



ELDH

European Association of Lawyers
for Democracy and World Human
Rights

MAF-DAD
ASSOCIATION FOR DEMOCRACY AND INTERNATIONAL LAW

Pressrelease (not to be publishes before 19th October 2010)

European Lawyers demand: Take the PKK off the Terrorist List of the European Union

In 2002, at the demand of the Turkish Government, the Workers Party of Kurdistan (PKK) was put on the European Union Terrorist List. This list is updated regularly. Acts of violence committed by the PKK in Turkey and abroad are given as a main reason for keeping it on the list.

In December 2009 the Party of the Democratic Society (DTP) was banned by the Turkish Constitutional Court. The DTP had struggled for the recognition of the Kurds as a nation and for a peaceful solution of the Kurdish question. By banning the DTP, approximately 20 Million Kurds living in Turkey lost the chance to struggle for their rights and interests in a peaceful way.

As a consequence of the banning of the DTP there were numerous protests, which were followed by a wave of repressive actions and the arrest of mayors, members of the local administrations, human rights activists, and political representatives of the Kurdish movement. These repressions and arrests continue until today. Meanwhile the PKK has reopened armed actions against the Turkish military.

Legally and politically the PKK has been viewed in different ways, changing in the course of time, by the members states of the European Union. The German Federal Criminal Court has ruled that only the top level of the PKK can be considered a criminal organisation. In 2008 the European Court of Justice (Court of First Instance) ruled that the listing of PKK as a terrorist organisation in the EU Terrorist List was invalid because it violated European Law, since no reasons for this listing were given. The Council of the European Union now considers that this procedural mistake has been corrected, and has listed the PKK once more on the EU Terrorist List. In a case which has been just closed, the European Court of Justice has ruled in the same way that at least those listings which were made until 2007 were invalid due to a lack of reasons given to the organisation concerned (C-550-09). Even within the EU there are only few states - like England, France, and Germany - that have followed the wish of the Turkish Government, to prohibit any activity of the PKK.

The current sharpness of the military conflict shows the necessity of a political solution of the Kurdish question. In spite of several announcements by the Turkish Prime Minister to this effect, almost no concrete steps have followed. The revision of the Turkish Constitution which has been prepared by the Prime Minister still does not recognize the Kurdish people as equal to the Turkish people. The majority of the Parliament is not even willing to restrict the jurisdiction of the Constitutional Court to ban political parties.

The EU Terrorist List was adopted by the Council of the European Union under the pressure of the US Government after the assault of 11th September 2001. It belongs to a series of measures, that have no grounding in the rule of law. On the one hand, the concept of terrorism is not clearly enough defined to allow such severe interference in personal and political liberties. On the other hand no legal procedure has been established to enable concerned persons and organisations to defend themselves.

As regards the PKK in particular, its listing as a terrorist organisation by the Council of European Union is wrong legally as well as politically. It does not take into account sufficiently that the PKK on several occasions declared a unilateral cease fire, which it respected itself. The current armed conflict between the PKK and the Turkish army has also to be understood against the background that the Turkish

Government, after announcing a solution of the Kurdish question, did not undertake any concrete steps, but on the contrary intensified oppression of Kurdish civil society, and even arrested and convicted a large amount of children.

By putting the PKK on its Terrorist List - notwithstanding the political and cultural oppression against the Kurds, which has lasted for decades now, in spite of the expulsion from their villages, in spite of the torture and even killing which they had to endure - the EU ignores the right to resistance of the Kurds. Thus even the results of the annual Progress Report of the European Commission on Turkey in which severe human rights violations are regularly denounced is ignored by the Council of the European Union.

Putting PKK on the EU Terror-list is also a political mistake, because it interferes with efforts to find a political solution, and instead creates a justification for further proscription of pro Kurdish political parties.

The European Union has shown in the past, that by its accession criteria it is able to generate a positive influence on the political and legal development of Turkey. By taking the PKK off the Terrorist List an important impetus could be given to a political solution of the Kurdish question in Turkey.

The supporters of this declaration demand therefore

- to take the PKK off the EU Terrorist List
- to continue active support for a peaceful solution of the Kurdish question and Kurdish civil society by the European Union
- to end all expulsion of Kurdish political refugees to the pursuing state Turkey
- to stop all restrictions of the right to asylum on the ground of membership in Kurdish organisations
- to abolish the EU Terrorist List in general

Signatories:

- European Association of Lawyers for Democracy and World Human Rights (ELDH), with lawyers in 16 European Countries, www.eldh.eu
- European Democratic Lawyers (EDL-AED), with lawyers in 6 European countries, www.aeud.org
- International Association of Democratic Lawyers (IADL), www.iadllaw.org
- Association for Democracy and International Law (MAF-DAD), www.mafdad.org
- Progress Lawyers Network, www.progresslaw.net
- Union of Bulgarian Jurists, www.sub.bg
- Haldane Society of Socialist Lawyers, www.haldane.org
- Association Française des Juristes Démocrates
- Vereinigung Demokratischer Juristinnen und Juristen e.V., www.vdj.de
- Alternative Intervention of Athens Lawyers [AIAL], www.epda.gr
- Giuristi Democratici, www.giuristidemocratici.it
- Demokratische Juristinnen und Juristen der Schweiz [DJS], www.djs-jds.ch
- Progressive Lawyers Organisation [ÇHD], www.cagdashukukculardernegi.org
- Republikanischer Anwältinnen- und Anwälteverein (RAV), www.rav.de
- Droit et solidarité, www.droitsolidarite.free.fr

More signatories are welcome !

Contact for more information and support of the appeal:

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