

‘Leaving the mountain’:  
How may the PKK lay down arms?  
*Freeing the Kurdish Question from violence*

CENGİZ ÇANDAR



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**TESEV**

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*Turkish Economic and Social Studies Foundation*

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# Contents

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TESEV INTRODUCTION, 7

FOREWORD and ACKNOWLEDGEMENTS, 9

SECTION ONE, 11

METHODOLOGY and PURPOSE, 13

SECTION TWO, 17

INVALIDITY OF THE EXISTING PARADIGM IN THE RESOLUTION  
OF THE KURDISH QUESTION, 19

Inseparability of the Kurdish Question and the PKK, 19

How Öcalan and the Kurdish Question Are Intertwined, 20

Past Experience: Dividing or Liquidating the PKK, 21

SECTION THREE, 23

THE NEW PARADIGM: THE PKK AS THE LAST KURDISH INSURGENCY, 25

Definitions of Insurgency and Terrorism, 25

Change and Continuity in the PKK as an Insurgent Movement, 30

The Psychological Dimension of Insurgency, 32

SECTION FOUR, 35

INTERNAL DYNAMICS OF THE PKK, 37

The Abdullah Öcalan Factor, 37

The “Hawkish” Wing of the PKK, 38

The Founding Cadre of the PKK and its Leftist Background, 39

The PKK’s View of Kemalism, 41

‘One Man’ and his Power in the Organization, 43

The Power of Öcalan and the PKK in Iraq, Iran and Syria, 45

The ‘Holy Trinity’ of the Kurds: Apo, the PKK and the Mountain, 46

SECTION FIVE, 49

NEGOTIATION AS A MEANS FOR SETTLEMENT, 51

From Security Policy to Political Settlement, 51

Transition from ‘Dialogue’ to ‘Negotiation’, 52

Öcalan’s Contacts with Military Officials, 54

The Role of MIT and the Importance of the Talks with Öcalan, 55

Nature of the Talks, 60

Obligations of the Civilian Politics, 62

Practical Conclusions, 63

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**SECTION SIX, 65**

**THE RELATIONS OF THE PKK WITH THE STATE:**

**RECENT HISTORY AND LESSONS TO BE LEARNED, 67**

Withdrawal Beyond Borders as a Means of Trust Building and Reconciliation , 67

The Significance of the PKK's Withdrawal, 72

No More a Step Forward: Withdrawal Beyond Borders, 73

Back to Armed Struggle, 75

Habur, KCK Arrests and Their Heavy Toll, 79

**SECTION SEVEN, 83**

**THE KURDISH QUESTION AND THE PKK IN THE PROCESS AHEAD, 85**

A New Constitution, a New Resolution Process, 85

The External Dimension of the 'PKK Question': Iran, Syria and the Others, 85

Urgency of the Resolution Process, 87

**SECTION EIGHT, 91**

**RECOMMENDATIONS, 93**

**ANNEX, 99**

**ANNEX 1: ROADMAP AND ACTION PLAN FROM ABDULLAH ÖCALAN, 101**

**ANNEX 2: DRAFT LAW PROPOSED BY THE REGIONAL BAR ASSOCIATIONS, 105**

**PERSONS INTERVIEWED FOR THE REPORT, 106**

**BIBLIOGRAPHY, 108**

**ABOUT THE AUTHOR, 111**

## **Boxes**

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**The Congress for Change, 32**

**The State-Öcalan Talks, 56**

**Former Leaders and Military Commanders of the PKK, 71**

**The Breaking Point: The Habur Incident, 80**

**What is the Koma Civakên Kurdistan (KCK)?, 82**

**Articles of Turkish Penal Code (TCK) and Anti-Terror Law (TMK) that should be Amended to Enable the Laying Down of Arms by the PKK, 94**

# Abbreviations

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<b>AK Party</b>	<i>Adalet ve Kalkınma Partisi</i> (Justice and Development Party)
<b>ANAP</b>	<i>Anavatan Partisi</i> (Motherland Party)
<b>ANF</b>	<i>Ajansa Nûçeyan a Fîratê</i> (Firat News Agency)
<b>ARGK</b>	<i>Arteşe Rîzgariye Gele Kurdistan</i> (People's Liberation Army of Kurdistan)
<b>BDP</b>	<i>Barîş ve Demokrasi Partisi</i> (Peace and Democracy Party)
<b>CHP</b>	<i>Cumhuriyet Halk Partisi</i> (Republican People's Party)
<b>DEP</b>	<i>Demokrasi Partisi</i> (Democracy Party)
<b>DSP</b>	<i>Demokratik Sol Parti</i> (Democratic Left Party)
<b>DTK</b>	<i>Demokratik Toplum Kongresi</i> (Democratic People's Congress)
<b>DTP</b>	<i>Demokratik Toplum Partisi</i> (Democratic Society Party)
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>FP</b>	<i>Fazilet Partisi</i> (Virtue Party)
<b>HPG</b>	<i>Hêzên Parastina Gel</i> (People's Defense Forces)
<b>İHD</b>	<i>İnsan Hakları Derneği</i> (Human Rights Association)
<b>JITEM</b>	<i>Jandarma İstihbarat ve Terörle Mücadele Birimi</i> (Gendarmerie Intelligence and Counter Terrorism Unit)
<b>KCK</b>	<i>Koma Civakên Kurdistan</i> (Union of Communities in Kurdistan)
<b>KKK</b>	<i>Koma Komalen Kurdistan</i> (Democratic Confederation of Kurdistan)
<b>Kongra-Gel</b>	<i>Kongra Gelê Kurdistan</i> (Kurdistan People's Congress)
<b>MHP</b>	<i>Milliyetçi Hareket Partisi</i> (Nationalist Movement Party)
<b>MİT</b>	<i>Milli İstihbarat Teşkilatı</i> (National Intelligence Organization)
<b>PÇDK</b>	<i>Çareseriya Demokratika Kurdistanê</i> (Kurdistan Democratic Solution Party)
<b>PKK</b>	<i>Partiya Karkerên Kurdistan</i> (Kurdistan Workers' Party)
<b>PWD</b>	<i>Partiya Welatparez Demokratik</i> (Patriotic Democratic Party)
<b>PYD</b>	<i>Partiya Yekiti a Demokratik</i> (Democratic Union Party)
<b>RP</b>	<i>Refah Partisi</i> (Welfare Party)
<b>TCK</b>	<i>Türk Ceza Kanunu</i> (Turkish Penal Code)
<b>TMK</b>	<i>Terörle Mücadele Kanunu</i> (Anti-Terror Law)
<b>TSK</b>	<i>Türk Silahlı Kuvvetleri</i> (Turkish Armed Forces)
<b>YNK</b>	<i>Yeketî Nîştîmanî Kurdistan</i> (Patriotic Union of Kurdistan)



# TESEV Introduction

*Etyen Mahçupyan, TESEV Democratization Program*

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The democratic norms, introduced with globalization and embodied in the EU membership criteria, served as a leverage for Turkey like in many other countries. They enabled the society to gain a new insight in its own history and state and as a result the problems that had often been overlooked and swept under the carpet were inevitably included in the domain of politics.

The issue, which is often referred to as the ‘Kurdish Question’ yet essentially expresses the refusal by the state to meet the existential and cultural demands of Turkish citizens with Kurdish identity, constitutes the biggest obstacle to democratization in terms of its scope and historical background. Accordingly, today, there is a widespread belief that democracy cannot become entrenched in society unless the ‘Kurdish Question’ is resolved.

The TESEV Democratization Program has systematically addressed the ‘Kurdish Question’ in the recent years and brought it to the public attention. Three reports were prepared as a result of an extensive field work, where we attempted to clarify the demands of the politically diverse Kurdish people, the possible constitutional and legal responses to these demands and how these demands are perceived by other segments of the society.

The collision of this process with the widening of the domain of politics in Turkey has led to the idea of seeking for ‘the resolution’ within the framework of a new constitution. On the other hand, there is a growing understanding that ‘the resolution’ has some

aspects that go beyond the legal context. For establishing a future based on trust requires conclusively burying the past in the pages of history while also ensuring its visibility, which in turn implies a confrontation among different identities. Therefore, the resolution of the ‘Kurdish Question’ needs a democratic method and approach, whereby parties are able to develop an attitude that addresses the whole society and show consent to a policy that does not encumber the future.

Yet, the reciprocal past and present violence between the state and the PKK makes it necessary to create a transparent medium for dialogue to realize potential solutions, and therefore to embark upon a journey towards a solution with no way back. This means ensuring that all members of the PKK, including Öcalan, gradually perceive themselves as a part of the political process.

This period, in which we are on the verge of creating the new constitution and concurrently solving the ‘Kurdish Question’, is a vital one. This TESEV report analyses what type of a political infrastructure is needed to build a favorable environment for such a dialogue. The study conducted by Cengiz Çandar, one of the most competent observers of the issue, reveals how the building blocks for resolution can be placed in a realistic way and in consideration of the plurality within both sides.

Our expectation is that this groundwork presented here will offer a meaningful contribution and roadmap both for the settlement of the ‘Kurdish Question’ and for the democratization process of Turkey ...





# Foreword and Acknowledgements

Cengiz Çandar, June 2011

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There is almost nothing that has not been said or written to date on the Kurdish Question and the ways to solve it. During the various readings I undertook for the preparation of this report and during the one-on-one interviews I conducted with tens of people extending from the Presidential Palace to the Qandil Mountain, I arrived at the same conclusion. As a person who has been living with the Kurdish Question for the last forty years, it was a reinforced confirmation of a conclusion I had drawn so many times before. Therefore, this report does not reinvent the wheel when it comes to the resolution of the Kurdish Question.

This report has been kept limited to the issue of ‘leaving the mountain’ and how the PKK can lay down weapons forever.<sup>1</sup> Therefore, I have conducted the study with an effort to remain within these limits, and avoided addressing the other vital dimensions of the issue, such as the national demands of the Kurds, their identity rights and the legal arrangements that could be made in relation to them. There are already numerous significant studies primarily by TESEV covering these topics in all these aspects. This report, entitled “‘Leaving the Mountain’ – How May the PKK Lay Down Arms? Freeing the Kurdish Question from Violence”, is about violence, which is the most crucial aspect of the issue, and is complementary to all the other studies addressing the Kurdish Question.

The historical period ahead of us gives us ample

opportunities for removing violence from the Kurdish Question. The likelihood of an escalating violence and a possible drift of Turkey into a civil war that no one can expect to benefit from should not be underestimated. In addition, the Arab Revolts starting in the early months of 2011 with an irreversible mark on this era have engulfed Syria and reached as far as the gates of Turkey, creating a heated political climate in regions where Kurds are concentrated in Turkey. During this process, I have increasingly become aware that I was addressing a sensitive subject which included violence, blood and loss of life. I already knew that words and adjectives were already claimed and deployed in positions facing each other. A ‘freedom fighter’ or ‘guerrilla’ for one side was a ‘terrorist’ for the other side. A ‘leader’ or ‘hero’ for one side was the ‘head of separatists’ or ‘baby killer’... Concepts such as ‘compromise’ and ‘betrayal’, ‘reconciliation’ and ‘surrender’, ‘settlement’ and ‘liquidation’ were easily interchangeable, depending on the situation and the side. Regardless of the conclusions one can draw or the suggestions one can make, conducting a study on such a ground inevitably puts one in a situation where it is not possible to please any party and thus leaves the report devoid of any value. Needless to say, I started on this study knowing and taking all these risks.

The study demanded an extraordinary effort of fine tuning; since on the one hand it had to conform to academic criteria, and on the other hand it had to offer itself as a reference for political decision makers and the parties on the subject, while being realistic and feasible at the same time. For all these reasons, I tried my best to approach the subject and the interviewees in a manner free of emotion.

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1 ‘Leaving the mountain’ or ‘coming down the mountain’ is the literal translation of the Turkish expression that refers to the laying down of arms by PKK members and their return – both literally and symbolically- to civilian social and political life.

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The one-on-one interviews formed the backbone of the report. The number of interviewees could have been increased. Of course, in this sense, I have not been able to reach perfection. Nevertheless, a list of the names and titles of the persons interviewed will show that all these people were representative and provided the diversity required for such a report, and possessed qualities that will surely contribute to the report. I can say that from this aspect, the report has reached a level of adequacy even if not a level of perfection.

In order to ensure that the interviewees, with whom we had many face-to-face meetings for hours, could express their feelings and opinions as openly as possible and thereby strengthen the report's content, I told each and every interviewee that anything they said would be penned without direct reference to them unless they personally demanded otherwise. The interviewees included the President and various ministers of the Republic of Turkey, high-ranking bureaucrats and ambassadors, the PKK leaders at the Qandil Mountain, former members having broken ties with the PKK due to internal difficulties, people taking part in the sphere of legal politics in Turkey while following the PKK line, the PKK opponents, the independent Kurdish individuals and tens of other people from all walks of life. While quoting from the Turkish state officials and the Kurds living in Turkey, I applied the principle of not mentioning names. I did so not only to keep my promise to them but also to

protect these people, most of whom are well-known by the public, from becoming targets of polemics. I also applied the same principle for the Iraqi Kurdish officials because of the sensitivity of the subject. Many individuals contributed to this report, including the President of Iraq and those political figures who have served as Prime Ministers in the Iraqi Kurdistan; yet their names were not mentioned in any of the quotes used in the report. Those whose names were directly referenced in the report were mostly prominent Kurdish individuals from Turkey who held differing views on the 'Kurdish Question' and who live outside of Turkey. Yet, while doing so, I took diligent care to make sure that the quotes were public views previously expressed at various times and on various occasions, and that the quote could in no way bring harm to the person providing it.

I extend my thanks to all the interviewees for the value they added to this report, for their contributions and especially for their trust in me.

This report could not have come into existence without the invaluable staff of the TESEV Democratization Programme. I owe my thanks to Etyen Mahçupyan, who brought the proposal to me with full confidence that I could write this report, to Dilek Kurban, whose support I had in every stage of my work, to Ebru İlhan, who lent me a hand at the beginning of the field work, and in particular to Serkan Yolaçan and to Esra Bakkalbaşıoğlu for their memorable contributions in completing the report.

# Section One



# Methodology and Purpose

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The Kurdish Question is accepted as ‘Turkey’s number one problem’ by almost everyone including the President Abdullah Gül, and is expected by virtually everyone to enter a brand new resolution phase following the elections of June 12<sup>th</sup> 2011. The fact that Turkey’s top priority agenda item following the 2011 elections is creating a ‘civilian, democratic, participatory, human-oriented and liberal constitution’ and that a large segment of the civil society, including the ruling and main opposition parties, have united around this purpose has already created the new and much needed excitement for efforts to resolve the Kurdish Question in parallel to the creation of the new constitution.

The purpose of this report, which we hope will serve as a guide for the public opinion and the decision makers in such a time, is to provide a valid reference point for the political decision makers as well as the public opinion and the political domain. These elements can affect and shape the decisions in regard to the most crucial dimension of the Kurdish Question: how to logistically end the violence which has caused great pain, shed the blood of thousands, and continues to take lives. Bringing an end to violence is the most crucial dimension of the Kurdish Question, and hence stopping loss of blood and lives is roughly expressed as ‘getting’ or ‘bringing’ the armed forces of the PKK ‘off the mountain’. Although they might seem to be synonyms, avoiding the expression of ‘disarmament of the PKK’ is necessary, as this is perceived by the Kurds as the ‘liquidation of the PKK’. We have observed that the expressions of the ‘PKK’s disarmament’ and the ‘PKK’s liquidation’ make it more difficult to attempt to solve an already highly complicated problem, let alone contribute to such attempts. In fact, the matter was briefly addressed in TESEV’s report of December 2008 entitled *Kürt Sorunu’nun Çözümüne Dair Bir Yol Haritası: Bölgeden Hükümete Öneriler* (A Roadmap for a Solution of the Kurdish Question: Suggestions to the

Government from the Region) under the section on the “PKK’s Disarmament”:

The struggle being waged against the PKK for a quarter century has shown that resolution of the Kurdish Question is not possible through military methods. As long as the armed conflicts continue, any steps taken towards solution would be doomed to fail. The operations should be ceased at once; the intermediation of Kurdish civil society representatives and political parties should be sought to persuade the PKK to lay down weapons; an arrangement not including an ‘amnesty’ should be made to encourage PKK militants to lay down their weapons; studies should be done to ensure that ex-PKK militants can find a place for themselves in the society; and an expungement for the convicted PKK militants should be issued.<sup>2</sup>

The content of this present study also reflects the framework drawn by the small paragraph cited above. However, the conclusions reached still claim distinctive authenticity despite being in harmony with the generalization above. The conclusions reached make this report a logical follow-up to the previous three TESEV reports<sup>3</sup> on the resolution of the Kurdish

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- 2 Dilek Kurban and Yılmaz Ensaroğlu, “Kürt Sorunun Çözümüne Dair Bir Yol Haritası: Bölgeden Hükümete Öneriler” (A Roadmap for a Solution to the Kurdish Question: Policy Proposals from the Region for the Government) (Istanbul: TESEV Publications, 2008), 5.
  - 3 The reports are as follows, respectively: Kurban and Ensaroğlu, “Kürt Sorunun Çözümüne Dair Bir Yol Haritası: Bölgeden Hükümete Öneriler” (A Roadmap for a Solution to the Kurdish Question: Policy Proposals from the Region for the Government), (Istanbul: TESEV Publications, 2008); Kurban and Ensaroğlu, “Kürt Sorunu’nun Çözümüne Doğru: Anayasal ve Yasal Öneriler” (Toward a Solution to the Kurdish Question: Constitutional and Legal Recommendations) (Istanbul: TESEV Publications, 2010); Ensaroğlu and Kurban, “Kürtler Ne Kadar Haklı? Türkiye’nin Batısı Kürt Sorunu’na Nasıl Bakıyor?” (How Legitimate Are the Kurds’ Demands? The Kurdish Question Through the Lens of Turkey’s West) (Istanbul: TESEV Publications, 2011).

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Question; on the other hand, the uniqueness of the content and the sensitivity of the subject distinguish this report from its predecessors.

The study that forms the basis of this report began approximately a year before the release of the report in June 2011. The study followed two methods: a literature review regarding the subject and field studies. Within the scope of the literature review concerning the examples from outside Turkey, mostly studies conducted by US think tanks on how ethnic rebellions, civil wars and riots were resolved, and studies undertaken by organizations specializing in security and security strategies were preferred. In the US, there has been a virtual boom in the number of studies on concepts such as “terror” and “terrorism” and on organizations that are against the interests of the US, especially after September 11<sup>th</sup> 2001. It is noteworthy that in these studies, a distinction is made between “insurgency” and “terrorism”, hence these studies were beneficial guides for this report. Among them, two in particular were used. The first is a study by the US Rand Corporation to contribute to the Intelligence Activity of the Marine Corps, entitled *How Insurgencies End*.<sup>4</sup> This extensive study, covering a qualitative and quantitative tracking of 89 revolts and civil wars which occurred in various places in the world during the 20<sup>th</sup> century and prepared with the contributions of a huge number of specialists, was published by Ben Connable and Martin C. Libicki. The other study used for this report was the *Insurgency and Counterinsurgency in the 21st Century: Reconceptualizing Threat and Response*<sup>5</sup> published in 2004 by the Strategic Studies Institute, which is a think tank of the US Army War College. The study, *Rethinking Insurgency*,<sup>6</sup> published by the Institute in January 2007 was also used.

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4 Ben Connable and Martin C. Libicki, *How Insurgencies End* (Virginia: Rand Corporation, 2010).

5 Steven Metz and Raymond Millen, *Insurgency and Counterinsurgency in the 21st Century: Reconceptualizing Threat and Response* (Pennsylvania: Strategic Studies Institute, 2004).

6 Steven Metz, *Rethinking Insurgency* (Pennsylvania: Strategic Studies Institute, 2007).

Turkish sources frequently referred to during the drafting of the report included *Öcalan'ın İmralı Günleri*<sup>7</sup> [*Öcalan's İmralı Days*] by Cengiz Kapmaz. The book was considered an invaluable source of information because it was written based on the notes, amounting to twenty thousand pages, including all the interviews made with Abdullah Öcalan during the ten year period from his capture in 1999 until 2009, Abdullah Öcalan's five thousand pages of defense, and one thousand five hundred pages of documents submitted by Abdullah Öcalan and Turkey to the European Court of Human Rights (ECtHR) in the case of *Öcalan vs. Turkey*.<sup>8</sup>

Another very useful source of information that I would like to underline was the “Roadmap” presented to government officials by Abdullah Öcalan upon the launch of the ‘Kurdish Initiative’ [*Kürt Açılımı*] in August 2009, which was not shared with the public and even remained inaccessible to most PKK members. This fifty five page text published on August 15, 2009 and entitled *Türkiye’de Demokratikleşme Sorunları – Kürdistan’da Çözüm Modelleri (Yol Haritası)* [Democratization Issues in Turkey – Solution Models in Kurdistan (Roadmap)] was reviewed and the section directly relevant to the subject of this report was shared with the readers in Annex 1. During the drafting of the report, the notes from Öcalan's interviews with his lawyers at İmralı in 2010 and 2011, and the Fırat News Agency (ANF) that broadcasted the statements of major PKK executives such as Murat Karayılan, Cemil Bayık, Duran Kalkan and Mustafa Karasu, were also monitored regularly.

There is extensive literature on the founding of the PKK, the initial period of armed struggle, its violence methods and its history of armed struggle. In order to understand the PKK's decision-making mechanisms and internal dynamics, the data and information provided in the books written by individuals who had left the PKK and revolted against Abdullah Öcalan

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7 Cengiz Kapmaz, *Öcalan'ın İmralı Günleri* (İstanbul: İthaki Yayınları, 2011).

8 A list of all the publications consulted during the preparation of this report can be found in the “Bibliography” section at the end of the report.

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were taken into consideration. Among these, M. Can Yüce's *Doğu'da Yükselen Güneş*,<sup>9</sup> Selahattin Çelik's *Ağrı Dağı'nı Taşımak*<sup>10</sup> and Mahsum Hayri Pir's *Bir Yanılsamanın Sonu*<sup>11</sup> are of particular importance.

The field work constitutes the backbone of the report. The face-to-face interviews made during the field work took place across a wide geographical area, including İstanbul, Ankara, Diyarbakır, Hakkari and Van in Turkey; Arbil, Suleimaniya, Koisanjak and Qandil Mountain in the Iraqi Kurdistan region, as well as the Iraqi capital Baghdad; and Brussels, Berlin and the Ruhr Region in Europe. As expressed above, even the 'mountain' was visited for the field work. In Qandil, a six hour interview was held with Murat Karayılan, accompanied by his deputies Bozan Tekin and Ronahi Serhat. The author was told that this was the longest interview Murat Karayılan had ever held with anyone from Turkey.

One of the basic principles pursued throughout the field work was to conduct face-to-face interviews with those individuals who are primary parties to the issue and had representative qualities, and thus, those whose opinions could affect the problem of 'leaving the mountain' and 'how the PKK may lay down arms.' The interviews, exceeding eighty hours in total, started in October 2010 and continued until mid-May, 2011. The fieldwork encompassed not only the Qandil mountain but also the one-to-one interviews with the PKK executives in Europe (such as Zübeyir Aydar, Remzi Kartal, Muzaffer Ayata, etc.) and state officials. In addition to state officials and current leading figures of the PKK, the interviews conducted with those who left the PKK after serving in its armed struggle for many years in high ranks (Osman Öcalan "Ferhat", Nizamettin Taş "Botan", Halil Ataç "Ebubekir", Hıdır Sarıkaya "Ekrem") also enriched this report. We had

long talks with senior Kurdish politician and former Democracy Party (*Demokrasi Partisi, DEP*) Leader Yaşar Kaya who had distanced himself from the PKK after serving for three terms as the president of the PKK-controlled The Kurdish Parliament in Exile. Likewise, publically well-known Kurdish political actors and thinkers such as opinion leaders in the Kurdish Question, although operating outside of and even in opposition to the PKK, including Kemal Burkay, Ümit Fırat and Orhan Miroğlu were also interviewed. Other names include Mehmet Emin Aktar, the President of the Bar Association of Diyarbakır, who is one of the spokesmen of the civil society organizations located in Diyarbakır, a province that comes to fore in almost every new development occurring in the Kurdish Question in the recent years; Şahismail Bedirhanoglu, the President of the Southeastern Anatolian Industrialists' and Businessmen's Association (*GÜNSİAD*); Mesut Tek, who assumed the position of the Secretary-General of the Kurdistan Socialist Party (*Partiya Sosyalîst a Kurdistan, PSK*) after Kemal Burkay and who still lives in exile; and Haşim Haşimi, a well-known name in the conservative Kurdish political domain, who is the former Mayor of Cizre and who served as an MP from the Welfare Party (RP), the Virtue Party (FP) and, for a short time, the Motherland Party (ANAP).

Another name that should be specifically mentioned among the interviewees is Sezgin Tanrıku. At the time of the report preparation, he was the Vice Chairman of the Republican People's Party (CHP) after having served as the President of the Bar Association of Diyarbakır and Diyarbakır representative of the Human Rights Foundation (İHD). Due to his previous positions in these two institutions, he is a publically well-known figure. Now the CHP's İstanbul Deputy, Tanrıku, played a decisive role in the CHP's new approach to the Kurdish Question that was reflected in the Party's new electoral manifesto. He also made great contributions to this report, as he had previously done for the reports released as a part of the series of reports on the Kurdish Question prepared by the TESEV Democratization Programme. In addition, opinions of Kurdish individuals who are thought to be following the PKK line, yet have

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9 M. Can Yüce, *Doğu'da Yükselen Güneş* (iki cilt) (İstanbul: Zelal Yayınları, 1999).

10 Selahattin Çelik, *Ağrı Dağını Taşımak- Çağdaş Kürt Halk Direnişi; Siyasi, Askeri, Ekonomik ve Toplumsal Sonuçları* (Frankfurt: Zambon Verlag, 2000).

11 Mahsum Hayri Pir, *Bir Yanılsamanın Sonu* (İstanbul: Komal Yayınları, 2000).



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never taken up weapons and instead have played effective roles in the legal domain with no association with violence in Turkey (Diyarbakır MP Leyla Zana, Mardin MP Ahmet Türk, and Mayor of Diyarbakır Metropolitan Municipality Osman Baydemir, etc.) were also interviewed. Interviews were also held with state and government officials who are expected to play roles at various levels in solving the problem and ending violence. These included the President of the Republic of Turkey, Abdullah Gül; the Minister of Interior in the 23<sup>rd</sup> term of the parliament who assumed the role of the coordinator in the “Initiative”, Beşir Atalay; the Minister of Justice in the 23<sup>rd</sup> term, Sadullah Ergin; National Intelligence Organization (MİT) Undersecretary Hakan Fidan, who managed the dialogue with Abdullah Öcalan at İmralı; Prime Ministry Undersecretary Efgan Ala who was involved in efforts to solve the issue; Turkey’s Ambassador to Baghdad and former Iraq Coordinator, Ambassador Murat Özçelik; Turkey’s Consul General to Arbil, Aydın Selcen, due to his position that is associated with the subject; and also the Justice and Development Party’s (AK Party) Vice Chairman and Adana MP Ömer Çelik, and former Deputy Undersecretary of MİT Cevat Öneş because of his involvement in the issue and his past experiences. Due to their direct or indirect interest in the matter, Iraqi Kurdish officials (Iraqi President and leader of the Iraqi Patriotic Union of Kurdistan [PUK] Jalal Talabani; former Prime Minister of the Iraqi Kurdistan Government and Vice President of the Iraq Kurdistan Democrat Party Neçirvan Barzani; and Doctor Fuad Hüseyin, Head of the Presidency of the Kurdistan Region) were among the other individuals whose opinions were sought.

Among the political parties, the Nationalist Movement Party (MHP) was not interviewed due to its attitude that was categorically against the content and purpose of the report. It was considered that MHP, due to its members’ previous statements such as ‘surrender of terrorists to the Turkish justice’ or ‘put the bandits in their place’, could not make a meaningful contribution to the content of the report at this stage.

Although direct interviews were not conducted with members of the Turkish Armed Forces (TSK), which has been a main actor in the issue so far, indirect information

and the book *Terör Örgütlerinin Sonu* [The End of Terrorist Organizations]<sup>12</sup> by last year’s Chief of General Staff İlker Başbuğ were specifically used as they reflect the TSK’s perspective on the issue. In his book, General Başbuğ approaches the subject of ‘leaving the mountain’ essentially as a terror problem and hence sees the end of terrorism as bringing an end to the ‘terrorist organization’ (the PKK) and shares his view on how this can be accomplished. The methodology, conclusions and subsequent suggestions of this report on ‘*Leaving the mountain*’ – *How may the PKK lay down arms* differ fundamentally from the views expressed by General Başbuğ in his book *Terör Örgütlerinin Sonu*. On the other hand, the book was included among the references used within the scope of this report as it reflected the thought patterns and approaches of the ‘military elite’, which has been on the foreground for the Kurdish Question and the PKK for many years.

The author of the report has been associated and involved with the Kurdish Question and its various dimensions for almost forty years. Therefore, it is impossible not to reflect upon years of experience and views in the report. Nevertheless, priority has been given to form the report’s backbone with the views and thoughts of the interviewees. While drawing conclusions and making suggestions based on these conclusions, due diligence was attached to bring the points agreed on by the interviewees to the fore. The conclusions and suggestions that support these views are given at the end of the report.

The report is authentic in its essence; because its content is based on the issues of ‘laying down arms by the PKK’ and freeing the Kurdish Question from violence. In addition, looking at the diversity of the identities, titles and positions of the interviewees, the report is the very first of its kind in terms of its scope. Studies and reports of this content will no longer be needed once the Kurdish Question is freed from violence and brought to a final resolution.

And this is the real purpose of the report.

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12 İlker Başbuğ, *Terör Örgütlerinin Sonu* (İstanbul: Remzi Kitapevi, 2011).





# Invalidity of the Existing Paradigm in the Resolution of the Kurdish Question

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While approaching the problematique of how to ensure a conclusive process of ‘leaving the mountain’ by the PKK militants, this report precludes the military alternative. Indeed, the author himself was informed during his interviews with state officials that, a sense of the impossibility of resolving the issue through military means was also shared by the Turkish military authority. Following Abdullah Öcalan’s capture in 1999, the PKK’s armed forces, in agreement with the General Staff, withdrew from Turkey beyond the borders and into the Iraqi territories. This move was interpreted by the General Staff as a sign that the PKK was not decisively defeated in a military sense. In 2003, the Turkish military authority communicated this perception to the civilian authority. In the period following the revival of the PKK’s armed struggle upon the instructions of Abdullah Öcalan in 2004, the military authority still maintained the view that a military solution would not provide the final resolution. According to information received from high-ranking officials, after 2007 and prior to the planning phase of the initiatives to resolve the Kurdish Question through the Democratic Initiative [Demokratik Açılım], the military authority was asked whether they could “dissolve the PKK through military means?”; and in the absence of a confident affirmative reply preparations for the Initiative were initiated. This information illustrates that the ineffectiveness of a military solution to the Kurdish Question is also accepted, albeit tacitly, in the General Staff circles. Hence, the necessity to give priority to the political solution of the issue becomes easier to understand.

*“The PKK is one of the consequences of the unresolved Kurdish Question, and hence, the attempt to resolve the Kurdish Question should be addressed as something independent or separate from the fight against the PKK”. This approach, that in its various forms ostensibly appears to be true is not valid anymore. Today it is clear that it is impossible to resolve the Kurdish Question without addressing the PKK Question, which means addressing the situation of Abdullah Öcalan - the indisputable and unrivalled ‘single authority’ of the organization - and ensuring that the PKK conclusively lays down its weapons.*

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## THE INSEPARABILITY OF THE KURDISH QUESTION AND THE PKK

For years, a cliché has found wide acceptance: “The Kurdish Question and the PKK, or the ‘terror problem’, are not the same thing... The PKK is not a cause but an effect. Kurdish Question used to exist even before the PKK came into being. The PKK is one of the consequences of the unresolved Kurdish Question, and hence, the attempt to resolve the Kurdish Question should be addressed as something independent or separate from the fight against the PKK.” This approach, that in its various forms ostensibly appears to be true, is not valid anymore. Today it is clear that it is impossible to resolve the Kurdish Question without addressing the PKK Question, which means addressing the situation of Abdullah Öcalan - the indisputable and unrivalled ‘single authority’ of the organization - and ensuring that the PKK conclusively lays down its weapons. Identifying the PKK as an important part of the

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Kurdish Question, and hence the solution, is a necessary start towards the resolution of the issue, but it is not sufficient. If the PKK continues to be treated as a ‘terrorist organization’ and if its members are continued to be called ‘terrorists’; there remains no other way apart from approaching the matter within the context of security policies and taking some armed measures against the PKK members. From this perspective, the PKK’s ‘leaving the mountain’ implies waiting for the organization’s cadres to surrender to the legal authorities of Turkey or their delivery by ‘third parties’ (the US, Iraqi or Iraqi Kurdish authorities), or forcing Öcalan to liquidate the organization. All these various alternatives have been tried and exhausted to date and have therefore lost their validity and applicability.

