
**REPORT OF THE FACT-FINDING MISSION OF THE INTERNATIONAL PEACE
AND RECONCILIATION INITIATIVE (IPRI) ON THE PEACE PROCESS
RELATING TO THE KURDISH QUESTION IN TURKEY**

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EXECUTIVE SUMMARY

The primary motivation for the formation of the International Peace and Reconciliation Initiative (IPRI) has been to advance the peace process in Turkey as a corollary to the scope of a broader peace in the whole of the Middle East. IPRI was launched in December 2012 in response to an international call made by Archbishop Emeritus Desmond Tutu for the resumption of talks between the Turkish government and the imprisoned leader of the PKK, Abdullah Ocalan, for the peaceful resolution of the Kurdish Question in Turkey.

The call was supported by a number of leading world leaders and Nobel Peace Prize laureates, including His Holiness the Dalai Lama of Tibet, Jimmy Carter (former President of the United States of America), Jose Ramos-Horta (former President of East Timor), Gerry Adams (President of Sinn Fein, Northern Ireland), Kjell Magne Bondevik (former Prime Minister and Minister of Foreign Affairs of Norway and currently Director of the Oslo Centre for Peace and Human Rights), Ingvar Carlsson (former Prime Minister of Sweden), Paavo Lipponen (former Prime Minister of Finland), Anker Jorgensen (former Prime Minister of Denmark) and Kjeld Olesen (former Minister of Foreign Affairs of Denmark).

The Fact-Finding Mission to Turkey has been undertaken in order to determine the status of the peace process in Turkey. The mandate of the Mission has been to determine what progress has been made with the peace process which has spanned over a period of time; identify any impediments, if any, which may be obstructing the peace process; what mechanisms have to be put in place to deal with these impediments and how IPRI can facilitate, without dictating to the parties, the peace process in order to reach its logical conclusion.

This report assesses, evaluates and analyses the evidence obtained by the Fact Finding Mission and presents factual findings on the status of the peace process, makes recommendations for removing obstacles, if any, to the peace process, and how to advance and facilitate the peace process for a political solution of the Kurdish question in Turkey. It also assesses how this process will impact on the constitutional development of a democratic Turkey, Syria, Iraq and Iran, based on human dignity, freedom and equality.

IPRI's objective is to work towards World Peace through dialogue and negotiation. It is registered as a Trust in South Africa and as a Non-Profit-Making Organisation and it comprises a Board of Trustees, a Board of Guardians and a Secretariat. The Fact-Finding Mission comprised Judge Essa Moosa from South Africa, a retired judge of the Western Cape High Court of South Africa, Francis Wurtz from France, a former member of the European Parliament and Osman Kavala from Turkey, a businessman and active in Turkish civil society. The Mission was assisted by Ms Berivan Alatas of Turkey in secretarial and interpreting functions.

BACKGROUND TO THE KURDISH ISSUE AND THE CONFLICT

The 'Kurdish issue' is a complex one, related to the manner in which Kurdish people have been historically marginalised, subjected to intense repression and loss of human and political

rights in the face of periods of nationalism, inter-imperialist deliberations, the decline and the dissolution of the Ottoman Empire. Since the early days of the Republic of Turkey, Kurds have been subjected to repression, and resistance to centralised authority has been put down by force.

The Kurdistan Workers Party (the PKK) was founded in 1978. Abdullah Ocalan, its leader, had the objective of liberating and uniting the divided parts of Kurdistan. In 1979, he left Turkey just before the anticipated military coup. The PKK began its armed struggle in 1984. The armed conflict between the Turkish government and the PKK is estimated to have caused the deaths of more than 40,000 people.

OVERVIEW OF THE PEACE PROCESS

When the AKP (Justice and Development Party) took power in 2002, they found that the military was engaging Ocalan on the question of a ceasefire, the laying down of arms by the PKK and a political solution to the conflict. In 2003, the leader of the AKP, Recep Tayyip Erdogan, became Prime Minister. In recent years, Erdogan has used the head of Turkish Secret Services (MIT) to negotiate with Ocalan, rather than the military. Following these discussions, Ocalan prepared a 'Road Map to Peace'. These developments culminated in the Oslo talks between the PKK and the Turkish government in 2011. These talks were terminated, however, by the Turkish government as a result of leaks to the press. As a consequence, the armed conflict escalated.

There have been a number of ceasefires before and after the abduction, arrest, trial and imprisonment of Ocalan. The first ceasefire was declared by Ocalan in March 1993. Another was announced in December 1995 and yet another (lasting almost five years) commenced in September 1998. During Ocalan's imprisonment, another ceasefire was declared in April 2005. Lasting until October 2005, it coincided with accession talks between Turkey and the European Union (EU), which the PKK did not oppose. The next ceasefire was announced in October 2006 and ended with cross-border attacks on PKK bases in the latter half of 2007. The most recent ceasefire was announced by Ocalan from prison on 21st March 2013 as a "historical call".

However, on 28th December 2012, Prime Minister Erdogan confirmed the basis of a conflict resolution process and conceded that it was unlikely that the PKK could be defeated militarily nor can PKK succeed with the armed struggle. Hakan Fidan was given a mandate to revive talks with Ocalan in order to resolve the armed conflict. These talks led to the historical call made by Ocalan for a cease-fire and the withdrawal of PKK armed combatants from the borders of Turkey. The Turkish government respected the unilateral ceasefire and permitted armed combatants to leave the country unhindered.

REFORM PACKAGE

In September 2013, Erdogan announced the reform package that was aimed at kick-starting the Kurdish peace process. Several measures were proposed, including the introduction of education in Kurdish at private schools, the right of villages to use their traditional Kurdish names and the decriminalization of the use of Kurdish letters not found in the Turkish alphabet. Although some of these proposals were implemented, Kurdish representatives were not satisfied with the adequacy of the reform package.

NEED FOR A SOLUTION

A resumption of the armed conflict in Turkey is likely to not only have serious consequences for Turkey but also the neighboring countries of Iraq and Syria and the wider Middle East. The need for a political solution to the Kurdish issue is therefore urgent and imperative. It was in this context that IPRI decided to establish a Fact-Finding Mission to Turkey. The objective has not been to dictate to the people of Turkey the terms of the political solution but to facilitate the peace process in the interest of all peoples of Turkey.

With the recent local elections in March 2014, the Kurdish BDP party clearly showed that it was supported by the Kurdish people and represented their demands and aspirations, and it was expected to play an essential role in the peace process. The AKP also managed to get an increase in votes and also obtained support from the Kurdish constituency. The Peace Process has provided hope to the people of Turkey for a society where they can live together in peace and equality.

THE PROGRAM OF THE FACT-FINDING MISSION

The preparation of the Fact-Finding Mission was undertaken by representatives of IPRI in South Africa, Europe and Turkey. The visit began in Istanbul on 1st June 2014 and ended in Diyarbakir on 9th June 2014. The Mission also visited Ankara. Interviews and consultations were undertaken with a wide cross-section of society, politicians, political parties, NGO's and representatives of foreign embassies. The detailed evidence and perspectives gathered from these interviews and consultations in the three cities is presented in the Fact-Finding Mission report.

EVALUATION

The consultations and conversations with the interviewees were remarkably frank and open. All the political parties - other than the MHP – were consulted. As already noted, the Fact-Finding Mission tried to set up an appointment with the MHP but unfortunately could not secure such an appointment. None of the parties (bar the MHP) that the Fact-Finding Mission consulted and interviewed was against the peace process. But from the evidence we obtained, it appears that the MHP was against any talks or negotiations with the PKK or its leaders. Many of the NGO's felt that there are also other issues and concerns in addition to the Kurdish issue that need to be addressed and resolved. These relate to the democratization of the state and society and to the recognition of the identity and rights of other minorities forming part of Turkish society.

