



PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS
GENEVA

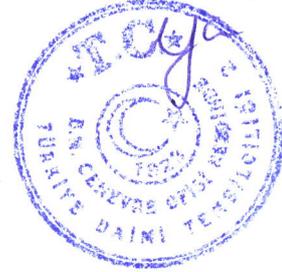
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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Joint Urgent Appeal with the number TUR 4/2013 which was received in March 2014 by the Permanent Mission of the Republic of Turkey, has the honour to enclose herewith an informative note comprising the replies of the Turkish Government.

The Permanent Mission of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 5 May 2014



Enc. As stated

Office of the High Commissioner for Human Rights,
Palais des Nations CH-1211
GENEVE 10

**INFORMATIVE NOTE COMPRISING THE REPLIES OF THE TURKISH
GOVERNMENT TO THE JOINT URGENT APPEAL 4/2013 WHICH WAS
RECEIVED IN MARCH 2014**

The Recent situation at the KCK Proceedings

A public prosecution was filed on 3 April 2012 by the Public Prosecutor of Istanbul, within the case also known as the "KCK proceedings". Attorneys were also among the suspects in this case. The suspects were accused of being members of a terrorist organisation conducting related activities, under the commands of the PKK terrorist organisation. The case started to be examined by the 16th Heavy Penal Court with Special Mandate.

The law with the number 6526, including amendments to the anti-terror law and other laws, was adopted during the proceedings of the case. The heavy penal courts with special mandates were abolished and the detention limit for the crimes under these courts was decreased to five years, by the said law. Thus, a decision of release was issued for the attorneys who are subject to the urgent appeal. The case is currently before 19th Heavy Penal Court of Istanbul.

The role of lawyers at the KCK case

On 22 November 2011, 47 suspects were taken into custody in an Istanbul-based police operation, falling within the scope of the investigation on a terrorist organization known as PKK/KCK. 35 of them were then arrested.

The said operation was undertaken against the lawyer-based "report-instruction" method used by PKK/KCK for transmitting the instructions of the imprisoned head terrorist Abdullah Öcalan to the members of the terrorist organisation.

Those apprehended in the framework of the operation were all suspected of voluntarily participating in this criminal network. The reason for their arrest has nothing to do with their lawful professional activities as lawyers.

As a matter of fact, it has been established that the persons in question were actively operating under direct instructions of the so-called KCK/PKK "executive council".

The role of courier/messenger played by these lawyers was essential for PKK/KCK in the elaboration and execution of their bloody plans and strategies.

During their meetings with Öcalan and other convicted PKK terrorists, KCK lawyers instead of providing legal advice or support, gave updated information to Öcalan about the activities of the terrorist organisation and received direct instructions from him in order to transmit them to PKK terrorists.

Öcalan's messages and instructions were intercepted by our relevant authorities while being transmitted by radio to terrorists acting in rural areas. These messages were related to operational strategies, also calling for action against PKK members who do not duly follow Öcalan's instructions.

Radio transmitted messages of the head terrorist Öcalan drafted by his lawyers after each visit contain instructions for terrorists to conduct attacks against police officers, NGOs and religious orders and communities, to intimidate PKK opponent intellectuals in the region, to launch bombed attacks on the ruling political party's (AK Parti) offices, to kidnap public officials or to organise aggressive and violent mass actions and demonstrations.

On July 2011, through this lawyer-courier system, Öcalan ordered KCK/PKK to launch new series of attacks. As a result of this instruction transmitted to terrorists through the lawyers, the terrorist organisation intensified its bloody attacks and assassinated many security officers and civilians. Relevant Turkish authorities have concrete evidences of this illegal mechanism.

For instance, after Öcalan reiterated his call during a visit on 12 October 2011, PKK attacked on 19 October 2011 the Hakkari/Çukurca gendarmerie command, the military posts at Asayış Tepe, Kale Tepe and Keklik Tepe as well as police housings and killed 24 soldiers, wounded 18.

