

# **TURKEY: ENDING THE PKK INSURGENCY**

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## TURKEY: ENDING THE PKK INSURGENCY

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

A surge in violence has dashed plans for a negotiated end to the 27-year-old Kurdistan Workers' Party (Partiya Karke-rên Kurdistan, PKK) insurgency. Since Turkey's elections in mid-June, clashes have killed more than 110 people, country-wide ethnic friction has hardened opinion, and the government has started bombing PKK bases and talking about an imminent ground offensive in northern Iraq. The PKK must immediately end its new wave of terrorist and insurgent attacks, and the Turkish authorities must control the escalation with the aim to halt all violence. A hot war and militaristic tactics did not solve the Kurdish problem in the 1990s and will not now. A solution can only lie in advancing the constitutional, language and legal reforms of the past decade that have gone part way to giving Turkish Kurds equal rights. Given the recent violence, returning to a positive dynamic requires a substantial strategic leap of imagination from both sides. Neither should allow itself to be swept away by armed conflict that has already killed more than 30,000 since 1984.

The Turkish Kurd nationalist movement must firmly commit to a legal, non-violent struggle within Turkey, and its elected representatives must take up their seats in parliament, the only place to shape the country-wide reforms that can give Turkish Kurds long-denied universal rights. The Turkish authorities must implement radical judicial, social and political measures that persuade all Turkish Kurds they are fully respected citizens. They should reach out to non-violent nationalists and not abandon long-standing negotiations on disarmament with the PKK, including its jailed leader, Abdullah Öcalan. Although justified in acting resolutely to block the PKK's recent attacks, the authorities must avoid falling into the trap of tit-for-tat escalation. Many big Turkish strikes against PKK bases in northern Iraq solved nothing in the past. As the more powerful party, the authorities should instead take the lead in creating opportunities to end the fighting.

For all its gaps, flaws, and unravelling since late 2009, the promises of the Democratic Opening developed by the ruling Justice and Development Party (Adalet ve Kalkınma Partisi, AKP) remain the best way forward. That initiative counts as Turkey's most credible attempt to heal the open wounds of conflict between the state and its estimated 15-

20 per cent Kurdish-speaking population. This report details more than a dozen concrete steps it has involved so far, including broadening access to Kurdish-language television, legislating the right to make political speeches in Kurdish and overseeing an end to almost all torture in Turkish jails. Others have led to a new sense of freedom in Kurdish cities, high-level talks with Öcalan and a greater readiness by mainstream commentators to discuss previously forbidden ideas, like a change in Öcalan's jail conditions after a full peace deal or a federal disposition for the Kurdish-majority south east.

The outline of a deal to end the insurgency that was also under negotiation – an end to the fighting, major legal reforms, an amnesty and Turkish Kurd acceptance to work within the legal Turkish system – remains the best long-term outcome for both sides. But while making these reforms, the authorities have arrested hundreds of Turkish Kurd nationalists, including many elected municipal officials and other nationalist party members. More than 3,000 nationalist activists are behind bars, many punished as “terrorists” for the non-violent expression of opinions under laws for which the AKP is responsible. On the other hand, what should have been the centrepiece of the Democratic Opening – a ground-breaking PKK amnesty in October 2009 – foundered when Turkish Kurd nationalists exploited it for propaganda purposes.

AKP's relatively open-minded approach has won it half the Turkish Kurds' votes, but the government has to go further and fully engage the other half and its representatives, who are the decision-makers in the Kurdish nationalist movement. It should offer educational options that respect Kurdish languages and culture and rewrite laws that unfairly jail nationalists as terrorists. It must also ensure its policies are fully implemented by all military, judicial and state bodies. Otherwise, as developments since the June 2011 elections show, the nationalists will feel unconvinced and threatened and be unready to reach a compromise deal.

AKP leaders must also speak out to convince mainstream Turkish public opinion that reform is essential to resolve the Kurdish problem; granting universal rights is not a concession; Turkish is not being undermined as the country's official language; and almost all Turkish Kurds wish

to continue living in a united Turkey. The government must order the security forces to try whenever possible to capture rather than kill PKK insurgents, and should engage the legal Kurdish nationalist party to the maximum extent.

For its part, the PKK must immediately end its attacks. The broader Turkish Kurd nationalist movement has to make unambiguously clear that targeting civilians, civil servants, police or military on routine patrols are unlikely to win them the greater rights that Kurds crave and deserve. Instead the deputies elected mainly from the Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP) should take their seats in parliament and concentrate on winning change through the government's promised constitutional reforms.

Turkish Kurd nationalists should be specific in their demands and stick to any agreements made, for instance on amnesties for insurgents. They must convince western Turkish opinion that they sincerely have switched from seeking an independent Kurdistan carved out of Turkey, Syria, Iraq and Iran to seeking a democratic future in Turkey. The focus should be on building up a legal national political party, committed to ending the fighting and achieving universal rights through peaceful means.

Members of the international community now play only indirect roles in this conflict. Since 2007, the U.S. has supported its NATO ally, Turkey, with real-time intelligence from aerial reconnaissance of the mountainous border with Iraq, where most PKK fighters are based. EU states have woken up in recent years to the danger of allowing the PKK to raise funds and recruit in Europe. But Turkey will be unable to present itself credibly as the regional democratic standard bearer if it chooses military means alone to try to solve its Kurdish problem. Alongside legitimate security measures, it must fully satisfy the universal human rights of its Turkish Kurd citizens. As the security situation deteriorates in Syria and U.S. troops pull out of Iraq – both countries that have in the past been sources of external Kurdish instability for Turkey – Ankara faces an imperative to take courageous steps to resolve the principal domestic roots of its most urgent and dangerous problem.

## RECOMMENDATIONS

### To the Turkish authorities:

1. Relaunch Turkey's reform program with a clear statement of the long-term aim of granting universal human rights to all ethnic groups and meeting mainstream Kurdish needs through:
  - a) removal of any hint of ethnic discrimination from Turkey's constitution, the Political Parties Law and other regulations;

- b) changing the Anti-Terror Law, Penal Code and other regulations to ensure nobody is charged or jailed with disproportionate sentences as terrorists only for demonstrating, speaking or writing in support of Kurdish nationalist ideas;
  - c) legalising the use of Kurdish or other local languages in all schools where there is sufficient demand while maintaining Turkish as the official first language of education; and
  - d) offering documentation and services in Kurdish and other languages in municipalities and provinces where a majority of the local assembly votes to introduce them.
2. Avoid aerial bombing in northern Iraq against suspected PKK camps and resist popular pressure for ground offensives, or in the case of such action, ensure they are coordinated with Iraqi and other international allies and assiduously avoid hitting civilians and civilian areas.
3. Move from a military to a law-enforcement approach to armed opponents, aiming to capture insurgents alive whenever possible; prepare a full amnesty program; create programs for the rehabilitation of ex-combatants; train police in non-violent methods to deal with protests in the south east; and fully investigate all murders and atrocities in the conflict.
4. Commit to dialogue and compromise with the Turkish Kurd nationalist movement, especially its legitimate representatives in parliament; and lower the 10 per cent national threshold for entering parliament.
5. Work to curb ethnically-tainted media sensationalism about the dispute and ensure equal treatment for all media.
6. Ensure equal treatment of and financial disbursements to all municipalities.

### To the Turkish Kurd nationalist movement:

7. Insist that the PKK end attacks, recommit to its ceasefire, prepare for disarmament and eventual reintegration of insurgents into society and, in the meantime, keep its bases and deployments in northern Iraq far from civilian areas.
8. The Turkish Kurd nationalist parties should commit publicly to working through legal channels and:
  - a) end the practice of political boycotts and allow the nationalist independent deputies to enter parliament;
  - b) work wholeheartedly on constitutional and legal reform towards the goal of universal rights and the removal of any trace of discrimination in favour of any one ethnicity;

- c) avoid statements and actions that are bound to inflame western Turkish opinion; and
  - d) engage with AKP on relaunching the Democratic Opening and end the use of violence in demonstrations, including throwing of stones and Molotov cocktails.
9. Stress that the problem for Kurds is not immediate universal education in Kurdish but official recognition of their Kurmancî and Zazaki languages and the ability of teachers to use such mother tongues in schools.
  10. Dispel any impression that the Turkish Kurd nationalist movement has a partitionist agenda by committing to strengthen legal Kurdish nationalist parties and working within existing government structures.
  11. Draw up specific proposals for improved laws, decentralisation, strengthened local government and educational and economic plans that would improve governance country-wide and could win approval from a majority of Turkish citizens.

**Istanbul/Brussels, 20 September 2011**

## TURKEY: ENDING THE PKK INSURGENCY

### I. INTRODUCTION

The Kurdistan Workers' Party (Partiya Karkerên Kurdistan, PKK) insurgency, and the associated issue of the status of Turkish Kurds, is Turkey's main domestic problem.<sup>1</sup> It has resulted in at least 30,000 deaths since 1984.<sup>2</sup> Following a new rise in tensions after the 12 June 2011 elections, 62 Turkish soldiers and police and up to 170 PKK<sup>3</sup> insurgents have allegedly been killed in clashes. For several days from 17 August, Turkish warplanes attacked PKK bases in northern Iraq. Turkish media is putting pressure on the government to launch a ground offensive into northern Iraq, and the government is making clear that a period of harsher counter-measures is in store.

The escalation threatens a return to past failed policies: the Turkish authorities' long-standing focus on repression of ethnic Kurdishness and military means to fight terrorism,<sup>4</sup> and the Turkish Kurd nationalist movement's refusal to end its reliance on armed struggle and terrorist tactics.<sup>5</sup>

<sup>1</sup> "Whether you call it a terror problem, a south-eastern Anatolia problem or a Kurdish problem, this is the first question for Turkey. It has to be solved", President Abdullah Gül, *Yeni Şafak*, 9 May 2009.

<sup>2</sup> Officially, the more than 11,700 killed on what is described as the government side include more than 5,700 mostly Turkish Kurd civilians, 4,200 soldiers, 1,300 state-backed Village Guard militia and 200 police. The PKK rarely gives casualty figures, and the Turkish government figure of about 30,000 PKK dead seems to include exaggerated claims from the 1990s. A senior Turkish general has on different occasions given total PKK deaths as 30,000 and 40,000. A commentator has said that "this numerical confusion is yet another indicator of the total lack of [Turkish] policy and strategy towards the [Kurdish] problem". Hüseyin Yayman, "Türkiye'nin Kürt Sorunu Hafızası" [A Collective Memory of Turkey's Kurdish Problem], *Siyaset, Ekonomi ve Toplum Araştırmaları Vakfı (SETA)*, February 2011, p. 57.

<sup>3</sup> This figure includes 90 of the "90-100" insurgents that the Turkish Armed Forces estimated it killed in the six days of air attacks in northern Iraq. The PKK said it lost only three fighters in these raids.

<sup>4</sup> For a collection (in Turkish) of Turkish official reports on the need to assimilate the Kurds and force them to abandon their ethnic identity, see Hüseyin Yayman, *op. cit.*, pp. 63-170.

<sup>5</sup> For previous reporting on Turkey's Kurdish problem, see Crisis Group Middle East Report N°81, *Turkey and Iraqi Kurds: Conflict or Cooperation?*, 13 November 2008; Crisis Group

Yet as recently as 2009, the same parties came closer than ever to ending this debilitating conflict. The central dynamic was the Democratic Opening of the ruling Justice and Development Party (Adalet ve Kalkınma Partisi, AKP), a set of reforms principally to benefit the Kurdish community and apparently including a negotiated settlement deal with the PKK.

This report focuses on the tangled struggle that pits the Turkish authorities against the Turkish Kurd nationalist movement. On one side are the Turkish government, armed forces, state bureaucracy and judiciary, on the other the Turkish Kurd legal political parties, the outlawed insurgents and the millions of Turkish Kurds who sympathise with them. Although Turkey has not collected ethnic data in censuses since 1965,<sup>6</sup> Turkish Kurds are estimated to be eleven to fifteen million of its 74 million people, about half living in the south east<sup>7</sup> and half in western cities.

The Turkish Kurd nationalist movement is not monolithic, however. The dominant figure is PKK leader Abdullah Öcalan. Charisma, ruthless tactics, talent for self-preservation and occasional support of states and organisations hostile to Turkey have made him the most redoubtable

Europe Report N°197, *Turkey and Europe: The Decisive Year Ahead*, 15 December 2008; and Crisis Group Europe Report N°184, *Turkey and Europe: The Way Ahead*, 17 August 2007.

<sup>6</sup> "The Turkish Government does not collect, maintain or use either qualitative or quantitative data on ethnicity. Although acknowledging that disaggregated data on ethnicity may facilitate devising policies for special measures targeting a specific group ... it is believed that this is a sensitive issue, especially for those nations living in diverse multicultural societies for a long period of time ... Turkey has rather focused on commonalities and common aspirations in the legislative and policy framework, rather than measuring differences and making policies thereon". Comments by the government on the concluding observations of the UN Committee on the Elimination of Racial Discrimination, 30 March 2009.

<sup>7</sup> South-Eastern Anatolia is one of the seven administrative regions of Turkey, including eight Kurdish-majority provinces: Adıyaman, Batman, Diyarbakır, Gaziantep, Mardin, Siirt, Şanlıurfa and Şırnak. The neighbouring region of Eastern Anatolia, comprising Ağrı, Ardahan, Bingöl, Bitlis, Elazığ, Erzincan, Erzurum, Hakkari, Iğdır, Kars, Malatya, Muş, Tunceli and Van, also has ethnic Kurdish majorities.

Turkish Kurd leader of the past century or more.<sup>8</sup> His capture in 1999 and failure to reach a peace deal with the authorities have led to a multiplication of power centres: PKK insurgents in the field, the PKK headquarters in northern Iraq and members in Turkish jails, as well as Turkish Kurd exiles in Europe. Another key player is the main legal Turkish Kurd nationalist political party, Barış ve Demokrasi Partisi (BDP, Peace and Democracy Party), which has an ambivalent, often apparently subservient relationship to the PKK. Yet another is the Demokratik Toplum Kongresi (DTK, Democratic Society Congress), a pro-nationalist platform of hundreds of non-governmental Turkish Kurd organisations and associations. Many Turkish Kurds who vote for other parties, including AKP, sympathise with nationalist goals but abhor PKK tactics.<sup>9</sup>

While the 25-30 million Kurdish speakers of the Middle East can be described as the world's biggest nation without a state, there are many differences between subgroups' histories, cultures and ambitions.<sup>10</sup> The Turkish Kurd-dominated PKK, which controls some 3,000-5,000 insurgents in northern Iraq and Turkey, clearly has some support beyond Turkey, but neither it nor any of its affiliated fronts represents more than a small faction of the region's Kurdish peoples and interests. Even in Turkey, free elections typically show that less than half of Turkish Kurds vote for nationalist parties that share much of the PKK's nationalist, secularist and socialist world view.<sup>11</sup>

The PKK now claims it seeks a future for Turkish Kurds within Turkey, a reflection of the low chance of any pan-Kurdish entity emerging. The Turkish Kurds' enjoyment of greater rights and the autonomy of Iraq's Kurdistan Regional Government since 1991 have strengthened moral solidarity and commercial activity between Iraqi and Turkish Kurds but also accentuated a linguistic fault-line.<sup>12</sup> Business, politics and communications orient Turkish Kurds more towards western Turkey's great metropolises than towards their ethnic cousins in neighbouring Iraq, Iran or Syria.<sup>13</sup>

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<sup>8</sup> "Öcalan tended to be longwinded and his analyses ... convoluted. But Öcalan also simplified the future of the Kurdish struggle[:] there was the problem – Turkey's colonisation of the Kurdish region, coupled with imperialism and capitalism. And the solution – armed struggle and socialism". Aliza Marcus, *Faith and Belief: The PKK and the Kurdish Fight for Independence* (New York, 2007), p. 38.

<sup>9</sup> "In their hearts, all Kurds do still want [recognition of Kurdish rights] ... but independence is not a policy or a goal. With the Turks in this narrow-minded mindset, it [going for independence, federalism] would mean a bloodbath. The Kurds are very tired; there's no appetite for more war". Crisis Group interview, Zeynel Abidin Kızılyaprak, Kurdish intellectual, Istanbul, March 2011.

<sup>10</sup> "Kurds in Turkey have never acted as a unified group or coherent political identity". About half of all the world's 25-30 million Kurds live in Turkey, while eight million live in Iran, four-five million in Iraq, two million in Syria and two million in Europe and Asia. See Nicole F. Watts, *Activists in Office: Kurdish Politics and Protest in Turkey* (Seattle, 2010), pp. xi-xii.

<sup>11</sup> Kurdish nationalist parties consistently win about 6 per cent of the national vote, compared to the Kurds' estimated 15-20 per cent share of the population. "We have a problem with the PKK. They're Stalinist. They force people to close their shops, the extort money from people. And the BDP is the same as the PKK". Crisis Group interview, Turkish Kurd Islamist activist, Van, June 2011.

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<sup>12</sup> "We can easily go [to northern Iraq]. But the girls who go come back saying how different they are. Kurdishness is just a headline". Crisis Group interview, Nebahat Akkoç, Kurdish women's rights activist, Diyarbakır, April 2011.

<sup>13</sup> While seeing the emergence of a "Kurdish economic and cultural zone", one expert observed "deep differences" between the Iraqi and Turkish Kurd communities. Nicole F. Watts, *op. cit.*, p. 174.

## II. THE CURRENT CRISIS

### A. THE HOT SUMMER OF 2011

Many intertwined roots feed the renewed Turkish-Turkish Kurd crisis. The most recent is the breakdown of the first stage of the Democratic Opening and how that has played out since the 12 June 2011 parliamentary elections. But there is also a link to the long history of Turkish repression of Turkish Kurds since shortly after the Republic's founding in 1923 and the PKK's violent campaign against the Turkish government since 1984.<sup>14</sup>

The June elections were initially hailed as a new settlement opportunity. Prime Minister Recep Tayyip Erdoğan's AKP retained power with a solid parliamentary majority, winning a record 49.9 per cent of the vote. He campaigned promising to solve the Kurdish problem, partly through a new, more liberal constitution. The main opposition Republic People's Party (Cumhuriyet Halk Partisi, CHP) embraced the most pro-Kurdish platform in its history. And a record 36 Turkish Kurd nationalists, mostly from the Peace and Democracy Party (Barış ve Demokrasi Partisi, BDP), were elected, including most of the movement's leaders.

Success quickly turned to crisis, however. One of the most radical BDP deputies, Hatip Dicle, was stripped of his seat by the Supreme Election Board because of a conviction on a PKK terrorism charge three days before the election. The other elected Turkish Kurd nationalists felt this was unjust, because the legal basis of the Anti-Terror Law is controversial (see Section VII.A below), and the same Supreme Election Board had explicitly allowed him to stand for election.<sup>15</sup> Five other elected BDP deputies could not immediately take up their seats because they were in pre-trial or preventive detention (as were three deputies from other parties, who have no direct connection to the Kurdish nationalist issue).<sup>16</sup> All BDP deputies decided to boycott parliament and to meet as a group in

the chief Turkish Kurd city of Diyarbakır. The Turkish authorities and the Turkish Kurd nationalist movement entered into a cycle of mutually antagonistic statements.<sup>17</sup>

Signs that both sides were again prioritising the use of force had begun to appear even before the elections, in early May, when army ambushes killed seven PKK fighters in Tunceli and then twelve more just over the Iraq border near Şırnak. There were no military casualties either time and no clarity about what happened, including why these insurgents could not be captured alive. Even some officials believe that the army acted excessively.<sup>18</sup> The violence hardened public opinion in Kurdish society,<sup>19</sup> just as lethal PKK raids have recently done with majority Turkish opinion in the west of the country.

The PKK then attacked Erdoğan's election bus on 4 May, missing the prime minister, who was travelling by helicopter, but killing a policeman. Attacks on outlying military outposts followed. On 5 July presumed PKK gunmen shot dead two Turkish sergeants in the street in Hakkari province; on 9 July the PKK kidnapped two soldiers and a health worker at a roadblock; then on 14 July the PKK ambushed an army unit chasing the suspected abductors. The clash started a fire in the bone-dry hills of Diyarbakır's Silvan district, ending in the deaths of thirteen soldiers and at least two insurgents.

By unfortunate coincidence, earlier that day the Kurdish nationalist movement's main civil society platform, the Democratic Society Congress (Demokratik Toplum Kongresi, DTK), had declared "democratic autonomy" in the region. Turkish political leaders and newspapers howled abuse at the PKK,<sup>20</sup> accusing it of a deliberate one-two blow to destroy chances of a settlement.<sup>21</sup> Over the next

<sup>14</sup> Martin van Bruinessen, *Agha, Shaikh and State: The Social and Political Structures of Kurdistan* (London, 1992); Aliza Marcus, *Blood and Belief: The PKK and the Kurdish Fight for Independence* (New York, 2007); Robert Olson, *The Emergence of Kurdish Nationalism and the Sheikh Said Rebellion* (Austin, 1989); Hugh Pope and Nicole Pope, *Turkey Unveiled: A History of Modern Turkey* (New York, 2011), pp. 245-280; Jonathan Rugman, *Ataturk's Children: Turkey and the Kurds* (London, 2001); Nicole F. Watts, op. cit.

<sup>15</sup> "It's a legally debatable decision, but a politically unacceptable one ... everyone has to respect the will of the people of Diyarbakır". Statement by 133 non-governmental organisations, mostly in the south east, including businessmen, doctors and human rights activists, 27 June 2011.

<sup>16</sup> Pre-trial or preventive detention can last for years, as hearings or trial sessions may be held only every few months.

<sup>17</sup> "Couldn't [the BDP] find anyone else to stand as a candidate? This person is convicted and the status of convicted people [regarding parliament] is clear ... We told them they were taking a wrong step at the time, but they did not listen". Erdoğan, in *Hürriyet Daily News*, 29 June 2011. "If the Turkish state and government do not develop an initiative to address this grave injustice ... this will officially mean a declaration of war against our people". Murat Karayılan, chief of PKK field forces, in *Today's Zaman*, 24 June 2011.

<sup>18</sup> Crisis Group interviews, senior AKP officials, Ankara and Istanbul, May-June 2011.

<sup>19</sup> After the Tunceli killings, tens of thousands at the Diyarbakır funeral of some of the insurgents shouted slogans like "Revenge!". In Şırnak, scores of townspeople defied the army to trek over the Iraqi mountain border to fetch the PKK bodies.

<sup>20</sup> "A Herd of Killers", main headline in *Star*, 15 July 2011. "We have to choose whether we will be on the side of democracy, or on the side of people like this spitting blood and hatred". Cemil Çiçek, speaker of parliament, *Bugün*, 14 July 2011.

<sup>21</sup> According to one agency that exceptionally gives news from all sources, "the common point of all newspaper front pages, the clash in Silvan was the only factor axing the peace process



two days, Turkish nationalist youth gangs, often reacting to false reports of deaths or exaggerated allegations on internet social media, attacked BDP party buildings and some Kurdish businesses in at least seven major cities.<sup>22</sup> At the Istanbul Jazz Festival on 15 July, a well-known Kurdish singer was forced off the stage by an audience booing and singing the Turkish national anthem.

The PKK escalated the violence in August and September. Road blocks became common again, with insurgents kidnapping more than a dozen people.<sup>23</sup> Several soldiers and police were killed as the PKK attacked a police station in Diyarbakır province, ambushed the convoy of a district prefect in Van province, fired rocket-propelled grenades at the home of a district prefect in Bitlis province, murdered two off-duty police officers while shopping in Hakkari province, and seized a 56-year-old part-time Village Guard militiaman at a road-block in Tunceli province and executed him. Spraying machine-gun fire during an evening football game in Tunceli province in September, they killed a policeman on the field and his wife among the spectators, and injured eight others, three seriously.