The AKP and the BDP/HDP representatives that the Fact-Finding Mission spoke to were very optimistic that the resolution of the Kurdish issue in Turkey would be found. They were confident that the peace process would lead to such a solution. The AKP linked the peace process to a political calendar which, *inter alia*, identified the local government elections of March 2014, the presidential election of August 2014 and the national parliamentary election of June 2015. According to Pervin Buldan, the deputy President of BDP, in June 2014, top government officials briefed senior officials of the HDP/BDP on the peace process. It emerged from the briefing that a new Road Map for Peace will be agreed upon between the government and Ocalan; that the military supports the peace process and Ocalan will be

released after the final agreement is reached between the government and Ocalan on the peace process. His release might be preceded by “house arrest”.

From the Fact-Finding Mission's consultations and interviews, it emerged that the two main actors in the peace process were Prime Minister Erdogan (leader of the ruling party during the time of the Fact-Finding Mission's visit) and Abdullah Ocalan, the leader of the PKK. Ocalan is presently serving a life-long sentence in Imrali Prison. The Mission concluded that they have the necessary authority to steer the process to a satisfactory conclusion. In this regard, it contends that there are two issues facing the peace process: one is a security issue and the other is a political issue. The leadership role of Ocalan is necessary to convince the PKK to abandon the armed struggle whilst Erdogan has the power to bring about the necessary legal reforms to democratize Turkish society and recognize the identity and rights of the Kurdish people.

The criticism leveled against the peace process, particularly by the opposition political parties and the NGOs, is that the peace process is not open and transparent. There is merit in this criticism. Recently, for example, Hakan Fidan, the present head of MIT, held discussions with Ocalan that were based upon the mandate provided by the Prime Minister. It was reported that during these talks, Ocalan prepared a Road Map for negotiations and handed it to the government for consideration. These talks were held in secret and no information was shared with the public. These talks, which culminated in 2011 with talks between MIT and the PKK in Oslo, were inconclusive. But the information concerning these secret talks was only made public after leaks to the press. What was agreed upon at the abortive talks was not publicly revealed.

Further criticisms have been made concerning the manner in which the Wise Men's Commissions composed of civilians and a Parliamentary Commission – both put in place as reciprocal steps after Ocalan's 31st March declaration – were constituted and functioned. A complaint was that the Wise Men's Commissions were not representative of broad based society but were packed with sympathizers and supporters of the ruling party. The MHP refused to participate in the Parliamentary Commission. The CHP demanded equal representation of the parties in the commission and decided not to participate when this demand was turned down. As a result, the Commission was set up with ten members from the AKP and one member from the BDP/HDP. This raised concerns about the objectivity of the Commission.

Whilst there was merit in these and other identified issues, according to the assessment of the Fact-Finding Mission, Wise Men Commissions of the various regions have provided fair and balanced reports arising from the terms of their reference. This to some extent has mitigated the fact that they were not fairly representative of broad based society.

A further criticism leveled by the opposition political parties and the NGO's regarding the peace process was that it was not comprehensive and inclusive. Certainly, it is common knowledge that Prime Minister Erdogan played the “the talks about the talks” close to his chest. He did confine such talks between MIT and Ocalan. The Fact-Finding Mission concludes, however, that whilst these types of criticisms have merit, one cannot ignore the political situation prevailing at the time and the wide-ranging consequences flowing from the provisions of the ant-terror legislation.

The Fact-Finding Mission further notes that the government submitted a new law package to Parliament on 23rd July 2014. This legislation was approved by a strong majority of AKP, BDP/HDP and CHP deputies. Its objective is to determine the procedure and principles related to the solution process which aims to put an end to “terror” and to strengthen social integration. This legislation in the opinion of the Fact-Finding Mission may have far-reaching consequences for legitimizing the peace process which will lead to the normalization of the political situation in Turkey, reconciliation and reintegration of members of PKK into Turkish society and the release of political prisoners including Ocalan. It arguably addresses the concerns of Erdogan as to why he has played the peace process “close to his chest” and it will also vindicate Ocalan, who on 21st March 2013 announced three steps for peace, namely, the ceasefire, the legal framework and the normalization of the situation in the country.

The CHP like many of the NGO’s has linked the peace process to the democratization of the state and society. But the legislative framework which the Turkish Parliament passed in July 2014 does deal with the reservations expressed by the CHP and some of the NGO’s. In view of the fact that the peace process is being legalized and most of the objections of the CHP and the NGO’s are being dealt with, there is no reason why they should not actively support the peace process. Although NGO’s on the whole have been in support of the peace process, they have not been optimistic about the final outcome of the process. Their reservations are based on past actions and the conduct of the government – for instance, by the sudden manner in which the Oslo Peace Process was terminated when it had almost reached successful completion. For these reasons, the NGO’s remain skeptical about the intentions of the government to see the peace process through to its logical conclusion.

The NGO’s that represented the minority groups, the Fact-Finding Mission were also in favor of the peace process. However, they expressed strong reservations that such a process is one-sided in that it does not address the concerns of other minority groups. It is therefore paramount that their concerns are addressed at the same time that the concerns of the Kurdish people are addressed. As far as the embassies were concerned, they have expressed mixed reactions to the success of the peace process. They have vacillated between optimism on the one hand and pessimism on the other, yet none of the embassies has expressed any opposition to the peace process. The representative of the European Union is cautiously optimistic.

RESULT OF SURVEYS

The survey findings that were assessed by the Fact-Finding Mission can be summarised, *inter alia*, as follows: (i) the Kurds and Turks can have a common future in Turkey; (ii) support for the peace process amongst the Turkish people has exponentially increased from the time the peace talks were announced; (iii) the public increasingly regards the Kurdish issue as a political problem rather than a security problem, which is to be resolved peacefully; and (iv) the divergence in the perception between Turks and Kurds on the question of territorial separation calls for urgent and immediate action on the part of all role-players involved in the peace process.

THE FACTUAL FINDINGS AND RECOMMENDATIONS

In the discharge of its mandate, the Fact-Finding Mission concludes that considerable progress has been made in the talks between the government and Ocalan in his capacity as the leader of the PKK. These talks have resulted in the ceasefire which was declared by Ocalan

on 21st March 2013 as well as the withdrawal of the PKK armed combatants from Turkey. The ceasefire and the withdrawal were implemented by the PKK and respected by the Turkish state. There is some uncertainty whether all the armed combatants had left the Turkish territory

The legal framework gives legal efficacy to the peace process, and sets out the negotiation process and the reconciliation and normalisation of the political situation in the country. By enacting the legal framework, the government has shown its basic commitment to the negotiations and, as such, has kept its part of the understanding with Ocalan, namely, its obligation to put in place the legal framework and measures to normalise the situation..

It is important that that both parties, that is, the AKP and the PKK, as part of the confidence building exercise, temper their language consistent with the peace process in order to avoid confusion in the rank and file of ordinary members of the public but particularly the youth and get them to buy into the peace process. Subject to what the Fact-Finding Mission may state hereafter, in its considered view, the impediment that arose and that can still arise - which can negatively influence the peace process - does not constitute a serious threat to reverse the peace process. The peace process underway presently bodes well for the people of Turkey and, at this stage, there are no impediments blocking the process that are required to be removed and we do not see the need for IPRI to intervene.

Since the Fact-Finding Mission's visit to Turkey, new developments in Syria and Iraq have threatened and bedevilled the peace process in Turkey. The Islamic State (IS) launched an attack on Mosul in the Kurdish area of Iraq in June 2014. With the fall of Mosul, IS has turned its attention on Kobani in Syria. Despite being outnumbered and outgunned, the People's Defence Units (YPG) and the Women's Defence Units (YPJ) repulsed the attacks on Kobani. The position of Turkey *vis-à-vis* IS is somewhat ambivalent. There have been conflicting claims whether or not the Turkish government preferred the fall of Kobani. The fallout from Kobani has seen demonstrations in support of the people of Kobani not only in Turkey but worldwide.

However, the HDP (People's Democratic Party) delegation visited Ocalan on 1st October 2014 and released a press statement pertaining to the siege of Kobani and the peace process. Ocalan has emphasized that the Kobani reality and the peace process is indivisible. He has affirmed that the peace process is still on-track and has stated that the priority is to frame, in principle, a Road Map and an Action Plan. It is of major importance to initiate formal negotiations as a matter of urgency and with due diligence.

