
2nd International expert conference

“The so-called anti-terror-struggle using the example of Kurds –
practice in the European legal sphere”

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III. European policies of criminalization

3. EU list of designated terrorist organisations

3. Appeal “European Lawyers demand: Take the PKK off the Terrorist List of the European Union”

Signature campaign against the “terrorist list” – Arguments and possible developments

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A policy that is constructed upon 'Terror' and 'terrorism' already harbours violence itself, it generates violence systematically and continuously. It is not only problematic in terms of law but it is also a state of a disguised warfare and attack against the society and peoples.

When we look at the results of such policies from the perspective of Kurdish people some of the issues in question shall become more important and clear.

Since the 1980's the approach to the Kurdish people's demands for freedom have always been through the concept of 'terror'. This is the single issue over which the Turkish Republic has been consistent and insistent on against the Kurds in the last 35 years. From a top official to a soldier in a town or an administrative representative everyone replaces this word for the Kurdish issue. The Turkish press has played a negative role in handling all things, whether it be a political event or an ordinary criminal incident, when it comes to the Kurdish people and has spread its contents in an aggressive and bad language to the wider society. Of course this has not just occurred through the press and educational institutions. The state enforced the usage of such a concept from top down and has considered this an administrative function and has spread and institutionalised the use of this concept. In time, the usage of Kurd and 'terror' has began to be used interchangeably as they have come to mean the same thing. The concept of 'terror' is not only expressed when it comes to 'PKK' but also all democratic demands related to Kurds, those individuals and institutions who demand them as well as all those who write and talk outside the borders of the official ideology.

This terminology which has established itself on the streets, at work, in schools, homes and in general within daily small-talk has also spread into the way the Turkish society perceives the Kurds. It has finally reached such a power that it has generated a civilian violence against the Kurds in the way of lynching the ordinary Kurds on streets.

Many democrats in Turkey have become the victims of such an approach because they do not use such a language. Therefore it has also been functional as a tool to suppress all the opposition and democrats not just the Kurds. And of course, the consequence has been the weakening or removing of rights and freedoms from freedom of thought to expression to organization.

The concept of terror is the source where violence, hatred, racism, belittlement and repression of Kurds are daily reproduced. Today I am not about to go into the details but in the past when the villages were burnt down, Kurdish intellectuals, journalists and politicians were shot with a single bullet once again the legitimization tool of their murder was the relationship of the victims with 'terror'. This concept has not just been used by the Turkish Republic internally but at the same

time in its diplomatic and trade relations with the same insistence and permanence.

However the most effective policy of terror began as a reflection of the global policies that began with year 2000. The fact that such a phenomenon became a fundamental policy for US and Europe led Turkey to insist on its long-term policy in a more aggressive and vicious manner. Especially with the notion of terrorist lists Turkish Republic finally finds the most important argument that it was searching for its hundred year old policy of denial and annihilation.

The date for placing Kurdish movement on the terrorist list coincided with the time the movement determined democratic struggle to be its axis, no longer considered armed struggle to be its fundamental means of struggle and stated that it shall use its right to self-determination to live within the borders of Turkey but by preserving its uniqueness under an equal and free jurisdiction. Hence the US/EU policies have led to the loss of a possible peaceful period within Turkey by listing the Kurdish movement and by giving those forces who are not for resolving the issue the opportunity to attack.

And today, the Turkish state who has rested itself on the concept of terror and the EU terrorist list can also make this the basis of such a profound attack that could abolish the whole area of civilian politics. The motive behind the policies to rot the Kurdish children behind bars for months and years is also similar. Of course such a situation leads to increased oppression of Kurdish people as well as obstructs possible solutions and hence results in the prevention of peaceful policies. In addition, there is also the dimension of morals. There is a need to emphasise an unjust and immoral dimension of calling the only venues of resistance of a people, whose homeland has been divided into four parts and whose everything including mother tongue has been banned, as terror.

The speakers before me gave their opinion on judicial struggle against the terrorist list. It is widely known that political stance is just as important as the judicial struggle. Hence, in the last year's conference our Italian colleagues had proposed a signature campaign and a general tendency to this end was reached. After the conference work on this continued.

The text of the signature campaign written by our Italian colleagues were sent to all the participant of the last year's conference and their opinions were asked. There were only a few replies made and finally taking these replies into consideration MAF-DAD and AZADÎ gave its final form.

Later this text was sent to ELDH and VDJ. The text became more juridical and inclusive as a result of Mr Schmidt's devoted work on behalf of these associations. The text was then sent to other institutions.

I must also say that the preparation of text was done later then expected due to reasons associated with us. I find it important to give an account of this.

The institutions that were involved in its organization agreed that it would be better to start and present this signature campaign with a press conference. On 19 October 2010 in Brussels this text was presented to the public by President of MAF-DAD Heike Geisweid and Italian lawyer Mario Angelelli together with Mr T. Schmidt Secretary General of ELDH, Mr Jan Fermon from Progress Lawyers Network and Pierre Robert from EDL-AED.

We would now like to make some proposals for the way to further conduct the signature campaign. We should be open to further organizations and associations who wish to join the campaign. But more importantly we feel that it is more vital to also receive the signatures of individual lawyers. We hope to start the collection of individual signatures here. This has a two-fold importance once because the more objections are raised against those – Council of the EU -

who have created this juridical and political monster, the 'terrorist list' the better. Secondly, Kurds shall go and visit and inform all the lawyers that they know hence create a social awareness at the same time. In addition one could also organize panels, seminars and various other instruments to strengthen the campaign.

In conclusion, we feel that the campaign should be finalized in May 2011 with a representative delegation that will visit the concerned institution and the press informed.