The deadliest attack took place on 17 August, when a sophisticated ambush of a military convoy near Hakkari killed eight soldiers and a Village Guard militiaman. The next day Turkey began aerial bombardment of PKK bases on the Qandil Mountains of northern Iraq, accompanied by cross-border shelling. Troop movements towards the Iraqi border were reported in September, accompanied by reports about an imminent cross-border operation.

## B. TRYING ALL THE WRONG ROADS FIRST

Turkish authorities and the Turkish Kurd nationalist movement have already tried to defeat each other using force alone, and this proved to lead only to new conflict. The present cycle arguably began during the post-coup military government at the beginning of the 1980s, reached its violent peak in the mid-1990s and, in the late 2000s, appeared at last to be heading in a positive direction under the Democratic Opening.

Under military rule in 1980-1983, the murder, torture and humiliation in jails in Diyarbakır and elsewhere in the south east radicalised Turkish Kurds. Those abuses are

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... ignoring other factors like judicial exclusion of elected MPs, the full-speed ahead arrests [of Kurdish political activists]”. *Bağımsız İletişim Ağı (BIA)*, 15 July 2011.

<sup>22</sup> Police protected the buildings, and several people were injured.

<sup>23</sup> The PKK kidnapped sixteen people between 9 July and 6 September. Six were released, one (a taxi driver) was found dead, and nine were still missing. *Bağımsız İletişim Ağı (BIA)*, 6 September 2009.

only beginning to be understood by mainstream Turkish public opinion.<sup>24</sup> Some Kurds fled to Europe, where a new intellectual elite took root. A few went to Syria, Turkey’s Cold War enemy. Damascus embraced the most notable of these, Abdullah Öcalan, who through the 1970s had built up a small group of leftist Turkish Kurd revolutionaries that in 1978 became the PKK.

After a first raid inside Turkey in 1984, the PKK gradually escalated the tempo of attacks. A second phase in 1991-1999, during which most of the casualties so far have occurred, followed the PKK’s acquisition of bases and weaponry in the confusion of post-Gulf War Iraq. Turkey’s coalition governments in that decade squabbled, and decision-making was gradually devolved on to security chiefs determined to crush the insurgency.<sup>25</sup> Security forces emptied 3,428 villages and hamlets,<sup>26</sup> and the fighting forced about one million Turkish Kurds off their lands.<sup>27</sup> Torture of jailed suspects was systematic, and hundreds of nationalists were killed by shadowy death squads. This military approach reached its logical climax in 1998, with a Turkish threat of war against Syria unless it handed over Öcalan. Damascus expelled the PKK chief, but not to Turkey.

The hot war phase ended in 1999, when Öcalan was captured in Kenya.<sup>28</sup> The PKK announced a ceasefire, and the crisis gave way to official complacency toward reaching a negotiated settlement. In 2004, the frustrated PKK – by now designated as a terrorist organisation by the EU and U.S. – ended its ceasefire, switching to shaky unilateral truces mixed with sporadic terrorist attacks on civilians, roadside bombings and major hit-and-run raids on border outposts, occasionally carried out with affiliated groups. Turkish armed forces resumed air strikes against the PKK in northern Iraq and conducted a big ground offensive in

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<sup>24</sup> A 2009 film about the abuses in Diyarbakır jail, “Prison No. 5: 1980-84”, directed by Çayan Demirel, won the best documentary prize in the 2010 Ankara International Film Festival.

<sup>25</sup> “Are we supposed to fight terrorism by using bug spray?” Mehmet Açar, former interior minister and police chief, *Eurasia News*, 29 November 1998.

<sup>26</sup> “Remedies to be undertaken on the basis of research into the problems of citizens who have migrated as a result of evacuation of settlements in eastern and southeastern Anatolia”, report submitted to the Turkish parliament by the assembly’s Commission on Migration, 14 January 1998.

<sup>27</sup> A low Turkish government figure of 355,000 reflects the number directly moved by security forces; the highest estimate of 4.5 million counts everyone indirectly affected. For a full discussion of the figures, see “Profile of Internal Displacement: Turkey”, Global IDP Database of the Norwegian Refugee Council, 2005.

<sup>28</sup> Öcalan sought refuge in several countries, stopping over in Russia, Greece, Italy and then Kenya, where he was hosted by Greek diplomats before his capture.

February 2008.<sup>29</sup> Nevertheless, beneath the surface, many attitudes were changing:

People's mentality doesn't always change quickly. But over 30 years of conflict much has changed .... The Turks now know who the Kurds are. The old Turkish jibe about Kurds "having tails" doesn't wash any more, the business of not giving your house, your women to Kurds is no longer applicable. The two peoples have common jobs, common capital. The PKK let go of its independent Kurdistan goal ... the state also left its status quo policy. Wars are also about societies getting to know each other.<sup>30</sup>

### III. THE DEMOCRATIC OPENING

AKP's November 2002 election victory set the stage for a new approach. For the first time in a decade, a pan-Turkey party emerged with substantial support in Kurdish-speaking areas. Its ideology stressed a common Muslim or civic brotherhood in which ethnicity was secondary.<sup>31</sup> Its leaders had little responsibility for the calamities of the 1990s and initiated a period in which pro-EU reforms substantially cut human rights abuses.<sup>32</sup>

AKP was also helped by the impact on the south east of speedy economic growth. Diyarbakır and Van now boast new private hospitals, shopping centres and a bustling sense of prosperity that was entirely absent a decade ago. Young people promenaded late into the evening in bright-lit city centres, even in the distant city of Hakkari in the mountainous corner of Turkey, next to Iraq and Iran. Hikers in 2010 inaugurated an annual five-day Hakkari-Van trek through the beautiful mountain pastures, an idea unthinkable just a few years ago.

At the same time, Turkey as a whole benefited from the 2000-2004 reforms undertaken to gain the start of EU accession negotiations, including an overhaul of the legal system.<sup>33</sup> The Extraordinary Situation Region (Olağanüstü Hal Bölgesi, OHAL) designation was lifted from the last two provinces of south-eastern Turkey where it applied,<sup>34</sup> the death sentence was abolished, and some early, partial steps towards freer broadcasting and education were implemented.<sup>35</sup> A businessman said:

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<sup>31</sup> "[Kurdishness] is a sub-identity. We must not confuse sub-identity with supra-identity. They must all be viewed as a whole, as citizens of the Republic of Turkey". Erdoğan, speech in Diyarbakır, 21 August 2005. Some also describe this approach as *ümmetçi*, trying to forge solidarity on the basis of joint membership of the Muslim *umma* (Islamic community).

<sup>32</sup> "There are very few cases of torture now". Crisis Group interview, Emin Aktar, lawyer and president of the Diyarbakır bar, Diyarbakır, May 2011.

<sup>33</sup> In the February 2008 Accession Partnership, the EU stated that Turkey should "develop a comprehensive approach to reducing regional disparities, and in particular to improving the situation in southeast Turkey, with a view to enhancing economic, social and cultural opportunities for all Turkish citizens, including those of Kurdish origin".

<sup>34</sup> Since 1925, the region had mostly been under some kind of martial law or emergency rule, with foreigners completely banned until 1964.

<sup>35</sup> Turkey's first permission for Kurdish-language broadcasting, 45 minutes per day on a minor state channel, was the result of a promise to the EU. "To just get this passed was like pulling teeth; it took forever; everyone had an objection. Now there's TRT6 [the 24-hour state Kurdish channel], and nobody says a thing".

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<sup>29</sup> See Crisis Group Report, *Turkey and Iraqi Kurds*, op. cit., pp. 8-10.

<sup>30</sup> Crisis Group interview, Abdullah Demirbaş, Sur Municipality mayor, Diyarbakır, May 2011.

The EU won't solve the Kurdish problem, but it will supply the right democratic groundwork. AKP did things [for the Kurds] because it was required by EU law. It's good for Turkey and good for the Kurds. We want democracy, the key to solving problems.<sup>36</sup>

## A. BACKING INTO A BIG STEP FORWARD

In 2005, Erdoğan signalled a change in policy on the Kurds that led to the launch of the Democratic Opening in July 2009.<sup>37</sup> In 2005-2006, he replaced the military team holding exploratory talks with jailed PKK leader Öcalan with one led by civilian intelligence agents closer to him.<sup>38</sup> He supported a new constitution after the 2007 election, whose draft removed many hints of ethnic discrimination.<sup>39</sup> That constitutional effort collapsed, however, as AKP made it its priority to elect Abdullah Gül as president. In March-July 2008, AKP was again distracted as it fought for its political life against a closure case heard by the Constitutional Court.<sup>40</sup>

AKP accompanied its outreach to the Kurds with continued military pursuit of the PKK. In October 2007, Erdoğan negotiated new U.S. live video feeds from drones and satellites of any movement along the inaccessible Iraq-Turkey mountain border.<sup>41</sup> At the same time, he normalised polit-

ical relations with the Iraqi Kurds, with whom Turkey has developed a thriving commercial relationship since the early 1990s.<sup>42</sup> Since the PKK's main camp is in northern Iraq, and the Iraqi Kurds are influential among Turkish Kurds, that rapprochement had both strategic and moral value.<sup>43</sup> Turkey's coordination with Iran and Syria also increased.<sup>44</sup>

AKP again began an effort to win over the Turkish Kurds in January 2009, when it launched a 24-hour state-run Kurdish language television channel. In March 2009, President Gül flagged the coming Democratic Opening, repeatedly promising "good things" were on the way.<sup>45</sup> From his inaccessible mountain base in northern Iraq, Murat Karayılan, the organisation's political and military field commander, declared the PKK too wanted peace.<sup>46</sup>

In his preface to AKP's pamphlet on the Democratic Opening, Erdoğan left no doubt that the policy was all about ending a debilitating domestic conflict that, aside from the human casualties, he said had cost the country \$300 billion:

We are exhibiting a courageous and determined intention to put an end to endless argument, deaths and pain. We are not calculating [domestic political advantage]; we are willing and sincere ... we want ... to put an end to the deaths of young people ... to make sure that the sons we send off to serve in the army with heartfelt celebrations do not come back home in bemedaled coffins ... that mothers do not weep ... we want every cit-

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Crisis Group interview, Beşir Atalay, former interior minister, Ankara, May 2011.

<sup>36</sup> Crisis Group interview, Turkish Kurd businessman, Diyarbakır, May 2011.

<sup>37</sup> "The Kurdish problem is my problem too ... we will relax this area. Turkey has always looked through the security window; we will look through a different window". Erdoğan speech, Diyarbakır, 12 August 2005.

<sup>38</sup> This was accompanied by contacts with the PKK in Europe and in northern Iraq. Cengiz Çandar, "Dağdan iniş – PKK Nasıl Silah Bırakır: Kürt sorunu'nun şiddetten arındırılması" [Coming Down from the Mountain – How the PKK Can Disarm: the de-violencing of the Kurdish problem], Türkiye Ekonomi ve Sosyal Etüdler Vakfı (TESEV), June 2011.

<sup>39</sup> This draft constitution specified that Turkish would be the "official" language (not the "state" language); stressed first of all equality for all ethnicities and languages; and suggested that an individual could either be called "a citizen of Turkey" or a "Turk, without regard to ethnic or religious differences".

<sup>40</sup> "The March 2008 closure case [brought against AKP before the Supreme Court on grounds of Islamism] really dragged us down, as did the domestic opposition". Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>41</sup> "It is post's view that the military success against the PKK, supported by our intelligence-sharing operation, has given the civilians the political space to explore this [Democratic] opening and to deal directly with Masoud Barzani and other Iraqi Kurds". U.S. embassy Ankara cable 0261123, as published by Wikileaks, 26 January 2011. Nevertheless, Turkish suspicions remain high that the PKK are somehow still the pawns of foreign powers that seek to undermine Turkey. For instance see

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"No way!" to those seeking to destabilise Turkey", *Today's Zaman*, 21 August 2011.

<sup>42</sup> See Crisis Group Report, *Turkey and Iraqi Kurds*, op. cit.

<sup>43</sup> "It was a paradigm shift". Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>44</sup> "Iran really helped out. They have their own big problem with [the PKK-aligned Iranian Kurd insurgent group] PJAK; Iran said, 'we can work together'. We got the same from Syria". Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011. Iran feels threatened by PKK ideology that sees Iranian territory as part of its pan-Kurdish system; PKK support for the anti-Iranian insurgents of Party for a Free Life in Kurdistan (Partiya Jiyana Azada Kurdistanê, PJAK); and attacks, including two PKK-claimed August 2011 bombings of the Turkey-Iran gas pipeline. Iran frequently conducts operations against PKK/PJAK bases on Iraq's Qandil Mountains, close to its border, including major operations in July-September 2011.

<sup>45</sup> "There will be many good things on the Kurdish problem in the coming days", *Yeni Şafak*, 11 March 2009. "Everybody in the state is now talking to each other more frequently and openly ... soldiers, civilians and the intelligence community. In such an atmosphere, good things happen". *Yeni Şafak*, 9 May 2009.

<sup>46</sup> Interview with Hasan Camal, *Milliyet*, 5 May 2009.

izen ... to feel like a first-class citizen and to work for our country.<sup>47</sup>

## B. BUILDING PUBLIC SUPPORT

In July 2009, Erdoğan summoned several ministers to his residence to put the final touches on the Democratic Opening.<sup>48</sup> On 29 July, Interior Minister Beşir Atalay gathered the media to announce a “broadening and strengthening of our citizens’ democratic rights and ensuring that each of our citizens, wherever they live, feel themselves to be equal and free individuals of the state”.<sup>49</sup> On 1 August, a broad group of civil society activists and intellectuals met Atalay at Ankara’s Police Academy to discuss the project.<sup>50</sup> The optimism that day was reflected by veteran commentator Hasan Cemal, a leading Turkish proponent of a Kurdish compromise: “this is the first time the Turkish government approaches the Kurdish problem so seriously”.

In parliament, Prime Minister Erdoğan gave eloquent support to the idea.<sup>51</sup> AKP sponsored a rare parliamentary discussion of the Kurdish issue, where the interior minister promised reforms, such as a commission to combat discrimination, lifting obstacles to all-day broadcasting by private channels in languages other than Turkish and creating a new, non-discriminatory constitution. Erdoğan described the process as “a new beginning for Turkey”.<sup>52</sup>

From jail, Öcalan let it be known he had decided on a compromise: “The Kurds will recognise and accept the state [of Turkey]. The state will accept the Kurds democratic right to be a people. They will meet and agree on this middle ground .... in the old days I thought everything would be solved if the Kurds set up a state ... [but

now] I wouldn’t accept a federal state like [the Iraqi Kurds] have even if they gave one”.<sup>53</sup> On 15 August 2009, he also gave the Turkish authorities what he described as a 55-page roadmap to peace.<sup>54</sup>

Minister Atalay said the Democratic Opening was always meant to be more inspirational than a detailed plan,<sup>55</sup> and a certain ambivalence was apparent even in the history of its name.<sup>56</sup> It took a soft approach that a Kurdish intellectual applauded because it liberated the issue from statist, leftist, Islamist and other ideological models.<sup>57</sup> Ahead of the first July 2009 discussion, a businessman participant was specifically told not to prepare any material. Atalay’s personal call to Turkish Kurd sociologist Mazhar Bağlı gave him only two days to cancel a foreign trip and get to the Police Academy; later, appointed as a ranking AKP official, Bağlı would tour all 81 of Turkey’s provinces trying to explain party policy.<sup>58</sup> A sociologist by training, Atalay met 500 people altogether and changed many cen-

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<sup>53</sup> Abdullah Öcalan, statement through lawyers, Bağımsız İletişim Ağı (BIA), 17 August 2009.

<sup>54</sup> The plan envisages a ceasefire; a Truth and Reconciliation Commission authorised by the Turkish parliament to put in place amnesty provisions; a multinational force to arrange the withdrawal of PKK insurgents; the release of PKK prisoners from jail; legal and constitutional reforms; the gradual repatriation of PKK members free to engage in legal politics; and “a reasonable solution” to “the situation of Abdullah Öcalan”. Excerpts in Cengiz Çandar, “Dağdan iniş”, op. cit., pp. 91-95.

<sup>55</sup> “We didn’t have a thematic idea”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011. “The Kurdish initiative was launched without thinking, without being filled up. It’s very much an AKP thing”. Crisis Group interview, Hasan Kanbolat, Centre for Middle Eastern Strategic Studies (Ortadoğu Stratejik Araştırmalar Merkezi, ORSAM), Ankara, March 2011. “It can’t be written down. It’s a social thing. It’s to prepare public opinion, so that an empathy can begin to develop, so that everything can be discussed, a federation, mother-language education. A written bill just won’t pass in parliament now, and then you’d lose votes in the election. So you wouldn’t achieve anything. Now demands and reactions are coming forward. The government is learning what can and cannot be done”. Crisis Group interview, İhsan Arslan, former AKP Diyarbakır deputy, Ankara, March 2011.

<sup>56</sup> The initiative was dubbed the “Democratic Opening” by Atalay, the “Kurdish Opening” by the media, and eventually the “National Unity and Brotherhood Project” by AKP.

<sup>57</sup> “If Turkey becomes a normal state, we can sit down and talk. That’s why the Kurds wanted the EU process. My faith is in Turkish society, which is very light-footed and open, not the state and its heavy, legalistic mindset. That is the solution, in fact. We need psychological freedom as much as legal freedoms”. Crisis Group interview, Zeynal Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>58</sup> “The first step has to be removing psychological obstacles. To accept the Kurdish problem and recognise it .... What is the optimal level [for compromise]? What’s the limit? This is not known”. Crisis Group interview, Diyarbakır, May 2011.

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<sup>47</sup> “The Democratic Initiative Process”, AKP, Ankara, February 2010.

<sup>48</sup> “We decided to go ahead there. He turned to me. He told me the place to solve it is the parliament; talk to the party, talk to civil society. We had a lot of support; it was really encouraging”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>49</sup> News conference, CNN Türk, 29 July 2009.

<sup>50</sup> Turkish Kurds had “lost their trust in the state. This helped the PKK. For the first time, the state faced up to itself and said, ‘I did the wrong thing’”. Crisis Group interview, senior Turkish official, Ankara, May 2011.

<sup>51</sup> Erdoğan lauded the Kurds’ and Turks’ shared Muslim religion, recalled a joint history on the same side in epic battles, praised famed Kurdish singer Şivan Perwer and lyrically described the Kurdish geography. “We wish to flow towards peace and brotherhood like the Tigris and Euphrates .... if we are not going to look for a settlement in this problem, what problems are we going to try to solve, can you tell me? .... we are going to succeed, whatever the cost”, speech to parliamentary group, 11 August 2009.

<sup>52</sup> Parliamentary debate, 13 November 2009.

trally appointed officials in the region.<sup>59</sup> Participants did not doubt his sincerity:

I went to all the meetings, with the president, the speaker of parliament, the prime minister when he came to Diyarbakır, talked five times with the interior minister. The first [with the interior minister] was scheduled for three hours, went on for seven hours. Everybody said what they wanted, whether they wanted Öcalan freed, or moved to house arrest, the “unidentified perpetrator” killings, the prison conditions, poverty, amnesty. He listened very carefully, writing things down.<sup>60</sup>

The Democratic Opening had three main headings: language, education and the media; criminal justice and the question of an amnesty; and political participation. Two years on, more than a dozen AKP steps forward on the Kurdish issue can be identified as a real new approach.<sup>61</sup> AKP leaders clearly see it as that, and as a way to cement Turkey’s international reputation.<sup>62</sup> A central feature of the party’s approach was to offer legal reforms that would remove the cause of Kurds’ sense of discrimination and unjust legal actions.<sup>63</sup> Still, while focusing on brotherhood in Islam<sup>64</sup> and some cultural rights, it made few concessions on security.<sup>65</sup> And within months, the initiative had stalled, leaving both sides bitter and questioning each other’s sincerity.

## C. FALLING AT MANY FENCES

On 24 October 2009, what should have been the Democratic Opening’s first main act began at the Turkish-Iraqi border gate of Habur. The Turkish authorities and the PKK leadership had negotiated the arrival of 34 Kurds as an initial step toward the PKK’s “coming down from the mountains”, that is, ending their insurgency. Eight were PKK fighters; 26 came from the 10,000 or so residents of the PKK-dominated refugee camp at Makhmour in northern Iraq.

The PKK fighters turned up in their uniforms. The then main Turkish Kurd party, the Democratic Society Party (Demokratik Toplum Partisi, DTP), sent buses that helped several thousand supporters come to celebrate. Top nationalist officials and amnesty-seeking PKK insurgents appeared on top of one bus and said they would take a “message of peace” to leaders in Ankara and tour elsewhere in the country. The Turkish Kurd nationalist movement says it had chosen the fighters with the cleanest Turkish criminal records,<sup>66</sup> that it understood returnees would be free to go into politics, and the emotional displays were natural jubilation that decades of conflict might end.<sup>67</sup>

The Turkish authorities, who thought they had agreed with the PKK that the returnees would go quietly back to their villages (see Section VII.B below), felt betrayed, angry and undermined<sup>68</sup> as sensationalist Turkish media broadcast what appeared to western Turkish opinion as PKK victory celebrations.<sup>69</sup> AKP’s attempt to use the rhetorical sym-

<sup>59</sup> Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>60</sup> Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, April 2011.

<sup>61</sup> “AKP’s proposal to solve the Kurdish issue – the idea of the compassionate and generous republic (plus a little decentralisation) – seems to be supported by the CHP and National Security Council and the supportive media”. Mesut Yeğen, Şehir University expert, “Kürt siyaseti: Yeni denizlere doğru” (Kurdish politics: towards new seas), *Taraf*, 5 June 2011.

<sup>62</sup> “Without solving this we can’t be a model state in the region. Beşir Atalay, news conference, CNN Türk, 29 July 2009.

<sup>63</sup> Crisis Group interviews, AKP and government officials, March-May 2011.

<sup>64</sup> “There is an ethical obligation we have to each other based in our brotherhood in religion”, Mehmet Görmez, chief of Turkey’s religious affairs directorate, speaking at the opening of a new “Supreme Religious Specialisation Centre” in Diyarbakır, *Today’s Zaman*, 1 May 2011.

<sup>65</sup> “The party’s greatest asset has been the absence of an explicit Kurdish policy. What the AKP government did have was a different rhetoric and an implicit policy . . . . Rather than engaging with Kurdish representatives and acknowledging the existence of a political conflict, it went for pragmatic problem management”. Kerem Oktay, “The patronising embrace: Turkey’s new Kurdish strategy”, *kurdishaspect.com*, 8 March 2011.

<sup>66</sup> Murat Karayılan, field PKK guerrilla chief, interview with Hasan Cemal, *Milliyet*, 26-27 June 2011.

<sup>67</sup> “It was a soft demonstration. And it was not under our control. People went on their own; they wanted peace. But Erdoğan failed the test. He changed after Habur. He said to his negotiators, ‘you just put me at risk!’ He opened the subject [of Kurdish reform], but then he closed it again”, Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

<sup>68</sup> An insight into government thinking, and its wish to be seen as sincere in seeking to negotiate a settlement with the PKK, is supplied in a 50-minute tape recording of what no side has denied being a fifth meeting with the PKK in Norway, probably in 2010 or early 2011. The Turkish government representative repeatedly underlined that his authorities were not just playing for time, that Prime Minister Erdoğan was determined to solve the problem despite political risks, but that the Habur events had cost him a great deal of public support. Full text reproduced by *Taraf*, 13 September 2011.