## HOW ÖCALAN AND THE KURDISH QUESTION ARE INTERTWINED

As it is well known, Abdullah Öcalan was imprisoned on İmralı Island after he was brought to Turkey following his extradition by Kenyan authorities in 1999, and was charged with death sentence by the Turkish jurisdiction. Following the formalization of his sentence, Öcalan applied to the European Court of Human Rights (ECtHR) which issued the following statement (with its interim measure of November 30<sup>th</sup> 1999 and pursuant to Article 39 of its Rules of Court): “The Court requests the respondent State to take all necessary steps to ensure that the death penalty is not carried out so as to enable the Court to proceed effectively with the examination of the admissibility and merits of the applicant’s complaints under the Convention.”<sup>13</sup> Following ECtHR’s interim measure, the DSP-MHP-ANAP coalition government led by Bülent Ecevit (from DSP; Democratic Left Party) passed a constitutional amendment on October 3<sup>rd</sup> 2001 which limited the death sentence to “times of war, imminent threat of war and terrorist

crimes”.<sup>14</sup> This was followed by the amendments passed on August 3<sup>rd</sup> 2002 within the scope of the adoption of the European Union (EU) Harmonization Laws<sup>15</sup>, as a result of which the death sentence of Abdullah Öcalan was instead commuted to ‘aggravated life imprisonment’.

In the elections of November 3<sup>rd</sup> 2002, the AK Party won the parliamentary majority which allowed rule as a single party, ending the period of coalition governments. During the period of the AK Party government led by Recep Tayyip Erdoğan, the European Convention on Human Rights (ECHR) Protocol no. 6<sup>16</sup> about the abolishment of the death sentence, and Protocol no. 13<sup>17</sup> prohibiting the imposition of death penalties except at times of war were signed. Article 6 of the constitutional amendment adopted on May 7<sup>th</sup> 2004 was rearranged to read as, “The phrase ‘execution of the death

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13 European Court of Human Rights (ECtHR), *Öcalan vs. Turkey*, No: 46221/99, 12 May 2005.

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14 Law no. 4709 on Amendment of Some Articles of the Constitution of the Republic of Turkey, dated 3.10.2001, published in the *Official Gazette* No. 24556 of 17.10.2001. In accordance with Article 15 of the Sixth Amendment Package regarding the 1982 Constitution, the following was added as the seventh paragraph of Article 38 “Principles Relating to Offenses and Penalties” of the Constitution: “Death penalty cannot be imposed except for times of war, imminent threat of war or terror crimes. Findings obtained through illegal methods shall not be considered evidence. No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation”.

15 European Union Third Harmonization Package, No. 4771, 03.08.2002, *Official Gazette* No. 24841 of 17.10.2001. According to the first article of the package, “Excluding times of war and imminent threat of war, the death penalty laid down by the Turkish Penal Code no 765 dated 01.03.1926, Law no. 1918 of 07.01.1932 on Prohibition and Monitoring of Smuggling, and the Forestry Law of 31.08.1956 no 6831, has been commuted to life imprisonment”.

16 Law no. 4913 dated 15.01.2003 on the Ratification of Protocol No.6 on Restriction of Death Penalty to the Convention for the protection of Human Rights and Fundamental Freedoms (ECHR) as amended by Protocol No. 11 of the European Convention on Human Rights; Published in the *Official Gazette* No. 25155 dated 01.07.2003.

17 ECHR, Protocol No. 13 on the Complete Abolition of Death Penalty, No. 5409, 06.10.2005, *Official Gazette* No. 26022 dated 13.12.2005.

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*Following his conviction to ‘aggravated life imprisonment,’ Öcalan’s position as the indisputable and unchallenged leader of the PKK was reinforced and he became the final decision maker for ending the PKK’s armed struggle.*

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penalties ruled and finalized by the courts’ in Article 87 of the Constitution of the Republic of Turkey has been deleted”.<sup>18</sup> On July 14<sup>th</sup> 2004, death penalty was completely eliminated from the Turkish law system,<sup>19</sup> and Abdullah Öcalan’s situation was redefined as aggravated life imprisonment in accordance with the law.

Following his conviction to aggravated life imprisonment, Öcalan’s position as the indisputable and unchallenged leader of the PKK was reinforced and he became the final decision maker for ending the PKK’s armed struggle. Thus, Abdullah Öcalan’s situation and the ‘PKK Question’ (in the sense that it encompasses the PKK’s armed existence), became internalized in the Kurdish Question, and the two issues became intertwined. This conclusion was also expressed by a high-ranking officer of the Kurdistan Regional Government in Iraq (which has developed a close partnership with the Turkish government in the recent years) as follows: “Separating the Kurdish Question from Abdullah Öcalan and PKK might have been possible 10 years ago, but not anymore!” Seen in this light, resolution of the Kurdish Question will not be possible unless this phenomenon is understood and accepted.

## **PAST EXPERIENCE: DIVIDING OR LIQUIDATING THE PKK**

The PKK is extraordinarily resistant to any developments that might mean or could be interpreted as the organization’s ‘liquidation.’ This resistance was also obvious in the one-on-one interviews conducted with members of the organization. Furthermore, the invalidity of the ‘PKK’s liquidation’ policies pursued to date was also expressed by a state official who had served in high ranks of the bureaucracy: “To this date, the state did not have any plan. It aimed to achieve its goals through dividing the Kurds and, through Abdullah Öcalan, the PKK. The main approach regarding Abdullah Öcalan has always been a strategy based on attacking him for political means rather than including him in the dialogue for a solution”. A high-ranking bureaucrat of the Iraqi Kurdistan who has been in dialogue with Turkey on PKK-targeted initiatives for many years also expressed similar views and drew attention to the risk posed by such efforts for Turkey: “They should not do anything that may be perceived as dividing PKK. This not only creates a climate of mistrust, but also provokes the PKK’s actions. And the actions of the PKK lead to a vicious circle of escalating violence.”

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*“They should not do anything that may be perceived as dividing PKK. This not only creates a climate of mistrust, but also provokes the PKK’s actions. And the actions of the PKK lead to a vicious circle of escalating violence.”*

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18 Law on Amendment of Some Articles of the Constitution of the Republic of Turkey, No. 5170, 07.05.2004, *Official Gazette* No. 25469 dated 22.05.2004.

19 Law on Abolition of Death Penalty and Amendment of Some Laws, No: 5218, 14.07.2004, published in the *Official Gazette* No. 25529 of 21.07.2004. Death penalty was completely abolished with this law.









# The New Paradigm: The PKK as the Last Kurdish Insurgency

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From the PKK point of view, ‘surrender’ and ‘liquidation’ function as *non-starters* for any resolution initiatives (initiatives that will finally lead to ‘saying farewell to arms’ and ‘leaving the mountain’), ending the discussion before it even begins. If policies focusing on surrender or liquidation are to be abandoned, –and there is now a wide consensus on the inability of these policies to yield any conclusive results– then, it is essential to formulate a new conceptualization and approach the issue through a consequent new paradigm. This requires identifying the situation as a “Kurdish Insurgency” rather than defining the PKK phenomenon as “terrorism”, describing the PKK as a “terrorist organization” and its members as “terrorists”.

There is no doubt that such a change in paradigm proves challenging. In our interview, a high-rank security official told that, “for many years the PKK has been demonized in the Turkish public opinion, something which the PKK itself has contributed to and to a large extent continues to contribute to; therefore, a paradigm change is not easy and will take time”. In addition, the PKK’s inclusion in the “list of terrorist organizations” of both the US Department of State and the EU –as a result of Turkey’s persistent diplomatic initiatives– is another important factor that challenges the acceptance of this new paradigm. Despite all these difficulties, Turkish Government’s assessment of the PKK as a Kurdish insurgency remains the first and the most crucial step for resolution of the issue.

In our interview, Murat Karayılan described the PKK as a “contemporary Kurdish insurgency”. A segment of the Turkish opinion leaders also increasingly

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acknowledge the armed struggle waged by the PKK as a “Kurdish insurgency”. Although many sources make references to the existence of 29 Kurdish Rebellions in the history of the republic as if it is a generally accepted fact, some observers studying the Kurdish Question and Kurdish political circles basically agree on four insurgencies. The first is the Sheikh Said Rebellion of 1925, the second is the Ararat Rebellion of 1929, and the third is the Dersim Rebellion of 1938. The fourth rebellion represented by the PKK is the longest and the most extensive of these rebellions. In this sense, it is possible to say that the fourth rebellion still continues since the PKK has not yet laid down arms. Seen in this light, ‘leaving the mountain’ refers to the ending of the last Kurdish rebellion, and the title, content and purpose of this report is synonymous with “the end of/putting an end to the Kurdish insurgency”.

## DEFINITIONS OF INSURGENCY AND TERRORISM

The book *How Insurgencies End* provides a definition of insurgency and describes the difference between an insurgent organization and a terrorist organization as follows:

For this study, insurgency is taken at its broadest definition. [...] Briefly, insurgency is the violent struggle by a non-governmental armed group against its government, with the intent of

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overthrowing the current regime, expelling an interloper, gaining greater rights, or obtaining independence. [...] We generally address terrorism as a tactic and draw a subjective distinction between insurgent and terrorist organizations. For example, while we studied the Provisional Irish Republican Army [Provos, IRA's "Provisional" wing] as an insurgency, we viewed the splinter group the Real Irish Republican Army as a terrorist organization and did not include it in our data sets.<sup>20</sup>

The book includes the IRA in the 'insurgent' list, while calling the 'Real IRA' terrorist for the main reason that the former ended the armed struggle through talks, while the latter completely refused such a possibility and continued its armed activities.<sup>21</sup>

This definition draws attention to the fact that the distinction between "insurgency" and "terrorist organization" is "subjective". Using the same "subjective preference" for the PKK will surely facilitate discovering methods for 'leaving the

mountain'. Zübeyir Aydar, one of the PKK's high-level executives, said during our interview in Brussels that "This is a Kurdish insurgency. To end the insurgency, you have to talk to the insurgents. How can it be ended otherwise? Negotiations should be made on how to eliminate the conditions feeding the insurgency". In the same interview, Zübeyir Aydar referred to the PKK's "insurgent aspect" and reminded that the discourse used by the ruling AK Party in the 2007-2010 legislative term was that they had 75 Kurdish deputies. Aydar also mentioned the issue of the "representation of Kurds" by saying, "It does not matter even if you don't have 75 but 100 deputies. The issue here is not who represents the Kurds. The important thing is, who represents the Kurdish insurgency".

The PKK has been stigmatized and perceived as a 'terrorist organization' for more than a quarter of a century, not only by the official authorities of Turkey, but also by the Turkish public opinion. Moreover, it is widely accused of being a crime organization involved in drug trafficking. These labels associated with the organization cast a serious shadow on identifying the PKK as an 'insurgency' and evaluating it in that political category. Yet, academic and theoretical studies on insurgencies demonstrate that criminal elements such as terrorism or drug trafficking do not conflict with the definition of insurgency, and on the contrary are counted among the instruments of insurgency. Noteworthy among these studies is the *Insurgency and Counterinsurgency in the 21st Century: Reconceptualising Threat and Response* written by Steven Metz and Raymond Millen for the Strategic Studies Institute, the think tank of the US Army War College. The section cited below from the study also provides a guiding framework for rethinking the PKK phenomenon in Turkey as a 'Kurdish insurgency'.

At some point every insurgency must launch direct operations against the regime in order to succeed. This can take the form of guerrilla warfare, terrorism, and assassination of officials, sabotage, and other types of irregular or asymmetric violence. At the same time, the insurgents must continue to improve

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20 Connable and Libicki, *How Insurgencies End*, 220-221.

21 Meanwhile, it should be noted that in the study by Connable and Libicki, who analyze insurgency based on a considerable amount of empirical data, the PKK is also included among the 89 insurgencies studied, yet the PKK is assumed as an insurgency that took place between 1984-1999 and evaluated among "insurgencies ended" with the capture of Abdullah Öcalan in 1999. It appears that the book disregards the fact that the PKK revived its armed struggle in 2004 and continues to maintain the "insurgency" with its presence in Qandil. Based on the thesis posited by the authors based on empirical studies that "modern insurgencies last approximately ten years, and the government's chances of winning may increase slightly over time", according to the authors the PKK insurgency, having completed its 14th year in 1999, was ended with the capture of its leader. The PKK's announcement that it had ended armed struggle and withdrawn its forces beyond Turkish borders upon Öcalan's capture in 1999 may have caused the PKK movement to be included among "insurgencies ended" in the said study of 2004. Yet, the PKK revived its armed struggle in June 1<sup>st</sup> 2004 and keeps its armed forces mostly in the Southeastern of Turkey and in the Iraqi side of the region adjacent to the Turkish-Iraqi border, with its headquarters in the Iraqi Kurdistan Region, at the Qandil Mountain located on the Iraqi-Iranian border. Hence, it becomes necessary to determine that the essence for the PKK's "insurgency", that started in the 20th century and has continued until today in the 21st century, is still there.

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their skills, learn their craft, accumulate resources, and mobilize support. They may do this by cultivating external alliances, smuggling, robbery, narco-trafficking, kidnapping, black marketing, money laundering, counterfeiting, merchandise pirating, illegal use of charities, racketeering, and extortion. They may buy arms, obtaining them from ideological allies, or capture them from government forces. Most but not all insurgents also seek to augment their legitimacy, mobilize greater public support and, in some cases, expand their international acceptance.<sup>22</sup>

As seen, non-political activities such as smuggling, robbery, racketeering, blackmailing and drugs trafficking, are mentioned as the methods used by insurgents, although these are generally classified as petty (and not political) crimes even at serious scales. Likewise, terrorism and guerrilla warfare are also considered as tactics used by insurgents. In the abovementioned paper and in similar studies, terrorism is included as one of the *modus operandi* of insurgencies. While insurgency is strategically evaluated in the conceptual sense, terrorism is considered as a tactical element. Accordingly in the Turkish example, although it is an undisputable fact that the PKK has resorted to terrorism and although there are some serious and severe allegations that the organization is involved in drug trafficking,<sup>23</sup> these do not eliminate the fact that the PKK essentially expresses a 'Kurdish insurgency'. On the contrary, in the light of the above definitions, the PKK is a standard insurgent organization.

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With regard to insurgency, another definition widely accepted in the international academic circles belongs to Bard E. O'Neill:

Insurgency is a struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources and violence to legitimize, redefine or eradicate one or more aspects of politics.<sup>24</sup>

This definition reviews insurgencies carried out with guerrilla-type tools, within the context of their goals, strategies, current climate, public support, organizational power, and external support as well as the triggered governmental response. It is emphasized that a government should correctly identify the real purpose of the guerrillas in order to be able to determine how to counter them. "What is the real purpose? Is it to trigger some changes in state policies? Is it to overthrow the current decision makers? Is it to change the rules of game of politics? Or is it to withdraw itself from the political system totally?"<sup>25</sup> These criteria should also be valid in assessing the 'real goal' of the PKK, either in the same or a similar fashion, in terms of the government's approach to the issue in Turkey.

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22 Metz and Millen, *21st Century*, 4.

23 The US Department of the Treasury designated the senior leadership of the PKK, namely Murat Karayılan, Ali Rıza Altun and Zübeyir Aydar in October 2009 and Cemil Bayık, Duran Kalkan, Remzi Kartal, Sabri Ok and Adem Uzun in April 2011 as significant foreign narcotics traffickers, and ruled for the freezing of any assets, including bank accounts they may have under U.S. jurisdiction. The relevant press releases of the Department can be found at the following web pages: <http://www.treasury.gov/press-center/press-releases/Pages/tg318.aspx> and <http://www.treasury.gov/press-center/press-releases/Pages/tg1148.aspx>.

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24 Bard E. O'Neill, *Insurgency and Terrorism: From Revolution to Apocalypse* (Washington D.C.: Potomac Books, 2005), 15.

25 *Op. cit.*

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While arguing that assessing the PKK under the category of insurgency rather than terrorism would be more accurate and that such a categorization is a prerequisite for a solution, we referred mostly to the sources from the US. The main reason for this is the abundance of studies and reference materials in the United States that focus on this subject and analyze the differences between the concepts of “insurgency” and “terrorism” in particular. The reason for this abundance of reference materials is the natural concentration on ‘terrorism’ and ‘terrorist organizations’ following the 9/11 events and also the increase in the number of studies on examples of insurgency and terrorism due to the resistance encountered by the occupying US forces first during the intervention of Afghanistan in 2001 and afterwards following the extensive intervention and occupation of Iraq in 2003. The opportunities and intellectual level of the academic domain in the US have also enriched the theoretical framework and conceptualization in these studies. US-based studies have supported the theoretical infrastructure needed for the practical purposes of this report, which envisions addressing the PKK as an “armed Kurdish insurgency” instead of a “terrorist organization”. As stated previously, the institutions and studies used as a reference are all related to and specialize in homeland security and counter-terror issues; hence, their definitions of the concepts of ‘insurgency’ and ‘terrorism’ were presumed as more important and more meaningful than the definitions by institutions that operate as peace institutes.

On the International Terrorism and Security Research<sup>26</sup> website, there is a notable definition specifying the difference between terrorism and insurgency:

A key difference is that an insurgency is a movement - a political effort with a specific aim. This sets it apart from both guerrilla warfare and terrorism, as

they are both methods available to pursue the goals of the political movement.

Another difference is the intent of the component activities and operations of insurgencies versus terrorism. There is nothing inherent in either insurgency or guerrilla warfare that requires the use of terror. While some of the more successful insurgencies and guerrilla campaigns employed terrorism and terror tactics, and some developed into conflicts where terror tactics and terrorism became predominant; there have been others that effectively renounced the use of terrorism. [...]

The ultimate goal of an insurgency is to challenge the existing government for control of all or a portion of its territory, or force political concessions in sharing political power. Insurgencies require the active or tacit support of some portion of the population involved. External support, recognition or approval from other countries or political entities can be useful to insurgents, but is not required. A terror group does not require and rarely has the active support or even the sympathy of a large fraction of the population. [...]

Terrorists as a rule avoid direct confrontations with government forces. A guerrilla force, on the other hand, may have something to gain from a direct contact with a government combat force, such as proving that they can effectively challenge the military effectiveness of the government. A terrorist group has nothing to gain from such a clash. [...]

Insurgency need not require the targeting of non-combatants, although many insurgencies expand the accepted legal definition of combatants to include police and security personnel in addition to the military. Terrorists do not discriminate between combatants and non-combatants, or if they do, they broaden the category of “combatants” so much as to render it meaningless. [...] Ultimately, the difference between insurgency and terrorism comes down to the intent of the actor. Insurgency movements and guerrilla forces can adhere to international norms regarding the law of war in achieving their goals, but terrorists by definition are criminals under both civil and military legal codes. Terrorists routinely claim

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<sup>26</sup> International Terrorism and Security Research website, <http://www.terrorism-research.com/>.

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that were they to adhere to any “law of war” or accept any constraints on the scope of their violence, it would place them at a disadvantage vis-à-vis the establishment. [...]”<sup>27</sup>

Based on these definitions, it can be seen that it is not easy to make a clear-cut distinction between the two concepts. On the other hand, it also becomes obvious that terrorism is not the same thing as insurgency, and although insurgency may use terrorism as a method, it is not a condition that defines insurgency and does not require defining insurgency as terrorism. One of the definitions to draw attention to the difference between insurgency and terrorism is made by the US Department of Defense (DoD). In the manual prepared to be used for training purposes at the *US Military Academy*, the DoD explains the differences between these two concepts and modes of action as follows:

Doctrinally, we (DoD) define terrorism as “the calculated use of violence or threat of violence to incite fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological”.

Doctrinally, we (DoD) define insurgency as “an organized resistance movement that uses subversion, sabotage, and armed conflict to achieve its aims. Insurgencies normally seek to overthrow the existing social order and reallocate power within the country. They may also seek to (1) Overthrow an established government without an ensuing social revolution. (2) Establish an autonomous national territory within the borders of a state. (3) Cause the withdrawal of an occupying power. (4) Extract political concessions that are unattainable through less violent means”.<sup>28</sup>

In a research project by Lieutenant Colonel Michael F. Morris of the United States Marine Corps within the

scope of his studies at the U.S. Army War College, the author’s views on the difference between insurgency and terrorism are reflected as follows:

The distinction between terrorism and insurgency is not merely theoretical, as the appropriate responses to the two phenomena are very different. Before addressing preferred strategies to counter each, one should establish how they are alike and how they differ. [...] Thus, insurgencies combine violence with political programs in pursuit of revolutionary purposes in a way that terrorism cannot replace. Terrorists may pursue political, even revolutionary goals, but their violence does not complement a political program; violence supersedes the program.

If definitions offer only a partial aid in discriminating between terrorism and insurgency, organizational traits have traditionally provided another means to tell the two apart. Insurgencies normally field fighting forces with orders of magnitude larger than those of terrorist organizations. Typically insurgents organize their forces in military fashion as squads, platoons, and companies. Terrorist units are usually smaller and comprised of isolated teams not organized into a formal military chain of command. Insurgent forces are often more overt in nature as well, especially in the sanctuaries or zones, which they dominate. Terrorist organizations, which tend towards extreme secrecy and compartmented cells to facilitate security, seldom replicate an insurgency’s political structure.<sup>29</sup>

In most of the theoretical reference materials we referred to, the elements that characterize insurgencies often include a geographical area outside national borders for military headquarters and forces. This geographical location, called a “sanctuary”, also exists for the PKK, similar to the way the Vietcong guerrillas functioned in South Vietnam had in Northern Vietnam, and the Palestine Liberation Organization (PLO) functioned first in Jordan (1960-1971) and then in South Lebanon (1971-1982). The PKK

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27 International Terrorism and Security Research, “Difference Between Terrorism and Insurgency”, <http://www.terrorism-research.com/insurgency/>.

28 US Military Academy, “Insurgents vs. Guerrillas vs. Terrorists”, <http://www.usma.edu/dmi/iwmsgs/insurgents-vs-guerrillas-vs-terrorists.pdf>.

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29 Michael F. Morris, “Al-Qaeda as Insurgency”, (Strategy Research Project, U.S. Army War College, 2008).

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relocated its standard bearers and Abdullah Öcalan to Syria in 1979, and was able to maintain its political headquarters in Syria between the 1980s and 1999, while at the same time sheltering its armed forces in the Syria-controlled Beqaa Valley of Lebanon. Starting again from 1982, the PKK also settled in the northern parts of Iraq adjacent to the Turkish border, and also made use of the Kurdish-populated residential areas in Iran adjacent to the Turkish border. From the early 1990s and especially after 1999, the PKK secured a sanctuary in Northern Iraq, mainly at the Qandil Mountain. In addition to Qandil, regions encompassing Hakurk, Zagros, Xinere, Zap and Haftanin, and a portion of the region called Soran and Behdinan right across the Turkish borders of the Iraqi Kurdistan transformed into a geographical area permanently housing thousands of PKK armed forces. As such, “the PKK announced in the autumn of 2002 that it declared the region including Qandil, Bradost (Xinere & Xarkuke), Zap and Gare in Iraq as its ‘Medya Defense Zones’, and it would target any armed forces entering these areas”.<sup>30</sup>

## CHANGE AND CONTINUITY IN THE PKK AS AN INSURGENT MOVEMENT

There is a benefit in redefining the PKK as an insurgent movement from the prism of the facts and definitions given above. This viewpoint puts us face-to-face with the multi-dimensionality, continuity and transformability of insurgencies. In the abovementioned study, *Insurgency and Counterinsurgency*, the sections focusing on the definition of insurgency offer some concepts and examples that can shed light on the historical evolution of the PKK in addition to giving insight on the PKK’s position in Turkey and the insurgency quality of the armed struggle waged by PKK:

Insurgency is a strategy adopted by groups which cannot attain their political objectives through conventional means or by a quick seizure of power

[...]. Insurgency is characterized by protracted, asymmetric violence, ambiguity, the use of complex terrain (jungles, mountains, urban areas), psychological warfare, and political mobilization—all designed to protect the insurgents and eventually alter the balance of power in their favour. Insurgents may attempt to seize power and replace the existing government (revolutionary insurgency) or they may have more limited aims such as separation, autonomy, or alteration of a particular policy. [...]

In a broad sense, insurgencies take two forms. In what can be called ‘national’<sup>31</sup> insurgencies, the primary antagonists are the insurgents and a national government which has at least some degree of legitimacy and support. The distinctions between the insurgents and the regime are based on economic class, ideology, identity (ethnicity, race, religion), or some other political factor. The government may have external supporters, but the conflict is clearly between the insurgents and an endogenous regime. ‘National’<sup>32</sup> insurgencies are triangular in that they involve not only the two antagonists—the insurgents and counterinsurgents—but also a range of other actors who can shift the relationship between the antagonists by supporting one or the other. The most important of these other actors are the populace of the country but may also include external states, organizations, and groups. [...]

The second important form is ‘liberation’ insurgencies. These pit insurgents against a ruling group that is seen as outside occupiers (even though they might not actually be) by virtue of race, ethnicity, or culture. The goal of the insurgents is to “liberate” their nation from alien occupation. Examples include the insurgency in Rhodesia, the one against the white minority government in South Africa, the Palestinian insurgency, Vietnam after 1965, the Afghan insurgency against the Soviet occupation, Chechnya, the current Taliban/al Qaeda insurgency in Afghanistan, and the Iraq insurgency.

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30 Kapmaz, *Öcalan’ın İmralı Günleri*, 201.

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31 Here, ‘national’ refers to ‘local’.

32 Again, meaning ‘local’.

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The distinction between a national and a liberation insurgency is not always rigid and clear. A single insurgency can contain elements of both, and shift emphasis during its lifespan. The Chinese communist insurgency, for instance, began as a local (national) insurgency, shifted to a combination of liberation and national during the Japanese occupation, and then shifted back to a national one.<sup>33</sup>

The PKK's armed struggle, which was launched in 1984, concluded in 1999 and revived in 2004, fits almost perfectly into this framework. Embarking as a 'separatist' armed organization with the goal of a "Greater, Independent Kurdistan", the PKK has announced<sup>34</sup> that it abandoned its original goal of separatism it had pursued since 1990s, and it "sought solution within Turkey", turning towards a political line that ranged from the goal of a 'federation'<sup>35</sup> to an 'Autonomous Kurdistan'<sup>36</sup> with marked differences in the course of time. In our interview, Murat Karayılan expressed his views on this process as follows:

In 1970s, we were in the leftist community. With the effect of real socialism, we understood the right of nations to self-determination as a right to separation.<sup>37</sup> This understanding continued until 1993. Following the end of the Cold War, our

views started to change during the disintegration of the Soviet Union. We were already regarding the Soviet Union as revisionist. Therefore, its collapse was not traumatic for us. We learned from it the lesson to depend on our own power. The ceasefire of 1993<sup>38</sup> was a significant opportunity [...]. During that period, we had already turned to the view of "solving the Kurdish Question inside Turkey with Turkey". That transformation was important, too.

Karayılan emphasizes that the PKK abandoned 'separatism' in 1993, saying: "It has been 18 years. Where is separatism? Who is a separatist? For eighteen years, although arms remain our tools, we want to solve this issue without weapons. What we had in 1995 was a Change Congress, where we switched from the goal of separation to the goal of a federation. With the 1995 process, a radical change of paradigm began". Indeed, Karayılan also verified during our interview that in its evolution from the goal of 'separation' to 'federation,' the PKK's political goals changed towards 'autonomy' after 2001: "We declare our objective with the slogan 'Democratic Turkey-Autonomous Kurdistan.' We set out on this road for this cause. Once democratic autonomy is established, the rest will follow. And democratic autonomy is not against deployment of the Turkish army in Kurdistan".

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33 Metz and Millen, *21st Century*, 2-3.

34 Ahmet Hamdi Akkaya and Joost Jongerden, "2000'lerde PKK: Kırılmalara Rağmen Süreklilik", *Toplum ve Kuram*, Issue 4 Fall 2010, 79-102. Also see Selahattin Çelik, *Ağrı Dağını Taşımak*, 495-532.

35 *Op. cit.*

36 *Op. cit.*

37 The PKK started to form within the student movements taking place in the universities of Ankara in mid 1970s. During that period, "the right of nations to self-determination, including the right to separation" was accepted as a guideline in the approach to ethnic issues as an indisputable Leninist dogma in the Turkish left, especially among the youth. The "real socialism", mentioned by Murat Karayılan with its "adverse impact" in the ideological sense with respect to the "separatism" oriented to "Independent Kurdistan" as the main objective of the PKK's armed struggle launched in 1984, point at a socialism line represented by the Soviet Union.

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38 The first PKK ceasefire was declared in the town of Bar Elias in the Beqaa Region of Lebanon by Abdullah Öcalan on 16 March 1993, one month before Turgut Özal's death.



## THE CONGRESS FOR CHANGE

The fifth congress of the PKK, called “The Congress for Change” (Victory Congress), was held in 1995. At the Congress the Party flag symbol, which was the hammer and sickle, was replaced with the torch embedded in a yellow-striped scarlet star on red background. Some commentators interpreted it as the PKK’s “farewell to socialism”, while the PKK saw it not as abandoning socialism but merely changing the flag which symbolized socialism, because of the corruption in real socialism<sup>39</sup>. Another decision taken at the convention was to change the title of the Secretary General, which was called “Party Leadership” at the 3<sup>rd</sup> Congress held in 1986, to “Party President”. Hence, Öcalan, who had been called the “Secretary General” until 1986, became the “Party Leadership” in 1986-1995, and then “Party President”<sup>40</sup> after 1995.

39 Çelik, *Ağrı Dağını Taşımak*.

40 *Op. cit.*

Regarding the organization’s association with violence during this whole process, Karayılan states that the PKK could not pull away from its ‘mentality of violence’ until 1999, saying: “our mentality of violence continued until 1999<sup>41</sup> with the influence of real socialism”. Following the capture of Abdullah Öcalan, Karayılan, who was the PKK’s top level executive abroad, described the fundamental conceptual change in the ‘violence mentality’ of the PKK as authorizing violence only in ‘self-defense,’ adding: “the views we hold today were cemented in 2001”. He said, “Our actual activity is political. That is, we aim at restructuring a society”. When Murat Karayılan was asked “Why use armed force for these goals? Why are you carrying guns when saying your purpose is not separation?” he said: “We are a power evolved from an armed movement. We keep it as a tool of defense. This is the Middle East; we cannot yet quit arms”.

41 Abdullah Öcalan was captured on 15 February 1999, after and is serving a life imprisonment sentence in İmralı.

Murat Karayılan implied that “arms can be abandoned at the end of a specific process”, with the following words: “If the Turkish state clears the way for the democratic political struggle of the Kurdish nation, if it ceases to continue its policies of denial, arms may lose their meaning – during this process”. However, it should be kept in mind that the process of laying down arms is not dependent only on taking the correct political steps or adopting the right laws. The psychology created by the reality of armed struggle, as in the case of an insurgency, within those involved in the struggle is one of the aspects that should be taken into consideration while managing this process.

