians have faced allegations of linkage to a terrorist organisation on the basis of partial and biased information provided by the Turkish State.

The result of these laws on the Kurdish Australian community have forced us to experience again the same anxieties and terror we experienced back in our original countries, namely Turkey, Iraq, Iran and Syria, when we were being persecuted on ethnic grounds. Many Kurds who live in Australia arrived here fleeing persecution and systematic poverty for supporting Kurdish rights and freedoms. Many who fled political persecution for their allegiances, or who were imputed to be PKK sympathizers by the Turkish government but now are open to prosecution for the same reasons they were granted asylum sympathising with the PKK.

Pursuant to the Anti-Terrorism Act, several Kurdish communities in Australia experienced a nationwide police investigation, which began in the early morning hours of 18 August 2010. As part of this investigation, the Australian Federal Police executed search warrants for two Kurdish Association centres and for a number of Kurdish Australian homes. The timing and the manner in which the police raids took place were a source of concern and suspicion as they took place days before the federal election, and with such urgency that the police raided the premises at dawn, armed with a swarm of media and police dogs. During their search, they confiscated money, flags, pictures, books and notepads as the law gives them power to take away anything that might be suspicious from their perspective.

These actions by the police, as captured by the ready media, represented the Kurdish Australians as having some kind of connection with terrorism, which has had negative connotations. For example, following the police raids and the media coverage, Kurdish Australians faced several racist attacks. In particular, the Kurdish Association of Victoria was attacked by unknown persons who attempted to burn down its building on numerous occasions. The attackers finally succeeded in burning the Kurdish Association of Victoria building, rendering it unstable and unusable on 14 April 2011.⁶

The Kurdish community is still living with the threat of further and more comprehensive police investigations in the future under the Anti-Terrorism Act. The point of concern is that there is no time limit of these investigations or even any information about how long and deep this investigation might become. In fact the timeless nature of the investigation has caused great anxiety and distress amongst

⁶ <http://www.theage.com.au/victoria/were-being-targeted-by-extremists-20110415-1dgm1.html>

families and members of our organisation. The constant stress, pressure and the uncertainty has caused irreversible psychological impact on our members.

It has now been 4 years since the raids on our community but it has been difficult to refer our highly distressed members to mainstream mental health organisations because their trust in public institutions and services has been eroded.

Another point of concern is that, the Anti-Terrorism Act is open to broad interpretation. In effect, any Australian can be subject to a terror investigation on account of reading a certain book, listening to music, visiting a webpage and even just sending some money to support a family member back in his/her home country. The law does not make clear under which circumstances, for example, reading a book would be considered a criminal act. It all depends on the interpretation of the Anti-Terrorism Act by the federal police.

The listing of the PKK prevents the Australian Kurdish community from directly or indirectly showing their own personal support for the Kurds engagement in self-determination. As a result of this listing the Kurdish people are subjected to the following:

1. Eroding free speech to speak out against rights violations committed by the Turkish government and security forces and supporting the self-determination rights of Kurds;
2. Creating uncertainty over Kurdish activities that are simply an expression of their identity;
3. Eroding freedom of association by creating a wedge between Kurds and the various organisations that support or are sympathetic to the PKK;
4. Racial profiling of the Kurdish community and isolating them from mainstream Australian society. Indeed, Kurdish Australians have become increasingly isolated, thus making them vulnerable to various acts by arsonists and vandals, which can rightly be defined as racist and terrorist in nature.

CASE FOR THE DELISTING OF THE PKK

United Nations right to self-determination

There is ample evidence that the Kurdistan Workers Party (PKK) is engaged in a protracted civil conflict in furtherance of self-determination by an ethnic minority, subject to the laws of armed conflict and the Geneva Convention. In our submission, this conflict is of a kind which should not necessarily be proscribed. In its review of the original PKK listing the Committee acknowledged that not all political violence need be defined as terrorism.⁷ The Committee referred to the United Nations Declaration of Human Rights and in particular, the right to engage in armed struggle against tyranny for self-determination and in self-defence consistent with Article 1 paragraph 2 of the United Nations Charter. We maintain that it is not justified to continue to list the PKK in the context of the well evidenced political violence and human rights abuses committed by the Turkish state as outlined in our previous submissions. We submit that continuing and present human rights abuses against Kurds require specific consideration by the Committee in discharging its obligation to Parliament.