<sup>69</sup> “This was not the agreement, and it was totally unacceptable”. Crisis Group interview, Turkish official, May 2011. “What they did hurt us internally. We had told Ahmet Türk not to exploit it. But it was [Turkish Kurd party] buses that brought the demonstrators there. Things got worse after Habur”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

bolism of brotherhood, the high casualties on both sides and the tears of martyrs' mothers in a way that included both Turks and Kurds backfired and began to be used against it in Turkish street rallies at substantial political cost.<sup>70</sup> Clearly the AKP was hampered by poor coordination with Turkish Kurd parties and its unwillingness to publicly explain its new compromise policy. A return of Turkish Kurd exiles from Europe was cancelled, when it looked likely to turn into a Kurdish nationalist celebration at Istanbul airport.<sup>71</sup> By June 2010 the amnesty effort was in tatters,<sup>72</sup> as court cases were opened that had the eight PKK insurgents facing up to twenty years in jail and the refugees fifteen years.<sup>73</sup>

A new wave of arrests of Turkish Kurd activists dealt another serious blow to the Democratic Opening. Starting already in April 2009, courts began prosecuting as "terrorist" any statement that echoed a position held by a PKK-organised Kurdish network known as the Union of Communities in Kurdistan (Koma Ciwakên Kürdistan, KCK) (see Section V.B(3) below). In December 2009, the authorities arrested several mayors and many other elected nationalist officials on that charge, lining them up for the cameras in handcuffs. Eventually more than 3,000 Kurdish activists were put behind bars,<sup>74</sup> mostly just for the peaceful expression of their opinions. Movement leaders were furious at this throwback to the mass jailings of previous decades.<sup>75</sup> Even a compromise-seeking Diyarbakir business leader protested:

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<sup>70</sup> A poll showed 51 per cent of the population opposed to the Democratic Opening and that AKP's popularity plunged 7.1 percentage points between August and November 2009. Zeynep Aydoğan, "The symbolic politics of the Kurdish democratic opening", unpublished MA thesis, San Francisco State University, September 2011.

<sup>71</sup> "[Moderates like me] said let a group of Turkish intellectuals meet them, make a joint statement, quietly take them out for a dinner, and then go home, but the Kurdish [nationalist] side didn't want it that way". Crisis Group interview, independent Turkish Kurd businessman, Van, June 2011.

<sup>72</sup> "The government took a lot of risks. You have to satisfy the psychology of the whole country. If it hadn't been for Habur, things wouldn't have turned out as they did". Crisis Group interview, senior AKP official, May 2011. "It was very difficult to get [the amnesty] to that point. It was wrong to waste it so cheaply". Crisis Group interview, Turkish Kurd businessman, Van, June 2011.

<sup>73</sup> *Hürriyet Daily News*, 13 July 2011. About half the group had already gone back over the border to Iraq.

<sup>74</sup> "The arrests continue without break. We can't give precise numbers because they keep changing. At the last count it was more than 3,000, all of them either BDP officials or electors". Crisis Group email communication, Meral Daniş, chief of BDP law commission, 15 August 2011.

<sup>75</sup> "[To end the conflict] the PKK is the biggest factor. We have to change it from being an armed force. But now they arrested

This is a disaster. I told [the authorities], "you want the PKK to put down their arms, so why are you doing this? You can't just try to gather the 'good ones' with you and then round up the 'bad guys'". The governor told me "but the [PKK] is giving the orders for the KCK". I told him: "Of course! What do you expect?"<sup>76</sup>

Then on 11 December 2009, the Constitutional Court banned the Kurdish nationalist party DTP, stripped its two leaders of their parliamentary membership and barred another 36 DTP members from belonging to a political party for five years, mostly due to nationalist or pro-PKK statements.

These problems made Turkish Kurds feel that the 2009 initiative was long on rhetoric and short on substance, as had been earlier, less ambitious efforts.<sup>77</sup> Disappointment deepened as AKP became more nationalist ahead of the 2011 elections, in which Erdoğan dropped two key pro-Kurdish candidates from his list,<sup>78</sup> denied any plan to reduce Öcalan's multiple life sentences<sup>79</sup> and said that he would have hanged the PKK leader.<sup>80</sup> He ruled out community-based Kurdish solutions,<sup>81</sup> even though, for instance, Turkey demands exactly such communal rights for Turkish Cypriots. EU officials became sceptical too.<sup>82</sup>

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3,000 people, all accused of being in the KCK or PKK, exactly the people who were in the process of leaving the armed struggle. Erdoğan pressed the button for this. AKP is scared of democracy". Crisis Group interview, Abdullah Demirbaş, Sur municipality mayor, Diyarbakir, May 2011.

<sup>76</sup> Crisis Group interview, Diyarbakir, May 2011.

<sup>77</sup> "Nearly every ten years there's been an 'opening'. It started in 1950, when Kurds were first elected. At the end of the 1960s, there were [Kurdish-language] books and records. [Top politicians] promised more again in 1990-92 ... the contents are always modest ... we're used to promises and lies by our neighbours the Turks". Crisis Group interview, Kendal Nezan, head of Institut Kurde in Paris, April 2011.

<sup>78</sup> The 2011 AKP list of Kurdish MPs "are all 'white' [educated, bourgeois] Kurds. They have nothing to do with the Kurdish problem". Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>79</sup> AKP "can never make a change to this. Never. He will retain his current conditions". Erdoğan in *Today's Zaman*, 9 June 2011.

<sup>80</sup> Kral FM, 9 June 2011.

<sup>81</sup> "There is a problem of my Kurdish brothers in this country, but there is no Kurdish problem". Erdoğan, speech in Muş, 30 April 2011.

<sup>82</sup> "When you take the point of reference as early 1990s, they have come a very long way. They can talk about Kurdish issues now. What has been done since the Democratic Opening is another question. There was a wave of arrests in December 2009, just four months after it was announced. You're talking about a polarised society. It's a stalemate". Crisis Group interview, EU official, Brussels, March 2011.

AKP tries to deflect some of the blame. The minister in charge of the Democratic Opening said he was sometimes angered at the humiliating way police conducted arrests of some mayors;<sup>83</sup> a security official said that the timing of the arrests was an unplanned coincidence,<sup>84</sup> and a Kurdish AKP member said he suspected the KCK cases were an effort of the old “deep state” to undermine the Democratic Opening.<sup>85</sup>

Even while criticising the limited nature of the reforms, some Kurdish nationalists recognise that AKP’s efforts have gone further than any in the past. One said the “status quo has changed”,<sup>86</sup> another that “it created democratic space”,<sup>87</sup> and another that it “represented a [new] state consensus that goes beyond AKP”,<sup>88</sup> yet another felt a “climate of détente”, with unimaginable changes like “the wife of the Turkish consul in Arbil [the chief city of Iraqi Kurdistan] on TV dancing in front of a Kurdish flag”.<sup>89</sup>

The outline of the basic deal under negotiation – an end to the fighting, major legal reforms, an amnesty and Turkish Kurd acceptance to work within the legal Turkish system – is the most reasonable long-term goal for both sides,<sup>90</sup> even if fighting has escalated and those around the table

now express anger and frustration.<sup>91</sup> To succeed, any outreach to the Turkish Kurds will have to be decisive, clear and comprehensive. Despite several useful steps taken in 2009-2010 and described below, the process proved that a piecemeal approach has severe limitations. As a Turkish Kurd politician explained:

There’s no way of making a list of priorities like this: first you [the PKK] give up the armed struggle, then [you] will disarm, then I’ll give you your rights, and then I’ll solve your economic problems. It will all have to happen concurrently and together, economically, socially, politically and the PKK’s transition [to civilian politics].<sup>92</sup>

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<sup>83</sup> “When I saw this [police distribution of photos of elected Kurdish officials in handcuffed lines], I got very angry. It was like they were sabotaging what I was doing. I try to explain to others that ‘this is Turkey, we don’t control everything’”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>84</sup> Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>85</sup> Crisis Group interview, Mazhar Bağlı, Kurdish sociologist and member of AKP’s regional executive committee, Diyarbakır, May 2011. The “deep state” comment refers what is widely believed to be an informal network of judges, bureaucrats, military officers and Kemalist intellectuals, with roots in the early republican period of one-party rule, who had a strong influence over Turkish events until the mid-2000s.

<sup>86</sup> “On TV, everyone says the Democratic Opening is empty. I disagree. Stones have moved .... It is important that the prime minister said these things”. Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, May 2011.

<sup>87</sup> “Yes, there’s nothing concrete, but the smallest democratic change is important .... If you had told me we could discuss these things fifteen years ago, I wouldn’t have believed you”. Crisis Group interview, Turkish Kurd businessman, Diyarbakır, May 2011.

<sup>88</sup> “It’s silly to discuss if it’s good or bad. It’s good ... [Atalay] was brave and innovative, not looking over his shoulder all the time at Erdoğan”. Crisis Group interview, Zeynal Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>89</sup> Crisis Group interview, Kendal Nezan, chief of Institut Kurde, Paris, April 2011.

<sup>90</sup> The plan “is still considered to a great extent valid as a final settlement of the ‘PKK problem’ by most parties”. Cengiz Çandar, “Dağdan iniş”, op. cit., p. 50.

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<sup>91</sup> “The knife has hit the bone”. Erdoğan, quoted by Anatolian Agency, 14 August 2011. Meanwhile, jailed PKK leader Öcalan said he was stepping aside as a principal in the talks because he did not want to “act as a subcontractor [passing messages]”, statement to lawyers, 27 July 2011.

<sup>92</sup> Galip Ensaroğlu, AKP Diyarbakır deputy, quoted in *Taraf*, 25 June 2011.

#### IV. LANGUAGE, EDUCATION AND MEDIA

The Kurdish languages spoken in Turkey, principally Kurmancî and Zazaki, are no longer banned, but a thick web of legal official restrictions means they are not free either. The constitution and legal code rule out the use of Kurdish languages, or letters used by Kurdish and not Turkish (q, w and x), in any official context. This means, for instance, that shops and businesses cannot register Kurdish names, and it is illegal to teach or otherwise use Kurdish in any primary or secondary school, even kindergartens.

Still, the days are gone when Turkey officially dismissed the Kurds as “mountain Turks” or “those who think they are Kurds”, or when Ankara called their Kurdish language a primitive Turkish dialect. Similarly, the chief Turkish Kurd city of Diyarbakır has changed greatly since the open warfare, conflicts and abuses of the last century. While the old sign on a metal triumphal arch over a main road in Diyarbakır still announces “How Happy Is He Who Says He Is a Turk”, it is rusting and the Kurdish municipality has allowed tree branches to spread in front of it. As leading commentator Şahin Alpay put it, “we no longer have denial. Now it’s a matter of recognising identity”.<sup>93</sup>

Most Kurds feel that official recognition of their right to their own language is the best way to end deeply ingrained discrimination. Former Interior Minister Atalay said his research convinced him that language is the most important key to solving the Kurdish problem. “One of the first people I talked to was [famed Turkish Kurd writer] Yaşar Kemal. He said, ‘It’s 90 per cent language. If you solve this it’s mostly done’”.<sup>94</sup>

The 1923 Lausanne Treaty, the international founding document of the Turkish republic, commits Turkey to allow free use of any language by all citizens in their private lives and trade.<sup>95</sup> But full rights for Kurdish requires a revolutionary new approach in education, the media and service provision. Only in the past two decades have civil society and business groups begun saying that Kurdish ethnic and communal rights, as well as linguistic rights and political freedoms, should be respected and amnesties granted. Lan-

guages spoken by smaller but still significant minorities of Arabs, Laz and immigrants from a variety of North Caucasus nations (known in Turkey as Circassians) should also be protected. However, the Kurds are by far the biggest, most coherent and vociferous group.

#### A. THREAT OR VICTIM?

Many Turks have been brought up to believe that allowing Kurds to speak and study in their mother tongue would be the first step to partition.<sup>96</sup> Few Turkish Kurds can see the logic in this.<sup>97</sup> There are dialect differences between Kurds, and the language itself is struggling to find its place in the world.<sup>98</sup> While the mainstream Kurdish of Turkey is Kurmancî, with its centre between Diyarbakır and the north-western corner of Iraq, about one third of Turkish Kurds speak Zazaki, which is different enough to count as a separate language and is centred around Tunceli.<sup>99</sup> In addition to Kurmancî, spoken by a quarter to a third of Iraqi Kurds, the main dialect of Kurdish in northern Iraq is Sorani, otherwise known as southern Kurdish.<sup>100</sup>

The linguistic freedom allowed so far has not undermined the state. Kurdish is now spoken openly on streets of major cities in western Turkey, but paradoxically is less heard in Kurdish-majority cities like Van, where remarkably few shops bother to put Kurdish on their signs,<sup>101</sup> or Diyarba-

<sup>93</sup> Crisis Group interview, Istanbul, 8 April 2011.

<sup>94</sup> Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>95</sup> Turkish nationalists often argue that the Lausanne Treaty obligations to protect minority languages only apply to non-Muslim Greek, Armenian and Jewish communities and that they fully abide by them. This, however, is a limited interpretation of the treaty, which says that “no restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings”.

<sup>96</sup> “When the military-civilian people were being tough on the PKK in the ‘90s, whenever you spoke of the Kurdish problem or the Kurds’ reasonable demands, they would say, ‘this is a salami technique, a step on the road ... to an independent nation’”. İsmet Berkan, “Dağda şahin ovada güvercin siyasetine şans vermeli mi?” [Should we give a chance to the policy of “be a hawk in the mountain and be a dove in the plain?”], *Hürriyet*, 23 August 2011.

<sup>97</sup> “Kurds just want to preserve their language. Despite some 1,000 years of assimilation tactics, we still speak it. But we’re frightened it’s now under threat”. Crisis Group interview, Ahmet Türk, Diyarbakır, May 2011.

<sup>98</sup> By the broadest definition of Kurds in the whole region, there are only 240 Kurdish novels, the first written in 1935. Abidin Pariltı, author of *The Guide to Reading Kurdish Novels*, interview, *Taraf*, 17 May 2011.

<sup>99</sup> Formal statistics are hard to come by, but one 2005 Diyarbakır survey of 400 households of displaced persons found 64 per cent had Kurmancî as a mother tongue, 33 per cent Zazaki, and 3 per cent Turkish. 80 per cent were able to speak Turkish. “Forced Migration and Diyarbakır”, Development Centre Association, March 2010.

<sup>100</sup> Sorani is usually written in Arabic script, while the Turkish Kurds’ Kurmancî now mostly uses a Latin script. Of the ten Iraqi Kurdish television stations, for instance, six are entirely in Sorani, and four only give a short news show in Kurmancî. Crisis Group interview, Kendal Nezan, President of the Institut Kurde and Kurd1 satellite television, Paris, April 2011.

<sup>101</sup> The private use of Kurmancî or Zazaki words on shops is not expressly forbidden, but even the informal use of three let-



kır, where intellectuals complain that circumstances are conspiring to make Turkish the dominant language.<sup>102</sup>

I was brought up believing it was horrible to be Kurdish, to speak Kurdish. Kurdish meant “rough, peasant”. People were trying not to be Kurdish. People stopped talking Kurdish to their children, so that they wouldn’t suffer the same thing. Now four-year-olds have to go to pre-school; many send them to kindergartens even earlier. It has to be in Turkish. So they’re hearing Turkish very early now. [The state-run Kurdish language TV] TRT6 is very statist, old[-fashioned], and all the cartoons are unfashionable. All the good programs on TV are in Turkish, and there are dozens of ... Turkish channels. As for [pro-PKK] Roj TV, that basically destroyed Kurdish culture [through repetitive, politicised programming]. So when I speak Kurdish with my son, he looks at me strangely and talks Turkish back to me.<sup>103</sup>

The Kurds’ situation as a people is as complicated as their language. More than half of Turkish Kurds live in western Turkey, where many lose their ability to speak Kurdish well by the second or third generation. Even Diyarbakır’s Kurdish nationalist TV station, Gün TV, free since 2009 to broadcast in Kurdish, chooses to carry half its programming in Turkish.<sup>104</sup> Kurdish-language media now compete relatively freely with Turkish media on newspaper stands and the airwaves, but the dominance of Turkish has not obviously diminished; indeed, slick Istanbul-based television soap operas have made Turkish widely understood in northern Iraq and beyond.

Some Turkish and foreign experts working on the PKK believe that the priority should be to ensure all Kurds speak Turkish and argue that multi-lingual states are hard to manage.<sup>105</sup> But this is a conservative viewpoint that con-

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ters used in Kurdish (q, w and x) is frowned upon by officials. Kurdish is not allowed for business registrations and anything requiring state approval. Nevertheless, building companies are increasingly giving Kurdish names (without q, w and x) to new apartment buildings. Crisis Group telephone interview, Diren Keser, Gün TV, Diyarbakır, May 2011.

<sup>102</sup> “My wife doesn’t speak Kurdish, so we speak Turkish at home. The children go to a Turkish-language nursery. But my grandmother only speaks Kurdish. So they can only talk to their grandparents in sign language”. Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, May 2011.

<sup>103</sup> Crisis Group interview, Turkish Kurd lawyer, Diyarbakır, May 2011.

<sup>104</sup> The station broadcasts mainly in Kurmancî but also five hours in Zazaki. Crisis Group interview, Diren Keser, executive director, Gün TV, Diyarbakır, May 2011.

<sup>105</sup> “Language is essential to national unity. Only Canada can cope with the problem of bilingualism, but only just. Look at Belgium. It’s the germ that can blow a country apart. It’s not

tradicts many countries’ experiences in allowing individuals and groups the right to choose their language of communication in the private or public sphere and undermines Turkey’s engagement in the UN, Organisation for Security and Cooperation in Europe (OSCE) and Council of Europe, of which it is proud.<sup>106</sup> As the country becomes a place of immigration, where more and more people are speaking other languages – Russian, Uzbek and Arabic, to name a few – it will become increasingly difficult to justify particular pressure on Kurdish.

Kurdish activists of all political affiliations focus on the right to mother tongue education,<sup>107</sup> but out of a fear of marginalisation and to protect their linguistic heritage from extinction, rather than a wish for dominance:

You have to have teaching in Kurdish. Everyone wants it, or the language will disappear. You can’t save a language privately. The damage is already great. We get magnificently nationalist Kurds visiting [France], with Kurdish names and all, but they can’t speak Kurdish. If they don’t learn Kurdish at school, if the rural population is disappearing, it risks becoming like Breton or Corsican.<sup>108</sup>

## B. A SLOW START

The first liberalisations of Kurdish language, education and media pre-dated the 2009 Democratic Opening, part of Turkey’s 2000-2004 reforms to meet conditions to start EU membership negotiations. Language freedom remains a key EU concern.<sup>109</sup> Early on, Prime Minister Erdoğan

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negotiable. It’s the cement of the nation”. Crisis Group interview, French anti-terrorism expert, Paris, April 2011.

<sup>106</sup> Linguistic rights were first included as an international human right in the 1948 Universal Declaration of Human Rights, of which Turkey was one of the first signatories. Other important documents for linguistic rights include UNESCO’s Universal Declaration of Linguistic Rights, as well as the Council of Europe’s European Charter for Regional or Minority Languages and Framework Convention for the Protection of National Minorities. Turkey has signed none of these, though it is a member of the Council of Europe.

<sup>107</sup> “If someone wants full Kurdish education, they should have it ... our children don’t speak Kurdish any more”. Crisis Group interview, Mehmet Mehdi Oğuz, Association of the Oppressed (Mustazafder), Van, June 2011.

<sup>108</sup> Crisis Group interview, Kendal Nezan, president of the Institut Kurde and Kurd1 satellite television, Paris, April 2011.

<sup>109</sup> According to the EU 2010 Progress Report on Turkey, “Overall, Turkey’s approach on minorities remains restrictive. Full respect for and protection of language, culture and fundamental rights, in accordance with European standards, have yet to be fully achieved. Turkey needs to make further efforts to enhance tolerance or promote inclusiveness vis-à-vis minorities”, p. 32. The EU considers Kurds to be a minority in Turkey. With re-

grasped that a simple desire for respect underlay the Kurds' demand for linguistic equality. He convened meetings in Istanbul in 2010 with leading writers, actors, singers and film-makers, asking them to incorporate Kurdish and south-eastern themes in their work. "Your songs are powerful enough to overcome deaf walls", he told the musicians.<sup>110</sup> However the moves often looked slow and grudging. Many in the Kurdish nationalist movement believe that any progress is the result of their tooth-and-nail struggle, not of any recognition of rights, compassion or outreach by the Turkish authorities, and that only more struggle will bring more change.<sup>111</sup>

## 1. Media

A major first step that presaged the Democratic Opening was the inauguration in January 2009 of a 24-hour Kurdish service, TRT6. Since it has a terrestrial transmission system, unlike the dishes and decoders needed for a dozen other Kurdish-language satellite channels, it has won a substantial audience, notably in rural areas. A severe Kurdish nationalist critic of Turkey acknowledged that it represents a step forward, despite its limited, pro-Islamic vocabulary.<sup>112</sup> But TRT6 has found it difficult to compete with Roj TV, the pro-PKK satellite outlet that started broadcasting from Europe in 1995, winning itself a fourteen-year head start, essentially educating a whole generation of Kurdish youth in whose family rooms the televisions are almost always on.<sup>113</sup>

Mainstream state TV has set a limiting example. When Kurdish nationalist leader Ahmet Türk spoke in Kurdish in parliament in 2009, it halted the transmission, citing a provision in the 1983 Political Parties' Law that only allowed Turkish in political campaigns. Türk complained that state television had no problem when the prime min-

ister used Kurdish phrases in south-eastern election speeches, and in April 2009 Türk was cleared in court.<sup>114</sup>

Turkish authorities have also been miserly in granting the right to Kurdish private broadcasting. The nationalist broadcaster Gün TV in Diyarbakır, for instance, began in 1994 carrying only Kurdish music. It was closed a year later. Reconstituted in 2001, it asked for permission to start Kurdish-language TV in 2003. Only in 2006 was it given permission – if it fulfilled the arduous condition of simultaneously broadcasting Turkish subtitles, a restriction that was lifted in 2009. The station manager still displays a thick stack of legal notices and orders.<sup>115</sup>

On 14 April 2009, a police raid carried away computers, CDs and tapes and marched off the head of programming, Ahmet Birsen, in the first evening of KCK arrests. More than two years later, despite any link to violent action, Birsen remains in pre-trial detention on terrorist charges.<sup>116</sup>

There has been change, but the logic, the mentality hasn't changed. With the press, they now close a newspaper for a month while the case continues. As a local TV, we don't show any [PKK] pictures or posters, like the national channels do. We run shows a few seconds behind, with our fingers on the cut button just in case somebody accidentally says a word like "Kurdistan", "Mr Öcalan", "martyr", or "free nation". It's a form of censorship.<sup>117</sup>

Media also exacerbates Turkish Kurd-Turkish tensions, in which, according to an AKP leader, the "essence of the problem" is that "Kurds turned against the state, not the Turkish people. But Turks turned against the Kurds".<sup>118</sup> After years of minimal reporting on the Kurdish question, from the mid-2000s on, the Istanbul-dominated Turkish media has become increasingly nationalistic and prone to sensationalism. Army offensives are accompanied by heroic shots of the army in training, with an emphasis on blasting the enemy and tramping boots. Burials of dead soldiers, unless they were ranking officers, were previously ignored, but recently such funerals have been turned into media events in villages or small towns, focused on weep-

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gard to education, the Progress Report is blunt: "In practice, children whose mother tongue is not Turkish cannot learn their mother tongue in either private or public schools", p. 33.

<sup>110</sup> Bağımsız İletişim Ağı (BIA), 20 February 2011.

<sup>111</sup> "We see these gains as a reward for our struggle, with some help by the EU, not as something granted by the Turkish state". Crisis Group interview, Diren Keser, executive director, Gün TV, Diyarbakır, May 2011.

<sup>112</sup> "They have a list of 'separatist' words like 'Kurdistan'. But on the whole it's very positive. I encourage people to work for it". Crisis Group interview, Kendal Nezan, head of the Institut Kurde in Paris and head of the Kurd1 satellite channel, April 2011.

<sup>113</sup> Founded in 1995 as MED-TV, and broadcasting as Roj TV since 2004, it is currently mainly based in Denmark. The Turkish government puts relentless pressure on the authorities to have it closed down, including through a court case started in August 2011. A major problem for Turkey is that European jurisdictions do not share the view that peacefully expressed sympathy for the opinions of an organisation is equivalent to membership in it.

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<sup>114</sup> The court reasoned that a parliamentary speech did not count as campaigning and that Kurdish was allowed in parliament.