*Murat Karayılan: “If the Turkish state clears the way for the democratic political struggle of the Kurdish nation, if it ceases to continue its policies of denial, arms may lose their meaning – during this process”.*

## THE PSYCHOLOGICAL DIMENSION OF INSURGENCY

In academic studies about insurgencies, the ‘psychological dimension’ is often emphasized; in terms of participation in the insurgency. It is known that the ‘psychological dimension’ has a special place in ensuring participation and hence the continuation of the insurgency. In Turkey, many observers regard the ‘psychological dimension’ as an important and effective aspect that influences a considerable part of Turkey’s Kurdish population in terms of the PKK’s ability to survive, continue its existence and maintain its armed actions with addition of new members. In *Insurgency and Counterinsurgency*, this ‘psychological dimension’ is described as follows:

In any case, insurgents inspire resistance and recruitment by defiance, particularly among young males with the volatile combination of boredom, anger, and lack of purpose. Insurgency can provide a

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sense of adventure, excitement, and meaning that transcends its political objectives.<sup>42</sup>

The meaning of this characteristic of insurgencies that transcends political objectives, particularly with regards to the 'last Kurdish insurgency' in Turkey, can also be observed in Bejan Matur's statements in an interview about her book *Dağın Ardına Bakmak*. In order to understand the psychological factors that motivated the Kurdish youth in Turkey to go up the mountain and take arms, Matur interviewed young PKK members. In an interview about her book, she explains: "[The PKK members on the mountain] are still on the mountain and it does not look like they can easily come back. [...] After all these interviews, what I discovered was that there is a deep spirituality up there that we cannot grasp. There is a mystification, a sacralisation. They have built something huge through this martyr cult with such sanctification... Öcalan is more than just Öcalan. The PKK is greater and more sacrosanct than the PKK itself. It is like a postmodern religion".<sup>43</sup>

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42 Metz ve Millen, *21st Century*, 4.

43 Yıldırım Oğur, "PKK Postmodern Bir Dine Dönüştü" [The PKK has transformed into a postmodern religion], Interview with Bejan Matur, *Taraf*, 27 February 2011.







# Internal Dynamics of the PKK

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## THE ABDULLAH ÖCALAN FACTOR

In our interviews, state officials generally agreed that Abdullah Öcalan has played a central role in ending the PKK's armed struggle, although they were not as clear and explicit in their expressions compared to the PKK members or other Kurdish figures. An official who was a part of the team that undertook the preliminary work on the Initiative almost three years prior to its initiation in 2009, said that in their meetings it was emphasized that Abdullah Öcalan was the most effective decision maker in regard to PKK's arms laying and 'leaving the mountain'. We were informed that there was also consensus among government units that Abdullah Öcalan plays a determinant role. This opinion was widespread and expressed as an absolute fact by the Kurds. Almost all Kurdish individuals interviewed for this report were in agreement that the the PKK's laying down arms can only be possible with a final instruction from Abdullah Öcalan. It is especially interesting that among those holding this view, are also those individuals who oppose the PKK and even those who have uncompromising reactions against Abdullah Öcalan.

A prominent Kurdish individual in Turkey, who shares the political line of the PKK, emphasized that Abdullah Öcalan had the power to end the armed struggle and was virtually the only authority on that matter: "No one wants to undertake the responsibility of ending the armed struggle. The responsibility for that endeavour lies with Abdullah Öcalan. If he wants and so commands, armed struggle will end even if the conditions are not yet ready, and the PKK will leave the mountains". Nizamettin Taş (Bodan), who is also

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one of the founders of the Patriotic Democratic Party (Partiya Welatperez Demokratik - PWD, in Kurdish) was known as the number-one military official of the PKK from 1995 onwards, but left the PKK in 2004 arguing that armed struggle should be ended. He also expressed a view along similar lines: "they will leave the mountain if and when Abdullah Öcalan tells them to". A conservative Kurdish individual also mentioned this subject on which many Kurdish circles of varying inclinations agree: "Even if I talk for five hours, in the end my closing sentence would be this: 'This business ends at Apo [Abdullah Öcalan]. It will happen if he says so. Then disarmament can happen.'" Kemal Burkay, a famous senior Kurdish politician who has been living in Stockholm since 1980, and who, having refused armed struggle as a means has taken a stance against the PKK, is also of the same opinion. Burkay expressed that the last word on 'leaving the mountain' belongs to Abdullah Öcalan, saying "If Öcalan utters the word, they can".

On the other hand, in some of the anti-PKK Kurdish circles, there is a widespread conviction that the PKK

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has been under the control of the Turkish state since its birth and has been manipulated by the Turkish General Staff, particularly after the capture of Abdullah Öcalan in 1999. These circles hold the opinion that if the Turkish General Staff really desires and decides, the PKK's armed struggle could be ended through Abdullah Öcalan. Those who believe the conviction that the PKK has been under the control of the Turkish state since its founding and, after the capture of Öcalan, has been placed under a stricter control of the Turkish General Staff through its leader, have explained that the armed struggle has not ended despite having reached the year of 2011 because some certain focal forces within the Turkish government system benefit in continuing the armed struggle.

### THE “HAWKISH” WING OF THE PKK

Some believe that the PKK has been under the control of the Turkish government since the very beginning and that the armed struggle has not ended since a solution would contradict the interests of some focal forces within the government, mainly within the Turkish Armed Forces in Turkey, as well as in the executive cadres of the PKK. As the counterpart of the Turkish state (in this context, a focal force within the Turkish Armed Forces is implied) the “Hawks” emphasized in the PKK mostly gather around Duran Kalkan (Abbas). It is stressed that the three leading PKK executives, Cemil Bayık, Duran Kalkan and Mustafa Karasu, act in harmony and form the “hawkish wing” of the PKK. (They are located in the mountainous area adjacent to the Turkish and Iranian borders of the Iraqi Kurdistan Region; the region is under the control of the armed forces of the PKK and is called the ‘Media Defense Areas’ in PKK terminology.) Some of the government officials interviewed also endorsed this interpretation made by some Kurdish individuals who remained outside the PKK. Furthermore, the majority of the Iraqi Kurdish officials also share this view. An important point is that neither the Kurdish individuals advocating this view nor the Iraqi Kurdish officials, nor some Turkish government officials have listed Abdullah Öcalan or Murat

Karayılan, –who is at the top of the PKK's hierarchy with his title as the Chairman of the Executive Council of the Union of Communities in Kurdistan (*Koma Civakên Kurdistan – KCK*), among the hawkish wing. Although a “hawkish” approach is occasionally seen in the messages sent by Abdullah Öcalan from İmralı via his lawyers, this is explained as Öcalan's inability to effectively control the “PKK outside” due disadvantages of being incarcerated and his unwillingness to give the appearance that he is unable to control his own organization. On this subject, a reputable Kurdish political individual in Turkey said in our interview that the name Öcalan is not in the same wavelength with those names included in the “hawkish wing”: “Abdullah Öcalan is very concerned about the possibility of an image which suggests he is unable to make himself heard in, or heeded by the organization. Hence, he gives messages that reflect the general atmosphere in the organization; his statements may seem different than those of the organization, yet they always include a subtle message - if you know how to read it. For example, concerning civil disobedience, he said “do not resist unless the police attacks. Acts like throwing stones are not among the things he desires”. Even if this may be the situation, the PKK organization and its armed force should be regarded as two trump cards that Öcalan hangs on to. Experiences so far have proven that Öcalan will not give up his tight hold on these cards against the Turkish state until a solution formulated that he can accept himself, and be a party to its establishment.

Nevertheless, despite his undisputed authority over the PKK, it is seen that the “organization in the mountain”, which is not exposed to the restrictive conditions of prison like Öcalan, also has some influence over him through various channels and is able to shape the decisions he makes from İmralı. Some government officials interviewed for this report specifically underlined these two points: “Abdullah Öcalan is not everything; the organization [Qandil] is also very influential. Abdullah Öcalan is known to have changed his attitude from time to time in the face

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of responses from the mountain. He abandoned some of the positions he had previously adopted". Although Öcalan may be the PKK's "one man", holding "the first and the final word" for the organization, it was expressed by some government officials and Kurdish individuals that the executive cadres in the mountain sometimes has an influence that transcends Öcalan, and that this fact should be taken into account in initiatives of resolving the matter.

## **THE FOUNDING CADRE OF THE PKK AND ITS LEFTIST BACKGROUND**

November 1978 is the accepted official date for the founding of the PKK. Many of the members of the organization who were present at the meeting held with twenty participants at the Fis village of Lice, Diyarbakır where the the organization was founded, are today either dead have been killed, have changed sides, or altogether have withdrawn from the political arena. In addition to Abdullah Öcalan, current PKK members who also attended the first meeting and are still alive include Cemil Bayık, Duran Kalkan and Ali Haydar Kaytan. All three of these names are still residing 'on the mountain' within the Iraqi territories and mostly retain the same political views. In addition to these names, there are several others (such as Mustafa Karasu, Rıza Altun) who were with Abdullah Öcalan when he was sowing the seeds of the PKK during his years as a university student in Ankara, and who continue their operations "up the mountain", calling themselves the "Ankara Group". The PKK circles admit that these names have a certain influence over the organization due to their 'history' with Öcalan. When

describing the influence of these names over the PKK policies and strategies, it is specifically emphasized that the majority of the group are of the Alevi identity (which is a minority group in Turkey's Kurdish population), and that all of them were educated in the leftist university environment of the 1970s.

Of some of the Kurdish individuals interviewed, those who touched on the abovementioned aspect of the 'PKK sociology' – particularly former high-level PKK executives like Osman Öcalan, Nizamettin Taş, Halil Ataç etc., who had a falling out with the PKK and left the organization in 2004 – expressed that the 'Ankara Group' still maintains the Alevi-left ideological tradition which they had first adopted in the Turkey of 1970s. Here, it can be considered that the phrase 'Alevi-left tradition' describes a socio-political tradition formed through the compilation of different historical processes. This includes the deep fear towards the Sunni rule which the Alevi have filtered from their experiences spanning centuries and carried from the Ottoman Empire to the Republic of Turkey, the historical and strong tie the Alevis have established with Kemalism based on this fear during the Republican period, and the way this tie has become intertwined with the leftist politics of the 1970s. The former senior leaders of the PKK emphasize this tradition since the political conflict axes of 'right-left,' 'Kemalism-reactionism,' and 'Alevi-Sunni,' that the leftist university youth in the 1970s who formed the PKK identified with, and the political-ideological repertoire shaped in the midst of this environment, still maintain their validity for a specific group within the PKK senior management cadre. Thus, these high-level executives point at the existence of a deep suspicion within the PKK, rooted in the formation of the PKK and extending even beyond it. It also concerns the AK Party, which holds the greatest responsibility and authority for solving the Kurdish Question.

Political actors who are aware of this ideological tradition that has influence within the PKK and who position themselves against this tradition also underline the religious dimension of this ideological



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opposition, perhaps in a way that further sharpens the antagonism. In the article titled “The PKK’s Deep Troika” (*PKK’nin Derin Troykası*) which appeared in the Islamic-leaning *Aksiyon* magazine (known as the weekly publication of the Fethullah Gülen community, and giving the impression that it was written based on the state’s intelligence sources) this structure within the PKK is mentioned as follows:

The names that come to forefront in the PKK are Murat Karayılan and Cemil Bayık. Yet, there is a troika that manages the bloody organization. Duran Kalkan, Mustafa Karasu and Ali Haydar Kaytan want the eruption of a massive war in Turkey between the Turks and the Kurds. [...] In addition to these, the name Sabri Ok is also mentioned. According to a significant part of the Kurds and some PKK members, the first three names represent the “shadow PKK members” who act together with deep forces. According to these three, who adopt a neo-nationalist view, the AK Party is a party with Islamist characteristics and its purpose is to take Turkey back. Terrorist Osman Öcalan, who settled in the Northern Iraq after leaving the PKK, says these three names (Kalkan, Karasu ve Kaytan) are very dangerous: “Within the PKK, there are Kemalists who are more Kemalist than all Kemalists. There are also the leftists and the Alevis. Particularly the leftist Alevis have always been strong and influential within the PKK. They are working with some forces in Turkey and act in concert with them”. [...]

The most striking characteristics of the terrorists who are identified as the ‘PKK’s deep troika’ are that they adopt the radical leftist view, they are Alevis and they are atheists. What is interesting is that each name represents a different fraction. Radical leftists are led by Duran Kalkan. And Atheist Alevis are led by Mustafa Karasu and Ali Haydar Kaytan. These names are against Islam and religious governments. They want the PKK to follow a pro-war line and take action at the specified times.<sup>44</sup>

It may be considered as a small detail but Duran Kalkan’s Turkish identity gives us a significant

indication that the leftist ideology has played a greater role than ethnic nationalism in the formation of the PKK. In addition to Duran Kalkan, Turkish leftist university students such as Haki Karer and Kemal Pir (both are deceased) were also among the founders of the organization. It should be noted that the revolutionary left discourse and viewpoint intrinsic to the PKK’s formation still maintain their importance within the PKK today and especially among a segment of its leadership cadre. This revolutionary leftist viewpoint is perhaps best reflected in the statement made by Duran Kalkan with regard to the June 12<sup>th</sup> 2011 elections, putting a noticeable distance between the statements by Öcalan who considered the elections important: “The fate of the Kurdish people will be determined not with the elections but with the struggle they put out, their uprising and insurgency, their rebellion and their revolution”.<sup>45</sup> According to the Behdinan-sourced (Behdinan is in Iraq adjacent to Hakkari) news by the Fırat News Agency (ANF), Duran Kalkan also said the following in his Newroz Speech:

Of course we care about the elections, we do not underestimate it. . The political organizations are working so that patriotic democrat candidates can be elected, despite the current conditions surrounding the elections. Yet it is necessary to accurately know what an event means and what outcomes it may yield. Some say everything will be determined at the end of the elections, yet the elections have nothing to offer for a solution, as it will not reveal a new policy. Although some might say they are making some novelties, it will be nothing more than a legitimization of the existing AK Party policies, and an attempt to provide a constitutional structure for the AK Party’s mentality and policies. And none of this will mean democratization of Turkey or resolution of the Kurdish Question. It will settle a new despotism, a new fascism over Turkey, spreading it all over the Turkish society; it will bring about a

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44 Haşim Söylemez, “PKK’nin Derin Troykası” [The PKK’s Deep Troika], *Aksiyon*, 678, 3-9 December 2007.

45 ANF, “Duran Kalkan ile Söyleşi” [Interview with Duran Kalkan], 23 March 2011.

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new, more subtle, covert, sly system of denial and annihilation on the Kurdish society.<sup>46</sup>

What is more striking is that this mode of approach was also evident after the results of the 12 June elections in which the BDP block, which is also in line with the PKK, won thirty six seats in the parliament, demonstrating a very important success. In the statement released on behalf of the Presidency of the Executive Council of the KCK on June 17<sup>th</sup> 2011, Öcalan's demand for the "continuation of inaction", meaning halting armed actions, was not announced from Qandil, and instead Qandil announced it would "consider" Öcalan's call, using the following words:

As the public knows, a committee is holding talks with our Leadership on behalf of the state. The last talks between our Leadership and the committee were on June 14<sup>th</sup>. In the interview with his lawyers on June 15<sup>th</sup>, our Leadership evaluated the election results and appealed to on the state, the BDP and our movement on several issues. Our Leadership envisaged that, in consideration of the 50% votes won by the AK Party, the high success achieved by the Labour Freedom and Democracy Block supported by BDP, and the election messages of CHP in the form of contribution to a resolution the process should be continued through a democratic constitution making process based on enabling a constitutional resolution to the matter.

In this process which has two dimensions –with the revolutionary public war being the first, and democratic constitutional solution being the second– the Leader of the Kurdish nation has made a call for the KCK not to launch its revolutionary public war to give the constitutional solution a chance to develop. However it is known that the attacks by the security forces of the Turkish state on our movement and the Kurdish politics continue. We are experiencing an environment of attack with a concentration of serious military and political operations, arrests and detentions against Kurdish politicians and people, as well as pressures. The

administration of our movement, considering the ongoing atmosphere of uncertainty and all these happenings, have found it appropriate to consider from all aspects the call made to our movement by our Leadership on June 15<sup>th</sup>, and to share the concrete stance we will take with the public and with our people next week.<sup>47</sup>

## THE PKK'S VIEW OF KEMALISM

It should be noted that, in addition to the leftist attitude that has a strong influence on the PKK's founders and the administration in Qandil at the time of writing the report, a unique understanding of Kemalism that is pragmatic rather than ideological, occupies a significant place in the viewpoints of today's executive cadres of the PKK, particularly that of Abdullah Öcalan. The PKK leaders generally make positive references to Mustafa Kemal Atatürk and Kemalism. Atatürk is mentioned in a positive light, particularly in the statements of Abdullah Öcalan. In the Political Report he sent to the PKK's "Rebuilding Congress" in 2005 and in which he analyzed the thesis of "democratic confederalism" –not surprisingly, this report became the PKK's ideology and political programme– Öcalan said: "The Turkish government should well understand that they cannot govern the Kurds in the old way. If they do not want a second Iraq, they should seriously focus on democratic solution and peace. It should be known that this solution is not contrary to a realistic application of Mustafa Kemal Atatürk's approach to freedom. Claiming that Atatürk is an enemy of free Kurdish citizenship and relevant separate or shared democratic organs, or that Kemalism means Kurdo-phobia is falling prey to nationalist traps".<sup>48</sup> In the same report, Öcalan also included the following view:

Mustafa Kemal's views are clear. The newspapers have written that Yalçın Küçük made Apo into a

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46 Op. cit.

47 KCK Info (*Koma Civakên Kurdistan Info*), memo sent by e-mail, 17 June 2011.

48 Şafak Mahsum (ed.), *PKK-Yeniden İnşa Kongre Belgeleri* (İstanbul: Çetin Yayınları, 2005), 75.

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Kemalist. [...] I, myself, have the strength to see the truth. Here is what Mustafa Kemal has told the Kurds: No one can play the game of imperialism on the Kurds... At the expense of Turks and Kurds, the Southeast, Cyprus, Pontus and the Blacksea would all be lost tomorrow... All are silent. Why are they silent? This is the narrow, castrated line of Enver Pasha. Underhandedly, the Kızıl Elma proponents will bring the Republic of Turkey to ruin. These are the routes drawn by Ağar, Baykal, Bahçeli and their likes. This Enver Pasha will bring Union and Progress (*İttihat ve Terakki*) to a breakdown. The same mentality, the same chauvinism. [...]

This has nothing to do with Turkism [...]. The Turkish nation is a nation just like us. The Turkish nation is our brother, a good nation. [...] Some comprador, cosmopolitan upper classes want to use it as they wish. Mustafa Kemal tore down the first curtain. He wanted to create the right understanding of a nation. Alas, the conjuncture did not allow him to do more. It is not an issue of adoring Mustafa Kemal, it is an issue of correctly interpreting the history.<sup>49</sup>

Mustafa Karayılan also expressed his views on Mustafa Kemal, Kemalism, and the approach towards Kurds that avoids the nationalistic practices in Turkey, during our long interview in Qandil. Karayılan spoke of some practices, which he described as 'neo-İttihadism' (*neo-İttihatçı*<sup>50</sup>), and when we asked whether it was Kemalism he said: "It has nothing to do with Kemalism. They are not the same thing. Leader Apo has some significant evaluations on this matter. Mustafa Kemal was surrounded by an İttihadist environment. They are responsible for the sins of those first years of the Republic. Mustafa Kemal is not responsible. Today, those in Turkey are the continuation of those İttihadis."<sup>51</sup>

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49 *Op. cit.*, 75-76.

50 In reference to the *İttihat ve Terakki Cemiyeti* (Committee of Union and Progress or CUP) which –following a successful coup d'état in 1913- ruled the Ottoman Empire until its dissolution and is known for its introduction of nationalist policies in the Ottoman Provinces.

51 *Op. cit.*, 75-76.

Much like a confirmation of this approach, Öcalan's views can also be found in the book *Öcalan'ın İmralı Günleri*:

Atatürk had adopted the autonomy approach with regard to the Kurdish Question. And he had voiced this too, yet reconciliation with the Kurds was hindered. Every time he tried, a new [challenge] was brought before him, like the assassination attempt in İzmir, the Menemen Events, or the Sheik Said Rebellion. During the Sheik Said Rebellion, Fethi Okyar was prime minister, "My closest friends are Kurds. I cannot advance on the Kurds" he said. Seeing this, they pulled down Okyar and advanced upon the Kurds. Mustafa Kemal worked for the Kurds and Turks to come to a settlement and live together. In the early days of 1922, he even passed a law on Kurdish education. Yet he was not allowed. Unionist cadres surrounded him in a tight circle. These cadres have dissolved communism, Islam and Kurdism.<sup>52</sup>

The PKK executives hold the view that within the Amasya Protocol, which was signed on October 22<sup>nd</sup> 1919 between the Istanbul government and the 'Heyet-i Temsiliye,' (Committee of Representatives including Mustafa Kemal). During an interview Mustafa Kemal told the journalist Ahmet Emin Yalman in İzmit on the night of 16-17 January 1922 that the Kurds would be given autonomy. These claims are the main reasons why the PKK leaders distinguish, and even praise Atatürk. Hence, Kemalism is never shown as one of the reasons for the insolubility of the Kurdish Question to date. As such, Mustafa Karasu, one of the "ideologue" heads of the PKK, spoke about the need to "update Kemalism" in his statement on the anniversary of the founding of the Turkish Grand National Assembly. In the statement included in the Behdinan-sourced news of the ANF, Mustafa Karasu says:

When saying updating Kemalism, what is meant is the First Parliament between 1920 and 1924, and the approaches that constituted that Parliament. The First Parliament encompassed the Kurds, the Laz, the Circassians, and many other segments, and during

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52 Kapmaz, *Öcalan'ın İmralı Günleri*, 457.

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those years, Mustafa Kemal mentioned self-government for the Kurds in various speeches. When this is indeed updated to today's standards, politically it corresponds to Democratic Autonomy. Hence, it is important to update that period. On the other hand, the denial of the Kurds does not exist either in Mustafa Kemal, who played a part in the founding of Turkey in 1923, or in the founding philosophy of the country. [...] Mustafa Kemal was a leader of the War of Independence. [...] From this aspect, updating the mentality and practice of that period also means resolution of the Kurdish Question. In particular, there are some officers who call themselves Kemalists; there are intellectuals, writers and bureaucrats doing the same. When calling for updating Kemalism, these circles are addressed and asked to act according to the approach and practice of that early period.<sup>53</sup>

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*The positive emphasis on Kemalism and Mustafa Kemal by the senior cadres of the PKK is more pragmatic than ideological today.*

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As mentioned before, the positive emphasis on Kemalism and Mustafa Kemal by the senior cadres of the PKK is more pragmatic than ideological today. The first parliamentary term, which is identified with Kemalism, is put forward as a historical reference for a solution to the issue today.

As it has been seen, there is no difference between Abdullah Öcalan and the names associated with the PKK's "hawkish wing", in terms of ideological background or fundamental political approaches. In this case, it would be appropriate to look for this speculated difference in the nature of the steps to be taken in the practical course of action and in its timing. Hence, it is understood that it would not be appropriate to take into consideration the differences between Abdullah Öcalan and the "PKK's hawks" in the initiatives to find a solution in line with 'leaving

the mountain' and the 'PKK's laying down arms.' Making such a distinction and acting accordingly is perceived by the PKK as synonymous to attempting to 'liquidate' the organization, and this instead leads to the escalation of armed conflict to prove and guarantee that the organization is one and united.

## **'ONE MAN' AND HIS POWER IN THE ORGANIZATION**

The assumption that Abdullah Öcalan and the "PKK's hawks" differ in their views does not eliminate Öcalan's decisive role. Almost all the Kurdish individuals interviewed were in agreement that despite these differences in opinion, if Öcalan were to give the final decision to end armed conflict, his power would exceed that of the organization, the "hawkish wing", and the political preferences of these inclinations. A high-level government official who, based on the contact with him, was aware that "Abdullah Öcalan is not everything, and the organization [Qandil] is occasionally influential enough to force Abdullah Öcalan to change his stance", also adding that, "Abdullah Öcalan is a symbol for the masses [for the Kurds]; he is the adhesive in and for the organization [the PKK]".

In this sense, it would be correct to make the following judgement regarding the Abdullah Öcalan-Organization (PKK-Qandil) relations: There is an organizational (the PKK and the "mountain") dynamic which works independently from Abdullah Öcalan, yet there are no organizational dynamics that can act despite Abdullah Öcalan. Strange as it may be, no one can dispute the fact that any decisive steps focusing on the PKK will be locked on Abdullah Öcalan, and there are no PKK organs or officials able to bypass Abdullah Öcalan.

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*There is an organizational (the PKK and the "mountain") dynamic which works independently from Abdullah Öcalan, yet there are no organizational dynamics that can act despite Abdullah Öcalan.*

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53 ANF, "Mustafa Karasu ile Söyleşi" [Interview with Mustafa Karasu], 22 April 2011

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The laying of the groundwork for the PKK, its establishment, development, determination of its strategic objectives, and the tactical positions it takes at every stage, all are undertaken by Öcalan. Öcalan has, during the course of many years, managed to masterfully create a “cult of personality”. The PKK offers us a successful example of “idolization of personality”. The definition given by a high-level bureaucrat who closely followed Abdullah Öcalan and the PKK was as follows: “In the PKK, unbelievably, everyone has delegated the power to think, namely to develop theoretical framework, to Abdullah Öcalan”. In our interviews in Arbil, former leading cadres who had left the organization in 2004 after a disagreement with Abdullah Öcalan answered our question of “who is the number two guy in the organization after Öcalan?” They stated: “There is no one. There is no number three either. And no number four. Or number five. There is no one else, even if you count up to hundred”, emphasizing Öcalan’s position as the “one and only man of the PKK”. They told us that the ‘idolization of personality’ in the organization started in 1990, and that founders such as Cemil Bayık and Ali Haydar Kaytan played a huge role in it by developing a discourse like, “We would not be here if not for him”. In his Abdullah Öcalan interview released by ANF on April 3<sup>rd</sup> 2010, Ali Haydar Kaytan said:

When I focus on the power of thought, I start thinking about prophets. It is the same with our Leadership [Abdullah Öcalan] [...]. Everything we know, we have heard from him. We joined in his viewpoint. We all went after his thoughts. We went to embrace his opinions. “We believe in your assessments”, we said. Yet we never said “we recognize you personally as our leader”. But he is the one who, naturally, automatically and without exception manages all the meetings and discussions, and creates and reinforces the agenda. He is the one who puts them all together. He is the one who also takes others opinions. Of course there are others who also contribute. But in the end, “we join him”. [...] In other words, in the end, he was our natural leader. This is awesome. [...] It defines the limits of your comprehension and freedom. We search for the truth in the society. We look for it in the sense of community. Because that is

the basis of the truth. The philosophy is crystal clear. Whatever you are seeking, he has it. He is also close to Sufism and the Alevi belief. For me, Leader Apo is the crowned personality of the Eastern thought. He is a synthesis. He takes as basis the thoughts of the great sages of the East, representing the truth. The power to think and understand is important. He says he follows Hallacı Mansur, Babek, Pir Sultan, Mahir Çayan and Sühreverdi as friends. He is the summit of the power of thought of these lands.<sup>54</sup>

In his statement to the Gendarmerie Intelligence Department on February 21<sup>st</sup> 1999 after his arrival at İmralı, Abdullah Öcalan mentions Ali Haydar Kaytan as a man with a “strong ideological side and interpretation capability”.<sup>55</sup> It is understood that the exaltation and symbolization of the name Abdullah Öcalan by the core leading cadres of the PKK spread in waves among the sub-cadres, becoming further reinforced during the process. Also in the same process, the role of ideological teaching also comes to fore. As such, the same cadres emphasized that the PKK’s structure during its growth period was not like the emergence of Baas in the Arab world, and on the contrary formed a “perfect system”, saying that “90-95% of the PKK is education”. The ideological education introduced by Öcalan and the introduction of his texts to the PKK cadres started after 1996.

The comments shared by the highest ranking officials of the PKK who had been with the organization for two decades after its establishment gives us important insights as to how the Öcalan cult has gradually grown over time. An important tool that distinguishes Öcalan from the other founders and executive cadres of the organization, and by his decision, places him in a higher position than all the others is the application of the “self-criticism” mechanism on all executives and candidate executives other than Öcalan. In the higher management of the PKK - including the founders - there is no one who has not had to submit to his self-criticism

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54 ANF, “Ali Haydar Kaytan ile Söyleşi” [Interview with Ali Haydar Kaytan], 3 April 2010.

55 Arslan Tekin, *İmralı’daki Konuk* (İstanbul: Bilgeoğuz Yayınları, 2009), 80.

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and who has not suffered imprisonment for a while due to their wrongdoings in the prisons located in the regions controlled by the PKK in Northern Iraq and in the Beqaaa Valley of Lebanon where the armed forces of the organization were based for a period of time. It is not difficult to guess that this mechanism has rendered Öcalan the solitary and untouchable leader, giving him the “one man” status. A conservative Kurdish individual said in our interview that Abdullah Öcalan had “a significant power in the public”, and argued that this power came from three sources:

1. He created a ‘guardian spirit’ among the Kurds and especially among the young generation;
2. He finished off everyone other than himself via ‘self-criticism’ and ‘punishment.’ He has no rivals, and he cannot have any rivals;
3. He created a great sense of solidarity among the families of the PKK members who died during the conflicts.

Abdullah Öcalan’s brother and former PKK leader Osman Öcalan also told us during our interview in Köysancak in the Iraqi Kurdistan that the correct answer to the question of the origins of Abdullah Öcalan’s power has never been pursued: “The Turkish state has not been able to solve Abdullah Öcalan. They have spent so much time labelling him such as ‘*Teröristbaşı*’ (head terrorist), ‘*bölücübaşı*’ (head separatist), ‘*bebek katili*’ (baby killer), they never questioned who he is, what his personality is like and where his power comes from. And since the state failed to solve Abdullah Öcalan, the resolution of the Kurdish Question became more difficult”. Osman Öcalan, who left the organization after angering Abdullah Öcalan and breaking his ties with his brother, emphasizes that three million people have given their signatures for Abdullah Öcalan by saying, “he is our political will”,<sup>56</sup>

*According to Osman Öcalan: “The Turkish state has not been able to solve Abdullah Öcalan. They have spent so much time labelling him such as ‘terörist başı’ (head terrorist), ‘bölücü başı’ (head separatist), ‘bebek katili’ (baby killer), they never questioned who he is, what his personality is like and where his power comes from”.*

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and suggests that considering the large family structure generally seen among Kurds, these three million signatures in effect correspond to around ten million citizens of the Republic of Turkey. Reminding that this number is bigger than the populations of most of the Middle East countries in the region where Turkey is also located, Osman Öcalan stresses that Abdullah Öcalan should be perceived as a political personality with a large power over the masses.

The correct identification of the sources of the power which Abdullah Öcalan holds over his audience only a few political leaders can boast. This also creates a situation to clear the path for the PKK’s laying off weapons and ‘leaving the mountain’ conclusively, something that has become inseparable from the resolution of the Kurdish Question.

## THE POWER OF ÖCALAN AND THE PKK IN IRAQ, IRAN AND SYRIA

Abdullah Öcalan’s influence over the Kurds, which originates from the PKK but goes beyond it, is also felt in Iran and Syria where there are concentrated populations of Kurds. He also has influence among Iraqi Kurds, though it is weaker compared to Iranian and Syrian Kurds. Another characteristic of the PKK is that it is the only Kurdish organization that maintains its existence under various names in all the countries where Kurds live in the Middle East region. Other than the PKK, there are no Kurdish, i.e. pan-Kurdish, organizations organized in Turkey, Iran, Syria and Iraq. All parties supporting the PKK in Iraq, Syria and Iran as the PKK’s branches in various countries where Kurds live, as well as their supporters, recognize Abdullah Öcalan as their leader.

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<sup>56</sup> The signature campaign, started on 18 August 2005 with the slogan “Öcalan is our political will” on the vast geography where Kurds live in Europe and in Middle East, was ended on 20 October 2006 after the collection of 3 million 243 thousand signatures. 2 million 40 thousand of the signatures were collected in Turkey. Following the campaign, the PKK circles started to call Abdullah Öcalan the “Kurdish people’s leader”. Cengiz Kapmaz, *Öcalan Günlükleri*, 388-389.