The message from the international community is quite loud and clear. The differences between the Turkish and Kurdish peoples must be settled by peaceful political means through dialogue and negotiations. The fact that Kobani has survived IS attacks must send a strong message to the parties that they should expedite the talks and reach a settlement as a matter of urgency. The prospect of IS turning its attention on Turkey and destabilizing it and other parts of the Middle East cannot be excluded.

The Fact-Finding Mission wanted to engage both the then Prime Minister Erdogan and the imprisoned Kurdish leader Ocalan on the peace process but at the time it visited Turkey, it had no feedback from the authorities about any proposed visit to see them. As both leaders are critical to the peace process, it would have been important to have had their input and views

on the peace process. The Fact-Finding Mission encourages both leaders to continue with the peace process which they initiated when it was not popular for them to do so.

The Fact-Finding Mission recommends that, as the peace process is on-going, IPRI:

- Urges the Turkish government and Ocalan to continue the dialogue for the resolution of the Kurdish issue in Turkey;
- Calls upon the Turkish government to convert the talks between it and Ocalan into genuine negotiations for the resolution of the Kurdish issue in Turkey;
- Appeals to the Turkish government to consider releasing Ocalan, as soon as is reasonably possible, to enable him to take his rightful place in the negotiating process and consult his constituency in order to buy into the peace process and the final outcome of such negotiations;
- Encourages the parties to reach a successful conclusion to the peace process without much delay as they owe it to the peoples of Turkey; they owe it to the peoples of the Middle East; and they owe it to the peoples of the World;
- Continues to monitor the peace process and report on the progress of such a process from time to time until the successful conclusion thereof;
- Distributes this Report together with its Findings and Recommendations to:
 - (i) Erdogan and AKP and Ocalan and PKK and all the leaders of the other political parties and to their respective parties;
 - (ii) To all the individuals and organisations the Fact-Finding Mission interviewed and consulted in the preparation of this Report; and
 - (iii) To such other organisations, world leaders and opinion makers that it seems fit.

The successful conclusion of the peace process can also contribute to the democratisation of the Turkish state and its society. It can have a positive and beneficial effect and impact on the neighbouring countries that are experiencing conflict and strife. The circumstances in the neighbouring countries dictate that Turkey finds a lasting solution to the Kurdish problem in Turkey to enable it to contribute to a peaceful political solution in the strife-torn neighbouring countries. Turkey cannot play a meaningful role in the Middle East whilst the Kurdish issue in Turkey remains unresolved. Let us resolve this issue for the common good of all.

THE FULL REPORT

INTRODUCTION

The International Peace and Reconciliation Initiative (IPRI) was launched on the 3rd December 2012 at a press conference held at the Residence Palace of the European Union in Brussels. The launch was in response to an international call made by Archbishop Emeritus Desmond Tutu for the resumption of talks between the Turkish government and the imprisoned leader of the PKK, Abdullah Ocalan, for the peaceful resolution of the Kurdish Question in Turkey. The call was supported by a number of leading world leaders and Nobel Peace Prize laureates.¹

The objective of IPRI is to work towards World Peace through dialogue and negotiations. Its mission is to start in the conflict regions of the Middle East and thereafter move out exponentially to other regions of conflict in the world. Its initial focus is to find a lasting and durable peace between the Turkish and Kurdish peoples in Turkey and thereafter pan out its mission to its immediate neighbours in conflict.

IPRI is registered as a Trust in South Africa with the Master of the Western Cape High Court² and as a Non-Profit-Making Organisation with the Department of Social Development of South Africa³. IPRI consist of:

- (a) A Board of Trustees whose function is to implement the aims and objectives, develop the values, principles and policy, and approve the programme of action of the organisation and supervise the work of the Secretariat;
- (b) A Board of Guardians which shall comprise of prominent persons with expertise and experience, shall serve as advisors to IPRI; and
- (c) The Secretariat shall be the administrative arm of IPRI under the supervision of the Board of Trustees and shall be charged with the task of implementing the programme of action.

THE FACT-FINDING MISSION

The first programme of action adopted by IPRI is to undertake a **Fact-Finding Mission** to Turkey in order to determine the status of the peace process in Turkey. The primary motivation for the formation of IPRI is to advance the peace process in Turkey as a corollary to the scope of a broader peace in the whole of the Middle East.

The mandate of the Mission is fourfold. The first is to determine what progress has been made with the peace process which has spanned over a period of time; identify any impediments, if any, which may be obstructing the peace process; what mechanisms have to be put in place in

¹ Amongst them were: His Holiness Dalai Lama of Tibet and a Nobel Peace Prize Laureates, Jimmy Carter, former President of the United States of America and a Nobel Peace Prize Laureate, Jose Ramos-Horta, former President of East Timor and a Nobel Peace Prize laureate, Gerry Adams, President of Sinn Fein, Northern Ireland, Kjell Magne Bondevik, former Prime Minister and Minister of Foreign Affairs of Norway and currently Director of the Oslo Centre for Peace and Human Rights, Ingvar Carlson, former Prime Minister of Sweden, Paavo Lipponen, former Prime Minister of Finland, Anker Jorgenson, former Prime Minister of Denmark and Kjeld Olesen, former Minister of Foreign Affairs of Denmark.

² Reference IT00234/2014

³ Reference 134-163NPO

order to deal with these impediments; and how IPRI could facilitate, without dictating to the parties, the peace process in order to reach its logical conclusion.

The second is what impact these talks would have on the constitutional development for a democratic Turkey based on human dignity, freedom and equality. The third is how the solution to the Kurdish issue in Turkey would impact on the neighbouring countries that are also experiencing conflict situations. The fourth is to inform and guide the strategic objectives, policy and program of action of IPRI in the short, medium and long term.

The objective of the Mission is to interview and speak to all role-players in Turkey. They are, amongst others, the political parties, representatives of government, non-governmental organisations, the Wise-men Commission, appointed by Prime Minister, Recep Tayyip Erdogan to report on the cease-fire, the business community, the community based organisations, and opinion and policy makers. There is also a need to inform the Turkish society and civic organisations of the peace process and their input and views on such process.

At the end of its visit to Turkey, it will prepare a written report in which it will assesses, evaluate and analyse the evidence obtained from its interviews and talks, make factual findings on the status of the peace process, make recommendations for removing obstacles, if any, to the peace process, and how to advance and facilitate the peace process for a political solution of the Kurdish question in Turkey and how this process will impact on the constitutional development for a democratic Turkey, Syria, Iraq and Iran based on human dignity, freedom and equality.



Francis Wurtz



Judge Essa Moosa



Osman Kavala

It should also serve as the basis to inform and guide the strategic objectives, policy and program of action of IPRI. The fact-finding mission comprises Judge Essa Moosa from South Africa⁴, Francis Wurtz, from France⁵ and Osman Kavala, from Turkey⁶. It was assisted by Ms Berivan Alatas who acted as organiser, secretary, researcher and interpreter for the mission.

THE KURDISH ISSUE

In the last few decades of 19th century, the idea of nationality started festering among many ethno-national groups who lived in the territory of the Ottoman Empire in the Middle East. With the fall of the Ottoman Empire after the First World War, namely in the 1920`s, Turkish nation state was built in the face of denial of the rights of other ethnic groups who lived within the borders of modern Turkey. The case was the same for the Kurds in the rest of the former Ottoman Empire. Within the framework of the state-building in the Middle East, the Kurds began to be divided amongst several newly-founded states and in the process they were deprived of their national identity and rights.

In spite of all the efforts of the Kurdish people to exercise their right to self-determination, the future and the political status of the Kurds had been determined by the French and British diplomats, namely Mark Sykes and George Picot, with the blessings of their governments. The Sykes-Picot Agreement of 1916 was a secret agreement in terms of which the Ottoman Empire was parcelled up into artificial states.⁷

However, the American President, Woodrow Wilson declared fourteen points for the World Peace in 1918, which assured the Kurds, as well as Armenian, the right to self-determination, that led to the Treaty of Sévres in 1920. According to section III, Article 62, Kurdistan gained its right to be autonomous and according to Article 64 Kurdistan was scheduled to hold a referendum within a year in order to decide its fate in terms of its independence.