In summary we note the evidence which finds continued, systematic abuse of human rights of the Kurdish population in Turkey. The brief overview below provides a select example of extensive findings of sustained as well as increased abuses:⁸

Torture and other ill-treatment: Amnesty international found that:

Boys held at Pozantı prison in the southern province of Adana were transferred, following allegations that prison officials had subjected them to abuse, including sexual abuse. An official investigation continued at the end of the year. The European Committee for the Prevention of Torture visited Pozantı prison in June but its report was not publicly available at the end of the year.⁹

Freedom of Speech: Amnesty International found that:

Large-scale trials, targeting alleged membership of the PKK-linked Kurdistan Communities Union (KCK), continued throughout the year. The trial of 44 journalists accused of KCK membership began.¹⁰

Impunity: Amnesty International found that:

No effective investigation was carried out into the December 2011 bombing by the armed forces of Uludere/Qileban, a district in Şırnak province on the Iraqi border. The armed forces claimed to have targeted armed PKK members, but instead killed 34 villagers. Prosecutors failed to conduct a prompt crime scene investigation or to interview witnesses to the attack.¹¹

⁷ Review of the listing of the Kurdistan Party (PKK),2006, paragraph 2.13

⁸ <http://www.amnesty.org/en/region/turkey/report-2013>

⁹ Ibid.

¹⁰ Ibid

¹¹ Ibid.

Turkey's human rights record is of fundamental relevance to the Committee's deliberations whether the PKK should be re-listed. Banning the PKK as a terrorist organization, while Turkey's state crimes are perpetrated largely with impunity, will not facilitate a peaceful resolution to the conflict. Rather, proscription of the PKK legitimates the Turkish states military responses and repressions against the Kurdish population.

We are advised the Attorney-General must be satisfied on reasonable grounds that the organisation:¹²

- is directly or indirectly engaged in preparing, planning, assisting or fostering the doing of a terrorist act, or
- advocates the doing of a terrorist act.

To guide and prioritise the selection of organisations for consideration, ASIO may also have regard to a range of other factors, often referred to as the non-legislative factors. The key non-legislative factors include the organisation's engagement in terrorism, the organisation's ideology, threats to Australian interests and engagement in peace or mediation processes.¹³

Engagement in terrorism

Evidence of the perpetration of serious and systematic human rights violations by 'deep state' ultra-nationalist groups operating with state impunity, has emerged in recent years. Some of these state crimes have been attributed to the PKK. An example of this is the admission of former Turkish Interior Minister Idris Naim Sahin who stated that during his time in office in 2009 the National Intelligence Organisation (MIT) was behind the Molotov cocktail attack which killed a passenger, Serap Eser, on a municipal bus in Istanbul.¹⁴ At the time the Turkish government was quick to attribute this act of "terrorism" to the PKK.

We do not claim that the PKK has not committed any of the acts of violence which are listed on the Statement of Reasons. As per the Geneva Convention it is in fact expected that during a conflict between combatants military personal are targets. The war in South East Turkey can be described as a war between the occupying Turkish Army and the Kurdish guerrillas. During this conflict the PKK have not targeted civilians but we accept that civilians have been harmed by the conflict. We do put it to the Committee however, that there are at issue serious claims of state sponsored crime, which have been attributed to the PKK by Turkey. If the decision to re-list the PKK is based on the list of violent acts in the Statement of Reasons, then

¹² www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/ProtocolForListingTerroristOrganisations.aspx

¹³ Ibid

¹⁴ http://www.todayszaman.com/anasayfa_former-interior-minister-serap-eser-was-killed-by-mit-member_370359.html

the Committee has a responsibility to ascertain their truth. An example of an absurd allegation listed is that the PKK have kidnapped more 300 children. This allegation has only ever been made by the Turkish security forces and no independent body has verified this allegation. Given the widely acknowledged violations of human rights and state sponsored impunity for repression against Kurds, the Committee must systematically assess the nature and extent of the Turkish state's engagement in acts of terror which it attributes to the PKK. We have outlined only one contested incident. In the absence of ASIO's provision of reliable sources of information, it would appear to be a gross breach of procedural fairness if the Statement of Reasons were based on even some, at best, inaccurate information.

Ideology

The PKK's objectives include autonomy for Kurds within Turkey and seek to promote and advance the rights of Kurds living in Turkey, specifically the right to maintain ethnic identity.¹⁵

It is important to highlight the PKK is the only secular organisation on the Australian terrorist list and that all other groups are jihadist movements. It is accepted that the PKK does not pose any direct threat to Australian interests.¹⁶ Therefore, we are unsure why the PKK which promotes secularism and gender equality is listed together with the jihadist groups which call for attacks against our very own way of life here in Australia.

We submit that the Committee should take into account the significance of the PKK's present objectives towards a peaceful democratic solution to the Kurdish question in Turkey and also its brave defence of the Kurdish people in Iraq and Syria. Critically, this platform is the basis upon which the PKK has called for involvement in present negotiations for resolutions of the conflict, discussed below.

Engagement in peace process

The current Statement of Reasons for this relisting has failed to mention that an historic opportunity for achieving resolution of the Kurdish conflict appears to be emerging according to informed observers.

On the eve of 2012 the Turkish State announced that they were in peace negotiations with the jailed leader of the PKK Abdullah Ocalan and soon after the PKK announced they would be withdrawing their fighters from Turkey.