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In the Iraqi Kurdistan Region, the party operating as the PKK's Iraqi Kurdistan arm is the Kurdistan Democratic Solution Party (*Çareseriya Demokratika Kurdistanê* - PÇDK, in Kurdish). Founded in 2002, the PÇDK is weaker than the Iraqi Kurdistan Democratic Party, the Iraqi Kurdistan Patriots Union, the Goran, and the Kurdistan Islamic Union, yet it holds the municipalities in the Qandil region. There are also many Kurdish political parties, big and small, in Syria. The Democratic Union Party (*Partiya Yekiti a Demokratik* – PYD, in Kurdish), which is regarded as the PKK's Syrian arm and which was founded in 2004, is considered as one of the most influential Kurdish organizations in Syria. In Iran, the Iran Kurdistan Democrat Party, which has been considered the representative of the Iranian Kurdish political movement for many years, appears to have lost most of the power it held in 1980s. The Party, upon the insistence of Iraqi Kurdish forces, ended its armed struggle against Iran in the first half of 1990s, and closed down its military bases in Iraqi Kurdistan. The political leadership of the Kurdistan Democrat Party is well established in the Iraqi Kurdistan, in the town of Köysancak, located between Arbil and Suleimania. Today's armed representative of the Iranian Kurdish political movement is the Party for Free Life in Kurdistan (*Partiya Jiyana Azad a Kurdistanê* - PJAK, in Kurdish), which was established by the PKK in 2004 as its "Iranian branch". It was expressed by various Kurds from Turkey whom we interviewed in the Iraqi Kurdistan that the PJAK was established by Osman Öcalan, who was at one time the PKK's Iran-relations officer. In our interview in Köysancak, Osman Öcalan made statements confirming this information. The PJAK's political-military centre is, like the PKK, in the Qandil Mountain. The wide-spreading slopes of the Qandil, which is a big mountain mass on the south-north axis, expands into Iran in the east and to Iraqi territories in the west. Hence, Qandil has a large hinterland both in Iraq and the Iraqi Kurdistan. For that reason, in various periods it has served as a military headquarter for both the Iraqi Kurds during their armed rebellion against the Bagdad regime, and

the Iranian Kurds in their armed revolts against Tehran. Today, Qandil shelters a significant part of the armed forces of the PKK and the PJAK.

## THE 'HOLY TRINITY' OF THE KURDS: APO, THE PKK AND THE MOUNTAIN

In an interview in Arbil, Mesut Tek, Secretary General of the Kurdistan Socialist Party of Turkey, explains the reason why the traditional and once powerful Kurdish parties in the Iranian example have been gradually replaced by the PJAK: "In the Kurdish political tradition, people gather under whoever is up in the mountains. Whoever holds the mountain also controls the political movement". This mystification of the mountains by Kurds who have turned the maxim that "Kurds have no friend other than the mountains" into a code of culture over the decades makes 'leaving the mountain' more challenging than it appears. This mystification of the mountain also tells us that Abdullah Öcalan continues and will continue to hold tight to the "mountain trump" as long as he is not satisfied with the solution. Paradoxically, there is a symbiotic relationship between the "mountain" and Abdullah Öcalan, who himself has never stepped on a mountain. Hence, a kind of Abdullah Öcalan-insurgency-mountain trinity is created for the large Kurdish masses. Murat Karayılan describes the mountain aspect of this trinity as follows: "They may use whatever contemporary technological vehicles or weapons they want; the guerrilla backed by the Kurdistan people and the substantial geography of Kurdistan is invincible. The guerrillas' strategic ally is the geography and mountains of Kurdistan!"<sup>57</sup>

A dialogue confirming the depth of the Öcalan-PKK-mountain mystification and addressed directly to the author of this report took place in Hakkari. Hakkari is the only province where Turkey shares a border with both Iran and Iraq. It is also where the PKK's influence is most strongly felt; as such, the interview notes

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57 Murat Karayılan, *Bir Savaşın Anatomisi - Kürdistan'da Askeri Eylem* (Cologne: Mezopotamya Yayınları, 2011), 500.

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released by Abdullah Öcalan on January 14<sup>th</sup> 2011 described Hakkari as “where we are most organized”. During a private meeting in Hakkari on January 13<sup>th</sup> 2011 with the Mayor and a group of local intellectuals, one of the guests from Istanbul took the floor and made the following warning: “Stop beating around the bush and say what you want; there are friends who have come from Istanbul to listen to you with sincerity. You can share with us what’s on your mind”; at the end of the meeting, a young academic from Hakkari approached the author and said “I know we did beat around this time too” and continued as follows:

We will always do that. If a third person was to join us here, be it Turkish or Kurdish, I will immediately start beating around the bush. The reason is simple. We go round the houses because we cannot say what we really want to say. Believe me, if Turkey were to grant democratic autonomy to Kurds tomorrow, announce that Kurdish education would start from primary school level, or even ask us to fly our own flag next to the Turkish flag, none of this would satisfy the people here. For these people are, above all, looking for the answer to two questions: What will happen to the organization [to those who are in the mountains] and what will happen to the Leader [Abdullah Öcalan]?

Leaving aside how it may look from the other side of Turkey, the people here see the PKK as people who have willingly given their lives for them. They feel a duty of loyalty. The Kurdish people have this sense of loyalty. They will never abandon those who have not left the mountains. As long as there is no leaving the mountain, as long as the one person they see as their “leader” remains in the prison, no solution will satisfy these people. This is the situation, and since we cannot say it out loud, we will always beat around the bush when talking to the public.

When we told this anecdote to an official who has worked in the covert initiatives by the state regarding ‘leaving the mountain’ and the situation of Öcalan, he responded by saying, “This is the problem. We also know this is the real issue, and we had set off on this road knowing this”. The premise that the shortest way to ‘leaving the mountain’ and the PKK’s laying down arms is through Öcalan, and Öcalan’s strong influence over his organization is well known by the government. In this context, the premise that a demonstration of political will by the government with regard to negotiation with Öcalan will set the course for ‘leaving the mountain’ is nothing but a reiteration of a reality that is already known to the officials of the state.









# Negotiation as a Means for Settlement

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## FROM SECURITY POLICY TO POLITICAL SETTLEMENT

The “pivotal role” of Abdullah Öcalan in ensuring that the PKK ‘leaves the mountain’, or in other words, ends the armed struggle and hence the Kurdish Question is freed from its dimension of violence has been accepted by Turkey, even if tacitly, and Turkey has launched a “dialogue” with Öcalan through various channels and means. A situation where the state chose to ignore Abdullah Öcalan’s role and avoided entering into dialogue with him has never occurred in the last two decades. At this point, the nature and content of the “dialogue” that has been developed with Abdullah Öcalan over the course of years and executed by various actors is important. Although there may be a State-Öcalan dialogue, this dialogue has never gained the character of a “negotiation”, oriented to end the problem.

We asked one of the most prominent individuals in the decision-making mechanism of the Iraqi Kurdish government who is in close relation with Turkey: “What would you do, with your current knowledge and experience, to end the armed struggle, if you were in a position of authority in Turkey?” Categorically, he answered: “If it were me, I would sit at the table for negotiations with Abdullah Öcalan. I would do it by treating him as a ‘partner’ and recognizing him as the ‘PKK’s leader’.” The same person also pointed at the advantage Turkey would have by sitting for negotiations “from a strong position rather than weak”, and made a comparison with the situation of Nelson Mandela in the South African example. He said Öcalan’s situation has no similarities with Mandela’s. “All the world was behind Mandela. And

Mandela knew it. He knew he was powerful. Even the white president of South Africa, De Klerk, knew it. De Klerk knew that although he was the president, Mandela was more powerful than him” and added: “It is not like that for Abdullah Öcalan. He does not have the entire world behind him. Not the human rights organizations. Not even all the Kurds. So he will sit at the table not from a strong position, but from a weak position. Moreover, Turkey is the side that holds all the advantages for the talks. On the other hand, he is the ‘leader’ in the eyes of his organization and a considerably large group of people. Hence, taking into consideration the status he has, it is possible to solve the issue by negotiating with him.”

Another Iraqi Kurdish official who had played a very important role in the rapprochement between Turkey and the Iraqi Kurdish government and who sees Turkey as a “strategic partner” for the Iraqi Kurds said “The way to solve this issue is to take the shortcut, i.e. to sit for negotiations with the PKK. And this can only happen by reconciliation with Abdullah Öcalan”. When reminded that talks with Abdullah Öcalan were already underway, both officials put forward a shared opinion

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*According to an Iraqi Kurdish official: “The fact that MIT is talking with Abdullah Öcalan means approaching the issue from a security perspective. For negotiations, the Prime Minister can establish a political committee, which may also include the MIT Undersecretary. That is a different matter. However, what needs to be done is to initiate a negotiation process that approaches the matter from a political view and that is conducted through a political committee”.*

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in the separate interviews we had with them: “MİT is talking with him. It cannot amount to negotiation”. One of the interviewees said, “The fact that MİT is talking with Abdullah Öcalan means approaching the issue from a security perspective. For negotiations, the Prime Minister can establish a political committee, which may also include the MİT Undersecretary. That is a different matter. However, what needs to be done is to initiate a negotiation process that approaches the matter from a political view and that is conducted through a political committee”. The other interviewee said, “Negotiation cannot be with MİT. It can only lead to a certain point. A committee should be set up with people who have political influence and prestige”, hence expressing basically an identical view. Both Iraqi Kurdish officials pointed out that any negotiation with Abdullah Öcalan, who is incarcerated in İmralı with a sentence of aggravated life imprisonment, cannot progress unless he is given a future perspective about his position. Of the two Iraqi Kurdish officials, one said, “To make the negotiations work, you must give the man [Abdullah Öcalan] a time horizon about his own future”, while the other stressed the same view as follows:

Negotiation should be on 1) Cultural rights; 2) Pardon for those in the mountains; 3) Political participation [integration of the PKK members into legal, legitimate politics]. It should be a step-by-step amnesty. 10-15 people from the leadership cadre in the mountain can become refugees here [the Iraqi Kurdistan, Northern Iraq] or go to Europe. Any agreement reached should be implemented through Abdullah Öcalan with respect to his people and his organization. Both those in Turkey and most of those in the mountains will listen to him. There may be a small group resisting the agreement reached, yet they would be of no importance. But, in order to do all these, you have to give the man [Abdullah Öcalan] a future perspective so that he can cooperate with you; for example, like telling him ‘you will be released from prison in two years’ etc. If he knows he will be free after some time, he will cooperate. Otherwise why should he?

The Iraqi Kurdish officials said they had already communicated these opinions to their Turkish counterparts, but that the Turkish side was unable to adopt and employ this approach due to fear of reactions from the military and the public. Hence, they make reference to the “importance of winning over the military and persuading the military to go with this solution”. One Iraqi Kurdish official emphasized “the Turkish public opinion should be prepared, through the media, for such an approach for solution, for about one year” and said that he was aware the perception of the Turkish public opinion was a serious obstacle to the resolution of the problem.

## TRANSITION FROM ‘DIALOGUE’ TO ‘NEGOTIATION’

An official who said the reason why the Kurdish Question had not been settled to date in Turkey was “the failure to look at it strategically and always approaching it from a tactical perspective with a focus on this or that aspect, while it is the number one and even the *only* issue that Turkey needs to solve”. This mentions the impossibility of reaching a solution by “bypassing Abdullah Öcalan and the organization”, saying “Constitutional amendments alone are not enough”, and emphasized once again that “reconciliation” with Öcalan and the organization is the most valid method that is able to produce a result.

It is something frequently mentioned lately by Abdullah Öcalan that the “dialogue” carried out with him has now reached the stage of “reconciliation”, which implies a result-oriented negotiation. In the interview notes dated April 13<sup>th</sup> 2011 and communicated to the outside world by Abdullah Öcalan through his lawyers, there is a very important detail that should not be overlooked:

The talks I engage in here will determine how the process will unfold. Most likely, my talks will continue until 15 June. If, following these talks, we end up with data indicating that the government will take steps towards a democratic solution, then the reconciliation process will start and hence we will step onto the

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road to a solution. It is possible that the AK Party will go for a constitutional solution after these elections, opting to reach a solution within the scope of this new constitution, and I hope this will be the case.<sup>58</sup>

Here, the talks referred to by Öcalan are the talks carried out with government officials, which are referred to as “talks with the MİT” by Iraqi Kurdish officials. Öcalan’s confirmation that his “talks with the ‘state’ are continuing” was made public in the statement by Aysel Tuğluk, Co-chair of the Democratic Society Congress (DTK) and one of Öcalan’s lawyers present in Öcalan’s interviews with lawyers on April 28<sup>th</sup> 2011. In a public statement Tuğluk said that Öcalan had told his lawyers, including Tuğluk, that the state officials negotiating with him had “good intentions, yet the reconciliation process is unable to go beyond good intentions”. Two weeks later, Abdullah Öcalan announced in more detail his opinions on the “state committee” negotiating with him as well as his concerns over the talks:

Let me say a few words on the talks we are holding here [in İmralı]. These are qualified talks, meaningful talks. They are serious talks. The committee coming to speak to me is aware of the seriousness of these talks, and I can say that their awareness grows with each passing day. I want to be cautious about this matter; I want to see what is ahead. There are also the previous experiences. I do not want to take unilateral steps. Past experiences oblige me to act like this. I know that I have to consider and take into account all possibilities. The things that happened to Özal, Erbakan and Ecevit in the past force me today to act this way. I am a realistic man. I cannot say whether I am hopeful or not. With Özal, everything had come to the point of making an agreement. We were very hopeful. We were getting ready to have the guerrilla lay down arms. In 1993, we were saying ‘all right, solution is developing and everything is okay,’ but the next day Özal suddenly died! Then followed the Erbakan process, which is known to everybody; we were also going to develop a solution with him.

He was serious about these matters. But they overthrew him quickly. That Syrian Haddam spoke of these things again in the newspaper, and he is telling the truth. In 2000’s, it was the same with Ecevit. He also wanted to find a solution, but they also overthrew him, they floored him and left him paralyzed.

I reminded the committee about the things that befell Özal, Erbakan and Ecevit. ‘Now you are negotiating with me here, and a similar thing can also happen to you tomorrow. They can do to you what they did to Özal, Erbakan and Ecevit. There are many internal and external forces that want to or that may want to hinder the development of this process. This is called oversetting the car for the fourth time. I cannot take this risk, so I will wait until 15 June,’ I said.

Of course the talks here are important. The committee is serious. The committee includes representatives of some serious institutions of the state. It is a committee capable of influencing the state. The committee has the power to influence the state, the political parties and the society. Yet it has not yet made any influence on the state, the political parties or the society.<sup>59</sup>

Öcalan expressed his views on the talks in a similar way in the interview notes from May 20<sup>th</sup> 2011. Praising the goodwill and command of matters demonstrated by the “state committee” negotiating with him, Öcalan disclosed the following views once again with a new emphasis:

This committee, coming here and talking to me, is a committee with good intentions. This committee is not associated with the Gladio. I also told them the same... I see this committee as standing independent from the Gladio. I am sure of it. The committee has good intentions towards solving the problem, and it is not involved in any conspiracy about this matter. The committee is strong, persuasive and strong-willed. The committee is neither full group of government officials, nor a smoke and mirrors state

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58 ANF, “13 Nisan 2011 Tarihli İmralı Görüşme Notları” [İmralı Interview Notes from 13 April 2011], 16 April 2011.

59 KCK Info, memo sent by e-mail, 16 May 2011.

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team. Our talks with this committee are serious, with no deception involved. However, do they have the power to persuade the government, the prime minister? Will they be able to do what they must do despite the USA? That is what is important.<sup>60</sup>

Öcalan expresses his “confidence” in the state committee with an unprecedented emphasis. Having often voiced his suspicions that the previous talks with him had been a “stalling tactic”, Abdullah Öcalan says with a virtually dogmatic language that such is not the case with the state committee with whom he is currently speaking. Implying that he sees the committee as “the wing that wants a solution to the Kurdish Question in the state”, Öcalan continues as follows:

I do not know whether the people in the state or in the committee who do not want a war to brew, who desire peace, can go against or stop the policies developed against the Kurds. I repeat that the committee that came here to talk to me is a committee with good intentions. It has a good command of these matters. Yet, we will see if their power will be enough.<sup>61</sup>

## ÖCALAN'S CONTACTS WITH MILITARY OFFICIALS

Öcalan was captured in 1999 in Kenya as a result of developments the background of which has not yet become clear but which should be perceived within the framework of international political relations, and was brought to the İmralı Island by the Turkish security forces. It is seen that, since the day Öcalan was brought to İmralı, three themes have constantly been reiterated in his contact with state officials. The issues arising in the talks started with military officials in the first quarter of 1999 when Abdullah Öcalan was brought to İmralı still remain on the table, as understood from the notes from his interviews with

his lawyers in April-May 2011. These three themes can be listed as follows:

- *Demand to negotiate:* Abdullah Öcalan's expectation and wish to transform the dialogue with state officials into negotiation for resolution of the matter;
- *Bringing the organization on the table:* Öcalan's announcement that he has constantly followed the line of peace and reconciliation in his talks with state officials yet that he could not find the necessary response to this approach and hence at some point his hands will be tied; his unwillingness to liquidate the PKK, thereby using and holding his organization as a trump card;
- *Power of the interlocutors:* His constant questioning of whether the state officials with whom he speaks –different names with different titles in different periods– have the power to implement any reconciliation even if such reconciliation is achieved.

What we have heard and learned during and through the creation of this report from both sides - the state and the PKK - taking part in these contacts and talks can be summed up as follows: From 1999, when Abdullah Öcalan was captured and arrested, until 2005, Öcalan saw only the military officials as his interlocutors for the state. In fact, Öcalan's contact with military officials started in 1997, during the military intervention that is widely known as the “28 February Process”. The contacts with Öcalan in those days, through PKK officers Sabri Ok and Muzaffer Ayata who were at the time incarcerated in the Bursa Prison, brought Öcalan to the “declaration of a ceasefire” starting from September 1<sup>st</sup> 1998. In the process following the ceasefire, Abdullah Öcalan was forced to leave Syria. During our interview those who took part in that process said that the military officials who indirectly contacted Öcalan gave him the perspective to move to Europe and prioritize the “PKK's politicisation”.

In our interview in November 2010 in Berlin, Muzaffer Ayata told us about the contacts made at the time

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60 ANF, “Öcalan: Kürtlerin Kellesine Karşılık Türkiye-ABD anlaştı” [Öcalan: Turkey and the USA have reached an agreement at the expense of the Kurds], 20 May 2011.

61 *Op.Cit.*

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when he was in the Bursa Prison in 1997. He said that he and Sabri Ok had been very much impressed with the level of knowledge on the Kurdish Question and in particular the analytical skills demonstrated by the military officials contacting them. They had therefore contacted Abdullah Öcalan, who was in Damascus at the time, and had “persuaded their leader about the seriousness of the military officials”. Once Abdullah Öcalan was persuaded to talk to military officials, the contacts were made through a Syrian PKK officer who was at the time in Europe and through a colonel sent to Europe from Turkey, says Ayata. According to Ayata, the military approached the PKK with a goal to solve the issue at a time when “Islamism was seen as the number one threat”. Imparting that any issue could be discussed as long as there were no demands for separation from Turkey, the soldiers stipulated a declaration of ceasefire by the PKK as the condition for starting the talks, and promised in return that operations against the PKK would be stopped. What Muzaffer Ayata told us in Berlin, he also explained in vivid detail two months later in the *Tempo* magazine.<sup>62</sup>

Abdullah Öcalan confirmed Muzaffer Ayata’s account in a statement that came months after Ayata’s first disclosure. In the notes of interview with lawyers in İmralı released by the ANF on May 20<sup>th</sup> 2011, Öcalan voiced the same things we had already heard from Muzaffer Ayata in November 2010, but in more detail. He suggested that “there are different factions within the military”, and also explained, by giving names, the different approaches to the Kurdish Question by various military officials:

In the first conspiracy period, the Güreş-Çiller team was leading the Gladio... In the second period, it was Çevik Bir who led the Gladio in Turkey. At that time, Çevik Bir played the part of Doğan Güreş. This same Çevik Bir even attempted to assassinate [Hüseyin] Kıvrıkoğlu since he did not want him to become the

Chief of General Staff. In that period, [İsmail Hakkı] Karadayı and, later, Kıvrıkoğlu both wanted to limit the war. They were also talking about silencing the arms, ending the conflicts, gathering the armed forces in one place and then discussing everything about a solution. They informed us, too. They had already visited Muzaffer Ayata in the prison and talked to him, and demanded to talk to me through the prison. Muzaffer Ayata has already told of these events in the *Tempo* Magazine. He is telling the truth. They contacted them, and then phoned me. They sent a representative to Europe. I responded to their wish to limit this war. I gave solution a chance.<sup>63</sup>

Although we cannot reach a clear conclusion on the accuracy of Öcalan’s assesment of the talks he had been part of with the military, his specific accounts about the nature and content of the talks do not negate what we heard from the other actors of the process who took part in different stages of the talks. According to the information given to us by a source who had taken part in these talks, the team running the talks with Öcalan consisted of military officials representing different tendencies with individuals changing in each separate period. The military officials making the first contact with Öcalan in 1997 and running the talks from 1999 when Öcalan was brought to İmralı until the end of 2001 were in general the same members of the same original group. However, those running the talks during the first term of the AK Party government in 2002-2005 were different people. According to the same source, those running the talks in the second term were arrested under the scope of the Ergenekon investigation in 2008-2010.

## THE ROLE OF MİT AND THE IMPORTANCE OF THE TALKS WITH ÖCALAN

Abdullah Öcalan’s face-to-face contact with the military started in 1999 following his capture, and his subsequent arrest, continued for almost six years until

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62 Eyüp Erdoğan and Cemal Subaşı, “Muzaffer Ayata ile Söyleşi: Asker Söyledi Ben İlettim” [Interview with Muzaffer Ayata: The Military Spoke and I Conveyed], *Tempo*, 6 January 2011.

63 ANF, “Öcalan: Kürtlerin Kellesine Karşılık Türkiye-ABD anlaşır” [Öcalan: Turkey and the USA have reached an agreement at the expense of the Kurds], 20 May 2011.



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*Abdullah Öcalan's face-to-face contact with the military started in 1999 following his capture, and his subsequent arrest continued for almost six years until the civilian authority got involved in the process and took over the responsibility of the contacts. During this period, MİT participated in several of the talks upon its own insistence, though the primary role in talks with Öcalan was played by the military officials. Starting from 2005, the role and influence of the military in the talks with Öcalan decreased.*

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the civilian authority got involved in the process and took over the responsibility of the contacts. During this period, MİT participated in several of the talks upon its own insistence, though the primary role in talks with Öcalan was played by the military officials. Starting from 2005, the role and influence of the military in the talks with Öcalan decreased. The conclusion we draw from what we have been told is that the reason for the diminished role of the military was the government starting to relatively decrease the weight of the military in political decision-making

mechanisms. Emre Taner, who retired from the position of MİT Undersecretary in 2010, was the most important actor in both the talks with Abdullah Öcalan and the contact with the organization, for finding a solution that could take the PKK 'off the mountain' and 'end the armed conflict.' Emre Taner worked in harmony with Prime Minister Recep Tayyip Erdoğan, while also earning the support and almost unshakeable trust of the Iraqi Kurdish officials. During our research, we have heard praises and declarations of great trust in Emre Taner from the Iraqi Kurdish leadership and almost all the officials of the Patriotic Union of Kurdistan wing led by Iraqi President Jalal Talabani and the Iraqi Kurdistan Democratic Party (PKD) wing of Mesud Barzani who is currently the President of the Iraqi Kurdistan Region. The 'solution plan' prepared by Emre Taner still maintains its validity to a large extent in terms of reaching a final solution in the "PKK Question" for both the Iraqi Kurdish side and the many other relevant parties. After Emre Taner left office in 2010, the contact mentioned by Abdullah Öcalan as his "talks with the state" were conducted by Taner's successor and a series of various ministerial officials.

## THE STATE-ÖCALAN TALKS

### INDIRECT AND MEDIATED CONTACTS

#### On Behalf of the President

The direct and indirect talks of Turkey with Abdullah Öcalan have almost a twenty year history. The first contact between Turkey and Öcalan was made in 1992-1993 when Öcalan was living in the Syrian Capital, Damascus. These contacts should be called "indirect" talks, since in those days the contacts were made through Jalal Talabani, President of the Patriotic Union of Kurdistan, who had close relations with President Turgut Özal.

Jalal Talabani initiated talks with Abdullah Öcalan to make the PKK lay down arms, with the knowledge of and as a result of his contact with Turgut Özal and the then Commander General of the Gendarmerie, Eşref Bitlis. Öcalan describes his first indirect contact with the state of Turkey through Talabani as follows in his interview with his lawyers in İmralı:

Talabani said 'Özal wants to solve this issue.' 'Eşref Bitlis is also on my side, I will solve this matter,' Özal had told

Talabani. And Talabani had said 'as long as a ceasefire is declared'... Özal asked me to gather all armed forces at one location and ensure a ceasefire. I did not refuse them for the sake of a resolution, because they were saying that this was how the resolution would evolve... We declared a ceasefire. But the state was not yet ready for a resolution at that time. Özal had not yet prepared and had failed to persuade the state, the military and his own party for peace.<sup>64</sup>

The process starting with Öcalan's announcement of the PKK's first ceasefire in their history was declared in the town of Bar Elias in Lebanon on 16 March 1993 as a result of these initiatives, and it took a heavy blow with the death of Turgut Özal on 17 April 1993. The ceasefire ended without any meaningful progress when the PKK ambushed and shot dead

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64 ANF, "20 Mayıs 2011 tarihli İmralı Görüşme Notları" [İmralı Interview Notes from 20 May 2011], 23 May 2011.

## THE STATE-ÖCALAN TALKS

33 unarmed soldiers on the Elazığ-Bingöl Highway on 24 May 1993. Later, both Abdullah Öcalan and Murat Karayılan held Şemdin Sakık, the PKK commander of the region, responsible for the shooting of the 33 soldiers.

### Messages from the Prime Minister

Turkey's second contact with Abdullah Öcalan came in 1996 through Prime Minister Necmettin Erbakan. Erbakan sent Öcalan oral and written (letter) messages through mediators with no official titles, in order to bring an end to the conflicts and seeking a solution. Afterwards, the coalition government of Welfare-True Path, led by Necmettin Erbakan, was forced to leave office under pressure from the military in 1997 as a result of the 28 February Process.

### Indirect Contacts of the General Staff

The third contact took place via the military officials who had played the lead role in removing the Necmettin Erbakan government from office. The contacts, initiated by the high-ranking commanders of the General Staff, can be called "indirect talks" to distinguish them from the two previous examples.

The initiatives of the General Staff addressed Abdullah Öcalan through Sabri Ok and Muzaffer Ayata, two leading members of the PKK who were in the Bursa Prison in 1997. Ok and Ayata, making contact with Öcalan who was in Damascus, via telephone from the prison in Bursa, persuaded the PKK leader about the seriousness of the approach adopted by the military. As a result of this, a colonel representing the General Staff had a face-to-face meeting with a Syrian PKK officer with code name "Şahin" in Europe.

The members of the General Staff, who were called the "Kıvrıkoğlu team" by our interviewees who had also taken part in this process, communicated to Abdullah Öcalan that "they were ready to negotiate on any topic with the PKK provided that they accepted the inviolability of the Turkish borders and its territorial integrity". The military saw 'radical Islamism' as a priority threat to Turkey and were in favour of ending armed conflicts with the PKK in order to concentrate their forces on this danger.

In the notes of his interview with his lawyers, released on 20 May 2011, Öcalan mentions the initiatives of the military as follows: "Karadayı and Kıvrıkoğlu, they both wanted to limit the war. They also wanted all weapons silenced, all conflicts ended and all armed forces gathered at one location, and said after these things happened they could discuss everything related to a solution. So they also informed us..".

The talks initiated in 1997 with Abdullah Öcalan by the military either through the PKK, face-to-face or through

indirect means, resulted in the declaration of ceasefire by Abdullah Öcalan on 1 September 1998.

A short time after the declaration of ceasefire, Abdullah Öcalan left Syria and was handed over to Turkish officials in Kenya on 15 February 1999, after which he was sent to the İmralı Prison.

## FACE-TO-FACE TALKS

### The Official Party – General Staff

The fourth period of the State-Öcalan talks started in 1999 and, unlike the previous ones, these were face-to-face with Öcalan. Of course, the incarceration of the PKK leader in İmralı after he was brought to Turkey, tried and sentenced to death, which was later commuted to aggravated life imprisonments as a result of the constitutional amendments, made it possible and natural to have the talks face-to-face.

It is known that between 1999 and late 2001, it was mainly the military who engaged in talks with Öcalan. We learn from the accounts given by those who took part in these talks that these soldiers were mostly the same individuals who first initiated the indirect contact in 1997 and the rest were the continuation of the original group. In 1999, the year Öcalan was brought to İmralı, the Chief of General Staff was General İsmail Hakkı Karadayı, and later on General Hüseyin Kıvrıkoğlu. Öcalan also gave these names and claimed that military cadres subordinate to Karadayı and Kıvrıkoğlu had made contact with him.

Abdullah Öcalan describes the soldiers who had face-to-face talks with him in those days as follows: "In 99, a mostly military committee came and talked to me. The soldiers in that period were experienced and they seemed sincere. One of them said 'A big game is being played, and we have to cut it off at the pass. If you state that you do not want to divide the country and if you quit violence, we can discuss anything.' So I decided on a ceasefire and withdrawal beyond borders, and the guerrilla withdrew beyond borders.."<sup>65</sup>

As far as Öcalan tells, the discourse of the soldiers holding talks with him in 1999 and the discourse of the General Staff cadres who took steps to talk to him in 1997 are of the same nature. Hence, there is continuity between the General Staff cadres who wanted to initiate talks with Öcalan and the PKK in 1997, and those who started the face-to-face talks in 1999. Although most of them were members of the same team, the team gradually changed over time.

65 ANF, "20 Mart 2011 tarihli İmralı Görüşme Notları" [İmralı Interview Notes from 20 March 2011], 23 March 2011.

## THE STATE-ÖCALAN TALKS

### The Official Party – The Military

The military officials who took part in talks with Öcalan between 2002 and 2005 were different from the previous military cadres. The PKK's return to armed conflict also coincides with this period (after June 1<sup>st</sup> 2004).

A significant part of the military officials who represented the "state" vis-à-vis Öcalan in the 2003-2004 period were, after four to five years, among the defendants of the Ergenekon case.

In the light of this data, it would not be wrong to describe the talks between Öcalan and the military figures between 2002 and 2005 as the fifth period State-Öcalan talks.

What distinguishes the fifth period talks from the others was not only that the military officials carrying out the talks were different from the military cadres of the Karadayı-Kıvrıkoğlu period, but also that they were far from representing the will of General Hilmi Özkök, the Chief of General Staff.

The disagreements between Chief of General Staff General Hilmi Özkök and the military members who participated in the talks in that period were arrested after a few years in the Ergenekon case, appeared in documents such as "Darbe Günlükleri" [Coup d'état Diaries] and in the media.

### The Official Party – National Intelligence Organization (MİT)

As the government brought its power into play after 2005, MİT started to take the place of the military in the state's talks with Öcalan. Starting in 2006, Jalal Talabani once again acted as the intermediary with the knowledge and request of the Turkish government, in order to find a solution to silence the PKK's arms. After 2005, the 'State-Öcalan talks' were no longer exclusively Military-Öcalan talks.

Thus, the State-Öcalan talks entered the sixth period, which differed extensively from the previous periods. Emre Taner, who was the MİT Deputy Undersecretary at the time, talked to Abdullah Öcalan in İmralı. In this sixth period, talks were engaged in not only with Öcalan but also with the PKK officers.

It was discovered that a top-level state official met Sabri Ok, Zübeyir Aydar and Adem Uzun, all leading names in the PKK, more than once in Europe between 2006 and 2008. The military was not included in the talks held in 2006, but did not hinder them either. The task of the MİT, the Foreign Affairs Ministry and the security bureaucracy to 'get the PKK off the mountain' also received the support of Abdullah Gül, who was the Foreign Affairs Minister during that period. It was suggested that President Ahmet Necdet Sezer also gave green light to the initiative.

In the year 2006, the talks were carried out with three pillars of the PKK, namely İmralı, Qandil and Europe. Jalal Talabani's support was received for the Qandil and Europe contacts. Talabani played a particular role in making the contact between Murat Karayılan in Qandil and the Turkish state.