⁴ He was appointed in April 1998 by President Nelson Mandela as a judge of the Western Cape High Court .Before that he practised as a human rights lawyers spanning over a period of more than 30 years. In 1990 he served as Secretary of the Constitutional Committee of the ANC, which gave logistical support to the ANC negotiation team led by Nelson Mandela. He presently serves as the Chair of the Board of Trustees of the International Peace & Reconciliation Initiative (IPRI)

⁵ He was a member of the European Parliament from 1979-2009 and served on various Parliamentary Assemblies and Committees. He served as the President of the GUE-NGL Group in the European Parliament from 1999-2009. He is a lecturer at the Institute of International and Strategic Relations (IRIS) in Paris and currently the Chairperson of the Institute of European Studies of the University of Paris.

⁶ He is a businessman and was instrumental in establishing a number of business organisations in Turkey. He is active in civil society and serves on the Board of Open Society Foundation (Acik Toplum Vakfi) and chair of the Anadolu Kultur, which implements art and culture programs in Turkey in order to promote human rights and a pluralistic understanding of culture. He served on the Boards of Turkish Economic and Social Studies Foundation (TESEV), Turkish Audiovisual Cinema Foundation (TURSAK) and the Foundation to Fight Soil Erosion (TEMA).

⁷ The Sykes Agreement of 1916: HistoryLearningSite.co.uk. 2008. Web.ar

The Treaty of Sevres



Although the Treaty of Sevres had acknowledged the rights of Kurds in *Turkey*, this agreement was superseded by the Treaty of Lausanne signed in 1923 after the resistance movement led by Mustafa Kemal against the occupying forces became successful. The new representatives of Turkey did not acknowledge the right of self-determination of the Kurds and this refusal was accepted by British authority in order to keep its control over oil-rich regions such as Mosul in Iraq. With the Lausanne Treaty the Turkish government recognised non-Muslim communities as the only minority groups in Turkey and denied the ethnic identity of the Kurds.

After the establishment of the Turkish republic there were several Kurdish uprisings against the central authority. However these were mostly short-lived and put down by force.

THE CONFLICT

In 1978 The Kurdistan Workers Party (the PKK) was founded by a group of Kurdish students. The party led by Abdullah Ocalan had the objective of liberating and uniting the divided parts of Kurdistan. In 1979 Ocalan left Turkey for exile because of the potential military coup. Since its leader lived in exile, PKK was being led from abroad. In 1984 PKK started its armed struggle. The armed conflict between the Turkish government and the PKK is estimated to have caused the death of more than 40.000 people from both sides of the divide.

OVERVIEW OF THE PEACE PROCESS

Since the 1990's there have been intermittent attempts to find a peaceful resolution to the Kurdish issue in Turkey. These were mostly covert attempts as the Turkish political life was under the tutelage of the military forces. The civil government was inhibited from having direct talks with PKK. Those that attempted to find a peaceful political solution paid with their lives such as General-Commander Esref Bitlis and Colonel Ridvan Ozden.

When the AKP (Justice and Development Party) took power in 2002, they found that the military was engaging Ocalan on the question of ceasefire, PKK laying down arms and finding a political solution to the Kurdish question in Turkey. In 2003, Recep Tayyip Erdogan, the leader of the AKP became Prime Minister of Turkey. After he managed to put an end to the tutelage of the military system in Turkey, he substituted, HAKAN FIDAN, the head of Turkish Secret Services known as MIT, for that role instead of the military.

There were three ceasefires before the detention of Ocalan and three ceasefires after his arrest. The first ceasefire was announced by Ocalan in March 1993. The second ceasefire was announced in December 1995 and the aim was to find “*A solution within the existing borders of Turkey.*” The third ceasefire commenced in September 1998 and lasted till June 2004. It was longest lasting ceasefire. It lasted for almost 5 years.

The fourth ceasefire after Ocalan’s arrest was declared in April 2005 by PKK and extended to 3 October 2005 which coincided with the accession talks between Turkey and the European Union (EU). PKK did not oppose the accession process through which the Kurdish conflict has further become an EU problem. The fifth ceasefire was announced in October 2006 and ended with cross-border attacks on PKK bases by the Turkish forces in the latter part of 2007. The sixth and last ceasefire was announced by Ocalan from prison on 21 March 2013 and in the declaration he said: “*This will be a historical call. I am pleading for the support of the Turkish government. We have to rapidly solve the arms conflict without losing time or another life.....*”

The objective reality is that PKK will not be able to defeat the Turkish military and likewise the Turkish military will not be able to defeat the spirit of the Kurdish people to strive for the realization and enjoyment of real democracy, basic human rights and a measure of political autonomy. Both the Turkish government under the leadership of Prime Minister Erdogan and PKK under the leadership of Ocalan had realized the futility of the armed conflict and the need to find a permanent and peaceful resolution to the Kurdish issue in Turkey.

This set in motion private talks between the Turkish government represented by Hakan Fidan and Ocalan. Following such talks, Ocalan prepared a Road Map to Peace which was handed to the Turkish government. This eventually culminated in the Oslo talks between the PKK and the Turkish government in 2011. These talks were, however, terminated at the instance of the Turkish government because of leaks in the media. As a consequence, as the armed conflict escalated.



Kurdish Politician Selahattin Demirtas



Kurdish Politician Leyla Zana

On 1 July 2012, Kurdish politician Leyla Zana set the tone by meeting with Prime Minister Erdogan in his office. The meeting took place following a statement by Leyla Zana in the 'Hürriyet' newspaper where she said that she was hopeful that Erdogan would solve the conflict between the Turkish State and the Kurds.

On 28 December 2012: Prime Minister Recep Tayyip Erdogan revealed that Hakan Fidan with the mandate from the government had revived talks with Ocalan to end the decades-old fight between PKK guerillas and the Turkish military. He conceded that it is unlikely that PKK can be defeated militarily and likewise PKK cannot get anywhere by waging an armed struggle.

In January 2013 Ahmet Turk, a prominent Kurdish politician, deputy of the Kurdish party in Turkey and Co-chair of DTK, Ayla Akat Ata, were given permission to visit Abdullah Ocalan in Imrali Island. This was followed on 23 February 2013 by the Ministry of Justice granting special authorization for a delegation of prominent members of BDP to visit Ocalan in his prison on Imrali Island. Since then BDP (**currently known as HDP, Peoples' Democratic Party**) delegations were allowed to have regular visits. However, the government did not give permission for Ahmet Turk and Selahattin Demirtas to be included in the delegations after their initial visits.

Following the talks between the Turkish government and Ocalan, the latter on 21 March 2013, coinciding with Newroz, i.e. Kurdish New Year day, made an official announcement, calling for a cease-fire and withdrawal of the PKK armed combatants from the borders of Turkey. The process of withdrawal was incomplete as the PKK alleged that there were no corresponding legal steps as agreed to with Ocalan. The Turkish government respected the unilateral ceasefire and permitted the PKK armed combatants to leave the country unhindered.