<sup>115</sup> Typically the regulator punishes Gün TV for infringements by forcing it to replace one or more news shows with a legal notice. The broadcaster faces four court cases, including one for coverage of a PKK insurgent's funeral that "did not show the PKK's threatening and fear-mongering side", and another for allegedly praising Öcalan by broadcasting the Kurdish love song "Amara". Crisis Group interview, Diren Keser, executive director, Gün TV, Diyarbakır, May 2011.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Crisis Group interview, Ankara, May 2011.

ing wives and mothers. All this inevitably provokes an emotional upsurge.<sup>119</sup> Murderously racist, anti-Kurdish propaganda films that are typically viewed many tens of thousands of times exist on YouTube, but there is little discussion of shutting them down.<sup>120</sup>

General reporting is far from balanced, and news of fighting is unreliable.<sup>121</sup> In October 2007, when twelve soldiers were killed and eight captured, media quickly accused one of the captured soldiers of treason because of his Kurdish ethnicity. Spontaneous small-scale criminal assaults on Kurds and Kurdish-owned businesses in western Turkey have risen markedly. A 2011 scene in which a woman BDP deputy slapped a Turkish police chief during a demonstration was replayed innumerable times; the relentless use of tear gas and water cannons against the Kurdish crowd that preceded it was not.<sup>122</sup> In June 2011, news channel NTV ended its contract with newscaster Banu Güven following her probing of the Kurdish issue and interviewing a Kurdish intellectual who spoke favourably of Öcalan – triggering nationalist threats to burn the television station down.<sup>123</sup>

In November 2009 the Regulation on the Radio and Television Supreme Council (RTUK) was amended to remove restrictions on broadcasting in Kurdish (and other languages) by private and public channels at local level.<sup>124</sup> After AKP

set a new tone with the Democratic Opening, anti-PKK rhetoric on mainstream media abated somewhat.<sup>125</sup> The Turkish authorities should continue pushing for fair laws that differentiate between free speech and terrorist acts (see Section VII.A below) and end raids and prosecutions that give Kurdish-language journalists the sense that they are subject to different standards than their Turkish-language peers.

## 2. Education

There is no primary or secondary education in Kurdish in Turkey.<sup>126</sup> The authorities say it would be unfair to give Kurds language rights when the country does not have “the means or capacity” to do the same for the “hundreds if not thousands” of other mother tongues in the country.<sup>127</sup> Still, the many millions of Turkish Kurds constitute by far Turkey’s largest ethnic community whose mother language is not Turkish. In 2004, under pressure to comply with EU human rights obligations to start accession negotiations, the government permitted private Kurdish language colleges for over-eighteen year olds to open in Diyarbakır. But these did not last, as there was little interest to pay for courses, and, according to some Kurdish nationalists,<sup>128</sup> students and staff were harassed.<sup>129</sup>

In September 2009, the state Council of Higher Education (Yüksek Öğretim Kurulu, YÖK), which regulates universities and other tertiary colleges, permitted the study of Kurdish in a public institution for the first time. The government chose to name it the Living Language Institute (avoiding the word Kurdish) and put it in the new Artuklu

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<sup>119</sup> “For people in the region, security is not an issue. The TV magnification of everything is the issue. I personally feel more secure here [in Van] than in Istanbul. We no longer have any problem driving [on main roads] at night. The [western Turkish] fear of the Kurds is unreasonable and irrational. My friends in the west say ‘how can you live here, aren’t you afraid?’ And I say, ‘I’m not afraid here, I’m afraid of the west. Because partition is coming from there’”. Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>120</sup> A popular user, whose pseudonym translates as “We’ll really fuck the Kurds”, has a posting entitled “The Kurdish Opening: The best Kurd is a dead Kurd”. It shows digitally altered photos of PKK members with monkey’s heads, “before they were annihilated”. The end credits read: “Dogs with no history. Either obey the Turk or be annihilated. Only the Turk will know victory!”

<sup>121</sup> For instance, newspaper pictures and television video footage from the south east rarely match the event being described.

<sup>122</sup> “She shouldn’t have slapped him. But she was crying. They only showed that scene .... They’ve used more pepper gas in the south east in the past month than the whole of Europe probably uses in a year”. Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

<sup>123</sup> “Many Turkish journalists describe ... growing self-censorship”, although NTV denied coming under any political pressure. Ayla Albayrak, “Zipped-Lips in Turkish Media”, *Wall Street Journal*, 18 July 2011.

<sup>124</sup> The regulation also removed the subtitle/consecutive translation requirement mentioned above and lifted limitations as regards children’s and language teaching programs.

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<sup>125</sup> “For the last year, they haven’t called [Öcalan] ‘baby-killer’ or ‘terrorist gang leader’ on TV”. Crisis Group interview, İsmail Durgun, president of the Hakkari Bar, Hakkari, June 2011.

<sup>126</sup> The constitution, Article 42, bans the “teaching of any language other than Turkish as a mother tongue to Turkish citizens”. Officially, only non-Turkish citizens can benefit from private primary schools in languages like English, French, German, Greek and Armenian. Turkish citizens do attend a few special secondary schools that teach the Turkish curriculum with a special emphasis on English, French or German, but winning entrance to these schools is hard and typically limited to metropolitan elites.

<sup>127</sup> Comments by the government, op. cit.

<sup>128</sup> “Police waited in front, threatened people”. Crisis Group interview, Turkish Kurd businessman, Van, June 2011.

<sup>129</sup> Not all agreed. “I don’t believe they were oppressed. There were no police raids or anything. My pre-schools had exactly the same regulations applied to them. If the door is 2cm too narrow, then the inspectors force you to change it. You can argue about that, but those are the rules and they apply to everyone .... If you’ve fought for the right to something, you shouldn’t just abandon it”. Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, April 2011.

University in medium-sized Mardin,<sup>130</sup> rather than in a major Kurdish city like Diyarbakır.<sup>131</sup> In December of that year, a Kurdish Institute was permitted in Muş, a minor provincial centre, and a Zazaki Institute in Bingöl. At least one university conference in Hakkari has been conducted entirely in Kurdish. But Prime Minister Erdoğan has ruled out general Kurdish-language education.<sup>132</sup>

Different ways exist to give life to the most popular Turkish Kurd demand for “mother language education”. The most sensible foresee a multi-faceted transition to multi-lingualism.<sup>133</sup> In areas where there is sufficient demand, the state should make available teachers and materials in Kurmancî, Zazaki, Arabic and other local languages from kindergarten onwards to help young children make the transition from the language they speak at home to the language they encounter outside.<sup>134</sup> This would broaden and improve knowledge of their mother tongue, while they start to learn Turkish in the first grade, and relieve a lot of tension in middle-class families where Kurdish is being pushed aside by laws and mainstream culture.

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<sup>130</sup> “We started PhDs in 2010, degree courses three months ago, something we couldn’t have imagined before. AKP’s work, changing our Jacobin judiciary and the all-powerful state tradition, has allowed other Kurdish actors to emerge, be they conservative or Muslim. Every province has [a] university like ours. They are working on the Kurdish problem too. The PKK is not the only actor any more, and indeed it has had to become more Islam-friendly”. Crisis Group interview, Serdar Bedii Omay, Artuklu University rector, Mardin, May 2011.

<sup>131</sup> The Diyarbakır bar had petitioned for a Kurdish institute in its city, but the university did not back the demand. “The government wants it, but we can’t force the universities. [The central university authority] looks at it, the number of professors. How many Kurdish studies PhDs can you find?”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>132</sup> For instance, in “The Democratic Initiative Process”, AKP, Ankara, February 2010.

<sup>133</sup> For a full account of the social benefits of multi-lingual education, of testimonies by teachers in Turkey, relevant lessons from France (Corsican), Spain (Basque) and China (Uighur), and detailed proposals for a transition, see Vahap Coşkun, M. Şerif Derince and Nesrin Uçarlar, “Scar of Tongue: Consequences of the ban on the use of mother tongue in education and experiences of Kurdish students in Turkey”, Diyarbakır Institute for Political and Social Research, March 2011.

<sup>134</sup> “The schooling should be in both languages, and start in the primary schools. The kids find it very hard to learn Turkish; in fact their first two years are all spent learning Turkish. With Kurdish it could happen in six months. Sure, nationalist ideas could grow as a result. But you have to be humane about it”. Crisis Group interview, Serdar Bedii Omay, Artuklu University rector, Mardin, May 2011. The importance of Kurdish-language help early in school is stressed in “Forced Migration and Diyarbakır”, Development Centre Association, March 2010.

In our pre-school kindergartens, we quietly tested what happened if we had both languages used, by well-educated Kurdish teachers being present as well as Turkish teachers. It worked beautifully. At the end all the children were perfectly bilingual. I think that’s the way to go. There needs to be teachers. Training should start now.<sup>135</sup>

A more radical idea to address the Turkish Kurds’ fundamental right to education in their own language would be for the state to work towards model Kurmancî and Zazaki schools for each level – primary, secondary and lycée – working with a translation of the current Turkish curriculum and specially training teachers. Such schools would, of course, make full provision for learning Turkish, the country’s official language.

However, in interviews with Kurdish elites, Crisis Group found little practical interest for an all-Kurdish option.<sup>136</sup> Most interlocutors preferred dual- or multi-lingual schools.<sup>137</sup> Bilingual schooling is expensive, requires excellent teaching staff and new textbooks. But the investment would go a long way to address the Turkish-Turkish Kurd conflict, while doing nothing to undermine Turkish as the country’s official language.<sup>138</sup>

Everyone is united on the demand for mother language education. I told them [the authorities] that if you hesitate, things will get worse. We don’t have teachers of Kurdish, so just put in an optional lesson. If you do that this year, it’ll be meaningful to people; you’ll give people confidence. Instead they are just starting on universities. It’s just like TRT6. If they’d started it fifteen years ago, maybe it would have worked.<sup>139</sup>

In state and private schools, Kurmancî and Zazaki should be offered as an optional second language in places where Kurds are a significant percentage of the population. Cours-

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<sup>135</sup> Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, May 2011.

<sup>136</sup> “You won’t have children to teach. Even the people asking for mother-language education won’t send their children there. It would leave them outside the competition. Kurdish is a local and limited language. But it should be given as a right, promoted and respected”. Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>137</sup> Crisis Group interview, Ahmet Türk, Turkish Kurd politician, Diyarbakır, May 2011.

<sup>138</sup> “People will have to learn the official language, Turkish. People who want it can then also be taught Kurdish, voluntarily. We’re not asking for ‘Kurdish’. We’re asking for ‘education in our mother tongue’. That would include Arabic, Circassian, whatever”. Crisis Group interview, Emin Aktar, Diyarbakır Bar President, Diyarbakır, May 2011.

<sup>139</sup> Crisis Group interview, Emin Aktar, Diyarbakır Bar President, Diyarbakır, May 2011.

es in Kurdish culture, literature and history should also be electives or put in the regular curriculum.

### 3. Official services

Turkish law has long denied official services in Kurmancî and Zazaki to its citizens, although translation in court for non-Turkish speakers has been available, mostly in non-political cases.<sup>140</sup> A first formal attempt to give official public services in local languages occurred in October 2006, when the Sur district municipal council of Diyarbakır voted to offer multi-lingual services.<sup>141</sup> Then a complaint by the interior ministry was upheld,<sup>142</sup> Sur Mayor Abdullah Demirbaş was removed and the municipal council dissolved – even though one year later the governor’s office began offering Turkish and Kurmancî welcoming messages on its telephone system.

On 20 June 2009, the interior ministry started allowing prisoners to speak any language during visits and on the telephone, a major relief for non-Turkish speaking families of Kurdish inmates. In July 2011, one court allowed an educated Turkish Kurd nationalist to use her mother tongue in her defence.<sup>143</sup> The problem is not only symbolic: in Hakkari, the municipality reckons that half their visitors speak only Kurdish.<sup>144</sup>

In January-February 2011, several BDP-run municipalities and provincial assemblies in south-eastern Turkey started putting up signs in both Turkish and Kurdish and were quickly subjected to official inspections, with authorities pointing out that they were in violation of the constitution. In Diyarbakır, the provincial general assembly decided to change republic-imposed Turkish place names back to the

Kurdish, Armenian and other originals.<sup>145</sup> The governor won a court case against the decision,<sup>146</sup> although the new signs with the old names underneath have remained on the main road.<sup>147</sup> In Van, the municipal general assembly changed the name of the “City Park” to “Feqîyê Teyran Park”, after a Kurdish sage.<sup>148</sup> In line with Turkey’s non-recognition of official publications using the letters q, w and x, used in Kurmancî’s Latin script, the governor demanded that it be changed to “Fekiye Teyran”.<sup>149</sup>

The problem cannot be solved until a new constitution makes it legal for municipalities and other government entities to offer bilingual services. Ultimately, any citizen of Turkey should have the right to ask for translations into his mother tongue – chiefly but not only Kurmancî and Zazaki – of official documents needed in his or her everyday life. As a first step, municipal and provincial services and signs in local languages should be provided in towns and villages whose local assemblies have voted to offer them.

### C. CONSTITUTIONAL REFORM

No Turkish government can easily guide the Kurdish problem out of the country’s legislative labyrinth of restrictions. Language restrictions are embedded in many laws and regulations, starting with the constitution’s Article 42 ban on “teaching of any language other than Turkish as a mother tongue to Turkish citizens”.<sup>150</sup> To make Kurmancî, Zazaki

<sup>140</sup> A full overview of the dense web of republican restrictions can be found in Turkish in Muharrem Erbey, “Kürtçe’nin Kamusal Alanda Kullanılması Önündeki Engeller”, Koerdisch Instituut te Brussel, November 2007. Usually, courts strike down a defence in Kurdish as being in an “unknown language”, a restriction that lawyers say is mostly applied to people who are known to speak Turkish fluently.

<sup>141</sup> Forms and services are available on occasion in other languages like English, but Kurdish has long been banned by legal wording that outlaws any language that is not the main official language of a state recognised by Turkey.

<sup>142</sup> “The attempt to turn local languages into official languages ... is in clear violation of the constitution and legal provisions”. Ruling by the *Danıştay* (Council of State), 22 May 2007.

<sup>143</sup> During the trial of the former BDP mayor of Yüksekova for saying during a planting ceremony that “These saplings will grow in a free environment, and with the leadership of the Kurdish people the saga of peace will be told underneath these trees not long from now”. *Bağımsız İletişim Ağı* (BIA), 26 July 2010.

<sup>144</sup> Crisis Group interview, Turkish Kurd municipal official, Hakkari, June 2011.

<sup>145</sup> More than 15,000 places had their names changed by republican authorities seeking to Turkify Anatolia, mainly in south-eastern Kurdish areas and in the north east, where significant numbers of Armenians, Greeks, Georgians and others once lived. See (in Turkish) Sevan Nişanyan, “Hayali Coğrafyalar: Cumhuriyet Döneminde Türkiye’de Değişen Yeradları” [Imaginary Geographies: Changing Placenames in Turkey during the Republican Period], *Türkiye Ekonomi ve Sosyal Etüdler Vakfı* (TESEV), 8 July 2011.

<sup>146</sup> Until the law changes, “place names are the business of the interior ministry. I have to pass the results of plebiscites to the minister. And the minister hasn’t refused any of them”. Crisis Group interview, Mustafa Toprak, Diyarbakır governor, Diyarbakır, May 2011.

<sup>147</sup> Such actions “feed Kurdish anger ... [Interior Minister] Atalay had said change the place names if you want”. Crisis Group interview, Mazhar Bağlı, Kurdish sociologist and member of AKP’s regional executive committee, Diyarbakır, May 2011.

<sup>148</sup> The problem was only the Kurmancî spelling of the name.

<sup>149</sup> For now, both spellings of the Kurdish sage’s name stand on the park entrance. “The governor had held a three-day festival in the name of ‘Fekiye Teyran’ just a month before we decided to name the park after him”. Crisis Group interview, Bekir Kaya, Van mayor, June 2011.

<sup>150</sup> “Turkish constitutions [since 1924] have hindered the integration of Kurds as equal citizens in Turkey. A new constitution represents the first step, and without it, Turkey will always live with internal dissension, violence, and instability”. Henri Barkey

and other local languages legal, with their own legitimate scripts, will require the consistent amendment of much legislation to prevent conservative administrators and courts from undermining reform.

The constitution is the right place to start.<sup>151</sup> An AKP official doubted this is possible,<sup>152</sup> but others take braver stands.<sup>153</sup> The current text falls short of EU requirements and blocks fulfilment of Turkey's legal undertakings in international charters of full ethnic equality.<sup>154</sup> Kurds say a good starting point would be the 1921 constitution, drawn up during the war of liberation, which contains no ethnically discriminatory language and a notable devolution of powers to provincial assemblies, including schools and health services.<sup>155</sup>

Changing the 1982 constitution was AKP's primary campaign promise in 2007 and 2011, and the newly elected parliamentary speaker, Cemil Çiçek, said it will be the party's "biggest job".<sup>156</sup> As such, it tests Turkey's intentions to reform domestically and to revitalise its EU accession process.<sup>157</sup> Turkish authorities should look for ways

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and Direnç Kadioğlu, "The Turkish Constitution and the Kurdish Question", Carnegie Endowment for International Peace, 1 August 2011.

<sup>151</sup> "Just take the Turkish ethnic descriptors out. You can't have a constitution based on race. If everyone is a Turk, one race, there will be no democracy". Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011. "Everyone accepts that the Kurdish people are a people. You can't just put one race into a constitution. Either you count all indigenous races, or you put none". Crisis Group interview, Nurettin Bozkurt, branch office general secretary of the Mazlum-Der rights association, Diyarbakır, May 2011.

<sup>152</sup> Crisis Group interview, May 2011.

<sup>153</sup> After saying the denial of Kurdish identity was a regrettable mistake, Deputy Prime Minister Bülent Arınç told an audience in Diyarbakır "we have to save ourselves from a constitution that puts ethnic identity on the agenda, and makes it an ideology". Interview, *Taraf*, 16 May 2011.

<sup>154</sup> For instance, the UN's International Convention for the Elimination of all Forms of Racial Discrimination; Henri Barkey and Direnç Kadioğlu, op. cit., point to obligations under the 1990 Charter of Paris for a New Europe, a founding document of the Organisation for Security and Cooperation in Europe (OSCE).

<sup>155</sup> Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, May 2011.

<sup>156</sup> Interview, *Today's Zaman*, 4 July 2011.

<sup>157</sup> "We would formulate it differently. But there should an equality [between ethnicities] .... On the [September 2010] constitutional referendum, they consulted with hardly anybody. Even if the Kurdish problem didn't exist, there would still be a lot for Turkey to deal with. As a candidate, you have to take care of some issues. What needs to be done in the first place is to create an atmosphere of consultation, a structured process of consultation, with all parties and all layers of society". Crisis Group interview, EU official, Brussels, March 2011.

to broaden rights, rather than worry over losing territory. And with violence increasing on the ground, they should not postpone dealing with the Kurdish issue.<sup>158</sup>

If the government wants to try something new and untested, they should break the cliché of "until terror ends, no fruitful progress can be achieved", ... [otherwise the government's new hardline strategy] is best described as "the discovery of new ways to implement the old strategy that has been implemented since forever, namely, not talking to the PKK or its fellow travellers under any circumstances, and to deal with the problem only as separatist terror".<sup>159</sup>

Article 3 of the constitution bluntly states that "The Turkish state ... language is Turkish". Most Kurds would be satisfied with a change to the "official language is Turkish".<sup>160</sup> The description of the country's citizens could be modified from the ethnically charged *Türk* (Turk) to something more neutral like *Türkiyeli* (of Turkey) or *Türkiye vatandaşı* (citizen of Turkey).<sup>161</sup> The constitution's Article 4, which stipulates that none of the constitution's first three articles can be changed, would have to be removed, until now a step too far for AKP.<sup>162</sup> Inaction is not an option, however, since Article 3 is the legal basis used against municipalities trying to introduce bilingual Kurdish signs, something that should be a basic right.<sup>163</sup>

Some Turkish Kurds want neutral expressions to replace other constitutional language, like the ethnic assumption behind the phrase "the Turkish nation" (Article 7), and "Everyone bound to the Turkish state through the bond of citizenship is a Turk" (Article 66). The constitution's preamble "in essence assumes the existence of only one ethnic and cultural identity" and should be modified in the

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<sup>158</sup> AKP made strong pledges to reform the constitution, as described below, in 2007 and 2010, only to backtrack on making substantial changes.

<sup>159</sup> İsmet Berkan, "Dağda şahin ovada", op. cit.

<sup>160</sup> For instance, the "official language" formula was used in the 2007 draft constitutional text prepared by Ergun Özbudun and his team for Prime Minister Erdoğan in 2007.

<sup>161</sup> A once-strident demand for Kurds to be officially recognised in the constitution as "original founders" of the country has faded away, given the many other ethnic groups in Turkey. "What does it mean when you make demands to be an 'original founder'? People are discovering that in all families there are Armenian and other stories. Here we are all a bit Armenian! People are facing their identities, their history". Crisis Group interview, Nebahat Akkoç, Kurdish women's rights activist, Diyarbakır, May 2011.

<sup>162</sup> "The Democratic Initiative Process", AKP, Ankara, February 2010.

<sup>163</sup> For instance, Article 3 of the constitution was cited by the governor of Van when challenging Van municipality's right to spell the name of a park in the Latin script used in Kurmancî, the main Turkish Kurd dialect.

manner of the constitutions of other countries trying to balance the interests of different native ethnicities, such as Spain, Romania, Hungary and Bulgaria.<sup>164</sup>

The process would have to be inclusive, taking into account the many constitutional drafts currently circulating from civil society groups but even more importantly from the BDP. Even if the constitution is substantially amended, or a new constitution is drafted, this would only be the start. Other legislation, regulations, parliamentary by-laws and long-established informal practices would all require changes to guarantee Kurdish rights and remove any trace of ethnic discrimination (for instance, see Section V.A(2) below).

## V. POLITICAL PARTICIPATION

The long-burning crisis over Turkish Kurd political participation reached a new peak in the wake of the June 2011 general elections. As noted above, although 36 BDP “independents” were elected with Turkish Kurd nationalist backing, one had his seat stripped, and five were not allowed out of pre-trial detention to take their oaths. As a result all 36 boycotted parliament, a hardline decision confirmed at the BDP annual congress in September. As clashes escalated, and the nationalists declared “Democratic Autonomy”, AKP lost its patience and appeared to rule out compromising gestures.<sup>165</sup>

Even so, reconciliation efforts have a much broader political foundation to build on compared to the bloody lawlessness of the 1990s, when the only two forces that counted were the army and the PKK. The struggle between AKP and BDP has become much more political. The middle ground has widened.<sup>166</sup> It is also clear that, as in other such conflicts, reaching full peace will take several years.<sup>167</sup> It is thus imperative that BDP returns to parliament, stays to work for a new constitution that embraces all citizens of Turkey equally, and listens to the strong messages from Turkish Kurd associations and pro-Kurdish publications that it should join the political mainstream in Ankara.<sup>168</sup>

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<sup>165</sup> “Let the terrorist organisation and its extensions understand well that this bad-intentioned behaviour means that they can absolutely never expect any [more] good intentions from us ... their proposals are self-contradictory in a way seen nowhere else in the world, and AKP is not about to sit down and talk about these unserious ideas”. Prime Minister Erdoğan, quoted in *Yeni Şafak*, 16 July 2011.

<sup>166</sup> “Diyarbakır is not just two rival camps as it used to be. There is a big group in the middle, watching for whoever is speaking the language of peace”. Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, May 2011.

<sup>167</sup> “I asked Britain and Spain about their experiences. The British experience was particularly helpful. The key thing was that [Prime Minister Tony] Blair got [the opposition’s] support. They told me, you can’t do it in two years. It took us five years to get to the Good Friday agreement and another four years to get to disarmament. Now the people who used to do the killing are in the cabinet”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>168</sup> For instance, 200 non-governmental organisations active in the south east joined together to ask BDP and other parliamentarians to hold an extraordinary session before the official October 2011 opening of the parliamentary year to discuss the escalating violence. *Today’s Zaman*, 21 August 2011.