We have learned that during this period, Murat Karayılan sent a long letter to Prime Minister Tayyip Erdoğan and that the letter was received by Erdoğan.

This initiative, led by MİT Deputy Undersecretary Emre Taner with the knowledge of the government, has led to the entrance of 34 individuals to Turkey on October 19<sup>th</sup> 2009 from the Habur Border Gate following an agreement with the PKK leaders. Of those who entered Turkey, eight were sent by Murat Karayılan from Qandil as per the agreement, and 26 were selected from the Mahmur refugee camp and sent to Turkey.

The project in which Emre Taner played a major role foresaw steps that would be taken concurrently with the laying down of weapons. In addition to a new constitution and amendments to laws recognizing the Kurdish cultural identity, there were also going to be some improvements in the prison conditions of Öcalan. Again concurrently, the 'mountain' cadres are separate from those in leading positions who would immediately be integrated to Turkey, and the leaders and executives 'on the mountain' would remain in the Iraqi Kurdistan region for five years. At the end of these five years, they would probably be released from prison and would be encouraged to engage in Turkish politics together with Öcalan.

This approach which, to a very large extent, continued the solution formulas contemplated by Turgut Özal right before his unexpected death in 1993, envisaged entries from Habur as a starting point for a course of political solution. According to the plan, with the continuation of entries from Habur, the PKK would gradually be disarmed and steered towards a political solution. The plan was put on hold in 2009 upon the developments in Habur.

### The Official Party – MİT Director and Various Ministerial Representatives

The State-Öcalan talks were revived in 2010 as Hakan Fidan replaced Emre Taner. It is known that representatives from the Ministry of Justice also participated in the seventh State-Öcalan talks initiated in 2010 by Hakan Fidan. We heard varying but contradicting statements about the presence of representatives from the Ministry of Interior and the security organization in addition to the General Staff in the committee. The seventh State-Öcalan talks have been carried out by a "state committee" with broad participation, including high-level bureaucrats from various ministries.

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As it can be seen clearly in our citations from the abovementioned notes of his interviews with his lawyers, the PKK leader has communicated to his organization that, compared to his previous interlocutors, he regards the team that has been holding the talks in the last two years more positively, and that this time around the talks have more substantial. By doing so, he has also demonstrated that compared to the former period, he is more optimistic about the possibility of reaching ‘reconciliation’ as a result of the talks with him.

In our interview, Murat Karayılan said, “The most important deed the State has done so far has been the talks with Leader Apo. It was because of these talks that the four conditions, of which I had told Hasan Cemal last year, have become void, since the most important among those four conditions was the initiation of ‘talks with Abdullah Öcalan’.” The interview mentioned here by Murat Karayılan was done in Qandil with Hasan Cemal in May 2009. Hasan Cemal published the notes of his interview with Murat Karayılan in the *Milliyet* newspaper in a series of articles in the first week of May 2009, and the Murat Karayılan interview and Karayılan’s messages were recognized as a significant milestone that enabled the ‘Initiative’ that was officially launched by late June – early August 2009. In his interview with Hasan Cemal, Murat Karayılan expressed his conditions regarding contacts for a ‘resolution’, by listing four alternatives:

1. The State must initiate talks with Abdullah Öcalan in İmralı;
2. Or, if that does not happen, the State must initiate talks with them in Qandil;
3. Should the State refuse these two options, it must initiate talks with the Democratic Society Party (*Demokratik Toplum Partisi*, DTP)<sup>66</sup> which is represented in the parliament;

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66 DTP was closed by the Constitutional Court in December 2009. The co-chairs of the Party, Ahmet Türk and Aysel Tuğluk were sentenced to a five-year ban from politics. DTP was replaced by the Peace and Democracy Party (*Barış ve Demokrasi Partisi*, BDP).

4. If all these three options are refused, a ‘Committee of Wise Men’<sup>67</sup> should be established and this committee should maintain contact with both the state and the PKK, thereby building an indirect contact between the PKK and the state, and thus should seek a solution.

The initiation of talks by a ‘state committee’ with Abdullah Öcalan, in his own words, became a subject of political polemic before the Constitutional Amendment Referendum of September 12<sup>th</sup> 2010, but Tayyip Erdoğan held that the state would talk to Öcalan when it deemed necessary, and that such talks had previously been engaged. For example, in a television programme, Prime Minister Erdoğan reiterated this opinion with the following words: “The intelligence organization of this country can talk to him or any other person for that matter. This is neither the first nor the last time. Such things are done ...”<sup>68</sup> The most meaningful support to Tayyip Erdoğan’s statement came from the CHP’s newly elected Leader Kemal Kılıçdaroğlu. The polemics came to an end when Kılıçdaroğlu announced a view following the same line as that of PM Erdoğan with regard to talks with Öcalan,<sup>69</sup> enabling an unprecedented normalization of the talks with Öcalan.

Murat Karayılan, pointing at the process of İmralı talks between Abdullah Öcalan and the state, has stated that under these circumstances it was no longer necessary to pursue the options of engaging in talks in Qandil, with the BDP, or with a “Committee of Wise Men” to discuss how the PKK could lay down arms. Thus, it was once again emphasized that Abdullah Öcalan was and would be the final decision-making authority with regard to ‘leaving the mountain’ and how the PKK may lay down arms.

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67 Murat Karayılan mentioned the name of former Foreign Affairs Minister and retired Ambassador İltis Türkmen, for the “Committee of Wisemen”.

68 Show TV, *Siyaset Meydanı*, 1 May 2011.

69 CNN Türk, “Kılıçdaroğlu ile Söyleşi” [Interview with Kılıçdaroğlu], *Ankara Kulisi*, 23 August 2010.

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*“What makes the talks held in the current period with Abdullah Öcalan different from the previous ones [is that] the previous talks sought to dissolve the movement by saying ‘You are a prisoner in our hands; there is nothing you can do’. But now, they say ‘What is your say? What do you want?’”*

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## NATURE OF THE TALKS

Given that the State’s talks with Abdullah Öcalan have a long history, the differences between these final phase talks and the previous talks were expressed by Zübeyir Aydar and Remzi Kartal, the PKK’s high-level executives, whom we interviewed in Brussels a short while after Karayılan, as follows: “What makes the talks held in the current period with Abdullah Öcalan different from the previous ones [is that] the previous talks sought to dissolve the movement by saying ‘You are a prisoner in our hands; there is nothing you can do’. But now, they say ‘What is your say? What do you want?’”

What Zübeyir Aydar and Remzi Kartal told us ties in with the opinion stated by a high-level security official of the state, whom we interviewed for this report: “The state failed to hold on to a plan. It always sought to reach a solution by dividing the Kurds, Apo and the PKK. The state has approached Öcalan with ‘instrumentalist’ [aims], rather than considering him as a part of a solution”. Another high-level state official pointed out in our interview that Abdullah Öcalan was extremely experienced regarding talks with the state and moreover was “very smart”, and said, “so far, he has always engaged in dialogue with the state, but always with more than one ‘state’.” Here, talking to “more than one ‘state’” at the same time emphasizes the importance of having a ‘single state’ before Öcalan so as to reach a conclusion in the talks. The same official, indicating that Abdullah Öcalan has usually seen the military as his interlocutors “on behalf of the state”, said, “We have to make the military subordinate to the “single state”

government elected by the public. We have not yet adequately arbitrated the democracy”, hence underlining the determinant effect of Turkey’s steps towards democratization and, in this framework, the “new constitution process” following the elections of June 12<sup>th</sup> 2011, in the quest for a solution together with Öcalan. One Kurdish individual of prominent and leading position in Turkey’s legal domain agreed with this evaluation coming from the highest levels of the state, saying: “This is what will stop the operations and make positive contributions to laying the groundwork for a solution”.

Another issue on which the PKK circles and a significant part of Turkish political circles, including the government, agree on is that military operations undertaken against the PKK members sheltered in the mountains in the eastern and southeastern parts of Turkey, despite the declaration of inaction from the PKK, make it impossible to make any progress towards a solution. On the other hand, we were also informed by government officials that the decisions for military operations are generally taken and implemented by the military authority independently from the political authority. A high-level official said that to the extent Turkey becomes democratized, renews its law system and the legitimate civilian authority gains a solid position in the country’s governing power, it will diminish the weight currently held by the military with regard to the decisions on Öcalan and the PKK and in time Abdullah Öcalan’s tendency to “play the game with the military” will also be weakened. “There are those who are in favour of provocation on both sides –the military and the PKK– as they want the armed conflict to continue. Here, the actual responsibility lies with us. If we make the state into a ‘single’ authority, and if we make the military subject to that authority, it will be easier to deal with the provocations on the PKK side and neutralize it”.

A Kurdish intellectual who is completely opposed to the PKK and who has never had any connections to the PKK at any time says that the path for the “PKK’s dissolution” should be paved together with Abdullah

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*A high-level official said that to the extent Turkey becomes democratized, renews its law system and the legitimate civilian authority gains a solid position in the country's governing power, it will diminish the weight currently held by the military with regard to the decisions on Öcalan and the PKK and in time Abdullah Öcalan's tendency to "play the game with the military" will also be weakened.*

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Öcalan, and adds: "The infrastructure for this role that will be played by Abdullah Öcalan should be provided by the state, the media, the government, the PKK, etc. It should be explained that no soldier has the right to make promises to him about his own future or about the PKK. The interlocutors who will be making this promise to him are the President and the Minister of Justice, or in other words, those who hold the authority to issue a general amnesty. The military should not be given the opportunity to make any such promise to him". This indicates the perception that for a long time Abdullah Öcalan has "used to talk about the future" with the military, and that this "method", contrary to what Abdullah Öcalan thinks, makes a "solution" more difficult rather than facilitating it. As such, one of the most important names in the legal domain of PKK circles in Turkey, who is in contact with Abdullah Öcalan incarcerated in İmralı, expressed that Abdullah Öcalan distinguishes between "the state and the government", and generally considers the state to mean the military, and added: "Abdullah Öcalan finds the state serious, and the government not serious". The same person also informed us that Abdullah Öcalan has "held a high regard for the military since early 1990", and said: "In his opinion, even a sergeant or a non-commissioned officer is virtually more important than a minister. Even though those who engage in talks with him today may be doing so within the knowledge and with the instructions and authorizations of the Prime Minister,

he ascribes them [the military/soldiers] a special importance due to their institutional representation - by regarding them as the 'state'". A state official, who was aware of the talks carried out in the recent period with Abdullah Öcalan in İmralı, expressed his opinion that neither Qandil (i.e. the PKK) nor Abdullah Öcalan were able to "read well the developments in Turkey", and said that "as such, Abdullah Öcalan is still running the 'old program' with an approach that brings the military to the fore as if they still maintain their former positions", hence stating that the viewpoints of both Abdullah Öcalan and Qandil towards Turkey need "updating". From his specific wording, it is concluded that Abdullah Öcalan has not yet quit his habit of equating "the military" with "the state". This range of perception, combined with the fact that AK Party and the BDP were the only two parties to maintain their foothold in the Southeast as two political rivals, explains the reason why Öcalan and other PKK leaders -and also the BDP cadres- have made the AK Party and the government a target for a relentless polemic in the recent period.

All these matters should be evaluated merely as clues that will enable an understanding of Abdullah Öcalan's approach and *modus operandi*; it should never be interpreted to mean that the government is free of faults in its Kurdish policy. As such, Abdullah Öcalan's "program update" -or in other words, removing the military out of the political decision- requires him to be persuaded that the government is really "the only representative of the state". And for Öcalan to be truly persuaded about this, it is understood that he should see in practice that his prison conditions and status in İmralı will change. Otherwise, Abdullah Öcalan signals on the one hand that he can continue to play his game, which is constructed on the "duality" existing within the state, and on the other hand that "his program may be updated", which is shown in the following sentences from his interview with his lawyers on April 13<sup>th</sup> 2011:

The Turkish public opinion should know well that we are standing at an important threshold. The

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possibility also exists for solving the Kurdish Question through democratic means. If this happens, if a democratic solution is developed, Turkey's path will be cleared in all areas including the economy. Yet otherwise, there is the possibility of a big war developing, which none of us wants... I go on to pursue peace here on my own. KCK, BDP and DTK have different positions. As I have mentioned before, the AK Party is oppressing the people and the forces of democracy with the hand of the police, under the mentorship of this circle we call the police academy. But, please note that I mean the Turkish National Police here, not the MİT, i.e. the intelligence, or the General Staff. This academy circle and the police have now adopted the task which was done by JİTEM before 2002.<sup>70</sup>

It is the common view of the people we have interviewed for this report that it would be beneficial to continue talks with Abdullah Öcalan, not to give up or halt the dialogue. However, it is also equally important that the talks do not gain the appearance of stalling. The necessity of the talks in İmralı was also expressed by Nizamettin Taş, Halil Ataç and Hıdır Sarıkaya, who abandoned Öcalan and the PKK in 2004 and whom Öcalan counts among his mortal enemies, in our interview in Arbil: "The state should not make the mistake of breaking up talks with Apo. He can burn 10 thousand people in anger. He has that kind of power. They will leave the mountain if Abdullah Öcalan says 'leave'". It would be more accurate to note this as an objective view of how the road to a solution can be opened, rather than blackmail or a threat -considering the identities of the bearers of the words.

One of these interviewees underlined that Öcalan has a broad "margin of flexibility" and "capability to compromise", saying, "If Öcalan's safety of life is ensured and if he is provided with better living conditions, there is nothing he won't do or give". When asked, "How?" his answer was, "He will find the formula for it! You settle the Ergenekon issue, the rest

will follow", once again drawing attention to the necessity of removing the military from the political decision-making process with regard to Abdullah Öcalan in order to enable a solution to the matter.

We have learned, through the making of this report, that the necessity of the civilian authority's engagement in talks with Abdullah Öcalan to reach a solution has found acceptance in the government circle since the fall of 2002, the time when the AK Party came to power. A top-level state official said during our interview that although Abdullah Öcalan is imprisoned in İmralı, "the state has become Abdullah Öcalan's hostage", and hence that the initiation of talks between Abdullah Öcalan and the civilian authority was "encouraged" and the talks had been taken from the hands of the military and shifted to civilian elements.

## OBLIGATIONS OF THE CIVILIAN POLITICS

Although the talks occurring in the recent period with Abdullah Öcalan are confirmed by PM Tayyip Erdoğan and approved by the leader of the main opposition party CHP, Kemal Kılıçdaroğlu with a different approach, it can be guessed that the suspicions and reservations of the PKK leader also continue. Öcalan, pointing out that he was engaged in talks three times: one was when the KCK arrests started, one was when nine villagers were killed in Hakkari, and the third time was on the day the High Electoral Board decided to ban the BDP-supported independent candidates from entering the elections. He made the following assessment: "A clean-up policy is in action, and they may be building up a stalling tactic through me".<sup>71</sup> In order for Abdullah Öcalan not to perceive the talks with the new, civilian elements of the state as a "stalling policy" enacted through him, it is necessary to turn towards mutually agreed concrete practices. Another way is to enable a structural change in the talks.

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70 ANF, "13 Nisan 2011 tarihli İmralı Görüşme Notları" [İmralı Interview Notes from 13 April 2011], 16 April 2011.

71 *Op. cit.*

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Öcalan reiterated his doubts about the representative power and implementation capability of the committee holding the talks with him, as he had expressed on various occasions before, with a similar wording in his interview notes of April 29<sup>th</sup> 2011:

I have been holding talks here for the last three years... Indeed, İsmail Beşikçi was telling the truth; 'It is not right that Öcalan carries out negotiations under arrest conditions,' he had said, but I was obliged to undertake the responsibility since there was no one else who could shoulder this process. Is there anyone other than me? Who will do it? I would like to thank our people, as they are the ones who elevated me to this level. The people backed me; I have a special connection with the people. The Kurdish politics also said Mister Öcalan and designated me as an interlocutor; I thank them, but my circumstances are very limited. As can be seen, my hands are tied... All I am able to do is carry on the talks with the committee that comes here. And I am doing this to utilize a light of hope. Yet, it is now understood that they [this committee] do not have any initiative; they are unable to make the AK Party accept the solution we came up with; they are unable to persuade. As far as I can understand, they are unable to make the solution we have determined here acceptable to neither the army nor the AK Party. They were saying that they were also disturbed about these KCK arrests and operations, that these were wrong. The committee's level of authority is low. It must be raised.<sup>72</sup>

A state official closely related to the course of the İmralı talks implicitly verified Abdullah Öcalan's abovementioned reproach, saying that the committee holding the talks with Öcalan is not equipped with "political will", that only the government had that authority, and that it was necessary to wait for the process of making the new constitution after the elections of June 12<sup>th</sup> 2011 in order to be able to understand how this power will be used or whether it will be used or not.

An Iraqi Kurdish official said in our interview that long before Abdullah Öcalan demanded that "the committee's level of authority is low and must be raised", he had repeatedly suggested to his Turkish counterparts that "continuing the talks with a committee of MİT and security members would be wrong, and that result could only be achieved by setting up a political committee for the talks". Like the other Iraqi Kurdish leaders whose views we have included here, this Iraqi Kurdish official also said that "the committee should have a political identity and talk politically", and underlined that "since the Middle East is full of correspondence regimes", talks with Abdullah Öcalan "should not be treated as if talking to a Middle Eastern regime", and added that "this is not the way".

## PRACTICAL CONCLUSIONS

It is obvious that for many years Abdullah Öcalan was considered an interlocutor by the state when it came to the issue of 'leaving the mountains'. Nevertheless, the attempts to put an end to the armed conflict apparently failed due to the fact that talks with Öcalan were not conducted through the right methods. Leastwise, the failure to identify the correct methodology can be counted among the primary reasons of the failure to put an end to the armed conflict. From this perspective, it is possible to draw the following conclusions for the next stage of the State-Öcalan talks which have been going on for years:

1. The existing dialogue with Abdullah Öcalan in İmralı should be transformed into negotiations, with the purpose of finding an ultimate solution to the question;
2. The negotiations to be conducted with this purpose should also include talks about the future of Abdullah Öcalan;<sup>73</sup>

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72 *Op. cit.*

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73 In the final days of his election campaign, the Prime Minister Erdoğan made some statements on CNN Türk on June 8<sup>th</sup> evening, on Kral FM radio station on June 9<sup>th</sup>



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3. The negotiation process should avoid focusing on tactics of dividing or weakening the PKK. Such an approach had already been tested and failed. Any negotiation method based on dividing or weakening the PKK should be avoided, because it would lead to further integration and solidarity within the organization and quite the contrary it would escalate violence. It would not bring the expected result on Abdullah Öcalan either;
  4. Instead, there should be an emphasis on building necessary mechanisms that will steer Abdullah Öcalan's authority over a united PKK towards the act of 'leaving the mountain'.

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morning and on ATV on June 9<sup>th</sup> evening noting that Abdullah Öcalan should have been executed. He also said: "The sentence given for the one in İmralı has been finalized. What is this sentence? Aggravated life imprisonment. The AK Party will never play on this. As long as Tayyip Erdoğan is alive, he will never allow such a thing".

These words uttered by the Prime Minister are of such a nature that may prejudice the indicators and consequences in the process of 'leaving the mountain,' a process supported also by the interviewed state officials who are in the close circles of the Prime Minister. In any case, despite what the PM might have said, the execution of Öcalan is impossible since capital punishment has been abolished in the Turkish legal system. Hence, these statements by the PM can be explained with the competitive atmosphere of the election campaign. The most striking statement here was the one noting that Öcalan's imprisonment conditions would not change. Most importantly, by stating "As long as Tayyip Erdoğan is alive, he will never allow such a thing", he has taken hostage of any steps that may be taken in the future. On the other hand, in our opinion it would be more accurate if the upcoming process is based on the results of the June 12<sup>th</sup> 2011 election, on the remarks made by the PM in his speech following his election victory, on the spirit of that speech and on the election success of the BDP-supported independent candidates which allowed them to be represented with 36 seats in the parliament. There are numerous examples showing that some words uttered by politicians at a specific time can be taken back under specific conditions. In this respect, we think that the conclusions drawn in this report are still valid.





# The Relations of the PKK with the State: Recent History and Lessons to be Learned

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We interviewed numerous figures for this report, ranging from Murat Karayılan - the PKK's number one man in Qandil to his mortal opponents in the Kurdish movement. They have all stated that Abdullah Öcalan is the only single authority who can ensure the act of 'leaving the mountain'. Mesut Tek, the Secretary General of the Kurdistan Socialist Party who is in exile in Arbil and who never supported the PKK, said "There is no one other than him [Abdullah Öcalan] who can put an end to this. If he wants to do so, he can take them off the mountain. Qandil cannot do it on its own. It is possible for the state to settle this matter together with Abdullah Öcalan. Plus, Abdullah Öcalan does not have big demands. He is the only person the Turkish state can reconcile with and he is the one to stop the war". These remarks show that like many other interviewees, he acknowledges Öcalan's extremely pivotal position; such an acknowledgment is not only observed among the PKK members and supporters, but also among those who do not necessarily follow the same political and ideological line as the PKK.

Although it became clear in all these interviews that Abdullah Öcalan should be regarded as the real interlocutor in the process of 'leaving the mountain' and that the contacts to be made with him should be in the nature of negotiation, there are some *sine qua non* steps to be taken to secure a healthy relationship with Öcalan that would serve for the purpose of a resolution. To be able to analyze the substance of these steps, it is necessary to look at the recent background of the relations built with Öcalan by the state; as such, this history is full of lessons to be learned and hints to be explored.

Looking back from 2011, we see that the stakes for finding a solution were lower in 1999 as compared to

2004 when the armed conflict resumed, and in 2004 as compared to 2011. In other words, the likelihood of a settlement has become more difficult with every passing year. The Habur incident of 2009 in particular could have been considered as a sign showing that the armed forces of the PKK could leave the mountains within the frame of a plan; however due to the negative reactions after the Habur incident the act of 'leaving the mountain' has become much more complicated. Judging by this recent history, we can conclude that Turkey has failed to make adequate use of the chances and opportunities that appeared between 1999 and 2004 to end the PKK's armed conflict. Given this fact, a correct identification of the future steps requires examination of the results achieved so far concerning the relations between the PKK and various elements of the Turkish state as well as focusing on the lessons that can be learned from these experiences.

## WITHDRAWAL BEYOND BORDERS AS A MEANS OF TRUST BUILDING AND RECONCILIATION

The story of Abdullah Öcalan's talks, which started indirectly in 1997 and transformed into face-to-face talks in İmralı following his capture in 1999 and continued in the ensuing years, is covered in the book *Öcalan'ın İmralı Günleri* (Öcalan's İmralı Days) by Cengiz Kapmaz, the spokesman and consultant of the Asrın Hukuk Bürosu,<sup>74</sup> a law firm of Öcalan's lawyers.

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74 Asrın Hukuk Bürosu has automatically become an effective 'organ' positioned between the PKK and its leader due to its role in communicating Abdullah Öcalan's statements - made in their face-to-face interviews since 1999 - to the outside world.

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The book is based on the documents compiled by Asrın Hukuk Bürosu through its interviews with Abdullah Öcalan since 1999 and reveals that the issue of 'leaving the mountain' and laying down of arms by the PKK have been the main issue bottlenecking the dialogue between the military and Öcalan at various times. A detailed reading of the book provides a striking revelation that Abdullah Öcalan is amenable to reconcile with the state on many issues, yet is totally against and resistant to any deal or suggestion he perceives as 'liquidation of the PKK' and as 'leaving the mountain' unreciprocated. The book also notes that following his capture, Öcalan stipulated some conditions and gave assurances to the state officials -including the military- holding talks with him in those days that "he could take the PKK off the mountain" and make the PKK accept his decision on this matter:

'1) Until 1993, we were thinking of independence at the intellectual level, but after that this thought disappeared. We do not find the nation-state model right. 2) We respect Turkey's *Misak-ı Milli* (national pact) structure. And we are also against the federation and autonomy options. 3) I will take the PKK off the mountain promptly on the condition that the democratic rights are recognized, cultural initiatives are realized and the reintegration law is adopted.' [...] New theses were discussed in detail at the Prime Ministry Crisis Centre, which was closely monitoring the interrogation process at that time. As a result of the assessment of the situation, the interrogation commission in İmralı was asked to pose Öcalan the question: "Will the organization accept these theses?" Öcalan replied, with no hesitation: "They will remain loyal to me". He said allowing him to contact the organization would be enough.<sup>75</sup>

There is another remarkable section in the book concerning the issue of 'leaving the mountain', which mentions Öcalan's readiness to take certain steps for reconciliation:

Two months after the court order,<sup>76</sup> Turkey's agenda was busy with the Counter-Terror Law. The law

proposed by the government with a view to introduce probation, envisaged decommissioning/inactivation of the organization's executive cadres as well as penalty abatement for organization members who surrendered willingly. Having attached great importance to the law, the State thought that the new strategy developed by Öcalan caused confusion within the organization and believed that such a confusion would lead to organization's disintegration after the enactment of the law. While the preparations for the law were underway, Öcalan also started to make comments regarding the substance of the law. Öcalan believed that the probation law, planned to be adopted by the state, could lead to very significant developments. Therefore, he was insisting that the substantial aspects of the law should be prepared with due diligence, and he was making some warnings. He was thinking that no one would leave the mountains just because the state said 'Come on friends, get off the mountain', and that the state should lay the groundwork for this to happen.<sup>77</sup> Öcalan didn't want this law to be treated as 'effective repentance', but rather as a law aiming to integrate the PKK members into a democratic political life.

In fact, there was one thing clearly came out during the drafting of the Anti-Terror Law. The state had mostly monitored Öcalan as a strategy since the beginning of his interrogation process, whereas the state was still fully skeptical about the PKK. In Ankara, the prevailing approach was that the PKK and Öcalan should prove their sincerity by taking reasonable steps. Öcalan had already anticipated this sentiment in the state: I think the state has doubts about the PKK. It says the PKK should prove itself. The only chance is articulated as 'Let us not hang him, so that he can play his role'... The state will not take the step right away. First it will check its feasibility. It will wait for me to take the first step. If a couple of successful, persuasive and practical steps are taken, then a response may come.<sup>78</sup>

According to Öcalan, any move forward by the state was dependant on the perceived reliability of the PKK.

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75 Kapmaz, *İmralı Günleri*, 20. Cited from Interview Notes of 16 July 2003.

76 Refers to Öcalan's court case administered in İmralı in 1999.

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77 Kapmaz, *İmralı Günleri*, 86. Quoted from Interview Noted of 5 July 2003.

78 *Op. cit.*

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Öcalan openly says that the state would never allow people to voice that it got 'engaged in dialogue with Öcalan.' Then, the step that would clear the path for the process had to come from the PKK. For example, powerful steps that would free Turkey from the climate of violence could play a role in clearing the way for the process. In Öcalan's mind, there was the idea of withdrawing the guerrilla outside of Turkey. He shared this idea first on July 5<sup>th</sup> [1999] with his lawyers. 'Our cessation of violence can be a starting point. As a method, we may leave the armed conflict stage behind... This would be a new step. In practice, it may be in the nature of withdrawing the forces to the South<sup>79</sup>, beyond the borders. It can be a step to further consolidate the ceasefire. At this stage, it is the most progressive step. With a view to overcome the current deadlock, there can be withdrawal from the conflict climate, and then [we] could wait for the state's position. [...] Then, legal guarantee can be pursued. And the viewpoint of the parliament may change.'<sup>80</sup>

Two days after sharing this idea with his lawyers, Öcalan sent a five-page letter to the PKK Presidential Council, which included his instructions for the withdrawal of the PKK forces beyond Turkey's borders. The most important aspect of the letter was its 'declaration of ending the armed conflict.' Öcalan worded his suggestion as follows: "It is necessary to prove, without leaving any doubts, that violence has been ended both in practice and with guarantee. Under these circumstances, the most effective results-oriented path is the declaration of ending armed conflict for peace, which will force everyone to do their due and also facilitate things. It is to announce that we have ended armed conflict on September 1<sup>st</sup> 1999, withdraw our forces to South and prepare them according to our assessment of the process".<sup>81</sup> At that time, "the idea of withdrawing the PKK outside the borders was not yet made public. The preparations and exchange of messages with the organization were being carried out in a great secrecy.

The state did not hinder the message traffic between Öcalan and the organization so that Öcalan could take the organization outside of Turkish borders".<sup>82</sup>

## The Cost of Withdrawal Beyond Borders

Following a series of correspondences between Öcalan and his organization, the PKK withdrew its armed forces in Turkey beyond the border. However, this withdrawal resulted in hundreds of casualties. Although sources do not give the exact number of the PKK's losses, circles close to the PKK say that the toll is around 500-1000. On the other hand Hidir Sarıkaya (Ekrem), the PKK's military officer who was responsible for the withdrawal operation at that time, said during our interview in Arbil that there were around 250 losses.

Having criticized the hasty process of withdrawal as well as Öcalan's persistence in and instructions for demanding a quick withdrawal, Hidir Sarıkaya said the majority of the losses were from the PKK units coming from the Sason Region who had to cross a large and flat terrain in order to withdraw beyond the border. Being informed about Öcalan's decision to withdraw the PKK forces beyond borders, the Turkish Armed Forces (TSK) did not undertake any obligation to halt operations against the retreating PKK forces. Hence, the TSK caused heavy casualties to the PKK through its operations during the withdrawal. Murat Karayılan describes the developments of that time with the following words:

On September 1<sup>st</sup>, I personally communicated on radio, together with a situation-analysis speech, the decision to withdraw. [...] After a while, precisely two weeks later, we knew there was a tremendous confusion and an atmosphere of panic in the withdrawal. [...] In short, serious blows were taken during the withdrawal process due to the failure to plan and arrange well the withdrawal, and the attacks and traps laid by the Turkish state saying 'this is the chance'. [...] The Turkish state and the

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79 Refers to Northern Iraq, the Iraqi Kurdistan Region.

80 Kapmaz, *İmralı Günleri*, 86-87.

81 *Op. cit.*, 88-89.

82 *Op. cit.*, 92.

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*Despite Öcalan's decision to withdraw the PKK forces beyond the borders, the heavy toll due to the attacks by the TSK caused a crisis of confidence, which made it impossible to undertake similar steps in the path to a settlement.*

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army... 'The more I kill the better' they thought, and laid traps on the roads where the withdrawal would take place. During the withdrawal, around 200 soldiers were martyred.<sup>83</sup>

Despite Öcalan's decision to withdraw the PKK forces beyond the borders, the heavy toll due to the attacks by the TSK caused a crisis of confidence, which made it impossible to undertake similar steps in the path to a settlement. Today, circles who emphasize that the solution to the Kurdish Question is possible only in an environment where weapons are silenced and that the first step for settlement is withdrawal of the PKK forces beyond Turkey's borders seem to ignore these incidents of 1999. As such, looking at the recent past, the PKK has some bad memories from 1999, the year when the same move was undertaken, and these memories pose a serious obstacle to same steps being taken in the future.

### **Withdrawal Beyond Borders and Division in the Organization**

For the PKK, the cost of withdrawing its forces beyond Turkey's borders - under the instructions of Öcalan - was not only limited to loss of lives. The PKK's decision to withdraw its forces beyond Turkey's borders and end the armed conflict became possible mostly thanks to the PKK executive cadres and organization loyal to Öcalan; yet as he had predicted there were also many important names who left the PKK.

Some executive cadres of the PKK described the decision as "treason to the cause" and severed their ties with the PKK. However, Öcalan's reconciliatory language at the court and his subsequent decisions to

withdraw the armed forces beyond Turkey's borders to put an end to the armed conflict strengthened the view that "Öcalan has placed himself under the control of the General Staff and acts according to their wishes" among a wide audience going beyond the PKK, and thus creating an enabling environment for the propaganda against him. Öcalan was accused by Kurdish political spheres, including some PKK members, for 'surrendering' and 'liquidating,' which are the harshest insults used by the PKK against its political enemies.