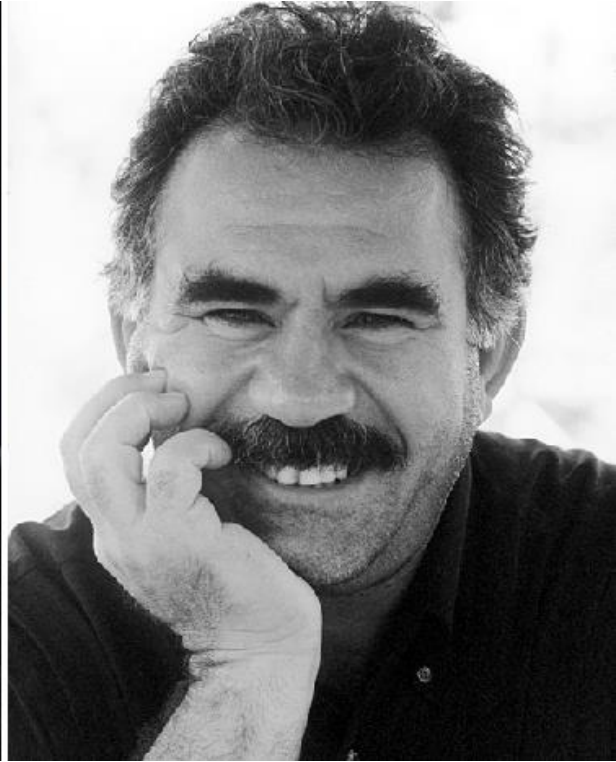
REFORM PACKAGE

In response to the announcement made by Ocalan, the Turkish government initiated certain policy reforms to meet some of the demands of the Kurdish people with respect to their cultural, linguistic and political rights and their demand for the democratization of the country. On 4 April 2013 in order to report on the unfolding peace process, Erdogan established a Wise-Man's Commission consisted of Turkish intellectuals and public figures. The Commission which was active in seven regions in Turkey had to explain the ongoing peace process to the public and report to the government on their reaction. .

In September 2013 Erdogan announced the long awaited reform package to kick-start the Kurdish peace process. Several measures were proposed, including: introducing education in Kurdish at private schools, allowing villages to use their traditional Kurdish names and decriminalizing the use of Kurdish letters not found in the Turkish alphabet. Although some of these proposals were implemented, the representatives of the Kurds were not satisfied with the adequacy of the reform package.



Prime Minister of Turkey Recep Tayyip Erdogan



Leader of the PKK, Abdullah Ocalan

NEED FOR A SOLUTION

In its “*Third Report, July 2011*”, the International Delegation of Human Right Lawyers on the Kurdish Question in Turkey, on the need for a solution following the national parliamentary election, made the following comment:

“The need for the resolution of the Kurdish issue in Turkey has more than ever before become a matter of urgency. The present circumstances in the Middle-East dictate that the Kurdish issue be resolved without any further delay. The people of Turkey, more particularly both Turks and Kurds, have given the political parties the mandate, through the recent national elections, to resolve the issue politically and not militarily. Such a resolution is in the interest of the youth, both Turks and Kurds, who are sacrificing their lives in a fruitless war that no side can win.....The vibrant economic development of Turkey dictates that the Kurdish issue be resolved peacefully. This will create the necessary environment for the greater acceleration of the economic development. The leadership of both the Turks and Kurds should seize the opportunity to solve the Kurdish issue for the good of all concerned.”

Given these conditions, the resumption of the armed conflict in Turkey could have had serious consequences not only for Turkey but also for its neighboring countries particularly Iraq, Syria and the rest of the Middle East. The need for a political solution of the Kurdish issue has not only become urgent but also imperative. It is under these prevailing circumstances that IPRI decided to establish a Fact-Finding Mission to Turkey. The objective is not to dictate to the people of Turkey both Turks and Kurds the terms of the political solution but to facilitate the peace process in the interest of all the people of Turkey

With the recent local elections in March 2014, the Kurdish BDP party managed to get the majority in 11 Provinces and 75 Districts against 8 Provinces and 50 Districts in 2009.⁸ This shows that BDP is seen and supported by the Kurdish people as representing their demands and aspirations, and expected to play an essential role in the peace process. AKP managed to get nearly an increase of 7% of the votes since 2009⁹ and the support from the Kurds was equal if not more than the BDP. The Peace Process has given the people of Turkey hope for a society where they could live together in peace and equality.

THE PROGRAM OF THE FACT-FINDING MISSION

With that background, we now return to the Fact-Finding Mission. The preparation of program of the Mission was a joint effort between representatives of IPRI in South Africa, Europe and Turkey. The visit to Turkey was scheduled to begin in Istanbul on 1 June 2014 and terminate in Diyarbakir on 9 June 2014. In addition to visiting the two cities, it also included a visit to the capital of Turkey, namely, Ankara. The interviews and consultations took place, among others with a cross-section of the Turkish society, politicians, political parties, NGO's and representatives of foreign Embassies. We summarize the evidence gathered from such interviews and consultations in the three cities we visited.

EVIDENCE OBTAINED BY THE MISSION IN ISTANBUL

VOLKAN VURAL OF TUSIAD

We interviewed and consulted Volkan Vural. He is a member of the Executive Board and Chair of the International Politics and Country Communication Committee of TUSIAD. TUSIAD is a Turkish Industry and Business Association. Also present at the meeting was Ebru Dicle who is the Deputy Secretary General of TUSIAD and serves on the Information Society, Social Policy and Political Reforms Committee of TUSIAD.

Volkan Vural spoke on behalf of TUSIAD. TUSIAD was committed to the peaceful resolution of the Kurdish issue in Turkey. He indicated that the ceasefire which was generally welcomed was holding. He said the peace process should be open and transparent and involve different actors. He opined that unfortunately the government does not have a road map to peace. He mentioned that the opposition political parties' wanted that the parliamentary threshold of 10% to be reduced in order to give the electorate greater party representation and there should accordingly be changes in the electoral system, Furthermore, he stressed that the government should apply the principal of subsidiarity by decentralizing powers to local government. The constitutional definition of citizenship should be neutral to embrace all groups in the country. Education should be given in the mother tongue, but there should not be a separate Kurdish educational system. What is required is a new democratic constitution for the country.

⁸ <http://studies.aljazeera.net/en/reports/2014/04/201441683719736110.htm>

⁹ <http://studies.aljazeera.net/en/reports/2014/04/201441683719736110.htm>

He further added that no one wants bloodshed and the peace process should have a legal framework. The use of excessive force by the police should be avoided. The government prefers a presidential system instead of a parliamentary democracy. There should be broad consensus to the peace process. He was cautiously optimistic of the peace process reaching its logical end, but that will take time. Nothing dramatic will happen before the presidential election of the 10th of August 2014. This election might have the effect of polarising the Turkish society further. This election will be followed by a parliamentary election in June 2015. The AKP-party hopes to amend the constitution before the parliamentary election in order to change the political system to a presidential system of governance. All parties should be drawn into the process so that no single political party or organization can hold consensus.

UMUD DALGIC AND SEMAHAT SEVIM OF THE HEINRICH BOLL STIFTUNG

The organisation was represented at our talks by Umud Dalgic and Semahat Sevim, both of them were Project Coordinators. The organisation was established in 1994 to work for democracy and human rights. They undertake research on economic issues, women and education in mother tongue.

The Kurdish movement has made many concessions in the peace process but the government has made very little. According to them, there was a lack of international experience in encountering the past in respect of the Kurdish issue. They are collaborating and co-operating with other Turkish organisations. They were briefed by the South African Mr. Alex Borain on the South African Truth and Reconciliation Commission. In 2007 they organised a conference in Diyarbakir on encountering the past. The Turkish public opinion does not give much attention to the Kurdish issue.

Their organisation intends organising a conference in Turkey from the 17th to the 18th October 2014 on the topic from conflict to resolution. It will comprise three titles: (i). Disarmament and Cessation of Armed Conflict; (ii) Resolution of Conflict for the Sake of Peace/the International Experience; and (iii) Women Perspective of the Peace Process and the Experience of Women in such Process.

OZGE GENC AND KORAY OZDIL OF TESEV

We consulted Ozge Genc (Director) and Koray Ozdil (Program Officer) of the Turkish Economic and Social Studies Foundation (TESEV). They indicated that the peace process has three steps: (i) Cessation of hostilities; (ii) Legal framework; and (iii) Return of exiles

There appears to be serious preparation to implement these three steps. They said that Deputy Prime Minister Besir Atalay who is the Head of the Coordination Committee of the Peace Process, has raised the possibility of the return of PKK militants, introducing amnesty

legislation and the retrial of persons convicted before the State Security Courts. He stated that the Government is preparing their own Road Map to Peace. They plan to appoint a Peace and Monitoring Committee to institute measures for peace and monitor the peace process. They indicated that the government would embark on action for peace. It will be a pro-government initiative and it will take place before the elections in August 2014.