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<sup>164</sup> Henri Barkey and Direnç Kadioğlu, op. cit.

## A. TURKISH KURDS IN PARLIAMENT

Throughout the past decades, about one-sixth of Turkish parliament seats have been held by Kurmançî or Zazaki speakers, roughly the proportion of Kurds in the total population. In the 2007-2011 parliament, AKP had more than 60 Kurdish deputies and five ministers of Kurdish origin. Until 1989, Kurdish nationalists, unable to freely express their separate Kurdish identity, often entered politics through leftist Turkish parties.

The BDP's initial boycott of parliament in 2011 after its deputy was stripped of his seat was understandable. But the time to work on a new constitution is now. Both sides should recognise their urgent shared interest in constitutional and subsequent legal reforms. AKP claims it wishes to bring Turkish Kurd nationalists into the legal mainstream – as it demonstrated when in 2009 it apparently agreed that PKK figures could be amnestied and eventually allowed into politics – and should thus avoid political skirmishing with the BDP on lesser issues. And if the BDP is serious about wanting a more liberal new constitution, it must take up its parliamentary seats when the assembly reconvenes in October.

The Turkish Kurd movement can no longer act as both an insider, benefiting from Turkey's democracy and central state funding of political parties, and as a permanent outsider, refusing to engage with the government and state institutions. It should not demand qualitatively more for itself than other long-suppressed ethnic groups in Turkey,<sup>169</sup> even as the sheer size of the Kurdish community means its demands cannot be ignored. BDP municipal authorities should at least meet visiting government figures, not heap rubbish on the streets and encourage shops to close their shutters.<sup>170</sup> Above all, the nationalists must clarify exactly what they mean by goals like "Democratic Autonomy", and publicly build up BDP's reputation as a reliable political counterpart, not a tool of the PKK.<sup>171</sup> It must

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<sup>169</sup> "There's Laz, Albanians, Roma, Circassians, Georgians, Zazas. Many have their own associations. They were all suppressed too .... But the Kurds are the only ones who are still wanting something different .... They are the only ones with cash, from drugs and extortion; they are buying up hospitals, hotels, restaurants. The Turkish [far-right nationalists] used to do the same thing – they had money and guns. The PKK is like this .... The Kurds must mature quickly. It can't be an attitude of 'I want it all'". Hasan Kanbolat, Centre for Middle Eastern Strategic Studies (Ortadoğu Stratejik Araştırmalar Merkezi, ORSAM), Ankara, March 2011.

<sup>170</sup> "They should make more of the existing system. They get their money, but they could get more [if they behaved differently]". Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>171</sup> "We tell the BDP, let the organisation [PKK] listen to you, not the other way round; put a little distance between you; try

be part of the solution, not a spoiler, if it wants to gain credibility countrywide and play a role in political life.

For its part, AKP should reach out to BDP on regular government matters before Turkish Kurdish opinion swings against it.<sup>172</sup> The stalling of the Democratic Opening demonstrates that the party cannot unilaterally dictate a Kurdish solution<sup>173</sup> and will need to engage fully with the Turkish Kurd nationalist movement, especially the BDP, on the adoption of universal norms for identity and language and local government.

In initiating the Kurdish [Democratic] Opening, AKP consulted think-tanks, academics, security bureaucrats, held talks in Diyarbakır, read all the reports written on the solution of the Kurdish question. They've accumulated enough knowledge to know what has to be done. AKP sees the solution of the issue as a process, spread over time, that they can take easy. Every step, it assesses the risks .... but peace will not happen absent a political solution that addresses the principal legal and political demands of the Kurds and that promises a future to the PKK militants. That's what the AKP government does not realise.<sup>174</sup>

## B. OPENING POLITICAL SPACE

The AKP has not been clear to what degree it wants to facilitate political participation for the full range of Turkish Kurd nationalists. It is the first government to acknowledge direct contacts with Öcalan by the "state", mainly in the person of the director of national intelligence.<sup>175</sup> And despite Erdoğan's nationalist populism in the 2011 election campaign, he is still one of the few Turkish politicians ready to confront far-right nationalists on

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to be decisive. But they are cynical, just 'yes my commander' types .... The PKK is the organisation. The BDP [is one part of it], the KCK is another. The main actor is Öcalan". Crisis Group interview, Turkish Kurd businessman, Diyarbakır, May 2011.

<sup>172</sup> "Being late doesn't solve it. The new generation doesn't talk about rights anymore; they talk about sovereignty". Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, Diyarbakır, May 2011.

<sup>173</sup> "AKP has done some good things, but it has done so with such a one-sided mentality that people don't accept it". Crisis Group interview, İsmail Durgun, president of the Hakkari Bar, Hakkari, June 2011.

<sup>174</sup> Crisis Group interview, Dilek Kurban, Türkiye Ekonomi ve Sosyal Etüdler Vakfı (TESEV), İstanbul, March 2011.

<sup>175</sup> From the first days of Öcalan's arrest in 1999, the military talked to the jailed PKK leader. "The talks are going on, they have good intentions [but continued bans, arrests and military pressure] do not give confidence". Aysel Tuğluk, prominent Turkish Kurd nationalist and Öcalan lawyer, quoted in Bağımsız İletişim Ağı (BIA), 28 April 2011.



Kurdish realities.<sup>176</sup> AKP tried to bring more variety to Kurdish political representation by appealing to respected veteran dissident Kemal Burkay to return from his Swedish exile.<sup>177</sup> Erdoğan boasts that AKP has been more open than others to the legal Turkish Kurd nationalist movement,<sup>178</sup> though this was not always obvious, and he clearly wants as little as possible to do with it personally.<sup>179</sup>

Decades of experience prove that the Turkish Kurd problem cannot be solved by dodging the established, resilient and popular nationalist movement. Instead, even PKK members have to be encouraged to enter the non-violent civilian mainstream.<sup>180</sup> AKP alleges that the nationalists' influence is based solely upon threats of force, but when tens of thousands turned up for the funerals of four dead insurgents in Diyarbakır in May, and the whole town closed down for business, this reflected more than just fear of the PKK's ability to punish disobedience.<sup>181</sup>

For some Kurds, the AKP is quietly aiming to solve the Kurdish problem by sidelining the BDP and PKK.<sup>182</sup> This has made the Kurdish nationalist movement deeply sceptical

of the Democratic Opening, though key members were much more positive in 2009. When the police distributed a December 2009 photograph of elected BDP officials lined up like common criminals in, however, BDP enlarged it into a giant poster to hang from the Diyarbakır municipality building with the legend "don't touch my [political] will".

Initially, I had some feeling that they would compromise. I don't have it any more. We asked for education in our mother tongue. They said "no". We asked for political freedoms. They said it's the judiciary's business. We asked for Truth and Reconciliation. They gave no answer. We asked for the 10 per cent [national vote] threshold [for parliament] to come down. They said it will bring instability. We said end the Village Guards [pro-government Kurdish militia] system. No answer. There's nothing in this Democratic Opening. It's empty. They have to fill it.<sup>183</sup>

## 1. The election threshold

One early, bold and attention-grabbing step AKP could take would be to lower the 10 per cent threshold parties must cross to enter parliament in a national election to 5 per cent, as is common in many European countries that use voting systems with proportional representation.<sup>184</sup> Turkey has the highest threshold of any Council of Europe member,<sup>185</sup> introduced in 1983, partly to prevent a repeat of over-powerful governments in the 1950s and mainly to solve the problem of the unstable ones of the 1970s. This sometimes worked,<sup>186</sup> but has become counterproductive.

Turkish Kurd nationalist parties are currently the main victims of the threshold.<sup>187</sup> Because of it, they must field candidates as independents in each constituency to have any real chance of winning seats, but this means forfeiting any share of television and radio party political broadcasts, or any votes from Turkey's large diaspora, who must vote

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<sup>176</sup> "Martyrs, martyrs, martyrs. Have you got nothing else? You are always trying to live on the blood of the martyrs, and from the terrorist organisation too .... you can't develop any democratic struggle". Erdoğan, speech to parliamentary group, 12 July 2011.

<sup>177</sup> For instance, then-Interior Minister Atalay personally called Burkay in August 2010 to invite him home. He made a first visit in August 2011.

<sup>178</sup> "My parliamentary group is probably the one that talked most to BDP, lots of subjects. But they were never sincere. When it got to the point of a solution, they didn't seem to want it". Erdoğan, interview, 32. *Gün*, 5 June 2011.

<sup>179</sup> "Erdoğan and BDP only met once. He stressed that he was only meeting them as the head of AKP. Other parties copied his lead. They don't even shake BDP's hands. This only strengthens Öcalan". Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, May 2011.

<sup>180</sup> "The PKK is not just a military group anymore. It is a civilian organisation. We said [to the authorities] let the PKK legalise itself". Crisis Group interview, leading Turkish Kurd lawyer, Diyarbakır, May 2011.

<sup>181</sup> "Look at Ofis, the heart, the brain of Diyarbakır, all closed! They may not approve of the organisation, but they feel they have to make some reaction, to show respect for the blood that has been spilled". Crisis Group interview, Kurdish lawyer, Diyarbakır, May 2011.

<sup>182</sup> "There are some talks, MIT [Milli İstihbarat Teşkilatı, National Intelligence Organisation] and the army. The talks are well-intentioned, but Öcalan says the people he meets don't have any authority. They seem to be just mucking us about. What is the level, what is the content? They have closed all the doors. There is no project given to Öcalan. We bring proposals; they reject them; we lose faith in the process. They are talking about an opening, but there is no project. We can't see it. All we see are attempts to silence us". Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

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<sup>183</sup> Ibid.

<sup>184</sup> Article 33, Law no. 2839, Election of Members to the National Assembly.

<sup>185</sup> The next highest is Liechtenstein with 8 per cent, then Russia and Georgia, each with 7 per cent; most have chosen 5 per cent or lower. *Yumak and Sadak v. Turkey*, judgement, European Court of Human Rights (ECHR), 8 July 2008.

<sup>186</sup> There were twenty governments in nineteen years after 1960, when proportional representation was applied without a threshold; there have been just eight governments in the 28 years since the 10 per cent threshold was set in 1983.

<sup>187</sup> In 2011, for instance, the first party above the threshold, the Turkish nationalist National Action Party (Milliyeti Hareket Partisi, MHP), won 13 per cent of the vote; and the first party below the Turkish Kurd nationalist part, the pro-Islamic Felicity Party (Saadet Partisi, SP), won just 1.22 per cent of the vote.

by party lists. This distorts election results<sup>188</sup> and increases a sense that Kurds are discriminated against.<sup>189</sup> In the 2002 election, the alliance headed by the Kurdish nationalists won 6.2 per cent of the vote but no seats.<sup>190</sup> In a 2008 judgement, the European Court of Human Rights, while finding nothing essentially undemocratic, said that 10 per cent was “excessive”; four dissenting judges argued that democratic rights were impeded by the threshold.<sup>191</sup>

The Council of Europe, while it has no binding position on thresholds, has recommended that “in well-established democracies, there should be no thresholds higher than 3 per cent”.<sup>192</sup> Its Venice Commission has warned that “electoral thresholds should not affect the chances of national minorities to be represented”.<sup>193</sup> Even President Gül has suggested that the threshold could come down.<sup>194</sup> But when

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<sup>188</sup> Some believe that without the threshold, BDP would have won 50 seats nationally instead of 36. Henri Barkey, “Winners and Losers in Turkey’s Election”, Carnegie Endowment for International Peace, 13 June 2011. Because of the distortions of the proportional representation system, in Diyarbakır province AKP’s 32.9 per cent of the vote won it five seats in the June 2011 election, while BDP’s 62.1 per cent won its independent candidates just six seats. Nevertheless, BDP’s 5.9 per cent of the national vote did achieve 6.5 per cent of the seats in parliament for its independent candidates.

<sup>189</sup> “They have to open the way for politicians like me to operate. They could have lowered the vote barrier to 5 per cent. But then they would only get about 300 MPs. If we had 60 MPs, then we could say to the kids in the mountains, come down”. Crisis Group interview, Abdullah Demirbaş, Sur municipality mayor, Diyarbakır, May 2011.

<sup>190</sup> The 2002 election was an exceptional case, however. 45 per cent of votes cast in effect did not count because several parties did not receive enough votes to cross the threshold, and a 30-year record 22 per cent of voters abstained.

<sup>191</sup> The court’s majority noted that parties were able to team up with others and get into parliament; that politicians could and did win seats as independents; that the 2002 result was exceptional, both in terms of unrepresented votes (the previous record of unrepresented votes was 19.4 per cent in 1987), low turnout and an atmosphere of crisis in the country; and that Turkey was justified in seeking a system that would deliver stable government. It concluded that “the Court is not persuaded that, when assessed in the light of the specific political context of the elections in question, and attended as it is by correctives and other guarantees which have limited its effects in practice, the threshold has had the effect of impairing in their essence [the applicants’ democratic rights]”. *Case of Yumak and Sadak v. Turkey*, 8 July 2008.

<sup>192</sup> “State of human rights and democracy in Europe”, Resolution 1547 (2007), Parliamentary Assembly of the Council of Europe.

<sup>193</sup> “Report on electoral rules and affirmative action for national minorities’ participation in decision-making process in European countries”, Venice Commission, 15 March 2005.

<sup>194</sup> Speech to Parliamentary Assembly of the Council of Europe, 3 October 2007.

a BDP deputy in 2010 proposed in parliament’s constitution commission lowering it to 3 per cent, the AKP members voted “no”, and the CHP and MHP abstained.<sup>195</sup>

## 2. The Political Parties Law

The AKP-sponsored constitutional referendum of September 2010 made it more difficult to close down political parties,<sup>196</sup> the bane of Kurdish political life since the first of six explicitly Turkish Kurd nationalist parties was formed in 1990.<sup>197</sup> Two predecessor parties to the AKP were also closed on charges of having Islamist goals, and about twenty parties in total have been shuttered since the current constitution was adopted. Each time this happens, the state confiscates the parties’ assets, while leading members are often subjected to long bans on political activity. This has had a destabilising effect on democracy, by weakening all Turkish parties’ organisational structures, their resistance to corruption, their attractiveness to activists seeking a political career and their ability to carry out complex political programs.

The Turkish Kurd movement should have seized any opportunity to cooperate with AKP in writing the law making it more difficult to close parties in 2010, but the BDP refused to vote for the any of the constitutional amendments AKP proposed in parliament. It then called for a boycott of the referendum on the whole constitutional reform package, proving its influence when large numbers of Kurds stayed away but damaging the idea that it was a constructive player.<sup>198</sup>

On the grounds of simple consistency, AKP should modernise the Political Parties Law drawn up under the military rule of the early 1980s. In April 2010, the party removed the bar on all languages other than Turkish in elections, changing the outright ban in the election law to the more flexible “in principle, political parties and candidates should use Turkish for electoral propaganda”.<sup>199</sup> Yet this contradicts other bans on Kurdish still set out in the Political Parties Law.<sup>200</sup> In November 2010, a court used that law

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<sup>195</sup> Bağımsız İletişim Ağı (BIA), 26 March 2010.

<sup>196</sup> The majority needed in the Constitutional Court to close a political party rose from three fifths to two thirds.

<sup>197</sup> Since 2009, the sixth of these parties, the BDP, has been the main vehicle for legal Kurdish nationalist politics, but many of the politicians are the same leading names, such as Ahmet Türk, Leyla Zana, Hatip Dicle and others.

<sup>198</sup> High rates of boycott in the south east ranged up to 90.9 per cent in Hakkari province. “They didn’t take one single idea of ours. That’s why we boycotted it”. Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

<sup>199</sup> Law on the Basic Regulations of Elections and Electoral Rolls, No. 298 (1961).

<sup>200</sup> Article 81 of the Political Parties Law, no. 2820 (1983), completely bans any language other than Turkish in any party

to trump the reform of the election law, sentencing Mayor Nejdet Atalay of Batman to five months in jail for a 2009 speech in Kurdish.

### 3. The unbearable vagueness of “democratic autonomy”

The Turkish Kurd nationalist movement and most Turkish Kurds have become clearer that they are not seeking an independent state. Instead, they call for autonomy or strengthened local government. Referring to occasional pre-1923 promises of autonomy by republican founder Kemal Atatürk during Turkey’s war of liberation and the fact that the Turkish uprising’s first constitution in 1921 talked of broad provincial powers and made no reference to ethnicity, a veteran Kurdish nationalist leader said:

We have to join in the administration of the region. In the 1920s, autonomy was offered, but taken away. The Kurds were blocked for a long time; that’s why they turned to guns. We just want a kind of autonomy. This could mean local parliaments, control of health and education. We just want a share. We see it in Spain, in Scotland, in Ireland; Italy has 27 regions ... we don’t say federalism, we say autonomy.<sup>201</sup>

The Turkish Kurd nationalist movement has, however, not succeeded in defining its preferred form of autonomy, partially because any set formula is likely to be considered as “separatist” in the highly centralised Turkish system. AKP passed five laws in 2004-2005 to strengthen provincial assemblies and municipalities, replacing laws from the 1930s.<sup>202</sup> This has been assessed positively,<sup>203</sup> but implementation often creates problems.<sup>204</sup> Turkey must

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meetings, publications or broadcasts, although it allows translation of the by-laws and party programs into “any language not banned by law”, that is, in practice, anything except Kurdish. It also legislates that “political parties are not entitled to assert that there exist within the territory of the Republic of Turkey minorities based on a race, religion, sect, culture or language”.<sup>201</sup> Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.  
<sup>202</sup> Crisis Group interview, Turkish official, Hakkari, June 2011.  
<sup>203</sup> “The new laws adopted in 2004-2005 have introduced a drastic shift in the relationships between central and local administration, to set them in line with the standards and criteria laid down in the European Charter of Local Self-Government (Article 8)”. United Nations Development Programme (UNDP), Turkey website.

<sup>204</sup> “I am completely dependent on the state. I have 500,000 people but only get enough money for 100,000”. Crisis Group interview, Abdullah Demirbaş, BDP Sur Municipality mayor, Diyarbakır, May 2011. In Hakkari, the municipality complains that it has 50 per cent more people than the official headcount for pro-rata payments, and it only gets enough money to pay its staff. Crisis Group interview, Hatice Demir, deputy mayor, Hakkari, June 2011.

allow local municipalities to raise some of their own revenues. It must move away from central appointments of provincial governors, police officers, prayer leaders, judges, teachers and hospital staff. Decentralisation could start, for instance, with more provincial and municipal responsibility for appointments in and management of primary schools, cultural centres and local clinics.

Still, a mix of poverty,<sup>205</sup> low levels of education and political tensions cause Kurdish areas to suffer more than others. Turkish Kurd municipalities appear to be the victims of a pattern of intrusive and apparently discriminatory inspections.<sup>206</sup> And like anywhere in Turkey, city halls run by a different party from the national government always have to fight harder to bring centrally funded projects to their municipalities. Kurdish local authorities and political elites lack experience and knowledge about how decentralisation has worked elsewhere. Even in western Turkey people have only recently begun to take more local government into their own hands.

Nevertheless, the Turkish Kurds’ main civil society platform, the DTK, called in December 2010 for a “democratic autonomous Kurdistan” and formally declared “democratic autonomy” on 14 July 2011. While commentators disputed whether this was merely rhetoric<sup>207</sup> or intended as a charter for PKK domination of the Kurds,<sup>208</sup> few Kurds professed to have understood the operational meaning of such vague pledges as “[d]emocratic autonomy would not cause a changing of borders, but within those borders it would make stronger the fraternity and unity of people”.<sup>209</sup>

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<sup>205</sup> The people of Turkey’s easternmost group of provinces around Van, for instance, have an income one-third the country’s average.

<sup>206</sup> “It’s to let us know we’re being watched. Let the others [in western Turkey] be inspected all the time too”. Crisis Group interview, Bekir Kaya, BDP mayor, Van, June 2011.

<sup>207</sup> Mümtazer Türköne, “Democratic Autonomy or Decentralisation?”, *Today’s Zaman*, 25 December 2011.

<sup>208</sup> “The aim is to establish a model based on Leninist-Stalinist control of political and social life”. Yavuz Baydar, “Democratic autonomy: a model for PKK tutelage”, *Today’s Zaman*, 27 December 2010. “The organisation’s aim is an autonomous region not for the Kurds of the south east, but for the PKK. If what they really wanted was democratic autonomy, there was absolutely no need for this extent of escalation of violence ... no government could give the PKK what it is demanding in the southeast ... by escalating the war they are trying to get rid of AKP in the south east and take complete control of the region”. Kurtuluş Tayız, “The state is now exercising legitimate defence”, *Taraf*, 19 August 2011.

<sup>209</sup> “Democratic autonomy – ordinary people don’t understand what this means. I don’t think BDP understand what they mean [when they say it]. It’s just a phrase coming from Öcalan”. Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, April 2011.

Separately and inconsistently, the BDP and its leaders have called for Turkey's local government to be divided into 25 new regional groups of three or four provinces each;<sup>210</sup> for Spain's Catalan or Basque regions to be used as models;<sup>211</sup> and for governors to be elected in each province.<sup>212</sup> Turkish Kurds have long advocated that Turkey lift its reservations on the Council of Europe's 1988 European Charter of Local Self Government.<sup>213</sup> All demand an end to the state system of Village Guards,<sup>214</sup> with Öcalan suggesting they be replaced by a local provincial militia. At the same time, the PKK field chief, Murat Karayılan, says, "Democratic Autonomy" is "not against the basing of Turkish troops in Kurdistan".<sup>215</sup> BDP has also sought changes in Article 14 of the constitution, which proclaims the "indivisible integrity of the state with its territory and nation".<sup>216</sup>

For sure, Kurds want more control over their own lives,<sup>217</sup> but their ambiguous proposals have not convinced the Turkish authorities that is all they want.<sup>218</sup> Turkish nation-

alists are convinced that it is all code for seeking an independent state.<sup>219</sup>

This "democratic autonomy" is double-dealing; nobody knows what it is. The PKK wouldn't stick to a deal even if we made one. They keep changing their goals. They want to be in politics, to have a separate ethnic entity to run.<sup>220</sup>

Given the lack of clearly thought-out plans for autonomy or decentralisation, ending the fighting, legal reforms and language rights are more urgent. Increasing investment is desirable to reduce the south east's economic backwardness. The government's focus on strengthening local infrastructure, supporting small and medium size businesses and providing seeds and fertilizer for local farms should continue and be expanded. While the three-decade-old conflict has wrecked many villagers' lives, the pre-1984 sheep-raising of many rural south-east communities would in any case have had to become far more professional to survive.<sup>221</sup>

Ending petty discrimination would also help reassure the Turkish Kurds of the Turkish authorities' goodwill. Diyarbakır Airport is a case in point. Dozens of domestic civilian flights each day serve the city of one million and its much bigger hinterland, but the civilian terminal is an extension of a military facility whose roaring jet fighters are part of Diyarbakır's background noise. Its international section for years has only been used for the annual Muslim pilgrimage to Mecca. In November 2010, a private Turkish airline, Sun Express, scheduled some direct flights to Germany, where perhaps 500,000 Turkish Kurds live.

We sold tickets for three months, to Frankfurt and Stuttgart. Then, on the day before the first flight, the military stepped in and cancelled it, no reason given, only "we can't assure flight security". This is ridiculous. We could fill two flights a day to Germany from Diyarbakır in summer, maybe two a week in the rest of the year. We are the regional centre; everything goes through here.<sup>222</sup>

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<sup>210</sup> "There would therefore be three-four regions in the south east, each with its own emblem, for instance". Crisis Group interview, Abdullah Demirbaş, Sur Municipality mayor, Diyarbakır, May 2011.

<sup>211</sup> *Taraf* interview with BDP deputy Aysel Tuğluk, 24 May 2011.