¹⁵ <http://www.nationalsecurity.gov.au/Listedterroristorganisations/Pages/KurdistanWorkersPartyPKK.aspx>

¹⁶ Ibid.

Importantly both sides have realised that neither can beat the other outright and indicate that they want to end the armed conflict.¹⁷ More must be done to define common end goals and show real public commitment to what will be difficult compromises.

There remain many challenges in achieving a lasting peace and vested interests¹⁸, particularly among the military and political actors, may still prevent a resolution as we have seen with the recent Turkish bombing of Kurds under the pretext of fighting the Islamic State. Recently the PKK have stepped up their calls for the resumption of the peace process and have requested US support to bring both the Turkish and Kurdish sides to the negotiation table.¹⁹ In this context the expectation of Kurdish Australians is that the Australian government along with allies such as the US play an active role in mediating a peace process where grievances can be heard and lasting peace established. The proscription of the PKK only hinders the constructive role Australia can play in bringing an end to this conflict.

PKK role in the fight against Islamic State (IS)

The PKK has increased its popularity amongst not only Kurds but across the world due to its courageous defence of the people of Iraq and Syria against attacks from Islamic State and like-minded jihadi groups.

Who can forget the Yezidis stranded on Sinjar Mountain escaping the Islamic State attack. When other armed groups such as the Peshmerga and Iraqi army abandoned the Yezidi people it was the PKK fighters who defended the Yezidi and secured the safe evacuation of over 40,000 people stranded.²⁰ The humanitarian corridor was achieved by the PKK together with the aid of US airstrikes. The PKK continues to play a vital role in protecting thousands of civilians from the horrors of jihadi extremism. Whether it is Kobane in Syria or Kirkuk or Mosul in Iraq the PKK is active on many fronts protecting not only the Kurds but also the Assyrians, Arabs, Yazidi and Kakai who live in the region.

The brave sacrifice made by the PKK in this struggle has won it greater popularity and raises the appropriateness of the terror listing of this organisation.

¹⁷ <http://www.crisisgroup.org/en/regions/europe/turkey-cyprus/turkey/234-turkey-and-the-pkk-saving-the-peace-process.aspx>

¹⁸ <http://www.frontpagemag.com/fpm/259868/america-tool-turkish-domestic-policy-robert-ellis>,
http://www.nytimes.com/2015/08/06/world/middleeast/turkey-recep-tayyip-erdogan-airstrike-pkk-isis.html?_r=0

¹⁹ <http://www.hurriyetdailynews.com/pkk-calls-on-us-to-be-part-of-kurdish-peace-process.aspx?pageID=238&nID=86561&NewsCatID=338>

²⁰ <http://www.washingtonpost.com/blogs/worldviews/wp/2014/08/11/a-u-s-designated-terrorist-group-is-saving-yazidis-and-battling-the-islamic-state/>

We here in Australia have firsthand experienced the danger posed by IS and other jihadi groups. The PKK is a force which has successfully repelled these groups but also damaged their organisational capacity. This further highlights that in the context of this fight against global Jihadism the listing of the PKK is inappropriate.

We note the Federal government is considering extending our fight against Islamic State into Syria. The relisting of the PKK in this context is illogical as the only effective ground force against the Islamic State are the Kurds, some of which are aligned with the PKK.

The delisting of the PKK could provide an opportunity for direct cooperation with the US and Australia against IS.

CONCLUSION

The listing of the PKK not only criminalises Kurdish Australians, but also prevents 'freedom of political expression and association'²¹ and for Australians to speak out against the human rights violation towards oppressed people, such as the Kurds. It would be in the interests of all Australians for the Parliament to re-evaluate Anti-Terrorism Act and the proscription of PKK in the terrorist organisation list, by taking into account public opinion and engaging in depth research and analysis.

Furthermore we strongly maintain that our government should not ally itself with oppressive regimes, and should take into account all independent research and information when investigating its citizens, and not base its opinions on information solely provided by biased governments with vested interests.

In accordance with the United Nations Charter the PKK struggle has always been a legitimate struggle for self-determination.

Furthermore it is our government's responsibility to provide the security for all Australians. The Kurdish people fled their countries of origin due to experiencing racial and political oppression, and were subsequently taken in by Australia. Now the Kurdish people are at risk facing the same allegations and charges that they used to experience, particularly in Turkey. We believe this is a very important dilemma that the Australian Government needs to resolve.

In recent months, Australian Kurds have been pleased that the Australian government is supporting Kurds in Iraq in the battle against the Islamic State. However, the relisting of the PKK will lead to the renewed demonization of the Kurdish community in Australia. The PKK is an important partner for all those battling Islamic State in Iraq and Syria and in this context its position on the terror list is unjustified.

²¹ Article 19 of International Covenant on Civil and Political Rights