The Kurds were visible with the GEZI protests. Since August 2013 the Kurds have been critical of the GEZI protests because it interrupted the peace process and no stand was taken on the Kurdish issue by the GEZI movement.

TESEV was optimistic with regard to the peace process and expected political prisoners to be released before the elections. However, there is no strong support for the peace process from civil society and no pressure from the opposition, other than BDP. The only response from the left is from those sceptics who ask: *“Are you sure that you can build peace with the government?”* Some of them are accusing the PKK of selling out the Kurdish people. The international community must come out strongly in support of the peace process.

IBRAHIM BETIL OF TOG (COMMUNITY VOLUNTEERS FOUNDATION)

TOG was represented by Ibrahim Betil, He informed the Mission that the Kurdish identity was a reality because AKP promoted the concept of a Kurdish identity. It decreased its majority in the local government elections from 53% to less than 50%. He was not too optimistic about the peace process. He said that nothing will happen until after the presidential elections as they would not want to lose the support of the nationalists. He contended that NGO's should get involved in promoting the concept of peace. What the civil society is striving to do is to promote democracy and basic human rights. They are against a separate state for the Kurds..

Although Turkey signed the Declaration on the Rights of the Child of the United Nations, they noted a reservation with regard to mother tongue education. He said provision has been made for mother tongue education in private schools but not in public school. Some universities in Turkey have established Kurdish language faculties. He contended that the biggest obstacle was the fears of political parties in losing votes because a large section of the Turkish population would be against the principle of separation.

He said that civil society should defend mother tongue education. Furthermore he stressed that Turkey's population is 74 million, whereas the Kurdish population is approximately 15 to 20 million. The peace process is not the only issue but there is a broader issue relating to democracy and corruption. The government is promoting itself by stating that firstly the health services are available to all the people in Turkey and secondly, social aid fund amounted to approximately 14 billion dollars which equals 30 billion Turkish Lira's.

PROFESSOR AHMET INSEL, HAKAN TAHMAZ & MURAT CELIKKAN OF THE HELSINKI AND PEACE ASSEMBLY

Helsinki Citizens Association

We interviewed and consulted Professor Ahmet Insel. He said that the Kurdish issue is the question of identity, language and autonomy. He was optimistic about the peace process. He said that the Kurdish population made up about 20% of the Turkish population. Half of the Kurdish voters vote for AKP and the other half votes for Kurdish parties. He added that there was de-facto self-rule in the Municipalities under the control of BDP/ HDP. After the local government elections BDP/HDP controlled 3 Metropolitans. He said that the Mayors are elected directly by the electorate whereas the Governors are nominated by the government. The Kurdish women movement has real autonomy and are appointed as co-Mayors, which are legally recognised

We know what the Kurds demands are but we do not know the reaction of the Turkish population to such demands. They are in the same position as the whites were before the political settlement in South Africa but the difference is that the Turks are in the majority in this country. There will have to be a compromise. There are two options: the one is the Spanish option of autonomy which, in his opinion, is not sustainable as it would separate the Kurds from the East and West of Turkey and may cause migration and clashes between Kurds and Turks; the other option is to change the law on citizenship and recognise minority rights at the national level as there are also other minority groups in Turkey. They are a broad based organisation, which represents different groups in the country but they put forward the Kurdish problem before any other problems and this is inevitable.

Peace Assembly

Hakan Tahmaz stated that the Peace Assembly was created in 2007 to end the conflict between the PKK and the Turkish State and work towards the resolution to the Kurdish Question in Turkey through peaceful means. He said that a state of impunity exists as the independence of the judiciary is compromised by influence and pressure from outside forces. He stated that the peace process on the Kurdish issue has lasted for approximately one and a half years. The ceasefire has held and there has been no death arising either from attacks by the PKK or Turkish army. There are, however, no genuine negotiations taking place.

Tahmaz said that one of the shortcomings of the Peace Process is that the talks between Hakan Fidan and Ocalan are taking place in secret and the public is not taken along the process and remains ignorant of what is happening. He mentioned that the absence of a legal framework inhibits the peace process. There are talks of PKK guerillas returning from the mountains but there is no definite indication as to how that process will take place.

Centre for Truth Justice and Memory

The third speaker, Murat Celikkan, said that there was no indication of reform in the judicial system. There is no talk of the disappearance of people or compensations of victims. There is also no consensus between political parties on the new constitution. He contended that the attitude of the Prime Minister and the force used by the police is cause for concern for the peace process. The political parties, other than the AKP, are not part of the peace process.

The present constitution is the product of the previous regime. Our organization the Peace Assembly is a broad based organization established by previous guerrillas. He said the peace initiative started in 2010-2011. All people should be involved in the process and not limited to the government because the people do not have enough trust in the government. The AKP party is conservative and nationalist but there is no other party to replace the AKP.

Today, talks between Ocalan and Erdogan have lasted for almost 17 months. The ceasefire is holding. The Peace Assembly supports the peace initiative. There is no official information about the peace process. The information we get is from BDP after they had seen Ocalan. The message we received from them is that the talks between Ocalan and the government is positive. Similar messages emanates from government sources. There appears to be no real negotiations. They are just talking.

The talks should be transformed into real negotiations between Ocalan and the government. He sets out the way forward for the peace process as follows: (i) there must be a new constitution based on democracy and human rights; (ii) parliament should be a party to such process; (iii) The public should be informed of developments; (iv) The government should take immediate steps to release the 160 seriously ill prisoners out of the 500 others. It should not be necessary to change any law to achieve such release.

They have two main demands: the one is that there should be transparency and the other is that the process should be comprehensive and inclusive. The government should also involve the NGO's in the process and every segment of society should have some say in the process. The government has no policy or roadmap on the peace process. Before the elections there was some commitment from the government to produce a new constitution. This has not been realized. . The government had accepted democratic reforms but they have not put in place a monitoring mechanism for monitoring the process. To advance the peace process and dialogue in a positive way there should be a legal framework, because presently there is no balance in the process.

ISHAK ALATON (Chairperson of Open Society Foundation - Turkey)

We also interviewed Ishak Alaton, prominent businessmen in Turkey. He is also the Chairperson of the Open Society Foundation. He was not too optimistic about the peace process. He said that in the past there were certain initiatives in connection with the peace process but the parties reneged on such initiative. He gave the Oslo talks as an example. He

said that there are fundamental differences between Turkey and apartheid South Africa. Apartheid became progressively unsustainable and the need for change became inevitable even among the whites under Botha and later De Klerk. In apartheid South Africa the whites were in the minority whereas in Turkey the Kurds are in minority.

In 2011 at the time of the national parliamentary elections Alaton came out strongly in favor of promoting the peace process. However the process at the time was short-lived as the government embarked on a series of arrests and detentions after the elections. There is no trust in the goodwill of the leadership of the government. On the governments past record, he is not very hopeful that we will see light at the end of the tunnel.

KONDA (RESEARCH AND CONSULTANCY)

Bekir Agirdir is the executive director of KONDA which is a research and consultancy agency. KONDA conducted a survey on politics and society in order to unpack the question of polarization in Turkish society stretching back almost 100 years. In the survey on the question whether Turkish people would prefer Kurdish sons for their women; 57% of Turks said 'no' and 24% of the Kurds are opposed to mixed marriages. When the peace process started 40% of the Turkish population was in support of the peace process as indicated by the government survey of 2013. In July 2013 55% of the Turkish population was in support of the peace process. This figure increases exponentially but there were some decline which was arrested in December and the figure stood at to 65%.

The tendency in Turkish society is different and separate from such tendency in public life. In public life there appears to be more creativity whereas in private life a different situation prevails. In public life there is no difference and separation between the Turks and Kurds. The question of nationalism comes from the educational system. Nationalism is not deep seated prejudice in Turkish society. There is not much difference on the question of nationalism whether from AKP, MHP or CHP.