After the radio messages referring to the meetings with lawyers on 20 March 2010, 24 November 2010 and 15 June 2011, PKK terrorists kidnapped 71 citizens and killed two (village guards) of them. 14 of them (3 soldiers, 1 governor candidate and 9 civilians) are still held hostage by PKK. The terrorist organization kidnapped also 12 teachers and released them because of the strong reaction by the public opinion. In Öcalan's radio transmitted messages, these kidnappings were defined as a respond to the arrests within the KCK investigation.

Concerning the terrorist organization PKK/KCK

In 2007, the Diyarbakır Chief Public Prosecutor Office initiated an investigation (No.2007/997) to transcribe the activities of the so-called "Koma Civaken Kurdistan Parliament of Turkey (KCK/TM)" that operates as the urban wing of the illegal PKK/KONGRA-GEL terrorist organization.

It is well known that PKK is a terrorist organization which is included in the list of terrorist organizations of the European Union and NATO as well as those of many countries. PKK and its chieftain are responsible for countless crimes against humanity, including not only murders, but also kidnappings, tortures, extortion, illegal drug trafficking, etc. Many of its leading figures are internationally known criminals searched through Interpol channels.

Since 1984, PKK's terrorist activities resulted in the death of more than 30.000 Turkish citizens, among whom were innocent civilians, teachers and other public servants, many deliberately murdered.

Following the arrest of its head terrorist Abdullah Öcalan, in 1999, the supporters of the organization started claiming that it had switched its strategy to peaceful methods and would pursue political struggle from then on. In accordance with this policy of appearing as a born-again legitimate organization, PKK changed its name to KADEK on April 2002 and to KONGRAGEL on November 2003. In this line, KCK ("Koma Civaken Kurdistan") was created on May 2007 as framework structure that covers the illegal PKK/KONGRA-GEL terrorist organization and establishes its urban wing.

However, the organization has been continuing to carry out hit and run attacks mainly on southeastern Anatolia. PKK has hideouts in northern Iraq, and illegal network in Europe, where it finds financial support through extortion, illegal drug trafficking and money laundering.

The organic link between PKK and KCK is explicitly presented in the KCK document called "KCK Convention". PKK leader Abdullah Öcalan is also designated as the head of its urban wing. The new structure, strategic activities and name of the PKK/KCK terror organization were all presented as having been determined following the instructions and approval of Öcalan. The PKK terrorist named Murat Karayılan is heading the executive structure of KCK and Sabri OK is the head of the KCK structure in Turkey.

KCK/PKK activities are not limited to Turkey. They pursue separatist violent aims also in Iran, Iraq and Syria.

The so-called "KCK Convention" openly states that "Kurdistan's Democratic Confederalism" is based on the experience of PKK.

In paragraph 36 of the same document, it reads that PKK constitutes the ideological power of KCK and all PKK members serving within the KCK system are bound by the PKK structure's ideological, moral, organizational and vital principles. It also stated that every KCK member should act in accordance with PKK's ideological and moral standards.

In paragraph 43 of the same document KCK forces are instructed to act in line with PKK/KONGRA GEL's political will.

The ongoing confidential investigation revealed that the leadership of this terrorist organization operates in the hideouts located in northern Iraq; instructions given by Öcalan, from the prison are transmitted to KCK militants by his lawyers and visitors; the terrorist organization aims to establish first an autonomous, then a confederative and finally an independent state.

There are evidences proving that KCK structure is responsible for organizing and coordinating illegal activities, creating illegal structures with an aim to replace state institutions, conducting illegal activities and demonstrations throughout Turkey, holding illegal meetings to promote hatred and hostility, collecting funds by using intimidation methods, providing logistic support to terrorists operating in extra-urban areas, organizing corruption and irregularities within the local exerting pressure through unlawful means on the political party BDP for the nomination of candidates to the legislative and local elections, interrogating and punishing elected politicians, intervening in the recruitment of employees by the local administrations, trafficking drug, preparing false documents and passport for illegal entries in Turkey, etc..

KCK tries to recruit highly educated members with speaking and influencing skills and familiar with urban life. These new recruits attend courses on politics, culture, art, journalism and literature, in a camp called DOLE KOGE. Besides, they also receive training on the use of weapons. Thereafter, they are placed in some legally acting NGO's and institutions in order to influence their activities in line with KCK's instruction.