<sup>212</sup> "The time has come to elect our own district prefect, our governor. Our leadership should be among us. Our guerrillas should be seen among us. We want to be a partner of the government. If they don't accept, we'll create it ourselves". Leyla Zana, quoted in *Milliyet*, 26 May 2011.

<sup>213</sup> When it ratified the charter in 1991, Turkey put reservations on ten paragraphs relating to rights of local government to raise funds, freedom to use allocated funds, joint association, consultation with the central government, changes to internal administrative structures and international contacts. The opposition CHP supported lifting these reservations in its June 2011 election manifesto, but AKP made no mention in its June 2011 government program.

<sup>214</sup> More than 59,000 Turkish Kurds have chosen or been pressured to serve in this paid pro-government militia full time, plus another 23,000 who serve in it unpaid. They constitute a major obstacle to peace since they have often taken over land in villages whose populations fled the fighting.

<sup>215</sup> Cengiz Çandar, "Dağdan iniş", op. cit., p. 26.

<sup>216</sup> *Hürriyet Daily News*, 13 July 2011.

<sup>217</sup> "This is really wanting better government, and wanting to do it ourselves. And people want a regional parliament to take decisions". Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, May 2011.

<sup>218</sup> In the taped exchange between the PKK and Turkish government negotiators, the government representatives repeatedly complain about the PKK's long and vague lists of demands. For instance, Sabri Ok [PKK]: "We'll prepare you something today". Afet Güneş [Turkish National Intelligence Organisation]: "We'll try to take it but ... please do me a favour and don't write fifteen pages!" Ok: "No, no, we'll keep it short". Güneş: "Really, I don't think you know how to write anything ... short". Ok: "You're right" (Laughter). Cited in *Taraf*, 13 September 2011.

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<sup>219</sup> "It will have a separate flag, a separate defence force, a second official language and will be able to contact other countries directly. Naturally, a plebiscite will follow, and this autonomous region will separate from Turkey". Hasan Celal Güzel, "Autonomy: the last stage before partition", *Sabah*, 21 July 2011.

<sup>220</sup> Crisis Group interview, senior AKP official, May 2011.

<sup>221</sup> "It was not vibrant before the conflict; it was a subsistence economy. New market networks would have destroyed animal husbandry anyway. The way of doing business, the size of the production units, the methods were all out of date". Crisis Group interview, Emin Yaşar Demirci, Eastern Turkey Development Agency (Doğu Anadolu Kalkınma Ajansı, DASA), Van, June 2011.

<sup>222</sup> Crisis Group interview, Bayram Polat, travel agent, Diyarbakır, May 2011.

Sun Express moved the flights to the civilian airport at Elazığ, a mixed, smaller town two hours away. The resulting frustrations leave Kurds demanding more local rights, but their angry vagueness makes mainstream Turks more suspicious and deepens mutual misunderstanding. As an AKP leader put it, “nobody [on the Kurdish side] wants partition. But the west of Turkey hasn’t realised this”.<sup>223</sup>

## VI. BREAKING THE CYCLE OF VIOLENCE

Force has clearly not solved the problem for either side in the past decades,<sup>224</sup> yet both seem unable to shake the habit of using it.<sup>225</sup> If the recent escalation can be brought under control, the deals developed during the Democratic Opening would still be good ones, and the same actors could implement them. Both sides need to moderate their angry rhetoric.

A major report by leading Turkish intellectual Cengiz Çandar shows how – despite an official Turkish refusal to talk to the PKK – there were serious discussions between the state and the PKK leader in 1993, 1996, 1997-2001 and 2002-2005. From 2006, including the period of the Democratic Opening until now, Turkey has talked not just with Öcalan but also the PKK in northern Iraq and the diaspora in Europe.<sup>226</sup> The problem, however, is that both the Turkish authorities and the Turkish Kurd nationalist movement have frequently broken promises and failed to achieve consensus among their own internal hardline and dovish factions, and do not trust each other enough to enter full negotiations on a settlement.<sup>227</sup>

Debating who’s responsible [for the current escalation] is as pointless as asking the question of whether the chicken or the egg came first . . . but if the government doesn’t change course, the near future will probably be bloody and chaotic. The PKK has been planning and wanting an armed escalation for months. If the government follows suit, the Kurdish problem will be militarised, nationalism will be pumped up, and the PKK will win influence over a big proportion of the Kurds.<sup>228</sup>

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<sup>224</sup> AKP launched the Democratic Opening after the Turkish armed forces “could not give a clearly positive answer to the question of whether they could finish off the PKK by military means”. Cengiz Çandar, “Dağdan iniş”, op. cit., p. 14.

<sup>225</sup> “The conflict has lasted nearly 30 years. The conflicting sides have developed a habit, a network of interests that depend on conflict”. Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>226</sup> After the publication in September 2011 of a tape of one of these high-level meetings, in which both sides were clearly trying to reach a negotiated settlement, BDP leader Selahattin Demirtaş noted that lack of any real public outcry showed that “the Turkish public is ready for negotiations”. Quoted in *Today’s Zaman*, 14 September 2011.

<sup>227</sup> Cengiz Çandar, “Dağdan iniş”, op. cit., pp. 45-49.

<sup>228</sup> Cengiz Çandar, “Kandil’e karşı Türkiye-İran-Barzani işbirliği mümkün mü?” [Is Turkey-Iran-Barzani cooperation possible against Kandil (the PKK)?], *Radikal*, 13 September 2011.

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<sup>223</sup> Crisis Group interview, Ankara, May 2011.

## A. BROADENING THE GOVERNMENT'S FOCUS ON HARD SECURITY

From the very beginning of the Democratic Opening, the government realised that it would have to promote a real change of atmosphere in the south east:

There were lots of checkpoints. I ordered them out, giving instructions for them to be used only if there is a specific threat. I asked the ban on using high pastures to be lifted. I encouraged anything that would help the daily life of citizens, make them feel free, asked for changes in police attitudes, governors' behaviour, even hospital staff's approach to people. Respect the rights of citizens, I said, don't make them feel like they're being viewed as a threat.<sup>229</sup>

Some government officials have suggested to Crisis Group that they did not always have the authority to rein in the security forces, which took the initiative, ambushing and killing groups of PKK insurgents at politically sensitive moments, thus undermining the AKP effort.<sup>230</sup> Over the course of the conflict, it is clear that hardliners on both sides have sought to keep it going for political or ideological reasons.<sup>231</sup> The current escalation bears signs of a more nationalist agenda being pursued by Prime Minister Erdoğan, angered by the breakdown in the Democratic Opening, and of hardline PKK commanders taking matters into their own hands.

Today, however, the government has stronger control over the armed forces and should dissuade them from falling into a pattern of tit for tat escalations with the PKK.<sup>232</sup> The PKK's attacks in August/September are a deliberate provocation, a tactic by the group to trap the authorities into a new cycle of conflict, to polarise Turkish-Turkish Kurd opinion and thus regain some of the support it lost due to progressive AKP policies. Previous upsurges of violence and searches for a decisive military victory by both

sides in the early 1990s never came close to achieving that goal for either party. No major underlying security dynamics have changed since then.

Similarly, a major ("once and for all") ground offensive into northern Iraq, much discussed in the Turkish media in August/September 2011,<sup>233</sup> is full of dangers. While attractive from a domestic political perspective of being seen to do something, 25 to 30 similar incursions over the past quarter century never changed much on the ground, even when tens of thousands of Turkish troops were engaged. Turkey already has forward bases and troops. The last big offensive into northern Iraq in mid-winter conditions in February 2008 resulted in the deaths of 27 of its soldiers, a helicopter lost, no clear change in the military situation and rioting on the streets of Istanbul.<sup>234</sup> A similar operation would run the risk of victimising civilians in Iraq but probably not damage the good relationship with Baghdad and Iraqi Kurds, hard won since 2007.<sup>235</sup> Any operations in northern Iraq should be carefully coordinated with local officials and other international allies and seek to avoid striking civilians or civilian areas.<sup>236</sup>

The AKP government has publicly set a harsher tone, with a National Security Council statement pledging to "retaliate to terror acts in a most stern way".<sup>237</sup> Erdoğan himself has vowed to use new methods<sup>238</sup> and to give a role in the fighting to "Special Team" units from the police, including an initial 500 highly trained officers who have been sent to provincial centres. While the proposal for greater civilian control of the anti-PKK fight may bring better co-

<sup>229</sup> Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>230</sup> Crisis Group interviews, senior AKP officials, March-June 2011. Operational decisions were taken "independently of the political authorities, in general". Cengiz Çandar, "Dağdan iniş", op. cit., p. 52.

<sup>231</sup> Ibid, pp. 51-55, 69.

<sup>232</sup> The Turkish military challenged AKP in 2007 by explicitly rejecting its choice of Abdullah Gül as president; AKP called a snap parliamentary election, which it won with 47 per cent of the vote. Since 2009, it has encouraged the judiciary to root out alleged coup-mongering in the army, especially in the 2003-2004 period, and its popular support has grown. After this resulted in pre-trial or preventive detention for one tenth of Turkey's serving generals, and the AKP government refused to consider the promotion of any officers involved, four of Turkey's five top generals resigned on 29 July 2011.

<sup>233</sup> "Tension high at borders as raid speculations rise", *Hürriyet Daily News*, 8 September 2011.

<sup>234</sup> The Turkish military claimed 230 PKK killed, while the PKK said it had very few casualties.

<sup>235</sup> The first definite casualties of the Turkish bombing were seven Iraqi Kurd civilians, triggering condemnations from Iraq's Kurdistan Regional Government and Baghdad. Bağimsız İletişim Ağı (BIA), 22 August 2011. Both Turkey and the Iraqi Kurds have invested too much in their new relationship to give it up easily, however. From Turkey's point of view, the partnership is strategic and aimed at tying the Kurds into Iraq as a buffer against Iran. See Crisis Group Report, *Turkey and Iraqi Kurds*, op. cit., pp. 19-21.

<sup>236</sup> "Iraq's Kurdish regional administration approves Turkey's military operation", *Today's Zaman*, 15 September 2011.

<sup>237</sup> National Security Council statement, 18 August 2011.

<sup>238</sup> In recent statements, Prime Minister Recep Tayyip Erdoğan has said that "In the coming period, very different strategies and practices will become apparent. They [the Turkish Kurd nationalists] should realise this". Quoted in *Yeni Şafak*, 16 July 2011. "Everyone should know that the beginning of peace will be more different after this [Ramadan, August 2011] month of peace and solidarity". Speech, *Today's Zaman*, 15 August 2011. "We'll talk to them in the language they understand [force], within the bounds of a state of law and pursuing the [Democratic Opening]". Quoted in *Radikal*, 13 September 2011.

ordination, care should be taken to avoid the abuses committed by similar “Special Team” units in the 1990s.<sup>239</sup> Prioritising the capture of PKK insurgents rather than “rendering them ineffective”, the dehumanising army-speak for killing them, would be a good start.

Even while security forces maintain maximum vigilance against attacks, the government should diminish the attractiveness of the PKK struggle by pursuing constitutional and legal reforms that remove any ethnic discrimination. And even while bombing PKK targets in northern Iraq, engaging in special operations in the south east such as those begun in mid-August, and considering a ground offensive, Turkish authorities should never forget that a political settlement will still likely be needed in the end.<sup>240</sup> Thus, they must avoid any sense of all-out war, keep any incursions limited in time and space and when this round of fighting is brought under control, prepare public opinion for the reality that a settlement will need an amnesty and rehabilitation program for former insurgents.

The recent rise of violence has fuelled hawkish sentiments in both camps. But the Turkish authorities, as the far stronger and legitimate party, have a special responsibility to set a constructive tone. They should explore the many essentially reasonable elements in the suggestions for a ceasefire and negotiations that emerged from the BDP’s September 2011 party congress.<sup>241</sup> When the prime minister says, “our patience has finally run out. Those who do not distance themselves from terrorism will pay the price”,<sup>242</sup> little

manoeuvre room is left for Turkish Kurd nationalists who seek to promote change through civilian politics.<sup>243</sup>

## B. ENDING THE KURDISH NATIONALIST ARMED STRUGGLE

The Democratic Opening flourished at a time when the PKK was mostly observing a unilateral ceasefire that it called “passive defence”. However, PKK attacks continued even then, partly because it said the Turkish side never reciprocated. Ambushes were mainly directed at the security forces on patrol, Turkish military outposts and vehicles. Kidnapping of civilians, the shooting of off-duty servicemen and the injuring of three Turkish Kurd religious school pupils in May 2011 by a pro-PKK crowd of youths throwing Molotov cocktails also occurred.

Turkish Kurd leaders say they have increasing trouble reining in violent reactions by their nationalist youth, especially the large, alienated, disinherited generation pushed into big cities by the conflict. After seeing his father stripped of his post for introducing multi-lingual municipal services and thrown in jail on terrorism charges for making a pro-Öcalan statement on a pro-PKK television station,<sup>244</sup> Baran, the sixteen-year-old son of the BDP mayor of Diyarbakır’s Sur district, joined the PKK insurgency. His father said:

I’ve never taken up arms, but just one of the law cases against me is for 35 years in jail, and the total is for 178 years. The police published a photo of me in plastic handcuffs, in a line being led away. The people understood this: “you can’t do politics”. That was the message. All this happened under AKP’s Democratic Opening. During this process, I reckon 1,500 kids have gone up to the mountains. Baran said to me: “you told me democracy is the right way to go. But the state only understands guns”.<sup>245</sup>

Some Turkish Kurds believe BDP is exploiting the issue<sup>246</sup> and blame the Kurdish nationalists for making existing

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<sup>239</sup> “People have very bad memories of these forces. No matter what you do, you cannot erase their negative image in people’s minds. The methods of 1993 cannot work in 2011”. Mehmet Tezkan, “Can the methods of 1993 work in 2011?”, *Milliyet*, 25 July 2011.

<sup>240</sup> Some suspect the government hopes for military victory with new support from Iran and the Iraqi Kurds, even though these partners have not proved reliable allies in the past. “If anyone thinks they can eliminate the PKK in a few months like the Tamil Tigers, could they please put side by side a map of Sri Lanka and another showing the Middle East with Turkey, Iran, Iraq and Syria”. Cengiz Çandar, “Kandil’e karşı”, op. cit.

<sup>241</sup> Listed by BDP co-chair Gültan Kışanak at the congress, they included constitutional guarantees for all identities, cultures, languages and beliefs in Turkey; legal recognition of an education in one’s mother tongue; decentralisation and regional autonomy; removing barriers before women and easing their participation in economic and social life; constitutional guarantees for freedom of expression, freedom of the press and rights to organise; removing the election threshold; freeing Kurdish politicians who were arrested on political grounds; producing solutions to allow Hatip Dicle to enter Parliament; and establishing a constitutional commission that will include civil society and opinion leaders. *Today’s Zaman*, 5 September 2011.

<sup>242</sup> “Anti-PKK offensive takes precedence in fight against escalating terrorism”, *Today’s Zaman*, 18 August 2011.

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<sup>243</sup> “The alternative to negotiating with ‘terrorists’ is to take steps to strengthen civilian organisations within the movement. At least until 2009 this was precisely opposite to the approach taken by the Turkish government”. Nicole F. Watts, op. cit., p. 176.

<sup>244</sup> Demirbaş was sentenced to two years and six months in jail but was released early due to health problems (deep vein thrombosis). However, he was banned from travelling abroad for treatment of his life-threatening condition.

<sup>245</sup> Crisis Group interview, Abdullah Demirbaş, Sur municipality mayor, Diyarbakır, May 2011.

<sup>246</sup> While recognising that an inchoate anger was a Kurdish youth phenomenon, a leading Kurdish nationalist commentator said, “the reality is that the ‘activeness’ of youth is linked to the daily politics of the PKK-BDP, and everything is linked to the fate

problems worse, especially when growing anti-Kurdish sentiment means Turkish Kurds find it harder to get jobs in western Turkey.<sup>247</sup> But others say that western Turks fail to see how the violence is spiralling out of control.<sup>248</sup> At a 5 May meeting of the Kurdish nationalist movement, for instance, participants debated whether the use of Molotov cocktails was violent or not. In any event, PKK leaders are unlikely to agree to lay down arms unilaterally, arguing that when they attempted to withdraw all their forces from Turkish territory in 1999, the army pounced, killing at least 200 insurgents as they crossed exposed areas on their way to the borders.<sup>249</sup>

Ending the insurgency is also difficult because much of the PKK's social and political power derives from the use or threat of force.<sup>250</sup> Turkish Kurd nationalists justify this, saying that the government only compromises when it feels under pressure.<sup>251</sup> BDP officials readily echo the language of armed struggle.<sup>252</sup> Moderate Kurds wonder if the PKK

is ready to become part of the legal Turkish political scene.<sup>253</sup> Compromise is resisted by its tightly-organised cadres in the Turkish Kurd diaspora, which may number one million people, half in Germany.<sup>254</sup> Not just politics, but also large sums of money are at stake.<sup>255</sup> Dubious fund-raising methods have landed the PKK and some of its leaders on U.S. drug-trafficking watch lists.<sup>256</sup>

The PKK must end its escalation of the violence and use of terrorist tactics, and the BDP must urgently disassociate itself from PKK armed action, especially the killing of civilians. The current upsurge and uncompromising positions are damaging the Kurdish nationalist movement's image among potential mainstream Turkish counterparts and Western interlocutors.<sup>257</sup> A peace settlement must be

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of normalisation". Orhan Miroğlu, "Bringing the PKK down from the mountain", *Taraf*, 7 July 2011.

<sup>247</sup> "I did my military service, and I am a proud Turkish citizen. But we Kurds created this bad image for ourselves, this fighting, the PKK coming to our village and forcing my family to give them food. The BDP's aim is an independent Kurdistan. But that's not what most Kurds want". Crisis Group interview, Turkish Kurd migrant, Antalya, June 2011.

<sup>248</sup> Ambushes that killed several PKK fighters with no army casualties and arbitrary court decisions mean that "there is anger, and if anger grows, people go blind. It could blow up, and not just here in the south east. The trouble is, people in western Turkey don't see it". Crisis Group interview, Emin Aktar, Diyarbakır Bar president, Diyarbakır, May 2011.

<sup>249</sup> Cengiz Çandar, "Dağdan iniş", *op. cit.*, June 2011, p. 60.

<sup>250</sup> "If [the PKK/BDP] can't say that force is wrong, it's legitimate to ask them to do that. The problem for them is that when they leave violence, it'll become obvious that they don't bring anything to the table. They operate with extortion and putting pressure on politicians. If you are bringing men down from the mountain to be brigands in the towns, then I don't accept it". Crisis Group interview, Mazhar Bağlı, Turkish Kurd sociologist and member of AKP's executive board, Diyarbakır, May 2011.

<sup>251</sup> "If we got anything after 2005, it's because the clashes started again [after 2004]". Crisis Group interview, İsmail Durgun, Hakkari Bar president, Hakkari, June 2011. "AKP has been in power nine years; they say nice things, but as a Kurd living here they have done nothing [for free]. As we struggle, we will progress. There will be deaths, tears, but we'll get there". Crisis Group interview, senior BDP municipal official, Van, June 2011. "If we had stayed silent twenty years, if we hadn't rebelled, would they have changed?". Crisis Group interview, leading Turkish Kurd politician, Diyarbakır, May 2011.

<sup>252</sup> "Will it be like Egypt, or like Syria? We don't know, but we will win a status, and we will defend it come what may. The responsibility is the state's, the prime minister's. Let's not forget that if it's going to be heaven, we'll live it together; if it will be hell, we'll burn there together too. We're not saying, it's all

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over, but ... we need practical work". Aysel Tuğluk, leading BDP politician, speech in Diyarbakır, 3 May 2011.

<sup>253</sup> "Do Öcalan and the PKK want to create a new mentality in Turkey that will help [Kurds and Turks] live together, or do they want only to win unconditionally recognition of the PKK's political strength and, under the name of 'Kurdish status' bring to life a new sort of sovereignty in the Kurdish geography? .... Turkey's conception of the Kurdish problem is rapidly changing ... but as long as this change finds no counterpart in the PKK ... and the PKK undergoes no fundamental change in its own [old] political culture, it will not be possible to advance to a political solution". Orhan Miroğlu, "Bringing the PKK down from the mountain", *Taraf*, 7 July 2011. "They've had guns for years and they don't want to leave them. That's where they got strong from, where the power flows from, how they are able to raise money. Can they give that up? I don't know. They need huge amounts of money, to keep Roj TV going, to keep supplies flowing to the guerrillas". Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>254</sup> "If we manage to get things down to a minimum level here, what is going to happen to the networks in Europe, some of which are into extortion and drug running? France may finally see the point. But it's their usual game. They are being horrible to us politically, so they look for something to give us". Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>255</sup> The PKK raises perhaps €12 million to €15 million per year from France alone. "The PKK's staff policies are like Coca Cola. They move executives around. They are very well organised, divided into zones with a pyramid structure. The collectors go to [Kurdish] families and restaurants. Some people give voluntarily; some are threatened; for some there is a small psychological pressure". Crisis Group interview, European anti-terrorism investigator, Paris, April 2011. The PKK raises €20 million or more from Germany, where it is much freer to organise. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>256</sup> The PKK was listed in the U.S. Foreign Narcotics Kingpin Designation Act in 2008.

<sup>257</sup> "I really was interested to go the BDP's annual convention [in Ankara]. But [because of the upsurge of violence and terrorist attacks] I didn't. It would give absolutely the wrong message at this time". Crisis Group interview, G-20 ambassador, September 2010.



the top priority if ex-PKK members want to return to normal lives in Turkey, including politics. In Europe, PKK members cannot sleep easy as long as they are on international terrorism and drug-trafficking lists and face an ever-stricter crackdown by European security forces.<sup>258</sup> If the PKK does not end the current escalation of the conflict quickly, it will take years for it to get back to a situation in which Turkish intellectual and public opinion are discussing accepting its members as amnestied, active politicians.

The Turkish Kurd nationalist movement can help save itself and the possibility of a future compromise by firmly embracing non-violent tactics and rejecting the current PKK return to violence. This does not mean that it should stop all political civic activity; rather it should further develop the kind of non-violent actions it began over the past year, such as organising alternative prayer services to protest state-approved, Turkish-language mosque sermons and round-the-clock “peace tents” to demonstrate political frustrations in major cities.<sup>259</sup> A local business leader explained:

This civil disobedience campaign is non-violent. We visited [the peace tents] and showed our support. It’s great; it’s historic that the political movement is developing a non-violent culture of action. They are trying to express their reactions in a democratic way by doing Friday prayers outside. The PKK is undoubtedly not democratic. But the BDP should develop democratic culture and put democracy to work inside itself. The organisation [PKK] may be dominant, but the Kurdish community has socialists, leftists, liberals, conservatives, different tendencies.<sup>260</sup>

### C. COMMITTING TO LEGALITY

Part of the tension over the legal or illegal nature of the Turkish Kurd movement’s activities revolves around the KCK, formed by the PKK in a series of congresses in

northern Iraq in 2005-2007. Broadly speaking, it is a pan-Kurdish umbrella organisation whose founding “contract” reads much like a quasi-state constitution.<sup>261</sup> In practice, the KCK and its Turkish Assembly is barely distinguishable from the PKK.<sup>262</sup> The leader is Öcalan. The executive council president is Murat Karayılan, who leads PKK insurgents in the field and vows loyalty to Öcalan. The KCK constitution states that the PKK should work like commissars throughout the Kurdish realm “as the ideological power of the KCK system”.