Aliza Marcus's book, *The PKK and the Kurdish Fight for Independence: Blood and Belief*,<sup>84</sup> is based on interviews with senior commanders and officers of the PKK, who left the organization during the said period. This book, recognized as one of the most important reference materials on the PKK, is to a large extent based on information received from Hüseyin Topgider, one of the founders present at the founding meeting of the PKK in 1978 in village of Fis in Lice who severed ties with the organization because of the "1999 trauma", and Selahattin Çelik, a leading military-political figure who organized the first armed acts of the PKK. Of these two names, Selahattin Çelik wrote a book entitled *Ağrı Dağı'nı Taşımak* [Moving the Mount Ararat] which covers the developments of that period, gives an account of the history of the PKK and the Kurdish armed conflict as an important reference for understanding the internal dynamics of the PKK at that period. M. Can Yüce, one of the prominent leaders of the PKK who was in prison at the time when the decision was taken to withdraw beyond borders and end the armed conflict, also describes Öcalan's policy of those days as "treason" and "surrender", and leads the opposition to this policy.

M. Can Yüce, wrote a biography of Abdullah Öcalan entitled *Doğu'da Yükselen Güneş* [The Sun Rising In the East] in 1996 as he was serving his sentence in the

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<sup>84</sup> Aliza Marcus, *PKK and the Kurdish Fight for Independence: Blood and Belief* (New York and London: New York University Press, 2007) [Turkish: *Kan ve İnanç: PKK ve Kürt Hareketi*, translated by Ayten Alkan, İletişim Yayınları, 1st Edition, February 2009].

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<sup>83</sup> Karayılan, *Bir Savaşın Anatomisi*, 352-353.

Çanakkale Prison, and also wrote about the history of the PKK. He has a special place in the PKK literature in terms of exalting Abdullah Öcalan, and he wrote another book in 1999 as a result of the trauma he experienced and the disillusionment he felt about Öcalan's decisions. His book entitled *Uluslararası Karşı-Devrim Hareketi, Teslimiyet ve Tasfiyecilik ile Bir Yanılsamanın Sonu* [International Counter-Revolutionary Movement, the End of an Illusion by Surrender and Liquidation] has exactly the opposite approach in comparison to his former book which exalted Öcalan. In his previous book, an Abdullah Öcalan biography, Yüce praises Öcalan and says: "No wonder the land of Kurdistan is called the 'Land of Sun'. The land of sun could not carry on without its sun any longer. It had been waiting for too long, it suffered endless agonies and went through many tragedies; but in the end it met its sun. Due to all these reasons, we think that *East* and *Sun* constitute the image that best explain the reality of Abdullah Öcalan".<sup>85</sup> On the other hand, he demonstrates a pro-polemic stance against his former leader in the above mentioned book. This book was published under the alias "Mahsum Hayri Pir" - a combination of the names of three symbolic figures in the PKK, i.e. Mahsum Korkmaz, Hayri Durmuş and Kemal Pir and it covers the period during which the PKK's armed forces were taken out of the country through Abdullah Öcalan's decision. In this book, Yüce asserts that the state has turned Abdullah Öcalan into the implementer of the plan to dissolve the PKK:

The plan to dissolve the PKK along with its revolutionary values and gains was in full force. The role given to Öcalan was obvious. Interrogation minutes were recorded, and the liquidation plan itself as well as Öcalan's role in this process were guaranteed by the prosecutor's statement of April 3<sup>rd</sup> [1999]; everything was under control and flowing as planned. They were not in a rush, they were all for advancing in their own pace. It was not possible to handle hastily and smoothly a struggle of decades

## FORMER LEADERS AND MILITARY COMMANDERS OF THE PKK

**M. Can Yüce:** One of the early members of the PKK. He was caught in 1980 and spent twenty years in prison. Living abroad, Yüce has become one of Abdullah Öcalan's mortal enemies.

**Mahsum Korkmaz:** Commander of the Eruh Raid of 5 August 1984, which marks the launch of the PKK's armed struggle. He died in 1985 in a conflict in the Gabar Mountain. His name was given to the political-military center of the PKK in Beqaa.

**Hayri Durmuş:** One of the PKK's founders. He died in 1982 as a result of his hunger strike in the Diyarbakır Prison.

**Kemal Pir:** One of the early members of the PKK. He died in 1982 as a result of his hunger strike in the Diyarbakır Prison.

and the values of the resistance, as it would not be in line with social and political laws. For example, the classical repentance practice and calls to 'surrender' could have some influence in the short run, yet it could not possibly lead to a total collapse of the party and the struggle. So, they would not be allowing Öcalan to play the ordinary and customary role of a repentant. He was to be a 'peace fighter' and 'serve his country' in that capacity. Now it was time for being a peace fighter. But first, they had to reach out to the PKK and bring it under their control. After containing the PKK, it would be necessary to make people get used to this new process. Therefore, the messages communicated to the outside world had to find sizeable coverage in the media.

Öcalan was confident that he could make this happen, and this over-confidence originated from the 'system' he had built. He also gave confidence to the state and he only asked for time and means to do so. Of course, he would act as a 'freedom fighter' through his lawyers [...] He was no longer a commander of war roaring in Beqaa, but a 'peace fighter' who has gone through the mill of İmralı.<sup>86</sup>



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## THE SIGNIFICANCE OF THE PKK'S WITHDRAWAL

Abdullah Öcalan's decision to end the armed struggle and to withdraw its armed forces within Turkey beyond the border stirred the PKK and Kurdish political circles, who accused him of surrender. It seems that such a move did not only cause his leadership being questioned but also didn't have any implications on the state in the process of reconciliation. Kapmaz gives the clues to the reasons for this situation in his book:

Öcalan thought what he did was a historical step to get the PKK off the mountain, and wanted the state to allow an initiative based on this step. On July 26<sup>th</sup> [1999] he summarized his expectations: 'Is not getting the PKK off the mountain the main issue here? Why are they not taking the step?' However, after a short time, the state's stance about the decision to withdraw beyond borders started to become clearer. The state did not think this step was adequate, and wanted the PKK to leave the mountains instead of withdrawing. [...] He complained that 'legal arrangements should be made to get the PKK off the mountain.' Even though Öcalan attached great importance to the Counter-Terror Law contemplated by the state, he found the substance of the law inadequate and wanted the law to cover all the members of the organization. Thus he gave the following response to the state, which was expecting the PKK to leave the mountains instead of withdrawing:

'I think the forces can be withdrawn to a certain location. I find it is the right thing to do. The state is powerful; you cannot expect them to take a step before you take a step yourself. Significant new steps would include return to villages and abolition of the village guard system. Can lawyers negotiate with the Ministry of Justice about the Repentance Law and a general amnesty? How will they manage pulling the guerrilla off the mountain by law? So I think the law should take this into account. If the law is a sort of an amnesty, then the organization should be taken as a whole.'<sup>87</sup>

The withdrawal decision, which left Öcalan stuck between the state's demand that "withdrawing beyond borders is not enough; get them off the mountain" and the turmoil in the organization, became a reality upon the approval of Öcalan's announcement by the PKK Presidency Council on August 5<sup>th</sup> 1999. Following the decision, the PKK's military wing ARGK (*Arteşe Rızgariye Gele Kurdistan* – People's Liberation Army of Kurdistan, in Kurdish) made the following statement: "As ARGK forces, we perceive Leader Apo's instruction to our armed forces - calling us to end the war as of September 1<sup>st</sup> - as an order from our Chief Commander, and we hereby declare that we will implement his decision in unity throughout our chain of command".<sup>88</sup> After this declaration, as the state's attitude towards the withdrawal decision began to reveal itself, Öcalan also started to lose hope:

On the day the PKK made the statement, Öcalan talked to his lawyers in İmralı. However, the organization's acceptance to withdraw beyond borders also failed to end the crisis between Öcalan and the state. The prevalent atmosphere in Ankara still demanded that 'Öcalan should first get them off the mountain'. And this was translated into 'Why are they not surrendering but withdrawing?' Öcalan was informed about this situation in İmralı. After summarizing the lingering atmosphere in Ankara, Öcalan told his lawyers that he would not accept the stance taken by the state:

'The prevalent atmosphere in Ankara is that 'Öcalan should first get them off the mountain.' This is not realistic. 'Why not surrender but withdraw?' they say. And this is a deadlock situation. We will find it incredibly hard to explain it to the PKK... Approaches like 'Why not a call to surrender but a withdrawal beyond borders?' do nothing but make things more difficult. It is a negative approach. Besides being far from realistic, it is not even practical. Being outside the borders is favorable for all. If forces are inside the borders, then acts of provocation will continue.'<sup>89</sup>

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87 Kapmaz, *İmralı Günleri*, 92-93. Citation from İmralı Interview Notes of 29 July 1999.

88 *Op. cit.*, 101.

89 *Op. cit.*, 101-102.

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The military has perceived the PKK's withdrawal of its forces beyond borders on Abdullah Öcalan's instructions not as a hope for peace, but as the "continued survival of the organization". İlker Başbuğ, the former Chief of General Staff of Turkey, describes the PKK's withdrawal beyond Turkish borders not as a reconciliatory gesture by Öcalan, but as a move by Öcalan to save his diminishing power. İlker Başbuğ gives his opinion on this matter as follows:

When faced with superior security forces, terrorists attempt to disperse towards safer regions. This is what happened in Turkey in 1999. Having been defeated in the country, the PKK withdrew its forces, roughly around 3000 terrorists at the time, to the North of Iraq. The failure to neutralize this group allowed the PKK to reclaim the stage after some time.<sup>90</sup>

As such, after Öcalan's second move of surrendering an armed PKK group, apart from withdrawal beyond borders, the General Staff made a statement on September 29<sup>th</sup> 1999 and made its position clear. Asserting that the group had come for propaganda purposes, the statement read as follows: "It is impossible to understand how people can interpret the recent blunders of the terrorist organization as peace attempts developing with the initiatives of the so-called organization and how they can almost applaud them. It is possible for anyone who takes a close look at the developments to see that this attempt is nothing but propaganda to rescue the terrorist organization from the dead end it finds itself in... Therefore, the TSK is determined to continue this struggle until the last terrorist is neutralized. The only way out for the terrorists is to surrender and take shelter in the supreme Turkish justice so as to be eligible for the Repentance Law".<sup>91</sup> This statement reveals clearly that the PKK's decision to withdraw its armed forces beyond Turkey's borders was not perceived as a step towards a solution or a pursuit of grounds for reconciliation.

## NO MORE A STEP FORWARD: WITHDRAWAL BEYOND BORDERS

In our interview, Murat Karayılan stated clearly that withdrawing the forces in Turkey was an unnecessary move today when we consider the current progress. In his interview appearing in the ANF two days before our interview, Karayılan addressed the matter in detail:

Such a thing [withdrawal] is out of question, and has never ever been on our agenda, as it is simply impossible. It is true that we withdrew almost all our forces beyond Turkey's borders in 99. It turned out to be a painful experience for us. At that time, it was felt that withdrawal was necessary since solution seemed far away and required a long time. Now insisting that we once again withdraw our forces outside of Turkey's borders would indeed mean not solving the problem but merely postponing it, extending it over years and perhaps harbouring some other intentions. So, it is not possible for us to accept in any way such an imposition. Why not? Because it does not make any sense practically. It has no inherent value to contribute to the process of solution. The forces will march from Dersim for three months, come to Southern Kurdistan, and then a solution will come out! No, if any solution comes out, then the forces in Dersim can be included in the process right from Dersim. Isn't it a shorter and easier way? If there is the will and mentality for a resolution, why should we have our forces march for months from as far as Dersim, Erzurum and Bingöl and relocate them to the southern borders?<sup>92</sup>

The unpleasant lessons learned from the 1999 incidents diminish the likelihood of the PKK's withdrawal beyond Turkey's borders, which is a situation that would give a chance for resolution.

Zübeyir Aydar and Remzi Kartal, whom we interviewed in Brussels, also expressed views similar to that of Murat Karayılan. Aydar said "laying down

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90 Başbuğ, *Terör Örgütlerinin Sonu*, 146.

91 Kapmaz, *İmralı Günleri*, 114-115.

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92 ANF, "Gerilla Sınır Dışına Çekilmiyor" [Guerilla is Not Withdrawing Beyond Borders], Interview with Murat Karayılan, 9 November 2010.

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the weapons would be the final phase” in the process of ‘leaving the mountain’ and stressed that in order to reach that phase, first the talks with Abdullah Öcalan should reach the level of “negotiation”, and in parallel some “confidence-building measures” should be implemented. In our face-to-face interviews, well-known Kurdish individuals supporting the PKK and acting on legitimate political ground also stressed that for the Kurdish Question to reach the resolution phase, it is necessary for the PKK to maintain its existence and its armed force, in other words preservation of the PKK bases and armed forces in Qandil is necessary.

In our interviews, although these figures expressed that “the armed struggle has petered out”, this view is usually addressed rather as a ‘philosophical standpoint.’ Hence, this view does not cover an unconditional act of the PKK laying down its arms and leaving Qandil. One Kurdish individual stated that the armed struggle had petered out and “the state of inaction should be continued”, emphasizing the need for a “5-10 year roadmap” prepared together with the state. The same person mentioned that “laying down arms should not be a precondition” adding an interesting view: “Evaluating the mountains will only result in Hezbollah filling them. The Armed Islamic Kurdish movement would then fall under the sphere of influence of Iran, Hamas, Hezbollah, Al-Qaeda, etc. Let them stay in the mountain. As long as the inaction state continues, the PKK’s existence in the mountains will serve Turkey’s interests”. The same Kurdish interviewee also stated that “the guerrilla will never lay down arms unless Abdullah Öcalan and the Kurds are satisfied”, adding that “if Sheikh Said and Seyyid Rıza had guerrilla, they would not face the same fate”. The interviewee asserted that until the time a settlement is reached, the PKK’s armed forces in the mountains will be perceived as an element of guarantee by Kurdish masses. Murat Karayılan, the chief commander of the PKK’s armed forces, voices the same view with more emphasis:

Guerrilla is a strategic power in the Kurdistan revolution. [...] The existence of the guerrilla offers a

ground for the democratic social domain to play its role. Through the balance created by the guerrilla, today the democratic, political and rebellious struggle continues in Kurdistan. [...] If the environment and balance created by the guerrilla did not exist, then neither the Turkish state nor the other states would allow the Kurdish people to wage their political democratic struggle. [...] In this balanced environment, our people and our democracy forces are able to find the opportunity for political democratic struggle. For example, if there were no guerrilla, the approach to our Alevi people and to all the Alevis would be different.<sup>93</sup>

Likewise, another well-known and influential Kurdish politician active in the legal domain in Turkey said, “Kurds will accept and consent to ‘disarmament’ reached through a solution beginning with house arrest for Abdullah Öcalan until he is finally set free, with gradual departure of guerrillas from the mountains and with a series of developments regarding their legally guaranteed identity rights. Otherwise they will not consent to laying down arms. Kurds see the armed forces as their ‘guarantee [s]’.” All these approaches, coupled with a climate of mistrust stemming from the experiences of 1999, make it more complicated for the PKK to lay down arms or ‘leave the mountain’.

Abdullah Öcalan had explained in those days how the act of ‘leaving the mountain’ could work out in practice, claiming that “withdrawal beyond borders” and “ending the armed struggle” were steps in this direction:

The PKK is ready to lay down arms completely with a general amnesty and a democratic legal reform. This time, I am making the call for those who are on the outside to come inside and lay down arms. When this happens, the PKK is ready to add all its assets, including the arms, to Turkey’s forces. If there will be a democratic legal reform and a general amnesty, then there needs to be a series of open and transparent policies to ensure this... We will come with our weapons whenever the state tells us to

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93 Murat Karayılan, *Bir Savaşın Anatomisi*, 478-479.

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come. We will bring as many arms as they want - but on the condition that there is a democratic legal reform and a general amnesty.<sup>94</sup>

From all these viewpoints, it is understood that the PKK members and supporters consider the acts of 'leaving the mountains' and hence laying down arms not as preconditions for a resolution but rather as a final phase of reconciliation attained through negotiation. In a sense, 'leaving the mountain' or 'farewell to arms' no longer remain as preconditions for a settlement, and they have become synonymous to ending the Kurdish insurgency.

The developments that took place in the first three quarters of 1999 following Öcalan's capture and his transfer to the İmralı Island teaches us good lessons, which are valid even today, on what needs to be done and not done in the process of 'leaving the mountain' and conclusively 'laying down arms':

1. The PKK's withdrawal of its forces outside of Turkey, one of the main demands brought on the agenda after the launch of the Kurdish Initiative in 2009, is not synonymous to 'leaving the mountains', and is not even an adequate step to ensure 'leaving the mountain';
2. It is a must for the PKK to maintain its armed forces, even those outside the Turkish territories (in Qandil) to be able to maintain the organization itself and Abdullah Öcalan's influence. This is a trump card which Abdullah Öcalan can never give up while negotiating his future with the state;
3. The PKK can 'leave the mountain' only on the condition that the way is cleared for the PKK to participate in Turkey's political life. Necessary legal arrangements should be made in this direction, the Organization should be addressed as a whole and steps should be taken concerning the the content and scope of a general amnesty. 'Leaving the mountain' will be only relevant if these steps are taken.

## BACK TO ARMED STRUGGLE

The failure to properly make use of the opportunities arised from the PKK's withdrawal of its forces beyond Turkey's borders in 1999 can be counted among the reasons that led the PKK to resume the armed struggle in 2004. A part of the PKK's armed forces relocated outside Turkish borders have, to a large extent, returned to their mountains in the Southeastern and Eastern regions of Turkey, especially since 2004.

Likewise the experiences of 1999 indicate that continuation of the armed struggle serves for the political interests of the political calculations of more than one actor. Keeping the armed forces section of the PKK was considered by Öcalan as a leverage on the path to resolution, yet the military circles conducting the talks with him at that period did not uphold that idea and insisted on the act of 'leaving the mountain'. In a sense, this situation was used by the PKK, which was concerned with its liquidation, as a trigger to resume the armed struggle. The PKK resumed its armed struggle as of June 1<sup>st</sup> 2004 upon the decision and orders by Abdullah Öcalan and it appears to be closely related to the major internal crises experienced by the organization at that time.

## Division within the PKK and Armed Struggle as a Means of Ensuring Unity Inside

Iraq's occupation by the US, the possible emergence of conditions enabling an autonomous or even a semi-independent Kurdish existence in the northern part of the country under the security umbrella of the US, and Turkey's progress on her path to the EU have all changed the parameters of the PKK's struggle. The dissent revealing itself in the upper command of the organization in 2003 reached to an irreconcilable extent in 2004 causing disintegration. A group, including influential executives and senior commanders such as Osman Öcalan (Ferhat), Nizamettin Taş (Botan), Kani Yılmaz (Faysal), Halil Ataç (Ebubekir), Hıdır Yalçın, Hıdır Sarıkaya (Ekrem),

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94 Kapmaz, *İmralı Günleri*, 103. Citation from İmralı Interview Notes of 12 August 1999.

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Jiyan Deniz, Sakine Batman and Ali Dursun, started to pull the wires in the organization's execution, with significant support also from inside Turkey. According to the information we received in our interviews, this group drifted away from the rest of the executive cadres of the organization because of their views which are summarized as follows:

1. That the leadership culture should be denied (i.e., refusal of Abdullah Öcalan's unquestionable leadership);
2. The view advocating that the armed struggle is unnecessary. That the democratic reforms being undertaken by Turkey on the road to the EU make political struggle in Turkey possible. That the PKK needs to become politicized, completely reject armed struggle, and work to play a role in Turkey's political scene;
3. That the PKK should refuse being organized in all four parts of Kurdistan, should transform itself into an organization present only in Turkey;
4. That the formation of a Kurdish government in the Iraqi Kurdistan is taken as a positive milestone in the Kurdish history and that it is necessary to be in close solidarity with Iraqi Kurdish organizations;
5. That the US occupation of Iraq is considered as a favorable development for Kurds and that there should be relation-building with the US, leaving aside the thesis of 'imperialist America'.

These PKK executives and senior cadres were influential not only in Turkey but also in the wide spectrum of the PKK present in Qandil. Through the orders coming from İmralı, it was announced that the said group would be expelled from the PKK organs and the armed struggle would start as of June 1<sup>st</sup>, 2004. Such a break within the PKK's senior cadres, which also included his brother Osman Öcalan, is considered by Abdullah Öcalan as a conspiracy targeted at him and he held the U.S. responsible for this. Although Öcalan makes severe accusations against Osman Öcalan and Nizamettin Taş (Botan) for this break, he does not hide the fact that he was deeply hurt:

In 99, a group of people representing the military came and talked to me. The military members in that period were experienced and seemed sincere. One of them said 'They are playing a big game, and we have to render it ineffective. If you declare that you do not want to divide the country and if you quit violence, we can discuss anything'. So I called for a ceasefire and withdrawal beyond borders, and the guerrilla withdrew beyond borders. At that time, Ecevit wanted to do something for a solution. "The Raşan amnesty" was designed for that purpose. It was going to cover the guerrilla. Our talks with that particular committee lasted until 2001. Then, as known, the NATO Gladio and the Gladio in Turkey came into the play. They dismissed Ecevit. They had long prepared to divide the Kurdish movement in two. This situation is directly linked to the U.S intervention in Iraq. The Osman-Botan rascals fell for this trap. The others stayed in Qandil. Those remaining in Qandil could have prevented this separation. But they failed to do so; they could not manage the process well; they were ineffective. They wanted me to intervene. At that time, I responded with great anger, saying 'You divide my one body into two, and then you want me to choose; I cannot accept it.' I was very angry with them, I criticized them harshly and even insulted them. How could I accept it when they divided our body into two? But those rascal Osman-Botan group broke up and went away. Almost a thousand of our cadres melted away. I was not informed in time. There were some split-ups. In the end, they wanted to divide the organization.<sup>95</sup>

In his book, Murat Karayılan also refers to the splitting within the PKK. He describes the revival of armed struggle on June 1<sup>st</sup>, 2004 as the "1 June Movement". Despite using an incriminating tone, the points made by Karayılan tie in with the accounts given by some of our interviewees:

These people including Ferhat, Botan, Ebubekir, Serhat and Ekrem were acting as a clandestine group whose activities were unknown to the party and they continued internally destructive activities and

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95 ANF, "Öcalan: Kürtlerin Kellesine Karşılık Türkiye-ABD anlaştı" [Öcalan: Turkey and the USA have reached an agreement at the expense of the Kurds], 20 May 2011.

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gradually became more organized. This group had a long history in the organization yet however their detachment became more severe after the imprisonment of people in the Leadership position including. [...] Carrying out all these activities in hypocrisy and in secrecy, the group became much bolder with the US intervention in the region by drawing on their external connections as well, and openly declared revolt against the movement during a meeting in July 2003. [...] Having attempted to turn the 1st Kongre-Gel platform into its offset platform, this treasonous group tried to manipulate the movement and derail it out of the limits set by the Leadership, and to make it dependent on international powers. In this direction, they tried all methods, and wanted to achieve a result based on external connections through the *Patriotic Union of Kurdistan* (Yeketî Niştîmanî Kurdistan, YNK) [...] This outburst from this treacherous group caused a deep convulsion and instability in the organization. However, after some crises, the Leader Apo started the process of rebuilding the PKK in March 2004, and with this intervention stopped the liquidationist group [...]. When the group was rendered ineffective after being ideologically and politically exposed, they took refuge in the YNK. This group of treason, based on the South platform, continued its enmity and dissolution-oriented activities with the support of outside forces, but could not save itself from liquidation.<sup>96</sup>

Karayılan implicitly holds responsible the US, Jalal Talabani and the YNK, with whom he was allied in Iraqi Kurdistan, for the division in the PKK:

International conspiring powers did not only confine themselves to make attacks from outside, but they also wanted to form and manipulate the liquidationist attempts of a treacherous group. [...] This time the phenomenon of liquidationism was better equipped than the previous ones and it was backed by international conspiring forces, who wanted to carry out an internal operation as part of this international conspiracy. However, with the Leader Apo's intervention and the outburst of the

movement, this internal operation of the international conspiracy was fully neutralized.<sup>97</sup>

Therefore, it is possible to conclude that the urge to eliminate the internal cracks within the organization played a decisive role in the escalation of the PKK's armed struggle. As such, a Kurdish intellectual, well-known in Turkey for his opposition to armed struggle and his close relations with the abovementioned names which had broken with the PKK, made the following comment during our interview on the PKK's decision to return to armed struggle in line with the orders of Abdullah Öcalan on June 1<sup>st</sup> 2004: "The war decision stopped the arguments and opinions of the cadres who were left outside of the war; it rendered them irrelevant. The war decision played a uniting role that healed the division in the PKK ranks. This was the purpose of the Turkish deep state. The interests of the deep state and the militant wing of PKK, such as Cemil Bayık, collided".

### Who Wanted the Armed Struggle?

During our interviews, a Kurdish intellectual, who considered the developments in 1999-2004 as "a lesson both for the state and for Abdullah Öcalan", asserted that the return to armed conflict was especially desired by certain elements both in the state and within the PKK. He said, "Silencing the weapons opens up a civilian domain. Leaving the mountain through amnesty or similar means weakens the authority of armed guys. Had anyone ever heard of the names of Cemil Bayık or Duran Kalkan in 2000?" It is understood both from Abdullah Öcalan's statements and from the accounts given by Karayılan, commander of the PKK's armed forces, in his book, that the preparations for the armed struggle on June 1<sup>st</sup> 2004 had started long time ago. Öcalan, concerned that the US soldiers occupying Iraq would enter the 'Defense Areas of Medya', called for the PKK's armed forces to return to Turkey from Northern Iraq. The PKK and some Kurds refer to the Iraqi Kurdistan as the 'South'

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96 Karayılan, *Bir Savaşın Anatomisi*, 483-484.

97 *Op. cit.*, 488.

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and to the Kurdish regions of Turkey as the 'North.' In his interview notes from September 4<sup>th</sup> 2002 in İmralı, Öcalan calls the PKK's armed forces (*Hêzên Parastina Gel* - HPG) to enter Turkey: "They should develop the HPG for self-defense. If necessary, they should increase their numbers to 100 thousand. They may also enter the North. I have not put any limits on them". After this assessment by Öcalan, the PKK members started to enter Turkey in groups, and "by 2003, the number of PKK groups in Turkey had reached 1500".<sup>98</sup> Murat Karayılan's account of that period is as follows:

HPG experienced the 2001-2002 and 2003 processes with a very serious ideological and military concentration. [...] Moreover, it started preparations for the development of a defensive war on the self-defense line, and transferred the necessary forces to Northern provinces for a defense war in 2003. [...] Publicity was not taken as a basis when doing all these. It was an action carried out within the knowledge of only the compact management of the movement. Plus, it was never revealed to the media. Hence, the forces were deployed inside without anyone's notice. Therefore the Turkish state was also unaware of the situation. Once it came to realize the situation, the deed was done, and the forces were already in their positions... With these developments, in 2003 HPG decided to move its headquarters from Qandil to Behdinan, and concentrated on its preparations for a war of defense.<sup>99</sup>

Considering that Abdullah Öcalan's contacts and relations with his organization are completely under the state's control, it does not seem very plausible that the 'state' would be totally unaware of the PKK's preparations to start armed struggle and shift its forces inside Turkey. According to some of our interviewees certain units of the state, in other words the 'deep state', were fully aware and informed of the PKK's preparations for transition to an armed struggle. When asked what they meant by the state or the 'deep state', the interviewee's uttered the word the "military" or the "General Staff". For example, in

our long interview in Arbil in November 2010, Nizamettin Taş (Botan) described their thoughts about Abdullah Öcalan's decision to resume armed struggle on June 1<sup>st</sup> 2004, which ultimately resulted in their dismissal from the PKK: "We interpreted the war decision as the will of the General Staff. As an intervention of the State. PKK's politicization would spoil the plans of the General Staff. How could the military interfere in politics if there were no wars?"

One of the persons who had closely watched the contacts with Abdullah Öcalan in İmralı in 2003-2004 and who had even played an active role in some of those contacts, said during our interview that the military members talking to Öcalan in that period were effective in the PKK leader's decision to manipulate his organization towards armed struggle: "The soldiers, some of whom later became defendants in the Ergenekon case, made Abdullah Öcalan believe that there would be a coup d'état and the AK Party rule would end in any case. This group communicated to Öcalan the message that 'Turkey is going towards the EU, but you have no place in there; you cannot enter the EU's Turkey equation unless you have power'. They were already against Turkey's progress towards the EU accession".

At this point, it should be recalled that the group running the talks with Abdullah Öcalan consisted of different military cadres of different political affinities at different times. The contacts with Öcalan, started in 1997 during the office of General İsmail Hakkı Karadayı and his successor Gen. Hüseyin Kıvrıkoğlu as Chief of General Staff, were continued by the same cadres during the period Öcalan was brought to İmralı, and even afterwards, until the end of 2001. Yet, the officers, who are today called the 'Ergenekon guys', were the ones who ran the contacts from 2002 until 2005. From the beginning of 2002 until the US occupation of Iraq in 2003, almost no interviews were made with Öcalan in İmralı, and the talks were virtually frozen. The team conducting the talks with Öcalan after 2002 had not only a different approach than the military cadres who had handled the talks between 1997 and 2001, but were not even under the control of the then-Chief of General

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98 Kapmaz, *Öcalan'ın İmralı Günleri*, 202.

99 Karayılan, *Bir Savaşın Anatomisi*, 482-483.

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Staff, Gen. Hilmi Özkök. The interactions undertaken by this team were, unlike the previous group, in the manner of giving instructions and suggestions to the captive PKK leader. This information was revealed from the accounts given by our interviewees who knew of and had closely followed the contacts they made in that period.

In his interview notes from April 29<sup>th</sup> 2011, Abdullah Öcalan describes this period, which is addressed in all its aspects above, its effects and outcomes still felt today as well as lessons to be learned:

It is now understood that, after the AK Party assumed the government in 2002, the Gladio forces in the army, which I call JİTEM, aspired two or three failed coup attempts. After the Bush-Erdoğan Summit of November 5<sup>th</sup> 2007, the US openly withdrew its support from the army and started to support the AK Party. In fact, that is what happened with the Ergenekon case. I had said that these generals were all ‘betrayed’, and later on Veli Küçük also said, following the Erdoğan-Bush meeting on November 5<sup>th</sup> ‘we were betrayed on that day’. Indeed, they had understood very well what came on them.<sup>100</sup>

## HABUR, KCK ARRESTS AND THEIR HEAVY TOLL

While producing this report, we were also informed that the contacts made with Öcalan after 2005 gradually left the control of the military’s side and shifted towards the MİT, which had a closer working relationship with PM Tayyip Erdoğan. The coup attempts targeting the AK Party government were discovered during the Ergenekon investigation launched in 2007. Such coup attempts were concentrated during the years of 2003 and 2004 but yielded no results. This was coupled with the decision to start Turkey’s negotiations for full membership to the EU taken by the EU Summit in Brussels in December 2004. The AK Party government started negotiations for full membership to the EU in October 2005, and

Turkey’s status was changed from “Candidate Country” to “Candidate Country with Accession Partnership”. These developments are particular signs of the consolidation of the civilian government, hence may be perceived as the reason why the contacts between the state and Abdullah Öcalan were transferred from the military institutions to the civilian institutions. The developments taking place on this background paved the way for the Initiative right after the AK Party’s victory in the general elections of July 22<sup>nd</sup> 2007 with a very high vote of 47%.

The Initiative, declared as the starting point of a series of actions for the resolution of the Kurdish Question, was launched with a meeting attended by Beşir Atalay, the Minister of Interior of the time who was also called the “Coordinator of the Initiative”, as well as fifteen intellectuals, journalists and academicians at the Police Academy in Ankara on July 29<sup>th</sup> 2009. Initially named the “Kurdish Initiative”, the initiative soon came to be called the “Democratic Initiative”. Afterwards, Prime Minister Tayyip Erdoğan chose to use the term “National Unity Project” instead of “Democratic Initiative”.

The culmination point of this settlement initiative, briefly called as the Initiative, was when a group of thirty four people (twenty six from the Mahmur Camp, a refugee settlement in Northern Iraq, and eight from Qandil, including four children, and also women) entered Turkey from the Habur border gate on October 19<sup>th</sup> 2009. The entry of thirty four PKK members, eight holding arms, from Habur and their free return to Turkey following a very brief interrogation at the border raised great hopes that the Initiative would achieve its aim of laying down arms. The group was transported from Habur to Diyarbakır via an open-top bus amidst the demonstration of love and joy by tens of thousands of people, and it caused turmoil in the Turkish political life and received some very harsh reactions from a significant part of the Turkish public opinion. Consequently, the Initiative came to a deadlock at a time when it was thought to have reached its culmination.