Ethnic conflicts are manipulated by government or political organizations and emanates very seldom from the community. Kurds who are more religious will vote for the AKP and Kurds who have ethnic tendencies will vote for BDP. Concerning the conflict between the state as represented by AKP and the Kurds as represented by the PKK, they have an obligation to find a solution to the Kurdish question. The AKP has influence and can play an important role in finding peace in Turkey and the Middle East..

There is no clear cut agreement between Ocalan and the government on the peace process. They are still trying to work out the road map. What is needed is political action not for or against peace, because there are different views of members in each party with regard to the peace process. He suggested that all political parties and all political actors should be involved in the peace process in order to increase the support base for the peace initiative and to popularize the peace process. It is not sufficient to rely on what Erdogan is doing.

If after 2015 the Parliamentary Elections things do not go the right way, the armed struggle could be resumed and could have serious consequences for the country. The problem originated originally between the Kurds and the State. If this problem is not solved after 2015, the problem might become a regional problem and not a national problem. The problems are no longer confined to the Turks and the Kurds. They have become manifested in other parts of society. This was manifested in the GEZI protests. The crucial agenda is the reconstruction of the state by making it democratic or by transforming the state into a democratic institution through a process of discussion and not conflict.

There is a need for a constitutional change for participatory democracy, transparency, decentralization with reference to the international models. The Kurdish issue is but one issue, There are also other issues. In order to endorse the peace process, people must consider this as part of a general reform program. For example the 10% threshold is an anti-democratic notion. If the individual candidates participate as a political party they could gain 45 extra seats in the absence of the threshold. It is not expected that any radical changes will take place until after the parliamentary elections in 2015.

AKP is discussing transformation of State structures. In this, AKP is more progressive than MHP and CHP. In 2004 they tried to reform the State but were refused by the President. But the AKP then was more progressive. Just before the elections of 2011, Erdogan promulgated law to centralize more power. The Kurdish problem should be integrated as part of the democratic progress of Turkey and the Turks must accept Ocalan as a political actor. The societal structure should embrace the rule of law, tolerance, and acceptance of diversity, equality of women and decision making participation of the masses.

SATURDAY MOTHERS

Some of the members present at the meeting gave a personal account of how they got involved with the Saturday Mothers. They also lost some of their family members who disappeared. They cannot find closure of the matter until they know what happened to their loved ones and those people responsible for their disappearance to be charged.. Only 18 countries signed the United Nations Charter for the Disappearance of Persons, but Turkey has not signed.

They were asked about the Kurdish peace process. They said despite obstacles Ocalan is trying to establish peace. He issued a strong message in 2013 on freedom, peace and democracy. A ceasefire was declared then, but the government continues to build military bases in Kurdish areas and digging trenches. They were pessimistic about the prospects, about the peace process as there are no real negotiations taking place.

What is required is a new constitution. The ill prisoners should be released immediately. The government thinks of it as a political problem rather than a humanitarian one. The problem is one of democracy and the national community should be involved in finding a political

solution. A Truth and Reconsolidation Commission should be established, because they want peace and justice. They are not optimistic about the peace process..

AYDIN CINGI & EROL KIZILELMA OF THE SOCIAL DEMOCRATIC FOUNDATION

Aydin Cingi who is a political scientist said the Kurdish issue is a long term process stretching between 30 to 40 years. They are not sure that it is a peace process. It is rather an issue of freedom and democracy and should be treated as such by political actors. The problem cannot be resolved by the government making piecemeal concessions. They need to understand the perception of the people with regard to the attitude of Erdogan. The use aggressive stance and language causes polarization in society. In order to reach consensus, there should be a political solution.

Politicians that spoke to Social Democratic Foundation SODEV support all the democratic demands of the Kurdish people. However what is needed is transparency in the process, and all political parties should be involved in the process, in order to give weight to the process. The Prime Minister is inconsistent but everything hinges on his statement.

UMIT FIRAT

Umit Firat, Chairperson of Helsinki Citizens Assembly, stated that Ocalan was the leader of the Democratic Movement of which the PKK is the armed wing. He said that negotiations are going on very well. He is optimistic that the last 72 hours talks between Ocalan and the government were conducted in a very positive manner. In the past the colonial regimes imposed borders contrary to the aspirations of the people.

Within the last 10 years the most important issue discussed by the Turkish government concerned the Kurdish issue. The Kurds are expressing the demands very explicitly. The government is not pursuing the policy of previous regimes. There are academics that claim that Ocalan cannot be a prisoner and be negotiating with the government.

For the last one and a half years government has not taken actions against the PKK. There are internal and external factors. Iran does not support the peace process and in the past tried to sabotage the process. In 1993 PKK carried out an attack and 33 people were killed. At the time there was a ceasefire. This was provocation organized by someone internal or external of PKK. The murder of the three Kurdish activists in Paris was a provocation by state agencies of Turkey. There is no political agenda by the military even if military carries out operations. Presently they are prevented from carrying out operations against PKK.

It is important for society to discuss very carefully the many national issues in society such as democracy, state structures etc. The democratization cannot be attributed to the present government because AKP depends on both the nationalist and the Kurdish votes.

PROFESSOR DR. GENCA Y GURSOY

Professor Gursoy, the former President of the Medical Association said that the AKP is the first government that recognized the Kurdish problem in Turkey. It gives priority to the peace process although there are many other pressing problems of civil society. In 2005 the Prime Minister Erdogan invited a group of intellectuals of which he was member to a meeting. In the discussion, the Kurdish issue was raised and we were very hopeful of the resolution of this problem. He used the discussion in an inclusive way but no concrete action followed. It is a traditional way of Ottomans solving the problems. Ocalan and government started talking. These talks were not transparent.

Later BDP was involved. It seems from sources who visit Ocalan that there might be positive action from government. There might be the return to the country of exiles, reforms to mother tongue education, and changes to legislation which includes the terror legislation. The language of Erdogan is not always consistent with the peace process. His statement makes us pessimistic of the peace process.

However, there are some positive signs coming from government namely that society should prepare for the peace process. The Prime Minister is promoting nationalist feelings which make the process difficult. In the last 72 hours, positive statements were made by the government. We were first pessimistic, but the HDP delegation who went to the Island, brought positive messages to the public from Ocalan. There is a government workshop in Diyarbakir which has been organized by the Deputy Prime Minister Besir Atalay on the peace process. It appears that only intellectuals have been invited.

EVIDENCE OBTAINED BY THE MISSION IN ANKARA

HATEM ETE

Hatem Ete is the vice-President of SETA and the Director of Political Research: SETA is 10 years in existence. It does research on relationship between the Military, Politics and the Kurdish issue. It has been accused of being bias to this issue. They have meetings with members of AKP and BDP and meet them together and separately. They have had very many meetings with AKP. There is common language and trust between the parties. They try and create public awareness of the peace process.

There is large scale support for the peace process. Before there was 50% support and now it has increased to 65%. In April and June 2013, the support was 58%. After the Gezi Protest and the corruption allegation in December 2013, the support increased to 65%. The conflict situation creates instability but if peace is established, the instability in the country will be eliminated. The Gulen movement and the Kurds are against corruption which contributes to such instability.

Conversely, the factors that contribute to instability such as conflict and corruption also increase the support for the peace process. At the beginning 75% of the AKP supporters supported the peace process but today the percentage has increased to 95% because peace has the potential to remove instability and promote development in areas hardest hit by instability. The figures from the supporters of the BDP are almost similar to that of the AKP supporters. Together they make up the supporters of the peace process. The indication is that the majority of AKP and BDP supporters are in favour of the peace process whereas the supporters of the CHP and MHP are not involved in the peace process.

How the peace process will unfold will possibly depend on a political calendar which will stretch from June 2013 to June 2015. His view is that the first year will be difficult but the last year will be critical. The calendar is represented by the following events: (i) June 2013 - the GEZI Protests; (ii) December 2013 – the attempt to destabilize the government by corruption allegations; (iii) March 2014 – the local government elections; (iv) August 2014 – the presidential elections; and (v) June 2015 – the parliamentary elections.