The KCK makes bringing the Turkish Kurd nationalist movement into the civilian political system more complicated, because it compromises the status of the BDP. For sure, BDP leaders have always been proud to share the PKK’s constituency,<sup>263</sup> and other Kurds see a close link between the two.<sup>264</sup> Öcalan and the PKK have tried to control the BDP.<sup>265</sup> BDP leaders advocate PKK interests: improve-

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<sup>261</sup> The KCK structure includes an executive council, a parliament (Kongra Gelê Kürdistan), a judiciary, diaspora representatives, political groups and armed insurgents active in Turkey, Iran and Syria. The eclectic founding document has socialist, feminist and anti-imperialist overtones; the Kurdish entity proposed is explicitly “not a state”, but there are frequent references to confrontation with an unnamed “state”. Echoing the language of Turkey’s constitution, it promises that every “Kurdistan-born citizen” will enjoy a panoply of rights from mother language and religious freedom to sporting activities. It envisages this within a “democratic, communal-federal system ... a method of organising that is both horizontal and pyramid-shaped”. The KCK seems to aim to become a parallel government in all but name, aiming for the “creation of the people’s own democratic organisation” defined from five main “regions” (of which Turkey is one) to street groupings. Complete text available in Turkish at [www.scribd.com/doc/16223666/KCK-ddianamesinin-tam-metni#archive](http://www.scribd.com/doc/16223666/KCK-ddianamesinin-tam-metni#archive).

<sup>262</sup> The PKK represents itself as a political part, and says the insurgents belong to the Popular Defence Force (Hezen Parastine Gele, HPG).

<sup>263</sup> “The constituency [of BDP and the PKK] is the same. You can’t separate them. This is a people’s movement. Öcalan, BDP, KCK, it’s all the same”. Crisis Group interview, BDP municipal official, Hakkari, June 2011. “If the PKK had not done this [armed struggle], the state would have crushed us. We owe them”. Crisis Group interview, senior BDP municipal official, Van, June 2011. “Let me say clearly that our supporters are PKK supporters. They sympathise with it and are influenced by it. Of course it can influence our policies ... the PKK is in Turkey, and it is politically active”. Aysel Tuğluk, BDP deputy, *CNN Türk*, 28 May 2009.

<sup>264</sup> “The BDP is not trying to solve the Kurdish problem and can never take its own initiative. All it is doing is trying to win the freedom of Öcalan”. Crisis Group interview, Turkish Kurd Islamist activist, Van, June 2011.

<sup>265</sup> The most commonly cited case of a BDP official being constrained by the PKK is that of Osman Baydemir, mayor of Diyarbakır, a once prominent and independent-minded BDP mod-

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<sup>258</sup> “They saw we were serious. As long as PKK continues armed actions, we’ll prosecute them. The moment it stops, and the EU says it’s not a terrorist organisation [we’ll leave them in peace]”. Crisis Group interview, European anti-terrorism investigator, Paris, April 2011.

<sup>259</sup> “If we hadn’t launched our civil disobedience campaign, would Erdoğan have done anything at all?”. Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011. However, Turkish officials say these “peace tents” have been used as bases for flash mobs and reported finding fireworks and scores of Molotov cocktail petrol bombs in one such tent in Mersin. *TRT Haber*, 26 April 2011.

<sup>260</sup> Crisis Group interview, Şahismail Bedirhanoglu, president of the South-Eastern Industrialists’ and Businessmen’s Association (Güneydoğu Sanayici ve İş Adamları Derneği, GÜN-SİAD), Diyarbakır, May 2011.

ment of Öcalan's detention conditions, praise for insurgents and commemoration of past uprisings. But in the past, even if members of these two Turkish Kurd nationalist organisations were often drawn from the same families, there was little doubt that illegal PKK members and legal BDP politicians belonged to different organisations.

The founding of the KCK has blurred such distinctions, partly because the KCK makes clear the PKK's quasi-governmental ambitions and partly because of BDP politicians' increasing role in local government over the past decade.<sup>266</sup> The Turkish Kurd nationalists sometimes seem to be using the KCK to enforce separation from the Turkish system.<sup>267</sup> Worse, the generally shared assumption is that unelected advisers who now often sit with the BDP mayor in Diyarbakır and other municipalities are actually commissars who report to the PKK.<sup>268</sup> As is perhaps the hardliners intention,<sup>269</sup> this infuriates the Turkish authorities:

The BDP has the goals of PKK. But [we won't let them] do it with terror. They have to break the organic link. Can you expect that the state accepts that they run the municipality? Will the PKK accept the BDP as a political actor? You try to let the BDP be an actor [in the legal arena], and the BDP does everything it can to avoid it. The PKK is forcing them to behave as in the old days. Let them let the Kurds free!<sup>270</sup>

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erate who now rarely speaks in public. Crisis Group interviews, Diyarbakır and Van, May-June 2011.

<sup>266</sup> "In questions of policy, you could change the BDP's shop sign over night to PKK, and nothing would change inside". Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>267</sup> "The PKK's need to legalise itself could have been satisfied by the BDP, which is at least as PKK as the PKK. But it didn't do this. It insisted on an interim solution, the KCK. Was it frightened that the BDP, once in power, would try to push [the PKK] aside?" Kurtuluş Tayiz, "Fighting down in the plains", *Taraf*, 16 May 2011.

<sup>268</sup> "A woman who is never introduced sits in the corner each time that I meet the mayor. I much prefer when he comes to meetings at our offices, because he can leave her behind and seems much more relaxed ... the KCK is like a politburo controlling BDP politicians". Crisis Group interview, Turkish expert in Kurdish-majority city, June 2011.

<sup>269</sup> "There is now a parallel, increasingly strong 'civilian' state-like network and experience alongside the official state network and experience", and this structure is a deliberate "counter-attack by the Kurdish movement against the attempts by the established regime, including AKP, to suppress and deconstruct the Kurdish issue by looking as if it is doing something [on fundamental reforms]". Mesut Yeğen, Şehir University expert, "Kürt siyaseti: Yeni denizlere doğru" [Kurdish politics: towards new seas], *Taraf*, 5 June 2011.

<sup>270</sup> Crisis Group interview, senior AKP official, Ankara, May 2011.

A similar but much less problematic issue affects the DTK, the pan-Turkish Kurd institution akin to a civil society platform that was founded in 2008 and includes over 600 large and small Turkish Kurd non-governmental organisations, personalities and associations. It is led by BDP politicians, backs some KCK policies,<sup>271</sup> often holds its meetings in BDP buildings and is influenced by the PKK.<sup>272</sup> But it groups legitimate entities, including lawyers, farmers, business people and women's groups and is more broadly representative than the BDP. It often calls for dialogue and as such is a possibly productive interlocutor for the Turkish authorities, although Ankara does not see it that way.<sup>273</sup>

The KCK, however, is a flawed idea that the Turkish Kurd nationalist movement should abandon. It both threatens the established Turkish governmental system and BDP's reputation as an independent actor. It therefore stands in the way of a truly democratic future for the Kurds of south-east Turkey.<sup>274</sup>

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<sup>271</sup> For instance, the "KCK's decision to take no [armed] actions" on 15 June 2011.

<sup>272</sup> After a 5 May 2011 DTK meeting, Diyarbakır Bar President Emin Aktar said, "there were lots of voices, but one dominant [PKK] voice". Crisis Group interview, May 2011.

<sup>273</sup> "They are a terrorist organisation. KCK and DTK are being run from the same centre. They throw Molotov cocktails. They give guns to people and make them do what they say. They've blinded people with their ideology. The same people who are complaining about the children being in jail are the ones who are giving them stones to throw ... Society wants peace, security, wants to go on living together". Crisis Group interview, Mustafa Toprak, centrally appointed governor, Diyarbakır, May 2011.

<sup>274</sup> "Kurdish politics needs more pluralism, and the KCK is there to prevent this pluralism. Local government needs strengthening throughout Turkey, but if this just means that the KCK controls everything, it creates a new imbalance". Crisis Group interview, Turkish economic official, Van, June 2011.

## VII. FROM PROSECUTION TO ENGAGEMENT

Turkish Kurd nationalists believe that police and judges discriminate against them and that their punishments do not match the supposed crimes.<sup>275</sup> This reflects a feeling in Kurdish society that they are treated according to a different standard.<sup>276</sup> Nationalist politicians complain that while courts pile on cases against their media, TRT6 is left alone.<sup>277</sup>

While laws have changed over the years, who gets jailed changes little. Veteran Turkish Kurd politician Ahmet Türk, for instance, was removed from his parliamentary seat in the 1980 coup, thrown in the notorious Diyarbakır jail for 22 months and tortured; expelled from his left-wing Turkish party in 1989 for going to a Kurdish conference in Paris; thrown out of parliament again in 1994 for supposed PKK allegiances and jailed for 22 months; expelled from parliament in 2009 for supposed PKK links and banned from party politics for five years. Currently he faces 150 different court cases. Yet Türk is a gentlemanly, soft-spoken moderate who has been elected to the Turkish parliament six times and is described by former Interior Minister Atalay as “a good counterpart”.<sup>278</sup>

Continuity in change can be seen in the court system too. The removal of the 1980-1983 military government-era system of State Security Courts with a military judge was one of the gains of the 2000-2004 EU reforms. But then many of the cases – and even the archives – were simply transferred to new “Special Powers Courts”. Turkish Kurd lawyers say the old State Security Courts at least had senior judges and some discretion; they feel that it is almost pointless to defend a case before the new courts.<sup>279</sup>

<sup>275</sup> “When I met Prime Minister Erdoğan, he said: ‘My biggest problem is with the judiciary’. The judiciary just wants to be on the side of the state and soldiers. We want it to be on the side of the law”. Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

<sup>276</sup> “You know, our grandmothers cry when they see the news of Turkish soldiers coffins going for burial. But what hurts is that I am sure that nobody on the Turkish side cries for our dead”. Crisis Group interview, Turkish Kurd lawyer, Diyarbakır, May 2011.

<sup>277</sup> Crisis Group interview, Abdullah Demirbaş, Sur municipality mayor, Diyarbakır, May 2011.

<sup>278</sup> Crisis Group interview, Ankara, May 2011.

<sup>279</sup> “You could make the defence of Socrates ten times; they don’t listen to a thing. I think they sentence by direct order. I refuse those cases”. Crisis Group interview, Nurettin Bozkurt, branch office general secretary of the Mazlum-Der rights association, Diyarbakır, May 2011. “In the old days, when there was systematic torture, the courts felt people had already been punished. Now they think that because you haven’t been tortured,

The AKP period has seen breakthroughs in investigating the 1990s “unidentified perpetrator” killings of Turkish Kurd nationalists by apparently state-sponsored death squads. The 2010 constitutional referendum – boycotted by the BDP – allowed those tortured under the 1980-1983 military government to begin legal action against their tormentors. This was good for all in Turkey and has had a particularly cathartic effect on the older generation of Kurds who suffered in Diyarbakır jail and a gulag of prisons across the south east.<sup>280</sup>

The Turkish Kurd nationalist movement remains unimpressed, however, with suspects in court registering their frustration by insisting on making their defence in their mother tongue, which most courts reject as an “unknown language”.<sup>281</sup> A leading nationalist complained that while amnesties have released their old rivals from Hizbollah,<sup>282</sup> more than 3,000 of their own activists have been detained since 2009.<sup>283</sup> A TV station chief said that nationalists believe that pro-BDP villagers are still being targeted by state forces.<sup>284</sup> Allegations of police impunity also persist.<sup>285</sup>

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you need to be punished”. Crisis Group interview, Mehmet Mehdi Oğuz, Association of the Oppressed (Mustazafder), Van, June 2011.

<sup>280</sup> “We all went back to the prison in Adıyaman. It’s a maternity hospital now. The prosecutor took our case very correctly. It was the first time many of us had been back, and people were crying”. Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>281</sup> For instance, the defence statements of eighteen BDP and other nationalist activists on “terrorist” charges were not accepted by an Erzurum court, and the first eleven were sentenced to up to sixteen years in jail. Bağimsız İletişim Ağı (BIA), 16 June 2011.

<sup>282</sup> Hezbollallah, with no connection to the Lebanese organisation, was an Islamist Turkish Kurd group that was for a time covertly backed by elements in the Turkish security forces in their feud with the PKK. A police raid eventually crushed its leadership in a 2000 shootout, after it was discovered to have tortured and murdered scores of people in pursuit of its Islamist agenda. Pro-Hezbollallah factions are now active as legal non-government organisations.

<sup>283</sup> “The south-eastern leg of Ergenekon [deep-state military conspirators] has barely been touched”. Crisis Group interview, Abdullah Demirbaş, BDP Sur Municipality mayor, Diyarbakır, May 2011.

<sup>284</sup> Specifically, incidents in which twelve villagers in Beytüşşebap were killed on 29 September 2009 and nine villagers in Hakkari on 16 September 2010. Crisis Group interview, Diren Keser, executive director, Gün TV, Diyarbakır, May 2011.

<sup>285</sup> “In 2005, ten people were killed in various incidents in Diyarbakır, for which residents blamed the police. Yet, no policeman was ever charged. On 21 April this year in Bismil, the police killed a youth. People there asked us to investigate. The police didn’t meet us. Nor did the prosecutor. The district prefect told us ‘the BDP did it’. The municipality told us ‘this is a police attack’. We have pictures of the shooting and the kid

Until the 2000s, when arrested, everyone got tortured for several days to a month. My brother was tortured fourteen days, electricity to his organs, the Palestinian hanger, fingernails ripped out, everything. After AKP moved in, torture became very rare. The police are trying to use evidence, tapping phones and using cameras everywhere. They don't need to torture as much. Now when you're arrested, you're beaten in the car all the way to the station, but there it stops.<sup>286</sup>

## A. THE ANTI-TERROR LAW

Aside from thousands of villagers killed, including women and children in veritable massacres in the 1980s, those murdered by the PKK include 116 teachers and 27 Muslim prayer leaders; the organisation has also lethally bombed or set fire to civilian targets in major cities.<sup>287</sup> In the 1980-1990s, security forces reacted harshly. But the anti-terrorism effort has long been a blunt instrument,<sup>288</sup> doing much injustice while alienating Kurds from the Turkish state, helping hold up EU recognition of the PKK as a terrorist group until 2002 and making European police forces reluctant to provide information on or arrest PKK activists.<sup>289</sup> The "terrorist" label also obstructs realistic thinking about the PKK, whose actions, while including terrorist acts, would be better described as an "insurgency".<sup>290</sup>

Turkish courts are making problems harder to solve by now combining AKP's changes in the Anti-Terror Law with existing Turkish Penal Code articles to enable "terrorist" charges against nationalists.<sup>291</sup> According to a precedent

set in case law in 2008, anyone who appears to the Turkish authorities to be acting in a PKK-inspired manner can be convicted as a member of a terrorist organisation. Given multiple sentences, a young person throwing a stone or shouting a slogan at a demonstration is now very likely to receive a longer sentence than a hardened PKK insurgent.<sup>292</sup>

Indictments often focus on linking defendants to the PKK-inspired KCK. This seems to happen because while the PKK was ideologically amorphous,<sup>293</sup> the KCK has a very systematic set of policy goals, allowing prosecutors to spread the net wide. A BDP mayor complained: "It's a way of prosecuting people that they couldn't pin a PKK charge on. They just say, 'you're KCK'. The youth they've taken in are all BDP, but they say they're KCK".<sup>294</sup>

There is resentment at police arrests in a secretive and absolutist manner<sup>295</sup> and average sentences of five to eight years even without any concrete evidence of the accused's link to the PKK.<sup>296</sup> The approach to under-eighteen-year-olds who get caught in the web of these laws shows how incomplete the Democratic Opening is:

If you put a child who got over-excited and threw some stones in jail for ten years, you're going to push the whole family towards terrorism. And every demonstration counts separately. So although fighting for the PKK carries a maximum sentence of six years, a stoning of-

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falling, and of police beating seven people". Crisis Group interview, Nurettin Bozkurt, branch office general secretary of the Mazlum-Der rights association, Diyarbakır, May 2011.

<sup>286</sup> Ibid.

<sup>287</sup> Official figures obtained by Ümit Özdağ, *Pusu ve Katliamların Kronolojisi* (Ankara, 2009), cited in Hüseyin Yayman, "Türkiye'nin Kürt Sorunu Hafızası" (A Collective Memory of Turkey's Kurdish Problem), *Siyaset, Ekonomi ve Toplum Araştırmaları Vakfı (SETA)*, February 2011.

<sup>288</sup> "The Anti-Terror Law [of 1991, expanded in 2006] is like a second constitution that truncates all liberties and treats a large part of society as suspects or criminals. The potential crime list of this law is so long and expansive that virtually no one is 'innocent'. Crime has been rendered political, and political acts have been criminalised. Definitions are fuzzy and are basically shaped by the intention of protecting the state from its citizens". Doğu Ergil, "The Oath Crisis", *Today's Zaman*, 28 June 2011.

<sup>289</sup> Crisis Group interview, European anti-terrorism investigator, Paris, April 2011.

<sup>290</sup> For a discussion of this with international comparisons, see Cengiz Çandar, "Dağdan iniş", op. cit., pp. 17-27.

<sup>291</sup> "There is no evidence that the vast majority of the defendants considered in this [Human Rights Watch report on Turkish anti-terror legislation] committed any act that would typically

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or reasonably be considered 'terrorism'. The terrorism charges that are brought against these protestors are wholly disproportionate and do not correspond to the nature or gravity of the acts committed. The evidence levelled against such demonstrators varies widely in substance, raising further fair trial and due process concerns". Emma Sinclair-Webb, "Protesting as a Terrorist Offense: The Arbitrary Use of Terrorism Laws to Prosecute and Incarcerate Demonstrators in Turkey", Human Rights Watch, 1 November 2010.

<sup>292</sup> "The anti-terror law seemed good but turned out to be bad. In the old days a conviction for 'aiding and abetting' the PKK got a sentence of three years nine months. When they dropped that, there was much happiness. Now the sentence is more than six years. The special courts are operating just like the old state security courts". Crisis Group interview, Diren Keser, executive director, Gün TV, Diyarbakır, May 2011.

<sup>293</sup> "The PKK is probably the only guerrilla group in the world whose only discernable aim right now is to achieve a general amnesty!" Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>294</sup> Crisis Group interview, Abdullah Demirbaş, BDP Sur Municipality mayor, Diyarbakır, May 2011.

<sup>295</sup> "In the old days, they would round people up at the demonstration; now they may arrest 200 people in the days afterwards, identified on cameras, and 99 per cent of them will end up in jail". Crisis Group interview, Nurettin Bozkurt, branch office general secretary of the Mazlum-Der rights association, Diyarbakır, May 2011.

<sup>296</sup> Emma Sinclair-Webb, Human Rights Watch, op. cit.

fence can get eleven or twelve years [for membership of a banned organisation and taking part in a banned demonstration]. The only change they made in the Democratic Opening was not to keep those under eighteen in detention during the trial and to knock one to one and a half years off the sentence. Those kids will all be in jail when sentences come a year later. It's 99 per cent sure. I've never seen anyone let off. Once they convicted 23 kids at once. There wasn't even a picture, just the evidence of a policeman.<sup>297</sup>

AKP is not prioritising any change to the law,<sup>298</sup> but it should if it wants to gain the trust of the Turkish Kurd nationalist movement. Given the disproportionate boom in terrorism convictions,<sup>299</sup> Turkey should also demonstrate to its European counterparts that the rule of law is respected if it wants them to accept their arguments that the PKK is a terrorism problem and not a national liberation struggle. Clarity, universal standards and credibility work: Turkey has already made progress simply by improving the quality of the paperwork it sends to European law enforcement institutions.<sup>300</sup>

A process must start that guarantees the use of mother tongues by anyone who wishes to in court, while maintaining Turkish as the language of record.<sup>301</sup> Turkey needs to ensure that its anti-terrorism laws deliver justice through clear definitions of crimes,<sup>302</sup> that abuse at the hands of

law enforcement ceases altogether and that the new special courts give fair hearings to the defence.<sup>303</sup>

## B. AMNESTIES

For a long time the military was unwilling to accept anything except total victory over the PKK, generally estimated to number between 3,000-5,000 insurgents. It said these fighters would have to surrender unconditionally. As former Chief of General Staff Hilmi Özkök put it, "the aim of the Turkish armed forces is to ensure that the separatist terrorist organisation bows down to the law and the mercy of the nation".<sup>304</sup> A rehabilitation law for PKK insurgents who break ranks and surrender, however, allowed some 1,000 to return to normal life between 2005 and 2010.<sup>305</sup> Penal Code Article 221 allows members who have not committed crimes and who actively repent, or who have committed crimes and have repented or wish to inform on their organisation, to receive much reduced or entirely suspended sentences.<sup>306</sup>

Kurdish society, on the other hand, sympathises with young people who rebel and "go up to the mountain", even if it

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<sup>297</sup> Crisis Group interview, Nurettin Bozkurt, branch office general secretary of the Mazlum-Der rights association, Diyarbakır, May 2011.

<sup>298</sup> "The terror law is on the back burner until the violence subsides. But you should remember that we abolished the death penalty in much more difficult circumstances". Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>299</sup> An Associated Press global survey of 35,117 prisoners convicted of terrorism in the past ten years found that 12,897 (slightly more than one third of the total) are in Turkey. The survey was conducted in 66 countries, which account for 70 per cent of the world population. The number of convictions in Turkey in 2005 was 273. However, this number rose to 6,345 after the law on terrorism was amended in 2006. "Turkey has one third of terrorism convicts in world", *Today's Zaman*, 5 September 2011.

<sup>300</sup> Crisis Group interview, European anti-terrorism investigator, Paris, April 2011. "Our intelligence, our law enforcement, have broken out of their shell, realised the problem is transnational, are more ready now to go out and to talk with their counterparts. There is some movement in Europe". Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>301</sup> "On the one hand, they tell us we are free to use our language. On the other, they refuse to let us use it in court". Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011.

<sup>302</sup> Human Rights Watch suggests "the repeal of Articles 220/6 and 220/7 of the Turkish Penal Code ['committing a crime on behalf of an organisation without being a member of that organisation', and 'knowingly and willingly aiding and abetting an

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organisation'], which are punishable under Articles 314/2 and 314/3 of the Turkish Penal Code ['membership in an armed organisation'], and Article 2/2 of the Anti-Terror Law, which includes a similar provision ['A person who is not a member of a terrorist organisation but commits a crime on behalf of the organisation, is also deemed to be a terrorist offender and is punished as a member of the organisation']; urgently amend Turkish Penal Code Article 220 ['forming criminal organisations'], and to repeal Article 220/6 ['committing a crime on behalf of an organisation'] and Article 220/7 ('aiding and abetting an organisation knowingly and willingly'), which are vague, lack legal clarity and specificity, and are therefore subject to arbitrary application; urgently repeal Turkish Penal Code Article 314/3 and Anti-Terror Law Article 2/2 ['committing a crime on behalf of an organisation'] which provide the linkage of Article 314/2 ['membership in an armed organisation']; amend Anti-Terror Law Article 7/2 ['making propaganda for a terrorist organisation'] and Turkish Penal Code Article 220/8 ['making propaganda for an organisation or its objectives']". Emma Sinclair-Webb, Human Rights Watch, op. cit.

<sup>303</sup> "Courts can easily say they did propaganda for the organisation. What does it mean to 'commit a crime in the name of the organisation'? For instance, at the funeral [of PKK insurgents] yesterday, there were 100,000 people. You could charge everyone there with propaganda. There must be a balance between crime and punishment". Crisis Group interview, Emin Aktar, lawyer and president of the Diyarbakır bar, Diyarbakır, May 2011.

<sup>304</sup> Media statement, Turkish Armed Forces, 19 August 2005.

<sup>305</sup> "The Democratic Initiative Process", AKP, Ankara, February 2010.

<sup>306</sup> "These elements shouldn't forget that if they haven't committed any terrorist act, they don't need to worry about being arrested". Prime Minister Erdoğan, interview with al-Arabiya television, 14 October 2009.

feels conflicted about the PKK itself, which is authoritarian and has in the past press-ganged youths to join its ranks. Most extended families have at least one member who joined the PKK. Periods of tension, repression or clashes add to the flow of recruits.<sup>307</sup> Recognising this, the authorities have in recent years been discussing various types of PKK amnesties. The secret talks with the jailed Öcalan after 2006 appear to have focused on the return to Turkey of the bulk of the insurgents and most of the 10,000 inhabitants of the PKK-dominated Makhmour refugee camp in northern Iraq. About 1,000 insurgents would have been disqualified<sup>308</sup> by a key requirement that they have no judicial record,<sup>309</sup> a sensitive matter in Turkey.<sup>310</sup>

The Damascus government had agreed to take back the large number of PKK members who came from Syria, even though many still do not have full Syrian citizenship.<sup>311</sup> PKK members also come from Iran, Iraq and the European diaspora.<sup>312</sup> A solution likewise is needed for the thousands of ex-PKK dissidents living in exile in Europe because they are wanted in Turkey on PKK-related charges.