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<sup>100</sup> ANF, “29 Nisan 2011 Tarihli Görüşme Notları” [Interview Notes from 29 April 2011], 2 May 2011.



According to the information we have received while drafting this report, the entries from Habur were considered as an important pillar of the government's Initiative project and an important part of a general plan. The general plan consisted of preparations by the MIT Undersecretary to identify the steps to be taken in coordination with the other institutions of the state, starting from 2005. The general plan was known to Qandil, and according to the plan the entrance of 8 PKK members into Turkey from Habur, as having laid down their arms, was the initial step that could lead to the act of 'leaving the mountain'. The plan was very extensive in essence and it envisaged the steps to be taken concurrently. According to the plan, while Turkey would be taking steps to build a resolution framework for the Kurdish Question in the legal domain, there would be changes in the imprisonment conditions of Abdullah Öcalan, and Öcalan would be under house arrest during that time.

In parallel, the PKK members with the exception of the executive cadres of 60-65 in Qandil would be eligible for amnesty, some sort of 'homecoming', through which they could immediately start exercising their political rights. The plan envisaged a settlement mechanism in which PKK executive cadres in Qandil, identified as 60-65 individuals, would settle in Iraqi Kurdistan during the five-year transition period, and then return to Turkey. This five-year transition period provided for the participation of the executive cadres of the PKK in Qandil and abroad as well as Abdullah Öcalan, who would be concurrently completing his house arrest, in the political life of Turkey. The Iraqi Kurdish leaders had also played a role in the preparation of this plan.

Entries from Habur were in harmony with the plan of the 'Turkeyfication of the PKK', as emphasized in particular by some high-level state officials we

## THE BREAKING POINT: THE HABUR INCIDENT

On October 19<sup>th</sup> 2009, a total of thirty four people, four of them children, entered Turkey from the Habur Border Gate. Eight of them were from Qandil and twenty two from the Mahmur Camp. Lawsuits were filed to the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Heavy Penal Courts of Diyarbakır against the Qandil members entering from the Habur Gate, with the charges of membership of a terrorist organization and involvement its propaganda activities. The twenty two people from Mahmur were sued for carrying out activities in the name of a terrorist organization despite not being a member.

In the first hearing of the case administered under file no. 2010-02 by the 4<sup>th</sup> Heavy Penal Court of Diyarbakır, the court ruled for the arrest of seven people including two from Qandil and five from Mahmur, all of whom were still under arrest. In the first hearing of the case administered under file no. 2010-305 by the 5<sup>th</sup> Heavy Penal Court of Diyarbakır, the court ruled for the arrest of three people including two from Qandil and one from Mahmur, all of whom are still under arrest. In the case administered under file no. 2010-282 by the 6<sup>th</sup> Heavy Penal Court of Diyarbakır, no arrest decisions were made against the defendants. Cases were filed against seventeen people entering from Habur,

including eight from Qandil and nine from Mahmur, due to speeches and statements given at various occasions; these individuals are currently free.

Currently, four of those coming from Qandil and six of those coming from Mahmur are still in prison. The twenty four people who have not been arrested have already left Turkey. There are multiple cases initiated against both those who are currently under arrest and those who have already left the country at the Specially Authorized High Criminal Courts of Malatya, Erzurum, Van and Diyarbakır. The PKK members from Qandil, Lütfü and Şerif, were convicted on charges of propaganda, while the cases filed against Şerif and Nurettin, who are PKK members, on grounds of propaganda, are still continuing. The cases filed against those coming from Qandil with regard to the day they had entered from Habur were on charges of PKK membership, while the cases initiated against these same persons one day after their entry from Habur were on charges of carrying out activities in the name of a terrorist organization despite not being a member. In other words, the courts regard the comers from Qandil as PKK members on the first day of their entry into the country and not as members on the subsequent days.

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interviewed during the preparation of this report. Officials in Turkey, some once been high-ranking security officials and some others still serving in similar capacities, underline the necessity to ‘Turkeyfy the PKK’ with a view to make sure that the organization ‘leaves the mountain’. When we ask them what exactly it means, they say that the PKK will remain vulnerable vis-a-vis the control of alien forces as long as it remains in Qandil and in Europe, and that it is a must for the organization to “retreat into Turkey’s legitimate politics” to get out of this situation and lay down arms. In their own words, this idea implies opening the political domain in Turkey to the PKK so that the PKK will not feel the need to engage in armed struggle on the mountains. From this perspective, the Habur initiative should be regarded as a small but significant step towards the ‘Turkeyfication of the PKK’.

The Habur initiative backfired, which was the first step of a plan that had been studied for several years. The publically undisclosed plan proposed the ‘Turkeyfication of the PKK’ to be disregarded. In particular, two months after Habur, a wave of detentions under the KCK Case, resulting in the arrest of many mayors and many cadres from the banned DTP and its replacement, the Peace and Democracy Party (BDP), had irrevocable affects on the process. Photos showing the KCK defendants, including mayors, in handcuffs before the Diyarbakır Courthouse caused heated discussions across Turkey and an even greater trauma in the Kurdish society.

The first wave of detentions during the KCK process took place on April 14<sup>th</sup> 2009, two weeks after the local elections of March 29<sup>th</sup> 2009, in which DTP had won a major success. In this first wave, three deputy general secretaries of the DTP were arrested. The second wave of arrests, which garnered the most public reaction following the Habur incidents resulted in seven arrests including mayors; with wide-spanning arrests following this second wave, 1483 members of the BDP had been arrested by the first quarter of 2010. Those arrested in connection with the KCK case in the eve of the general elections of June 12<sup>th</sup> 2011 are around

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*The Habur experience contains a severe lesson for both sides. Habur added on to the KCK Case, which was already a problematic issue, and has made it obligatory to make some concentrated efforts to reinstate a climate of mutual confidence before taking any new initiatives, due to the crisis of confidence it has created.*

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3200 in number. The majority of them are registered as members of the BDP.<sup>101</sup>

Cases were filed against the group entering from Habur at the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Heavy Penal Courts of Diyarbakır, on charges of membership and propaganda of a terrorist organization for those coming from Qandil, and on charges of carrying out activities in the name of a terrorist organization despite not being a member for the twenty two people who had come from Mahmur. As of the date this report was written, four of those coming from Qandil and six of those from Mahmur are still under arrest. In other words, ten of those entering from Habur on October 19<sup>th</sup> 2009 were still under arrest during the elections of June 12<sup>th</sup> 2011, while the remaining twenty four have left Turkey and returned to Mahmur and Qandil. The Habur incident and the subsequent KCK operations and in particular the perception of unkept promises have all created a crisis of confidence that cannot be repaired against the government in Qandil. In our interview, Murat Karayılan expressed this deep sense of mistrust very clearly.

The Habur experience contains a severe lesson for both sides. Habur added on to the KCK Case, which was already a problematic issue, and has made it obligatory to make some concentrated efforts to reinstate a climate of mutual confidence before taking any new initiatives, due to the crisis of confidence it has created.

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<sup>101</sup> Ahmet İnsel, “KCK Operasyonu’nun Arkası”, *Radikal İki*, 18 April 2010. Also based on information received by Cengiz Çandar from BDP Co-Chair Filiz Koçali on 28 May 2011.

## WHAT IS THE KOMA CİVAKÊN KURDİSTAN (KCK)?

The abbreviation KCK entered the agenda of the Turkish public opinion with the wave of wide-spanning arrest, the first of which took place in the early months of 2009 and the second in December 2010. Although the Turkish media widely identified the KCK as the “PKK’s urban organization” and continues to do so, this is not exactly what the KCK stands for.

The KCK is the acronym for the Koma Civakên Kurdistan, meaning the Union of Kurdistan Communities. The KCK was established through the reorganization of the PKK within the framework of the principle of “democratic confederalism” suggested by Abdullah Öcalan in his 2004 book *Bir Halkı Savunmak* [Defending A Nation]. The “democratic confederalism” concept, coined and developed by Öcalan, was suggested as an alternative to the nation-state and as a model to solve the problems in the Middle East. In this framework, the KCK is like an executive organ coordinating the PKK and all the parties and organizations operating in the other Kurdish regions as an extension of the PKK.

The idea of the KCK was proposed at the 5<sup>th</sup> Congress of the Kongra-Gel (Kongra Gelê Kurdistan – Kurdistan People’s Congress) held in Qandil in May 2007, and it replaced the KKK, which had been in existence since 2005. KKK, standing for Koma Komalên Kurdistan, was established at the Kongra-Gel’s 3<sup>rd</sup> Congress in Qandil with 236 delegates in May 2005, in accordance with Öcalan’s “democratic confederalism” concept. At the 3<sup>rd</sup> Congress of Kongra-Gel, at which the KKK was established, the organizational chart identified a Kongra-Gel Presidency Council of five individuals, eleven Permanent Commissions, a Court of Justice of seven individuals, and a KKK Executive Council Presidency of seven individuals. In this 3<sup>rd</sup> Congress, Zübeyir Aydar was made the Kongra-Gel President, and Murat Karayılan was appointed as President of the KKK Executive Council.

In May 2007, at the 5<sup>th</sup> Congress in Qandil attended by 213 members representing the Kurds in Turkey, Iran, Syria, Iraq and abroad, the KKK’s name was changed to the KCK. The KCK was envisaged as an umbrella organization covering the Kurds of Turkey, Iran, Iraq and Syria, as opposed to the Turkey-focused organization of the KKK. Abdullah Öcalan’s status was identified as the “President of KCK”. It was decided to set up an Executive Council consisting of a Chairman and thirty members, for an office term of two years. Currently, Murat Karayılan is the Chairman of the Executive Council.

A bottom-up organizational design is envisaged for the KCK. It encompasses the Youth Council, the Women’s Council, and five different councils who are claimed to represent the Kurds living in Turkey, Iraq, Iran and Syria and in places other than these countries. In addition to the PKK, political

parties such as the PJAK (Partiya Jiyana Azad a Kurdistanê - The Free Life Party of Kurdistan) active in Iran and the PYD (Partiya Yekîta Demokratîk - Democratic Union Party, in Kurdish) active in Syria, as well as civil society organizations, and the PKK’s armed wing, the HPG (Hêzên Parastina Gel - People’s Defense Forces, in Kurdish) are included. The Kongra-Gel, in which 300 delegates elected from the above-mentioned councils are represented, is like the legislative organ or parliament of the KCK.

Murat Karayılan explains in his book how the principle of “democratic confederalism”, on which the KCK is based, can be implemented in Turkey although it might seem utopic:

“Our strategic aim is to meet Turkey on the foundations of democratic unity. If they do not want to experience a democracy and state with us, we are not without a solution, as we have other alternatives. This alternative is the independent self-declaration of the democratic confederal system. [...] The society should be independent, the nation should be independent. Yet, the main purpose should be for independent nations to form a democratic nation community together and based on equality, within a confederal system. This is what we want to develop in Turkey. Let us be equal, our nation also has a share in the foundation of this Republic, our nation is a founding member of this Republic, we say. We have no ambitions for a federation or for autonomy in the classical sense; we do not want it. We are saying that you should rule and we should be autonomous under your sovereignty. Our rationale is not pro-autonomy. It is the mentality of the equality of nations. It is the mentality of democratic nation. It is a system of partnering, where various cultures live together. If nations do not want to live together within that framework, they can also live separately. Yet, partnership is the main purpose of the virtue of humanity, and means placing no limits to brotherhood. [...] Those who are unable to get over the classical viewpoint within our system think that when we say ‘we will be independent’ we will become a state. In essence, thinking like that and approaching with this mentality equals to a rejection of the confederal system”.<sup>102</sup>

The “democratic autonomy” concept which laid the groundwork for large-scale debates in Turkey is also related to the ‘democratic confederalism’ concept and is among the main purposes of the KCK, which is founded on this principle.

102 Karayılan, *Bir Savaşın Anatomisi*, 461.





# The Kurdish Question and the PKK in the Process Ahead

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## A NEW CONSTITUTION, A NEW RESOLUTION PROCESS

Following the elections of June 12<sup>th</sup> 2011, Turkey will enter a period with elevated expectations and hopes for finding a solution to the Kurdish Question. The harsh polemics between PM Tayyip Erdoğan and members of the ruling party and the BDP cadres during the pre-election period, the increased number of military operations against the PKK's armed elements, and meanwhile the armed acts undertaken by the PKK may have cast a shadow on the new process, although all the sides we interviewed express having expectations and hopes for post-elections. The main reason is that after June 12<sup>th</sup>, the process of making a new constitution will start.

A key state official said during our interview, with regard to the Kurdish Question and the PKK dimension thereof, that “after the elections, the work for the new Constitution can start a new process with the ultimate goal of disarmament”. Another state official in a parallel position spoke as follows: “Now, with the New Constitution –after the elections– we have a chance to make progress. Many articles of the New Constitution can be amended in a way which will respond to the Kurds without disturbing the Turks. There are studies and drafts for such a Constitution”. A member of the government we interviewed said, “Constitutional amendments can be made after the elections. Necessary changes can also be made in the Counter-Terror Law”, signaling that a new process could be started in the resolution of the Kurdish Question after June 12<sup>th</sup> 2011. One of these officials pointed out that “starting a process with the ultimate goal of disarmament” depends on “international commitments”, and when asked, “Do you mean Iran

when you say international commitment?” he responded that he meant the “regional countries” in general and also the “allied countries”.

## THE EXTERNAL DIMENSION OF THE ‘PKK QUESTION’: IRAN, SYRIA AND THE OTHERS

The view that external forces are important in the resolution of the Kurdish Question brings us to the external dimension of the problem of ‘leaving the mountain’ and the PKK’s ‘laying down arms’. The fact that the PKK’s leader cadres and armed forces have been outside of Turkish territories for many years, that Kurds live in the territories of four different sovereign countries in the Middle Eastern geography, and the fact that they have created a large diaspora/expat community in European countries, particularly in Germany, automatically adds an international dimension to the ‘PKK Question’. The fact that a large part of the PKK’s armed forces are settled in the area adjacent to the Iranian Kurdistan in the Iraqi Kurdistan Region, and that the eastern half of the Qandil Mountain is located in Iranian territories are the main factors that keep the PKK in close physical contacts with Iran.

Underlining the importance of the ‘Iran factor’ in the PKK’s departure from the mountain, the Secretary General of the Socialist Party of Kurdistan said during our interview that “Iran does not want the Kurdish Question to resolve. It does not even like the situation here, i.e. the presence of a Kurdish government in Arbil; but it is done and now there is a *de facto* Kurdish government. Turkey’s approach to the Kurdish Question would be different. The Iranian policy does not act on similar routes to Turkey’s. It may create

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difficulties”. This draws attention to the negative role that Iran may have played on the PKK’s position about laying down arms. The same observation was also shared by Osman Öcalan who was responsible for the PKK’s relations with Iran for a while, and by Halil Ataç (Ebubekir), one of the highest-ranking officers of the PKK. Halil Ataç said, with regard to getting the PKK ‘off the mountain’, that “It will not happen unless you tie it up to Iran. Iran should absolutely participate in the resolution”. Abdullah Öcalan also makes interesting references to the ‘Iran factor’ in the notes of his recent interviews:

I will make a brief assessment of the events taking place in Yüksekova. It is not sufficiently understood; the word ‘provocation’ falls short in describing the entirety of the current situation; provocation becomes insignificant vis-à-vis all these happenings; things are more serious, going deeper. Iran is behind it. This was developed through a security agreement with Turkey. There was the all known disresolution of the Hezbollah. Later on they escaped to Iran. These are things we have all become accustomed to. Iran is always behind such schemes. It always extends its hands to grab something. It always sets up and supports such forces attached to it. In the past, they did the same thing to some Kemalist intellectuals. They are still doing the same thing in the Middle East. They do these things in places like Lebanon, Syria, and Bahrain etc. Iran is behind the Shiite uprising in Bahrain. This is Iran’s style. It does it via money and guns in border regions such as Iran, Hakkari, Yüksekova and Van. It is always easy to find someone with tendencies and weaknesses towards money and weapons. Now they see that the Kurdish nation is winning something, gaining something, so now they are saying ‘let us be partners’. This is the calculation. Their aim is to sponge up the struggle of the Kurdish nation by using religion.<sup>103</sup>

Nevertheless, a short while after making this statement, Öcalan became concerned that Turkey might have made a deal with the US “at the expense of

the Kurds” based on the Arab uprisings (the Arab Spring) taking place in the Middle East, and this time he emphasized that Kurds could make an agreement with Iran and Syria:

Turkey sold Kaddafi out by making a deal with the US. As currently shown by the military base provided to the NATO in Izmir, Turkey has fully made a deal with the US and has mobilized all its assets. It has also sold the Kurds in connection with these policies. This includes all the Kurds. This includes also the Kurds in Syria, in Iran and in Iraq. The Kurds may attempt to make a deal with Syria or Iran. In this process, Syria and Iran can be warned against attempting to use the Kurds. It would be a catastrophe for them, it would be their end. I am giving them a harsh warning. They have to make a deal with Kurds. It can be an agreement based on democratic autonomy. If the Syrian state does not accept it, then Kurds can act together with the dissidents. However, in case of acting in unison with the dissidents in Syria, all efforts should be towards democratizing Syria. [...]

I can see the picture that will be revealed after today. Our nation and everyone should know this. The Kurds in Syria and Iran will remain on the line of freedom and will further develop. As to the Kurds in Iraq, one segment in particular has some deep relations with Iran and Iran has an excessive influence on them. They will never separate their way from Iran, due to the deep-rooted Iranian influence. It would be dangerous if there was a political division that split the Kurds into two different factions; the danger should be perceived from this day.<sup>104</sup>

Öcalan’s analysis, regardless of its accuracy, is important in terms of placing the Kurdish Question and the activities of the PKK into the framework of the regional balance beyond Turkey borders. In our interview, one Kurdish executive said with regard to the events taking place in Syria that the attitude adopted by the Turkish government had angered the Syrian Baas regime, and added: “The Syrians used to hold the trump card of the PKK before. It should not surprise anyone if they decide to use this trump again”.

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<sup>103</sup> ANF, “Öcalan: Büyük Savaş Çıkarırsa Hükümet 3 Ay Dayanamaz” [If A Big War Erupts, the Government Cannot Stand Even 3 Months], 13 May 2011.

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<sup>104</sup> ANF, “Öcalan: Kürtlerin Kellesine Karşılık Türkiye-ABD Anlaştı” [Öcalan: Turkey and the USA have reached an agreement at the expense of the Kurds], 20 May 2011.

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Öcalan had already hinted at the times he engaged in a showdown with the state, that the PKK could use its position within the regional balances as a trump against Turkey. Öcalan's statement from September 10<sup>th</sup> 2003 revealed the parameters on which the showdown process would be based at that time: "If Turkey gets closer to the US, the PKK will get closer to Iran, Syria and even Russia. If Turkey develops relations with Iran and Syria, the PKK will develop relations with the US. This is like a teeter-totter. Such relations are natural".<sup>105</sup> The same Abdullah Öcalan, while giving the signals of how he could use the PKK's external dimension as a trump card against Turkey, also emphasizes the potential for 'Reconciliation inside Turkey': "They can say 'come' to the PKK. This 80-year mistake must be corrected. A call can be issued, so that they can come to participate in democratic political unity. If the PKK does not come under such circumstances, then I will personally intervene".<sup>106</sup>

The view that some countries, mainly France and Germany, control the PKK cadres in Europe and adapt their relations with the PKK according to the state of their relations with Turkey is an opinion prevalent in the Turkish security bureaucracy and political circles, and this view should be taken into consideration as an example of the 'external dimension' of the PKK.

## URGENCY OF THE RESOLUTION PROCESS

Considering the PKK's regional dimension and the historical transformation experienced in the Middle East and Northern Africa as a result of the huge public uprisings which are popularly called the Arab Revolution or the Arab Spring, the urgency for Turkey to find a solution to the Kurdish Question within its own territories becomes evident. In our interview about the Kurdish Question with Leyla Zana, she said that "if this problem is solved, if a solution takes

*According to Leyla Zana: "If this problem is solved, if a solution takes shape, then Turkey will become a global bridge in the real sense; it will become the star of the region".*

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shape, then Turkey will become a global bridge in the real sense; it will become the star of the region". Similar views were also voiced by many Kurdish individuals during our interview. One Kurdish individual, emphasizing that Kurds do not aim to break from Turkey or establish a separate, independent state, but want "equal citizenship status" and "equal sharing of sovereignty" within the Turkish territories, and that the concept of "democratic autonomy" essentially expresses the same, said, "If this happens, then Turkey will really become a regional power", underlining that the settlement of the 'Kurdish insurgency' will strengthen Turkey as a whole in the international arena. Similarly, an Iraqi Kurdish executive said "if Turkey does not solve the problem within its territories, others will use the PKK", making a reference to the regional and international dimension of the matter, and argued the following view: "If Turkey settles this matter, its effect will span over all Kurds; all Kurds will then come to Turkey's side; Turkey will then gain an influence on the Iranian Kurds all along the Iranian-Iraqi border, reaching the central Iran as well. It will then have extend its 'defense line' right up to the middle of Iraq through us. Resolution of the Kurdish Question within Turkey's own territories will also have its reflections on Syria. The solution will empower Turkey immensely".

Considering the massive turmoil shaking the region and the delay in finding a solution, it brings no changes to Abdullah Öcalan's position and hence an uncertainty about the act of 'leaving the mountain'. There is the gradual growing possibility that the problem in Turkey will become deadlocked and the situation will reach a level where it cannot recover. In addition, unless a solution on which the parties can reach an agreement on the least common denominators is found in the coming days, the

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<sup>105</sup> Kapmaz, *Öcalan'ın İmralı Günleri*, 238. Cited from İmralı Interview Notes of 24 September 2003.

<sup>106</sup> *Op. cit.*



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possibility of Abdullah Öcalan’s withdrawal from the process on the one hand and the generational change starting within the Kurdish movement on the other hand, could drag the situation into a deadlock.

### Öcalan’s Position in the Process

In his statements released in May 2011 which were covered by the Turkish media as ‘another threat’, Abdullah Öcalan drew attention to the talks he had with the “state committee” in İmralı. He said, “I had called it the democratic constitutional solution process”, after which he signaled that he could opt out from the process depending on the direction of the developments that are to take place after the elections:

I had said that on June 15<sup>th</sup> [2011] there would either be a broad contract, a big war would erupt, or all hell would break loose. A total civil war can erupt both in the rural and in the urban. And its consequences would be heavy. Such a civil war could occur on the streets, in the cities, everywhere, it could even be an internal strife, I had said. I am saying it again, if civil war erupts, it will not only be Kurds who are affected but everyone. [...] I am telling the Kurds openly. In such a case, they should consider me dead here, because I cannot practically lead them from here.<sup>107</sup>

The PKK leader repeated the same views in his interview notes released a week later:

I hereby make this call to our nation, to our organizations: I would have loved to be your practical leader too, but I am only able to lead you in theory since my circumstances do not allow otherwise. If a green light is not given until June 15<sup>th</sup> within the framework of what I have said here, if no announcement is made that a solution will be developed, then consider me dead already! What will happen after that is uprising, insurgency; it can be anything. I call it a revolutionary civil war. We are

going through historic days, we are in a historic process; there will be important developments. Everybody should be aware of these. The BDP, Qandil, they will all act with awareness of these. I hope there will not be a war; I hope a solution is brought about and peace happens.<sup>108</sup>

Öcalan, stating in his announcement the other week that he could pull out of the process on June 15<sup>th</sup>, was not sufficiently understood by neither the Turkish nor the Kurdish public opinion. He released a new statement emphasizing that he had said those words to contribute to a solution, and not to threaten or blackmail.

I think that my announcements that I would withdraw on June 15<sup>th</sup> were not sufficiently understood by either the Kurds or the Turkish public opinion. For a long time and still, I have been shouldering a heavy burden. There are so many knots on me. I think it is not right for me to be the practical leader and play the role anymore under these conditions here [in İmralı]. I had already stated before that I would not be able to act as the practical leadership and that it would not be right. When I say I will be withdrawing on June 15<sup>th</sup>, it is regarded as a threat or blackmail. I did not make these statements to threaten, but for the resolution of the Kurdish Question. Under the current conditions, my practical leadership brings harm more than it brings benefits. Both the state and Qandil and BDP have piled all the problems on my shoulders, and the Kurds expect me to be their practical leadership. Henceforth, they should make their own decisions about their own situations. It is already uncertain what my end will be here. What will happen if there is an earthquake and the whole prison collapses down on me? This situation cannot continue forever. Even a rock has a physical lifetime. Physically, I do not know how long I can stand. So, everyone should assume their own leadership. Likewise, those in Qandil have all reached

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107 ANF, “Öcalan: Büyük Savaş Çıkarsa Hükümet 3 Ay Dayanamaz” [Öcalan: In Case of a Big War, the Government can’t hold for more than 3 months], 13 May 2011.

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108 ANF, “Öcalan: Kürtlerin Kellesine Karşılık Türkiye-ABD Anlaştı” [Öcalan: Turkey and the USA have reached an agreement at the expense of the Kurds], 20 May 2011.

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their 60s and have a certain experience; they have the experience and maturity to lead themselves.<sup>109</sup>

The date of June 15<sup>th</sup> 2011, which was often repeated in Öcalan's statements in May 2011, should be considered not as a specific day on which an absolute decision will be made, but as the days following the elections of June 12<sup>th</sup> 2011. In any case, Öcalan says in his statement: "by using June 15<sup>th</sup> as a date, I am not saying that a breaking point will absolutely take place on 15 June. I am not saying that a solution will be developed right away on June 15<sup>th</sup>, and I have no such expectations".<sup>110</sup> This underlines that what he stresses is that the government should "make a statement that they will solve this matter by including the Kurds in the solution process". The "inclusion of the Kurds in the solution process", offered as an expectation from June 15<sup>th</sup> in the PKK-BDP line, should also be addressed in the sense of transition to the negotiation phase regarding demands such as changing Öcalan's situation, 'leaving the mountain' and "democratic autonomy and education in mother tongue".

## Generational Differences and Sentimental Break Ups

In addition to the above-mentioned factors, the urgency of entering a new solution process together with the making of a new constitution after June 12<sup>th</sup> is also associated with the sentimental break with Turkey reaching critical levels especially among the young Kurdish generations, and in conjunction with the emergency of generational differences in the Kurdish political movement. Muzaffer Ayata, the PKK's highest-level officer in Europe, said in our interview of November 2010 that "Abdullah Öcalan is a chance. The control is in his hands. He wants peace", and emphasized the "generation element" with regard to solution; he said, "our generation is a chance; at least, we all went to the same schools, debated in the same canteens, participated in the

*"Our generation is a chance; at least, we all went to the same schools, debated in the same canteens, participated in the same associations and did our military service together", by which he means that in the current period, young Kurdish activists have no such common denominators with the 'Turks'.*

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same associations and did our military service together", by which he means that in the current period, young Kurdish activists have no such common denominators with the 'Turks'. This break up between young Kurdish generations and the rest of Turkey is also addressed by Murat Belge:

You cannot distinguish between Kurds as 'good Kurds /bad Kurds.' If you insist on doing so, then you would be the only one to believe that. You cannot make Kurds accept it; and you would even be raising the reputation of those you call the 'bad Kurds'.

This phenomenon has been voiced many times: It is not easy to find a person with whom you can converse when you go to Hakkari, Cizre or Muş. Time goes by, and the conditions we have created in turn create their own people. The last generation with whom we can talk and whom we can understand is getting older (and they are more or less our peers in age). You are left with no common language with which you can communicate with those who are starting to fill up the ranks. Those who will come henceforth will not hear the word "peace" even from the generation of their own elder brothers, let alone from our generation.<sup>111</sup>

An interview with Ahmet Türk appeared on the same day as Murat Belge's article was published in *Taraf* newspaper. The interview gives a striking summary of the situation. Türk is one of the names Belge describes as "the last generation with whom we can talk and whom we can understand". Aydıntaşbaş asks, "the BDP members frequently say 'it will be harder to make

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109 ANF, "Öcalan: Yeşil Işık Bekliyorum" [Öcalan: I am waiting for the Green Light Sign], 27 May 2011.

110 *Op. cit.*

111 Murat Belge, "Kürt Sorunu ve Başbakan" [The Kurdish Question and the Prime Minister], *Taraf*, 29 May 2011.

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peace with the next generation that will follow us.’ Are the young people more angry?” and Ahmet Türk answers: “They are. It is already visible. This new generation following us is a different generation who has grown up with war, with no experience of living together. We, the older generation, enter into dialogue more easily since we have gone through different processes. But an emotional separation has already started, especially among the youth. We have to prevent it through common logic”.<sup>112</sup> When asked, “can we prevent it?”, Ahmet Türk replies, “yes, but for the Kurds, living with this mentality, life in the status quo is not sustainable. This does not mean that Turks and Kurds will not live together anymore. But we need a status. Plus, if Öcalan’s house arrest was open to discussion, the tension would be relieved. A solution is difficult if a formula is not found”.<sup>113</sup>

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112 Aslı Aydıntaşbaş, “BDP’li Bağımsız Mardin Adayı Ahmet Türk: Gençlerde Duygusal Kopuş Başladı Artık” [BDP Independent Mardin Candidate Ahmet Türk: Sentimental Break Up Already Started Among the Youth], *Milliyet*, 29 May 2011.

113 *Op. cit.*





# Recommendations

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The adverse events taking place especially over the last two years with regard to the resolution of the Kurdish Question, and the 'PKK Question', which has become an inseparable part, has made a solution more difficult. Nevertheless, the process following the elections of June 12<sup>th</sup> offers a chance to start a new process and an opportunity for new solutions, despite the risks and hazards it harbours. In the interviews made during the making of this report, we have determined that the state has enough preparation and experience to handle the issue of how progress can be made in this new process.

In addition to the 'roadmap' submitted by Abdullah Öcalan on August 15<sup>th</sup> 2009 which is still in the hands of the government, and contrary to the widespread belief that the Turkish state has no plans for the resolution of the Kurdish Question, the state also has a kind of 'roadmap', which can also be called a 'series of practical steps to be taken' or an 'action plan', although it may have been put on the shelf following the Habur developments. In the new process for which the way will be cleared with the launch of works for a new constitution following the June 12<sup>th</sup> elections, it is possible to take these roadmaps off the shelf and reintroduce them to the agenda after adapting them with some modifications and fine-tuning in consideration of the developments that have taken place in the course of time.

It is possible to make various suggestions, taking into consideration the overlapping and intersecting points emphasized as things that should be done after the June 12<sup>th</sup> elections by the segments who have different views on the solution to the Kurdish Question and the connected the 'PKK Question' and who occasionally

give statements that include opposing views and who stand on the opposite sides:

## **I. Creating a climate of trust to enable progress towards solution between the parties (the State and the PKK), and to this end, dismissal of the KCK case**

The prerequisite for ensuring a climate of mutual trust is releasing a large portion of the defendants who are under arrest in the KCK case, mainly the elected mayors, and to dismiss the action altogether.

Dismissal of the KCK Case and release of the defendants who are under arrest is of particular importance as it will mean clearing the path for Kurdish political cadres to engage in politics on a legitimate and legal platform and as it will signal to those 'on the mountain' that such an opportunity does exist in Turkey.

In the end, a significant part of those arrested in the KCK Case consist of people who have been elected to engage in political struggle by organizing in the legal arena instead of an armed struggle in the mountain, although they may be connected to the PKK. As a result, arresting hundreds of people, who would otherwise be engaged in politics in the legitimate and legal domain, due to their political acts, plays a negative role in that it encourages the PKK to prefer to continue with armed conflict.

In order to enable the dismissal of the KCK Case and hence the release of many who are currently under arrest, it would be sufficient to make amendments in some articles of the Turkish Penal Code (TCK) and the

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Anti-Terror Law (TMK), which made it possible to file the actions and make the arrests. There are thousands of people against whom actions were filed and who were taken into custody for participating in the mass demonstrations taking place in the region after March 2006. Even now, there are over a hundred thousand people in prisons either arrested or as convicted within the scope of the actions filed. A significant part of them are children. This number is higher than even the September 12<sup>th</sup> 1980 period.

Emin Aktar of the Diyarbakır Bar Association, who is one of the lawyers in the KCK Case, said the following in our interview:

### ARTICLES OF TURKISH PENAL CODE (TCK) AND ANTI-TERROR LAW (TMK) THAT SHOULD BE AMENDED TO ENABLE THE LAYING DOWN OF ARMS BY THE PKK

TCK articles 220/4, 220/6 and 220/7 read as follows, respectively: “In case of commission of a crime within the frame of activities of an organized group, the offender is additionally punished for this crime”; “Any person who commits an offense in the name of an organized criminal group without being a member of that group is additionally punished for being a member of the organized group”; “Any person who knowingly and willingly helps an organized criminal group although not takes place within the hierarchic structure of the group, is punished as if he is a member of the organized group”. TMK Article 7/2 reads as follows: “Those who make the propaganda of a terrorist organization shall be sentenced to one to five years of imprisonment. If this offense is committed through media, the penalty shall be increased by half. In addition, the owners and responsible editors of such media organs who have not participated in the commission of the crime shall be sentenced to administrative fine corresponding to one thousand to ten thousand days. However, for editors, the upper threshold for this penalty shall be five thousand days. The acts and behaviours below shall also be penalized in accordance with the provisions of this paragraph”.

Those against whom action was filed on allegations of participating in mass demonstrations are charged for violation of multiple articles of the law as a result of one act. This situation bothers the public conscience as it disregards the principles of proportionality and justice in crime and punishment. As such, these people, amounting to thousands in number, will likely find it impossible to integrate into the society in the future due to their criminal records, to find decent jobs that fit human dignity and to be employed in these jobs. A person accused of participation in an act and throwing stones or chanting slogans is charged with and sentenced for many offenses, such as TCK 314/2, TMK 7/2, Article 32 of Law no. 2911, and damaging public property. A person throwing one stone faces a penal sanction much heavier than a person who has been actively involved in a terrorist organization for years.

Emin Aktar also stated that in case of a repeal or an amendment of Article 220 of the TCK and article 7/2 of the TMK, around 70% of the defendants of the KCK case would benefit from it by gaining their freedom.

Dismissal of the KCK Case and the release of those in custody are also in harmony with the viewpoints of those state officials who emphasized that the solution could be reached through ‘Turkeyfication of the PKK’ and hence foresaw ‘taking the PKK out of the control of outside forces’. A high-level state official said during our interview: “The solution to this issue can be possible through Turkey’s progress in democratization, through arbitration of democracy, and through a ‘single state’. Arbitration of democracy means a structure in which anything can be said, any act can be carried out without resorting to violence and arms. In this context, ‘leaving the mountain’ means, ‘do not fire bullets; come and fire your words; fire up words heavier than bullets, bring forth whatever comes to your mind about democratic autonomy and any concept you can think of; just do not fire bullets’. Yet, we have tossed these guys in prison in the KCK Case. And whatever the case may be, they represented an act that brought to fore the preference of ‘firing words instead of firing bullets.’”

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From this perception, dismissal of the KCK Case after the June 12<sup>th</sup> elections by making the necessary legal arrangements has a vital meaning in terms of the ‘Turkeyfication of the PKK’, or in other words, opening the road to legal politics in Turkey for those ‘in the mountain’. This step, at minimum scale, will contribute to creating the climate of trust which is necessary for a solution.

## **II. Rendering the PKK’s state of inaction permanent**

Creating a sustainable climate of confidence can only be possible in an atmosphere where arms are silent and continue to be silenced. Therefore, the PKK’s state of ‘inaction’ should be made permanent. And consolidating the PKK’s state of inaction requires stopping the operations of the TSK and the security forces against the PKK’s armed elements.

In a climate where operations are ceased and the state of inaction becomes permanent, it will be possible to stop the provocative environments that favour the segments that wish ‘the continuation of the war’ and who exist on both sides.

On the state side, the discontinuation of the operations will be possible by making the military authority subject to the civilian authority in absolute terms, and by making the civilian authority adopt this approach.

A prominent Kurdish individual active in Turkish politics mentioned that in order for ‘inaction to gain permanency’, it was necessary to prepare a “roadmap” drawn together with the state, with the state institutions acting as the guarantors. He explained the rationale thereof by saying, “what happens when the government changes in three years and the new government says it does not recognize the previous roadmap?” The same Kurdish individual tied the discontinuation of operations in return for this temporary reconciliation to a specific condition: “you draw the borders of an area for the guerrilla; you give them the coordinates; and you shoot them if they step out of that area, other than that, the operations stop”.

The suggestion to establish a commission as a mechanism that could enable these steps was brought forth by three different individuals each of whom were in totally different positions. One as a high-ranking state official, the other as one of the Kurdish leaders in the legal arena, and the third as a reputable opinion leader in the Turkish public opinion and for Kurdish civil society organizations.

According to the individual who made this suggestion, the commission could include the representatives of the state, the PKK’s representative in the legal domain (as in the example of Sinn Féin in Northern Ireland), the BDP members, jurists, and other publicly respectable individuals with whom both sides (the state and the PKK - in this context, this can also mean Abdullah Öcalan) will agree.

## **III. Enabling the fair, realistic and broadest representation of Kurds in the parliament**

The most meaningful indicator that there is a clear path to engaging in politics in the legitimate and legal arena in a way that will encourage ‘leaving the mountain’ would be the dismissal of the KCK case in addition to enabling the broadest, most just and most realistic representation of Kurds in the parliament. This situation makes it necessary to set the election threshold below the current 10% to ensure ‘internal peace in Turkey’ and the ‘Turkeyfication of the PKK’. This arrangement should be adopted not only because it is a democratic necessity, but also because it has a significant practical value in terms of freeing the Kurdish Question from violence.

## **IV. Enabling a legal framework for resolution of the Kurdish Question**

The above-listed steps cannot gain meaning without the realization of an obligatory legal framework for the resolution of the Kurdish Question. This requires, first of all, the drafting of a new constitution and the introduction of a new citizenship definition in the new constitution. Similarly, it is also important to find a



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satisfactory solution for the matter of education and training in the mother tongue, which has become a popular demand from the Kurdish people. Hence, making a new constitution carries vital importance for solving the Kurdish Question by freeing it from violence.

## **V. Giving the Kurds a new status in Turkey**

The new legal arrangements that will begin with the creation of the new constitution should aim to give Kurds a new status in Turkey. The ‘acquisition of a new status by Kurds’ is voiced almost in consensus not only among Kurds who are under the influence of the PKK, but even in the Kurdish circles that are against the PKK. One of the most fundamental conclusions we have drawn through this report was the decisive role and importance of giving a new status to Kurds in the solution process.

Although there is a consensus on the necessity of a status, views vary when it comes to what this status should be. The views range from democratic autonomy to a type of decentralized government with more empowered local governments. Nevertheless, from the interviews and researches we have made during the making of this report, we understand that this new status the Kurds will gain encompasses the inclusion of Kurds in the political life with the broadest democratic participation within the territories of the Republic of Turkey and, in this framework, they are in a position to self-govern again within the territories of the Republic of Turkey.

In this context, we think it would be beneficial to focus on withdrawing the reservations on the European Charter of Local Self-Government, ratified by Turkey. This is a step which is also included in the 2011 Election Manifesto of the CHP.

Special and strong support by the CHP to the implementation of a topic connoting a new status to Kurds is a development that may be evaluated as an extremely important political gain. As such, it is

among the information we have received through the interviews made with governmental circles for this report that the relentless opposition of the CHP leader of the time had a determining effect in the deadlock of the Initiative launched by the government in late July 2009 as a result of the Habur developments of October 2009. From this perspective, it should be considered that the large differences between the CHP’s approach that blocked the Initiative in 2009 and its attitude reflected in the party’s 2011 election manifesto, create an opportunity to progress towards a solution.

## **VI. New arrangements for Abdullah Öcalan’s imprisonment conditions**

Almost all the interviewees contacted for the report agree that Abdullah Öcalan is an important political actor who can assume the role of the ‘partner’ of a solution and who should therefore be utilized for a solution. Hence, a new arrangement to Abdullah Öcalan’s imprisonment conditions appears inevitable in terms of solving the matter and ensuring ‘departure from the mountain’.

A new arrangement in imprisonment conditions can range from improvement of conditions in the short term to the release of Öcalan in the medium-term. The short term arrangement on which various interviewees agree was a transition to house arrest.

The concept of house arrest is evaluated as a facility that will put Öcalan in a position where he can meet people other than the “state committee” and communicate with his organization in a way that will contribute more effectively to a solution.

Although views on the transition to house arrest do not differ much, there are various suggestions as to the timing and location. While there are those who emphasize that İmralı should be turned into an open prison open to civilian visits and with only Öcalan as its resident, some stressed that Öcalan should be transferred to an entirely different location, for example, to Diyarbakır. During our interviews, it was

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surprising that the most radical suggestion regarding Öcalan's status came from an individual known for his opposition to Öcalan among the Kurds of Turkey. This Kurdish individual, when asked "how the state can dissolve the PKK", gave a categorical reply, saying, "You have to release their Leader. You cannot dissolve the PKK as long as their Leader remains there", and thus emphasized the necessity to release Öcalan. Nevertheless, he also added that this could be a *gradual* process implemented through a "transition period of at least 2 years".

Many of the people we have interviewed, including Iraqi Kurdish leaders, point out that Abdullah Öcalan is now 63 years old, has been imprisoned for 12 years, and no other person sentenced to death has ever been kept in prison this long, and emphasize the importance of finding a solution while Abdullah Öcalan is still alive.

## VII. Gradual amnesty for 'those in the mountains'

It has been expressed by a wide range of interviewees, from state officials to PKK executives and even Kurds who oppose the PKK, that gradual amnesty for 'those in the mountains' is the most valid path to be pursued to remove the PKK's armed forces from mountains and also from Qandil. Gradual amnesty for 'those in the mountains' was the most significant intersection point agreed upon by almost all our interviewees, each of whom held different political positions. Of course, in order to achieve an ultimate 'social peace', the gradual amnesty should encompass not only the PKK members but also the thousands who have broken with the PKK or quit, but who have been prosecuted for PKK-related acts and are forced to live abroad. In such a case, a huge number of people who have never been associated with the PKK but who chose to live abroad due to the developments regarding the Kurdish Question should also be eligible to benefit from gradual amnesty. Realization of all these aims can only be possible through the adoption of a special law.

The term "gradual", used within the scope of an "amnesty" or when referring to a similar arrangement to be made under a different name due to possible reactions towards the word "amnesty", points at the necessity to distinguish between the PKK executive cadres and the PKK members who have laid down their arms and whose immediate participation in Turkey's political life will be ensured. Another point emphasized is the necessity of drawing a specific timetable for the legal inclusion of the executive cadre of 60-65 people in Qandil into Turkey's political life and ensuring that this timetable is designed simultaneously with the plan that will be prepared for Öcalan with an aim to ensure that he can also benefit from the same opportunities.

As a result of the interviews and research carried out during the preparation phase of the report, it has been determined that the idea of gradual amnesty, developed by Turgut Özal in 1993, the year in which the PKK declared its first ceasefire, still maintains its validity as the most suitable method to persuade the armed forces of the PKK to 'leave the mountains'.

The main reason why the arrangements that have come on the agenda at various occasions under the name 'Repentance Law' and that have even been adopted by the Parliament have not yielded any results in terms of solving the issue is that these arrangements failed to introduce a political approach to the matter and address the organization as a whole entity; they excluded the executive cadre of the PKK and hence created the impression that the actual intention was to divide and dissolve the organization.

Turgut Özal was contemplating on a gradual amnesty in which all armed PKK members, excluding the executive cadres and especially Abdullah Öcalan, could return to Turkey or to their homes and start enjoying all civic rights immediately; the executive cadres including Abdullah Öcalan would gain the same rights following a transition period of five years -provided they did not commit any offences during such transition. Other amnesty drafts worked on by

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various units of the state later on remained, to a large extent, loyal to the same basic ideas.

There are also some clues developed by the civil society as to how such an amnesty could be legally possible. The draft law given in Annex 2, proposed collectively by the bar associations of Diyarbakır, Van, Batman, Şanlıurfa, Mardin, Siirt, Bingöl, Ağrı and Tunceli, and announced in Diyarbakır on May 25<sup>th</sup> 2003, still maintains its validity and could produce solutions if it was adopted.

As the process came to a deadlock following the Habur incident, gradual amnesty was also set aside. Nevertheless, the striking assessment by a high-ranking official of the state, quoted below, creates an optimistic perspective for the future of ‘departure from the mountain’:

In truth, the organization wants to end the armed struggle. The proof thereof is its cooperation regarding ‘bringing men down from the mountain’. They demonstrated it in Habur. If the process had gone as planned, they would have been sending men in groups. Those who would be coming from Europe were ready. We did it through mutual cooperation and coordination. When the Habur incident was not well managed, there arose a huge confidence crisis.

Yet, the process in Habur can be revived. If a democratic environment becomes well-established in Turkey, if the necessary legal structure is created, both the public and the organization can have an influence in ending the armed struggle. [...] Yes, the new and young generations in the region are in a state of great spiritual break. True. However, they do not lean towards any other country. And there is nowhere else they go to or they want to depend on. This can be addressed as a positive element for the resolution of the issue within Turkey. Since there is a tremendous crisis of confidence now, steps that will

reinstate this confidence should be taken. And we also need to make legislative amendments to this end.

A commission can be set up to get the organization off the mountain. You can even include the BDP members in that commission. You can draw up a list of names, and say these names can come right away and start enjoying all kinds of rights. You can specify a timetable for their arrival, some names waiting 2 years and some 5 years. For example, you can say Öcalan can gain these rights after 10 years. In that way, you give them a perspective. You cannot progress on this road without giving Öcalan a perspective. However, when doing all these, you should make such legal arrangements and such laws that those who come to the country can never be taken inside [into prison] or never be the subject of a prosecution [for their past acts], so that the events witnessed after Habur can never be repeated. Otherwise, why should they come?

When seen from this perspective, it is obvious that the desire to solve this matter and bring an end to the armed struggle also exists on the PKK side, and the existence of this desire is known to the state officials. Therefore, if a democratic environment becomes well-established in the country, if the necessary legal infrastructure is created and, most importantly, if a climate of trust is reinstated between the parties, then there will be no reason why the process, which came to a deadlock due to the events following Habur and similar incidents, cannot be revived and why one of the greatest issues that have marked Turkey’s recent history cannot be brought to a peaceful solution. In a democratic Turkey where, with a new constitution, Kurds will feel they are equal citizens and gain a ‘status’ different from the one they had up to date, ‘leaving the mountain’ will also be possible.





# Annex 1: Roadmap and Action Plan from Abdullah Öcalan

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The history of the Kurdish armed movement led and run by the PKK and spanning over almost thirty years, the captive status of its leader, the emigration of thousands of Kurds abroad, and the fact that some of those abroad - as well as in Turkey - still maintain their armed presence, show that an end to this insurgency is possible if extended over a period of time, as can be understood from the entire content of this report.

From this point of view, a solution is only possible when a specific course of action is accepted by the majority. Suggestions for a solution are usually compiled under titles such as “roadmap” or “action plan”. Abdullah Öcalan, who is the most important and influential interlocutor in the resolution of the ‘Question’, also offered his own ‘roadmap’ to state officials with the launch of the Initiative on 15 August.

We are including here in this report a section of Öcalan’s ‘roadmap’, which has not been shared with the public but which has been introduced to the ECtHR, with the intention of understanding the mentality and approach of the PKK leader, and also because it has documentary value. The solution proposals of the PKK leader, naturally, include elements which should be accentuated with regard to the process ahead.

After explaining his “history thesis” at length and listing his arguments, Abdullah Öcalan has penned his own suggestions for a gradual solution, which provides clues about ‘leaving the mountain’, under the section titled “Action Plan”. Until he starts his suggestions for practical steps under the title “Action Plan”, subheading “Democratic Solution Plan”, he discusses an alternative solution plan, which, he

claims, includes the traditional approach of the Turkish state, and the approach of the Kurdish politicians in the Iraqi Kurdistan, after which he offers his comments about the recent history of the matter.

We have included these sections here *verbatim*, as they give us clues about Abdullah Öcalan’s mentality which influences the PKK’s discourse and *modus operandi*. Below, you will find the paragraphs containing the ‘practical suggestions’ under the “Action Plan” in the final chapter of the 55-page document titled *Türkiye’de Demokratikleşme Sorunları – Kürdistan’da Çözüm Modelleri (Yol Haritası)* [Issues of Democratization in Turkey – Solution Models in Kurdistan (Roadmap)].

Here is the section found in the “Democratic Solution Plan” under the chapter heading of “Action Plan” in the “Roadmap”. Abdullah Öcalan ends with the notation “15 August 2009 - İmralı” and submitted this document to Turkish state officials, and it has also been sent to the ECtHR:

A solution model suggested for social problems cannot go beyond being mere brain gymnastics unless it has a practical value. Undoubtedly, practical steps are also associated with thought; they are walking thoughts. Still, the value of successful analysis can only find a response in practice.

On my part, I have given more importance to taking practical steps, even if they might be amateurish, for the resolution of the Kurdish Question, than to unilateral acts. I believe meaningful dialogues should always be given priority. But I also know that self-deception - in the name of dialogue - also brings catastrophe. The negotiation positions of the parties should never be underestimated. Even the smallest

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negotiation ground is more valuable than the most advanced, most successful act of force.

Regarding the Kurds, there was a very strict policy of denial during the process of the founding of the PKK in 1970s. Even verbal opposition brought about the harshest penalties. Right from those early days, priority was given to common democratic solution with leftist groups. That was the purpose for my election as the Chair of the *Ankara Demokratik Yüksek Öğrenim Derneği* [Ankara Democratic Higher Education Association -1975]. When it did not work, turning towards the PKK was inevitable. Turning towards the 15 August move was also the only alternative against the policy of denial and annihilation. I did not hesitate to push with all my might, although it may not have resulted as I wanted.

If the environment of dialogue offered by President Turgut Özal in early 1990s could have been developed, maybe the Kurdish Question today would have been in a very different position. The state did not give its own president the opportunity for dialogue and negotiation. The traditional practice of denial and annihilation was in full force. The country was going through the darkest period of the republican history. The attempt for dialogue coming from the political and military front in 1997-98 also saw the same fate. The internal and external hinderers, or to put it more explicitly, the Gladio, which was influential over the whole political and military structure, did not allow even the simplest dialogue or negotiation position. Despite all my efforts to utilize my İmralı interrogation process as a ground for dialogue and negotiation, some people always ruined it. None of my suggestions received any response. It was clear that the movement was being dissolved. There were structures that saw negotiation and dialogue as their own end. They had grown colossally strong. They had become a state within the state. As the infectious disease of power, it was the most dangerous and most merciless. Despite all my warnings, again there were thousands of deaths and incalculable material losses. Since the 1990s, I had personally preferred to keep the war to a limited scope; but when it did not yield any results, I was forced to give my last warnings, and announce

that we needed to invoke a resistance strategy aimed at “protecting the existence and ensuring the freedom” of all Kurds and Kurdistan to be recognized, if not desired, by the whole world. The possible dialogue and negotiation ground was expressed because of the potential of realization of these possibilities.

There is not a lack of plans between the warring factions. Action plans are the works that get the most emphasis and focus. From my own experiences, I know well the existence of these works. Unilateral action plans are made with passion. The challenge is to develop action plans that will bring the parties together. These kinds of plans cannot be developed without mutual empathy. I will try to give my opinions on a possible action plan that may lead to reconciliation between the two sides, after a brief evaluation on action plans developed unilaterally and still in practice. I must first declare that I do not see myself as a party responsible for the implementation of the plan. For my current status as a convict and the conditions under which it is executed do not allow me to become a party. The opinions I offer aim rather to ensure that the parties know each other realistically and they aim to illuminate with regard to the ‘do’es and ‘don’t’s of a possible action plan. According to this;

1- Traditional Denialist and Annihilator Solution Plan: There are plans still being developed and implemented in line with this solution, though not as many as before. These segments, which are created by the middle-class bourgeoisie and bureaucracy on the basis of state rent, though quite exposed and isolated inside and outside, do not hesitate to implement their annihilation plans with all sly and crude methods. All Kurds, barring the traditional Kurdish collaborationist segments, respond to the implementation of this plan with the most extensive resistance of their history. As long as these plans continue to be implemented, the PKK, which is in the position of the leadership of the resistance, has the capacity and power to extensively implement its own action plans from now on. It is in a position to switch from passive defense plans to active defense and all out resistance plans. In the next period, transition to

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an all-out defense plan can be expected in the face of serious deadlocks that may be experienced in democratic solution.

2- Federalist, Nationalist Solution Plan: These plans are also implemented at various dimensions and in various areas. Behind these plans - brought to life by the Federated Government of the Iraqi Kurdistan - are the global hegemonic powers and the region's traditional colonialist nation-states. Although they all have different objectives, there is a general agreement. They support this plan to distort the revolutionary democratic potential existing in Kurds. The US is the hegemonic power that most openly supports the Kurdish Federated Government. The Federated Government plays a strategic role in controlling Iraq, Syria, Iran and Turkey. Turkey supports through various methods the governments of Iran and Syria in the plan for a "Small Kurdistan" entrapped in Northern Iraq, since the Second World War, at the expense of repressing the resistance of its own Kurds and disregarding their Kurdistan. And when it wants to overcome this predefined role, they collectively object to it. The plan and policy of divide and rule is carried out primarily with the "Small Kurdistan" project. In particular, the revolutionaries, radical democrats and socialists are tried to be neutralized in this way. And one of the main objectives of the plan is the isolation of the PKK. There is a very comprehensive Gladio work on the isolation and disresolution of the PKK in return for a Small Kurdistan. It also finds wide support in the international diplomacy. For now, with the plan, the US-Turkey-Iraq governments, taking the Kurdish Federated Government on their side, aim for the PKK to end the armed struggle. However, the parties have different interests, and this plan is not well envisaged or devised. Its implementation remains limited. It does not give much hope, as it is not supported by the wide segments of the Kurdish society. Since it serves the interests of a narrow elite, it becomes more exposed and it faces more isolation with each passing day.

The PKK's response to this plan is "to disregard surrender and to continue the resistance". Although the owners of this plan, who have long sheltered

many undecided individuals with moral and ideological weaknesses, want to develop a new collaborative movement, they have not been able to avoid immediate exposure. Due to its traditional weaknesses, Kurdish nationalism has failed to develop a consistent nation-state plan, and their goals and aspirations will therefore result in degeneration and dissolution. They have tied all their hopes to the breaking of the PKK resistance. The governments of Turkey have also manipulated their hopes in this same direction for a long time. They have relied on the Kurdish nationalism based on Small Kurdistan. They have wanted to impose on Kurds, on the basis of Small Kurdistan, a plan similar to the plans implemented for the Greeks and the Armenians. Yet the position of the PKK and the differences in the conditions cause this plan to backfire. And ultimately, the PKK line gets stronger.

3- Democratic Solution Plan: As the plans described in the first two bullets did not give much hope and as they were too expensive in all aspects, the Republic of Turkey has turned towards democratization projects. Since contemporary developments, the encouragement from the US and the EU, a large part of the media, civil society and public opinion, and the entirety of the Kurds have demonstrated an affinity for this plan. For the first time, such a situation increases the feasibility for a democratic solution. Despite all the opposition of the neo-nationalist/nationalist fascist front, which has become quite a minority, the primary institutions of the state did not object to democratic solution projects, and they have even played significant roles in preparing the infrastructure for them, which increases the chance of realization for these solution plans. Vis-à-vis this new historical situation, the action plan that will be implementable between the parties requires transition from several phases. If an agreement is reached on the outlines of the democratic solution plan between the government and the primary institutions of the state, and if the support of democratic powers, including the Kurdish side, is also secured, possible application phases may develop as follows:



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a-Phase one: Declaration of a permanent climate of non-conflict [ceasefire] by the PKK. In this phase, the parties should accept no provocation, and should increase control over their forces and prepare the public.

b-Phase two: Establishment of a Truth and Reconciliation Commission by the initiative of the government; the Commission should be sanctioned by the Parliament and help remove the legal barriers through its recommendations. In the formation of the commission, maximum consent should be sought between the parties. The institution of amnesty should be proposed subject to confessions and defenses made to this commission and submitted to the Parliament. In the event that legal impediments are removed in this way, the PKK will be able to withdraw its illegal presence beyond Turkey's borders, under the control of a committee consisting of the officials of the US, the EU, the UN, the Iraqi Kurdish Federated Government and the Republic of Turkey. It will then be able to deploy these forces in various areas and countries in a controlled manner. The critical point in this phase is the release of the PKK members who are political prisoners [either convicted or in remand] concurrently with the withdrawal of the PKK's armed forces beyond borders. The principle of "one cannot exist without the other" shall apply.

c-Third phase: As the constitutional and legal steps for democratization are taken, there cannot remain any possibility for going back to armed struggle. Step

by step, with priority given to those who have served in the PKK, those who have been living in exile abroad for many years, who have been stripped of their citizenship, and who have become refugees will start returning to the country. With the KCK's activities gaining legality, there will be no need for the PKK to operate within the territories of Turkey. In all aspects, legal democratic political, social, economic and cultural activities will be taken as a basis.

In the realization of this three-phase plan, the position of Abdullah Öcalan is of strategic importance. Without Öcalan, the plan has a very limited chance of survival. Hence, reasonable solutions must be developed regarding his status.

These are my thoughts and suggestions, in draft format, on the democratic solution and planning that is expected from me and that is being debated heavily both in the Turkish public and among the huge majority of the Kurds. Obviously, I will be reviewing, revising and further developing these thoughts and suggestions depending on the thoughts and suggestions that will come from the parties...

As Abdullah Öcalan says "I will be reviewing, revising and further developing these thoughts and suggestions depending on the thoughts and suggestions that will come from the parties", it would be correct to assess this 55-page "Roadmap" text note as a final position but as a manuscript subject to revision.

# Annex 2: Draft Law Proposed by Regional Bar Associations

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Provided below is the draft law prepared in cooperation by nine bar associations from the Eastern and Southeastern Regions of Anatolia (namely, the Provincial Bar Associations of Ağrı, Batman, Bingöl, Diyarbakır, Siirt, Şanlıurfa and Tunceli, and the Regional Bar Associations of Mardin and Van), and was announced to the public in 2003. It attempted to build the legal infrastructure that will facilitate the process of ‘laying down arms’ by the PKK:

## ARTICLE 1

Regarding those who, before the effective date of this law,

have been a member of an organization established with the aim of committing crime for political and/or ideological purposes, as set out in Article 313 of the Turkish Penal Code; have been a member of a secret alliance as described in Article 171 of the Turkish Penal Code; or have been a member of an armed organization and/or community established with the aim of committing the crimes laid down under Articles 125, 131 and 146 of the Turkish Penal Code;

- a) No legal action shall be taken against those who have never been the subject of investigation and who apply to competent authorities within one year of the law coming into effect with a petition to benefit from the scope of this law,
- b) Any ongoing preliminary investigation or final investigation against them shall be discontinued,

- c) The remaining sentences of those who have been subjected to final investigation and against whom a final conviction has been ruled shall be deferred for 5 years.

The files of those who do not commit an act of the same type within this 5-year period, those who have been the subject of a preliminary and/or final investigation and those who have not been the subject of any investigation, and the finalized penalties of those who have been the subject of a prosecution and convicted, shall be automatically erased. Any deferrals regarding restriction of rights in Article 3 of this law shall also cease.

## ARTICLE 2

The provisions of this article shall also apply to those who have provided shelter or assistance or supplied provisions or arms or ammunition or helped in any other way to members of an organization, armed organization or community as defined in articles 169 and 314 of the Turkish Penal Code, in full knowledge of the state and designations of the same.

## ARTICLE 3

Any and all restrictions regarding the social, political and civil rights of those benefiting from this law shall also be deferred for 5 years.

## Persons Interviewed for the Report

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### STATE AND GOVERNMENT OFFICIALS

**Abdullah Gül** – President of the Republic of Turkey

**Sadullah Ergin** – Minister of Justice

**Beşir Atalay** - Minister of Interior, 23rd term; Deputy Prime Minister

**Hakan Fidan** – Director of the National Intelligence Organization (MİT)

**Efgan Ala** – Undersecretary of the Prime Ministry, former Governor of Diyarbakır and Batman

**Murat Özçelik** - Turkey's Ambassador to Baghdad, former General Coordinator for Iraq of the Turkish Foreign Ministry

**Aydın Selcen** – Turkey's Consul General to Arbil

**Cevat Öneş** – (R) Deputy Undersecretary of the MİT

### REPRESENTATIVES OF POLITICAL PARTIES

**Ömer Çelik** – Vice Chairman of the AK Party, Adana MP

**Sezgin Tanrıkkulu** – Vice Chairman of the CHP, Istanbul MP

### PKK EXECUTIVES

**Murat Karayılan** – Chairman of the KCK Executive Committee (PKK's highest ranking official)

**Zübeyir Aydar** – Former Kongra-Gel President, Member of the KCK Executive Committee

**Remzi Kartal** – Kongra-Gel President

**Muzaffer Ayata** – PKK Europe Officer

**Bozan Tekin** – Deputy Chair of the KCK Executive Committee

**Ronahi Serhat** - Deputy Chair of the KCK Executive Committee

### FORMER LEADERS AND MILITARY COMMANDERS OF THE PKK

**Osman Öcalan**

**Nizamettin Taş**

**Halil Ataç**

**Hıdır Sarıkaya**

### BDP AND DTK MEMBERS

**Ahmet Türk** – DTK Co-Chair, Former Chairman of DTP, and Former Mardin Deputy

**Leyla Zana** – Diyarbakır Deputy

**Osman Baydemir** – Mayor of the Metropolitan Municipality of Diyarbakır

**Abdullah Demirbaş** – Mayor of Sur, Diyarbakır

### NAMES FROM CIVIL SOCIETY ORGANIZATIONS

**Mehmet Emin Aktar** – President of the Diyarbakır Bar Association

**Şahismail Bedirhanoğlu** – President of Southeastern Industrialist' and Businessmen's Association (*Güneydoğu Sanayici ve İşadamları Derneği*, GÜNSİAF)

**Ümit Fırat** – Kurdish Intellectual, Helsinki Citizens' Assembly

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## POLITICIANS, LAWYERS AND INTELLECTUALS

**Kemal Burkay** – Founding Leader of the Kurdistan Socialist Party of Turkey (clandestine organization)

**Yaşar Kaya** – Former Chairman of the DEP, Speaker of the Kurdish Parliament in Exile, in Brussels for three successive terms

**Mesut Tek** – Secretary General of Kurdistan Socialist Party of Turkey (clandestine organization)

**Haşim Haşimi** – Former Mayor of Cizre, Former Deputy from RP, FP and ANAP

**İrfan Dündar** – Lawyer at Asrın Law Office (*Asrın Hukuk Bürosu*; Bureau of Öcalan’s defense attorneys)

**Cengiz Kapmaz** – Spokesman and Consultant of Asrın Law Office (Bureau of Öcalan’s defense attorneys)

**Selim Okçuoğlu** – Lawyer took part in State-Öcalan contacts in 1997-2001

**İlhami Işık** – Involved in building the contacts between Abdullah Öcalan and state institutions.

**Orhan Miroğlu** – Kurdish Intellectual, writer

## IRAQI GOVERNMENT OFFICIALS AND POLITICIANS

**Jalal Talabani** – President of Iraq

**Nechiervan Barzani** – Former Prime Minister of the Iraqi Kurdistan Region, Deputy Secretary General of the Iraqi Kurdistan Democratic Party

**Fouad Hussein** – Chairman of the Council of Presidency of the Iraqi Kurdistan Region

**Karim Sinjari** – Minister of Interior of Iraqi Kurdistan Regional Government

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After graduating from the Ankara University, Faculty of Political Sciences, he worked as a Research Assistant at the Middle East Technical University (METU), Faculty of Administrative Sciences, Department of International Relations, and then lectured on History and Politics in the Middle East at Istanbul Bilgi University, Istanbul Kültür University and Özyeğin University. He advised President Turgut Özal in the area of foreign policy, and took part in establishing the first direct contacts between the Presidency of the Republic of Turkey and the Iraqi Kurdish Leadership. He carried out research on “Turkey of the 21<sup>st</sup> Century” at Washington’s renowned think-tanks the Wilson Center (1991-1993) and the United States Institute of Peace (1999-2000). He has written seven books in Turkish, most of which are on the Middle Eastern Question. He also

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