What the government can offer the most senior PKK commanders has yet to be determined. One AKP source says they were expected to start new lives elsewhere, probably in northern Iraq.<sup>313</sup> An authoritative report says that the

2009 amnesty deal foresaw that 60 to 65 top commanders could return to Turkey after five years and enter politics, and that Öcalan would probably be freed to join them.<sup>314</sup> Some Turkish Kurds think that even this is not enough and that all members of the PKK should be unconditionally amnestied, perhaps in tandem with an amnesty for the security forces who committed serious human rights abuses.<sup>315</sup>

A similar amnesty was still on the table in early 2011, when the Turkish authorities and the Turkish Kurd nationalists again came close to a deal.<sup>316</sup> Whatever is eventually decided, the details must be worked out and agreed far more clearly than in October 2009. Multi-faceted rehabilitation programs will be required for ex-insurgents, who usually join the PKK in their teens, spend on average more than seven years in the organisation, are deeply indoctrinated and know no other way of life. As a Turkish development official put it, “what will these people do after an amnesty? You are taking away their status and power as well as their weapons. They need re-education, and they need the possibility of entering politics”.<sup>317</sup>

Turkish Kurd villagers displaced during the conflict, especially in the mid-1990s, also still need compensation. Turkey passed a law on compensation for victims of terrorism or anti-terror actions in 2004 – aimed to head off an avalanche of expensive cases lodged at the European Court of Human Rights – and has paid out about €1 billion to 133,000 victims. While Turkish Kurds complain that payouts are late and inadequate, the European Court of Human Rights voices satisfaction.<sup>318</sup>

Öcalan has called for the establishment of a Truth and Reconciliation Commission. The Turkish authorities are against this but are facilitating searches for mass graves of Kurdish nationalists murdered in the 1990s and are not attempting to block the many stories that are now coming out.<sup>319</sup> Gruesome media reports of new confessions by state

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<sup>307</sup> “Young people are still going to the mountain. You know who they are: the brothers and sisters of those who died. It’s a way of taking revenge”. Crisis Group interview, Diyarbakır resident, May 2011.

<sup>308</sup> Crisis Group interview, İhsan Arslan, former AKP Diyarbakır deputy, Ankara, March 2011.

<sup>309</sup> Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>310</sup> “People not known to have killed can be in an amnesty; those who have killed, it’s not possible now. We can find something for them, a place to live peacefully, and then maybe do something in the future”. Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>311</sup> “When it comes to amnesties, we talk about them going back to Syria; the Syrians said, ‘we can accept them’”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011. Syria has long refused citizenship for hundreds of thousands of its Kurds, particularly the descendants of those who fled from Turkey during the 1920s crackdowns.

<sup>312</sup> A study of 461 PKK members found that about one quarter came from outside Turkey, with 47 per cent of that quarter being Iranian, 39 per cent Syrian and 10 per cent Iraqi. 10 per cent of the entire fighting force was made up of women; the average time spent in the mountains was over seven years; the most common recruiting age was fifteen to seventeen, and the biggest single source of all guerrillas, 20 per cent of the total, was Istanbul. Nihat Ali Özcan, *Türkiye Ekonomi ve Politika Vakfı*, cited in NTV-MSNBC, 18 July 2011.

<sup>313</sup> “The leadership can’t integrate into Turkey. There are 3,000 Turkish Kurds living in northern Iraq already anyway”. Crisis Group interview, İhsan Arslan, former AKP Diyarbakır deputy, Ankara, March 2011.

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<sup>314</sup> Cengiz Çandar, “Dağdan iniş”, *op. cit.*

<sup>315</sup> Crisis Group interview, Kendal Nezan, head of the Institut Kurde, Paris, April 2011.

<sup>316</sup> Crisis Group interviews, AKP deputies and Turkish officials, Ankara, March-June 2011.

<sup>317</sup> Crisis Group interview, Van, June 2011.

<sup>318</sup> The Strasbourg court on 8 July 2011 dismissed several cases relating to hundreds of people claiming that they had been inadequately compensated, saying that Turkish courts were constantly improving procedures in favour of plaintiffs and that “the sums disbursed ... are reasonable”. By that date, Turkey had settled the cases of 233,000 of 360,000 applicants under the law. “Décisions sur la recevabilité Akbayir et autres c. Turquie, Fidanten et autres c. Turquie, Bingolbali et autres c. Turquie et Bogus et autres c. Turquie”, European Court of Human Rights, 8 July 2011.

<sup>319</sup> “A truth and reconciliation commission is just not going to happen. But there is no dirt being put back on the graves [of

gunmen from that period are not uncommon,<sup>320</sup> some of them following arrests of high military officers in the “Ergenekon” coup plots case.<sup>321</sup> Efforts, inconclusive so far, have been made to reopen investigations into the murders of famed Turkish Kurd nationalists, including the 72-year-old writer Musa Anter and political leader Vedat Aydın.<sup>322</sup> The widow of a civilian shot dead in 1993, who was herself later arrested and tortured by the authorities, said the 2009 arrest of retired Colonel Cemal Temizöz, now charged with 23 such “unidentified perpetrator” killings in the south east, made her “cry tears of joy. I thought, now I can find the killers of my husband. But very little was done after the arrest”.<sup>323</sup>

### C. THE ÖCALAN CONUNDRUM

At least until recently, jailed PKK leader Öcalan had been remarkably successful in remaining a central player, despite the lifetime sentence he is serving on an isolated prison island in the Marmara Sea.<sup>324</sup> He communicates his wishes through visits by lawyers, and the Turkish state influences the situation by either facilitating such visits or holding them up for extended periods. He says that he is

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victims of apparent state-sponsored death squads]”. Crisis Group interview, Turkish official, Ankara, March 2011.

<sup>320</sup> For instance, the sometimes contradictory confessions of Ayhan Çarkın, a former special operations officer in the south east, which have shone new light on the killing of several ethnic Kurdish civilians in the Ankara area in the early 1990s. “I saw one Kurd stripped naked being beaten in front of a whole village. I saw planes being used; you are using artillery, tanks, mines against this people. This fire will consume us all. We made this people eat shit, literally. We pulled out their fingernails, banned their language ... we should apologise to the Kurds ... let Öcalan’s demand for a truth commission be honoured, I’ll tell all. But others [higher up] should come too”. Interview with *Radikal*, 22 March 2011.

<sup>321</sup> Ergenekon is the name of an interlocking web of alleged conspiracies, with links to the “deep state” military and judiciary, aimed to further ultra-nationalist and secularist goals through terrorist acts and with the aim of controlling the government, especially in the early period of the AKP administration. About 500 people have been arrested on Ergenekon-related charges since 2007. A court case has been in progress since 2008.

<sup>322</sup> Anter was shot dead in September 1992. Aydın was taken from his house in July 1991, tortured and found dead shortly afterwards. No one has been prosecuted for these murders, but persistent Turkish press reports link the killings to undercover gendarmerie agents (for instance, *Hürriyet*, 4 February 2005; and *Sabah*, 6 August 2011).

<sup>323</sup> Crisis Group interview, Nebahat Akkoç, Kurdish women’s rights activist, Diyarbakır, May 2011.

<sup>324</sup> The various branches of the PKK influence and even limit Öcalan, but “without taking into consideration the situation of [his] undisputed and uncontested ‘sole authority’ and [thus] disarming the PKK, the Kurdish problem cannot be solved”. Cengiz Çandar, “Dağdan iniş”, op. cit., p. 15.

above all interested in peace – the only condition under which it is remotely possible that his jail conditions may change – but there are signs that his formerly absolute rule over the organisation he founded is weakening and that PKK cadres have become more radical. In some ways, AKP attempted to bypass him with the Democratic Opening and generally better policies towards the Turkish Kurds.<sup>325</sup>

In mid-July, the Turkish authorities cut Öcalan’s communications to the outside world, either through family or lawyer’s visits. No explanation was given, but this has clearly raised tensions and made reaching a negotiated settlement less likely.<sup>326</sup> The jailed leader’s fate is not just a priority for his supporters, but for himself, some Turkish Kurds believe:

For Öcalan, this negotiation is all about him. Öcalan sees himself as a god, not a prisoner. This is all about him getting out to house arrest, the number one issue. After that comes the PKK. The Kurdish people come third. If there’s no green light for this [him getting out] he’ll do nothing. And you can’t move the PKK without Öcalan.<sup>327</sup>

Indeed, whatever the generational changes within the PKK, Öcalan is still the leading figure of the Turkish Kurd nationalist movement.<sup>328</sup> His legendary name, verging on a personality cult,<sup>329</sup> has made him one of the few who can direct the Kurdish street.<sup>330</sup> He is widely recognised as a

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<sup>325</sup> “We are normalising. The PKK leadership’s reaction is the one that interests me the least”. Crisis Group interview, Beşir Atalay, then-interior minister, Ankara, May 2011.

<sup>326</sup> Cengiz Çandar believes the cut in communications is a psychological element in a new stage of the conflict, in which the AKP government seeks to use recent popular and regional support in an all-out effort to “eliminate the PKK”. He argues that this will only contribute to a widening “gap in perspectives” between the conflicted sides. “Kandil’e karşı”, op. cit.

<sup>327</sup> Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>328</sup> “The leader is Öcalan, the armed force is the PKK, the politics can be sorted out by the BDP. Öcalan is the only one who can stop this. Not the BDP nor anyone else can do it. It has to be a win-win outcome in all such negotiations”. Crisis Group interview, Abdullah Demirbaş, BDP Sur Municipality mayor, Diyarbakır, May 2011.

<sup>329</sup> “After all my conversations with [PKK insurgents in the mountains], I discovered they have a deep-rooted moral strength that we have failed to grasp. There is mystification, sanctification on top of the cult of martyrs ... Öcalan is more than Öcalan, the PKK is greater and more exalted than the PKK. It’s like a post-modern religion”. Bejan Matur, author on Kurds, interview with *Taraf*, 27 February 2011.

<sup>330</sup> “The people have become very uneducated. You can’t even talk to them. They are closed. They see Öcalan as a divine force”. Crisis Group interview, leading Turkish Kurd lawyer, Diyarbakır, May 2011.

key potential negotiation partner for the Turkish authorities by the Kurdish leadership in northern Iraq,<sup>331</sup> independent intellectuals,<sup>332</sup> and, without mentioning the name, a leading AKP Turkish Kurd deputy in the 2011 parliament alike.<sup>333</sup> Some AKP officials likewise recognise his importance.<sup>334</sup> An Öcalan-endorsed settlement may also be the only way to persuade diaspora Turkish Kurds that the struggle should end.<sup>335</sup>

Öcalan may not be precise and clear in his statements,<sup>336</sup> but his long experience and ability to bridge the Turkish Kurd nationalist factions enable him to help deliver a solution to the Kurdish problem, if he wishes. He himself encourages such thinking.<sup>337</sup> If there was no Öcalan, according to this argument, the Turkish Kurd nationalist movement would split into feuding factions that would be impossible to manage. It is because they at least partially accept this that the authorities have talked to Öcalan and allowed him to communicate his views through his lawyers.<sup>338</sup>

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<sup>331</sup> “Erdoğan has done great works in the Kurdish problem ... but it shouldn’t be ignored for one second that the real leader of the PKK is in jail in İmralı”. Nechirwan Barzani, interview with Hasan Cemal, *Milliyet*, 29 June 2011.

<sup>332</sup> “Almost everyone interviewed for this report agreed that Öcalan can be a very important political actor as a partner for a solution”. Cengiz Çandar, “Dağdan iniş”, op. cit. “Öcalan is the PKK. Forget there being a second man. There isn’t even a ninth man. Karayılan is only there because Öcalan says he can be there”. Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>333</sup> “The address for the violence, the side [to contact] is the PKK .... you have to solve this problem somehow with the counterpart. You have to convince them, and as long as you don’t convince them, violence will rise”. Galip Ensarioğlu, quoted by *Taraf*, 25 June 2011.

<sup>334</sup> “There are lots of actors. You have to deal with them all. Öcalan has mythological status; whatever he says goes”. Crisis Group interview, senior AKP official, Ankara, May 2011.

<sup>335</sup> “Only the PKK can make the German Kurds obey – most of them, anyway. This is an important guarantee for the state, and reason for doing a deal”. Crisis Group interview, Zeynel Abidin Kızılyaprak, Turkish Kurd intellectual, Istanbul, March 2011.

<sup>336</sup> For instance, when Öcalan submitted to the Turkish authorities his lengthy roadmap for solving the Kurdish problem, he added a 600-page treatise on “Democratising Middle East Culture”. He said, “I really wore out my head on this. I read and studied global and European scientists ... despite the way I have a burning sensation in my eyes, my eyelids stick together, my skin is itching. The doctor said its bad allergies ... every day here is worse than torture”. Comments through Bağımsız İletişim Ağı (BIA), 29 August 2009.

<sup>337</sup> “Right now I can’t give practical leadership, only theoretical leadership. If there is no green light [from the current process] know that I am dead! After that it will be a revolt, a rebellion, everything can happen”. Quoted by *Taraf*, 21 May 2011.

<sup>338</sup> The relationship is so intimate that a senior AKP official complained that the lawyers sometimes do not fully relay what

But events in July 2011 persuaded some commentators that Öcalan was beginning to face insubordination, an occasional issue for him since his capture in 1999. Though he publicly announced support for a “peace council” and suggested that the BDP reconsider its parliamentary boycott,<sup>339</sup> that party stayed out of parliament and, following the DTK Kurdish nationalist platform, decided on a provocative declaration of “democratic autonomy” at its September party congress, while PKK insurgents embarked on series of kidnappings and attacks on Turkish forces.

There used to be one PKK. Now there’s İmralı, there’s Qandil, there’s the municipalities, there’s BDP, there’s the PKK in jail, the PKK just out of jail, and then the youth .... If Öcalan is convinced, that will make it work; the opposition will be marginal. But he also has to be able to defend it. There need to be new laws, disarmament, a new psychology – these have to be in parallel. The Democratic Opening offered it, but it didn’t work. It can’t be done the Sri Lankan way [by crushing an insurgency]. It has to be done the Irish way, making armed people civilians again.<sup>340</sup>

The PKK-dominated Turkish Kurd civil society platform has called for Öcalan to be eventually moved to house arrest; the demand has now been thoroughly aired in Turkish media where it created few waves.<sup>341</sup> One former AKP Turkish Kurd deputy said that such discussions were good for preparing public opinion for a change in Öcalan’s jail conditions, and that the deal being discussed before 2009 clearly considered the possibility of Öcalan moving to house arrest.<sup>342</sup> While Öcalan will never be able to lead a normal life,<sup>343</sup> the circumstances of his detention are inte-

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Öcalan tells them to say. Crisis Group interview, Ankara, May 2011.

<sup>339</sup> “Our contacts have gone beyond simple meetings. They are about to reach a level of agreement. This is very important”. Abdullah Öcalan, message relayed by lawyers, reported in *Taraf*, 28 June 2011.

<sup>340</sup> Crisis Group interview, Vahap Coşkun, Diyarbakır Institute for Political and Social Research, May 2011.

<sup>341</sup> “We say house arrest [for Öcalan]. They say ‘no’ ... but this is a long project. We have to prepare the ground. And it’s happening, to a certain extent. When we talk about house arrest [for Öcalan], an amnesty, the sky no longer falls on our heads”. Crisis Group interview, Ahmet Türk, veteran Turkish Kurd leader, Diyarbakır, May 2011. He is also co-chair of the Democratic Society Congress (Demokratik Toplum Kongresi, DTK).

<sup>342</sup> “Now, all ideas can be discussed. Before you couldn’t even say the word ‘amnesty’. Now there’s no reaction to the idea that Öcalan could be moved to house arrest”. Crisis Group interview, İhsan Arslan, Ankara, March 2011.

<sup>343</sup> “We can’t just release him. Somebody would shoot him dead within hours”. Crisis Group interview, Turkish official, Istanbul, May 2011.



gral to the success of any negotiation.<sup>344</sup> Some believe that after a few years of peace he and other senior PKK people should be allowed to enter politics, since Turkish public opinion can move on rapidly.<sup>345</sup> As one Turkish development specialist in the region said constructive ambiguity was the only way out of the conundrum. A Diyarbakır political scientist commented:

You can't solve the problem just by saying 'we'll give you all the Kurdishness you need'. You have to include Öcalan in the process. But if [Turkish Kurds] start by demanding Öcalan's freedom, you can't get anywhere [in mainstream Turkish opinion]. But if you start somewhere else, it could lead to his freedom.<sup>346</sup>

Having decided that its struggle is for full rights within Turkey, the Turkish Kurd nationalist movement should not make its first implicit or explicit condition for short- and medium-term cooperation something that the great majority of Turks cannot accept. While blood continues to flow, the long-term question of what will happen to Öcalan cannot be openly discussed. AKP has tried harder than anyone before to settle the problem, and there is a limit to where it can go unless it has a Kurdish partner ready to think in new terms as well.<sup>347</sup> Indeed, the BDP's best interest is to help Erdoğan find a way forward, since only his charisma, political weight and conservative credentials would be able to sell any future deal to the mainstream population of western Turkey.<sup>348</sup>

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<sup>344</sup> Cengiz Çandar's report, op. cit., argues that such changes in Öcalan's detention cannot be avoided and could range from improving prison conditions in the short-term to release in the medium-term, while many of his interviewees agreed that house arrest was possible.

<sup>345</sup> Crisis Group interview, senior Turkish official, Ankara, May 2011. Already, Turkish media treat Öcalan's statements from jail via his lawyers as routinely as those of other political figures.

<sup>346</sup> Crisis Group interview, Turkish economic official, Van, June 2011.

<sup>347</sup> "The BDP gets very angry with AKP, its rival in the south east. But AKP has taken many positive steps for this society, and BDP is leaving AKP on its own, making it look like the only party determined to clean things up". Ahmet Altan, "Temizlik, hükümet ve BDP" [The government, BDP and cleaning up], *Taraf*, 7 July 2011. "They are taking infinitesimal steps ... but the only hope for something is from AKP". Crisis Group interview, Kendal Nezan, chief of Institut Kurde, Paris, April 2011.

<sup>348</sup> "Who but Erdoğan can persuade this society to agree to sacrifices in order to make the PKK come down from the mountains?... In the first years, only the first steps were taken ... [then] he stepped back in order not to let [right-wing nationalists] snatch his votes. The elections are over; he won the votes, and now it is time to act". Mehmet Ali Birand, "This is Turkey: there is no way out of here", *Hürriyet Daily News*, 23 June 2011.

## VIII. CONCLUSION

A new destructive cycle of violence between the Turkish authorities and Turkish Kurd nationalists has begun. Soldiers, police and insurgents are being killed in escalating clashes and bombings, demonstrations are being dealt with by excessive tear gas and force, more than 3,000 political activists are in jail for the peaceful expression of their views, and the misuse of the anti-terror law and other restrictive legislation keeps political tension high. The Democratic Opening has stalled, a land incursion into northern Iraq looks imminent, and the re-ignition of fighting between the PKK and security forces threatens to drive ethnic conflict in major Turkish cities into uncharted territory.

The Turkish authorities and the Turkish Kurd nationalist movement alike must act now to stop a slide back into widespread violence and rein in the hawkish instincts on both sides that have made the conflict a way of life. They must persuade their constituencies and public opinion that armed repression and insurgent attacks will be no more successful today than the harrowing bloodshed of the 1990s was. The south east is now far more settled and prosperous than a decade ago. Intellectually at least, the two sides are much closer to a consensus on what a political solution would include – language reform, lowering the national election threshold and doing away with any trace of ethnic discrimination in the laws and constitution.

To build confidence, whether or not the Turkish Kurd movement initially cooperates, the Turkish authorities must, therefore, rewrite laws that jail peaceful political activists as "terrorists", support universal rights and allow full political participation to those who are working within the Turkish system. Despite the escalation of violence, AKP should leverage its election victory to generate clearer anti-terror laws, a new constitution and full mother language rights in order to secure a base for a future settlement. For its part, the PKK, BDP and other Turkish Kurd nationalists must recognise that the great majority of Kurds want their movement to choose peace, stop using terrorist tactics and end efforts to create a shadow government. They must enter parliament and stay the course with constitutional reform. And Turkish Kurd nationalist municipalities cannot continue to have things both ways, exploiting the financial and other benefits of being part of Turkey but also deliberately undermining its administrative coherence.

Changing laws and rebalancing Turkish-Turkish Kurd relations will go only part of the way to dealing with the PKK and the fate of its jailed leader, Abdullah Öcalan. But trust is decreasing and often sorely lacking between many Turks and the Turkish Kurd nationalist movement. This must change if the two sides are to end the repression and insurgency that have plagued Turks and Kurds for so many decades.

**Istanbul/Brussels, 20 September 2011**

## APPENDIX A

### MAP OF TURKEY



Courtesy of the University of Texas at Austin

## APPENDIX B

### GLOSSARY OF ABBREVIATIONS

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- AKP (Adalet ve Kalkınma Partisi, Justice and Development Party), Turkey's ruling party, led by Prime Minister Recep Tayyip Erdoğan, it enjoys a strong parliamentary majority and popular support; its ideology mixes conservatism, religious piety, populism and economic development.
- BDP (Barış ve Demokrasi Partisi, Peace and Democracy Party), the main legal Turkish Kurd nationalist party, it typically enjoys about 6 per cent national support.
- DTK (Demokratik Toplum Kongresi, Democratic Society Congress), a legal platform of mainly Turkish Kurd political parties, non-governmental organisations, associations and prominent individuals; while broad-based, many of its decisions are strongly influenced by Kurdish nationalist politics.
- DTP (Demokratik Toplum Partisi, Democratic Society Party), the previous main Turkish Kurd legal nationalist party, founded after the closure of the last one in 2005 and itself closed down in 2009; the closures of several Kurdish nationalist parties since the 1990s have been mainly for links to the outlawed PKK.
- KCK (Koma Ciwakên Kürdistan, Union of Communities in Kurdistan), created by the PKK in 2005-2007, this is an umbrella organisation for all PKK affiliates in Kurdish communities in Turkey, Iran, Iraq, Syria and the diaspora.
- PKK (Partiya Karkerên Kurdistan, Kurdistan Workers' Party), founded in 1978 by Abdullah Öcalan and started an armed insurgency in Turkey in 1984; the PKK has about 3,000-5,000 insurgents based in northern Iraq and in Turkey, has substantial minority support among Turkish Kurds and is banned as a terrorist and drug-smuggling organisation by Turkey, the EU, the U.S. and a number of other countries.

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is chaired by former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

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**September 2011**

## APPENDIX D

### CRISIS GROUP REPORTS AND BRIEFINGS ON EUROPE SINCE 2008

#### Balkans

- Kosovo's First Month*, Europe Briefing N°47, 18 March 2008 (also available in Russian).
- Will the Real Serbia Please Stand Up?*, Europe Briefing N°49, 23 April 2008 (also available in Russian).
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- South Ossetia: The Burden of Recognition*, Europe Report N°205, 7 June 2010 (also available in Russian).
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- Reunifying Cyprus: The Best Chance Yet*, Europe Report N°194, 23 June 2008 (also available in Greek and Turkish).
- Cyprus: Reunification or Partition?*, Europe Report N°201, 30 September

2009 (also available in Greek and Turkish).

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- Turkey and Greece: Time to Settle the Aegean Dispute*, Europe Briefing N°64, 19 July 2011.

## APPENDIX E

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