One of the most important factors impacting on the political calendar is the Kurdish issue and the peace process. There remains a question mark on these critical events. The question whether AKP resolves the Kurdish issue will depend on whether it maintains its power base and what concrete steps are taken by PKK.

PKK started the withdrawal after the cease-fire but the withdrawal stalled after the GEZI protest and Ocalan refrained from putting pressure on Kandil to complete the process. The Government will have to legalize the Peace Process, otherwise it holds inherent risks. The main concern of AKP is whether it can maintain its power at the end of the political calendar.

PROFESSOR MEHMET TEKELIOGLU

Professor Tekelioglu is the Chairman of the EU Harmonization Committee in the Grand National Assembly of Turkey and a AKP member of parliament. He identified a number of obstacles to the peace process but added that these obstacles are not insurmountable. It can be overcome provided there is the political will on the part of all the role-players. The biggest obstacle is to change the mind-set of the Turkish people who have been indoctrinated over the decades with Turkish Nationalism. Since the AKP came into power gradual progress has been made in Turkish society for the acceptance of the Kurdish identity.

To legitimise the peace process is a legal process but the judiciary is not in tune with society in accepting the change promoted by the politicians. The reforms advocated by the politicians must be implemented and this will entail the amendment of the ant-terror legislation. There appears to be conflict between “terrorism” on the one hand and “reforms” on the other hand. It is imperative for peace to be established between Turkish and the Kurdish peoples but this throws up new challenges to both the Turks and the Kurds.

Both the Turks and the Kurds accept the peace process as well as those in the mainstream society. This is reflected in the Oslo Peace Process of 2011, which reached almost a stage of settlement when information was leaked hindering the talks and the Turkish government decided to withdraw from the talks. He agrees that there is optimism that the peace process can succeed despite some controversial issues but the people who stand for peace must not act in a way that will create unnecessary obstacles to the process. Kurdish civil society must be actively involved in promoting the peace process.

The prison sentences imposed by the Courts on peace activists are working in the interest of the enemies of peace. Our youths are not very optimistic about the peace process. The challenge is how can we make them more optimistic about the peace process. The Kurdish people in South-Eastern Turkey, Istanbul and many other parts of the country have an important role to play in promoting the peace process and not play into the hands of the enemy.

The Government have a Road Map for peace and the Kurds have a Road Map for peace. What is required is for the law to be amended to accommodate the judiciary in the short term and in the long term to amend the law to provide mother tongue education and overcome the language issue and devolve some powers to local and regional levels in order to strengthen local and regional administration.

PROFESSOR YASIN AKTAY

Professor Yasin Aktay presently serves as the vice-chairperson of the AKP Foreign Relations . He said that the Government initiated the peace process. Because of the anti-terror legislation it is very difficult to conduct direct negotiations with the PKK. However, they are trying to open channels of communications through Ocalan and the BDP which is a legitimate party. He stated that AKP represents the majority of the Kurds in country as reflected in the voting pattern of the Kurdish people. He estimated that 2/3rds of the Kurds in the country are represented by the AKP. The Kurdish issue has now assumed greater importance and is not threatened by nationalism, whether it is racial, religious or regional in nature.

They have been criticized that they are ignoring the economic development of the South-Eastern Region of Turkey because it is predominantly inhabited by Kurds. He said that it was not true because they are developing and want to develop and improve the area further. The government policy is now more acceptable to the Kurds and the Turks and in the South-Eastern Region as a whole. In the past 12 years they tried to reform the society through silent revolution. The previous policy was of assimilation and denial of the identity and language of the Kurds. The Kurds were regarded as a security rather than a social problem. The ruling party managed to change that *de facto* “mind-set” and the nature of the State. Everything is up for discussion but the Constitution will have to be changed if any fundamental changes have to be made to the political system of the country.

After they opened up dialogue with Imrali, there was an attempted coup. The Gulen Movement was behind the coup as they were opposed to the dialogue and wanted the conflict with the Kurds to continue. The first step in the peace process was the withdrawal of the armed combatants from the borders of Turkey. There was no operation from the military against them. The withdrawal was stalled and some of them tried to settle in the South-Eastern side of the country. The Road Map will depend on the prevailing circumstances.

Their vision is to have full democracy in the country but the first duty is to protect the people against the hegemony of the PKK because they are armed. There are many challenges and risks such as democratic autonomy. The three metros controlled by BDP in the South East have exactly the same powers as all the other metros in the country. There are also pockets of resistance to Ocalan within PKK. There are also many advantages; with peace will come the economic development of the South Eastern regions.

They took three major steps: the one was to make foreign policy a political issue rather than to depend on bureaucrats for such policy; the second was to address the question of homeland security by opening up the peace process for the resolution of the Kurdish question in Turkey and the third was to address the Cyprus issue. The Turkish society is not ready yet to address the Armenian issue.

They plan to allow the exiles to return home in an orderly fashion. Those who have no serious charges pending against them or who have not committed serious offences such as murder, will be allowed to return home. The cases of those who have been charged with or committed serious offences will be addressed towards the end of the peace process. The case of the release of Ocalan will be addressed in the future.

PERVIN BULDAN

Pervin Buldan is the Deputy President of BDP. She has been the BDP representative who acted as the intercessor between BDP and Ocalan. She said the first political mission by BDP to Imrali was on 3 January 2013. Earlier there was dialogue between Ocalan and the government. Since then there were 19 visits to Imrali of which BDP/HDP participated in 17 visits. They also met the PKK in Kandil and government and state officials.

When they met Ocalan for the first time they discussed Ocalan's Road Map, which sets out three steps; the first was the cease-fire and the withdrawal of guerrillas outside the borders of Turkey; the second was the legal framework for the peace process and necessary legal amendments; and the third was the question of reconciliation and normalisation of the situation.

The full withdrawal of the guerrillas from the country did not take place because the legal framework was not in place. Ocalan then made a fresh proposal for the establishment of a Wiseman's Commission and a Truth and Reconciliation Commission (TRC). The Wiseman's Commission was established but only functioned for 3 months and handed its Reports to the Prime Minister. Ocalan thought that the Wiseman's Commission should have been a standing

committee. The TRC was never established. He then proposed certain practical steps, namely, the release of ill prisoners, the release of KNK prisoners, the abolishing of the anti-terror legislation but this never materialised. But instead, the government clamped down heavily on peaceful protest. The Prime Minister continued to use strong language in attacking PKK and BDP. In the last three meetings a lot of obstacles were raised and discussed but Ocalan is positive and keen to develop the peace process. He does not want to lose confidence as thousands of people have lost their lives. He wants to complete the peace process.

At the last meeting on 1st June 2014, he encouraged the HDP to meet the government officials regularly. He also indicated that he will be meeting government officials to discuss the necessary legal changes. The HDP representatives met the Minister of Justice, Minister of Interior and the Minister assigned to the Peace Process, namely Atalay. They are in the process of preparing the new legal framework and when they have drafted it, they will share it with HDP. The outcome of this meeting was shared by HDP with Ocalan.

On the 6th June 2014, HDP met top government officials who briefed them on the peace process and said that when they meet Ocalan next, they would also share the information with him. What emerged from their discussion was that a new Road Map for peace will be agreed upon between the government and Ocalan; that the military supports the peace process and Ocalan will be released when the final agreement is reached between the government and PKK.

HDP shared the information of their discussions with Ocalan, the Government Ministers and officials with PKK. Although PKK was critical of the AKP, they were nevertheless in favour of the peace process. They regarded Ocalan key to the negotiations on behalf of them. They were not as hopeful for the success of the process but said that they were at all times ready for peace or war.

EMBASSIES IN ANKARA

In Ankara we consulted and interviewed ambassadorial representatives of certain prominent Western Countries¹⁰. We introduced ourselves as members of the Fact-Finding Mission appointed by the International Peace and Reconciliation Initiative (IPRI). We briefed them on the terms of reference of the Mission relating to the peace process for the resolution of the Kurdish issue in Turkey. They were very interested in our mission and were very forthcoming and accommodating. They made it clear to the Mission that they were expressing their personal views on the peace process in Turkey and not necessarily that of their principals. We respected that stance. In order to protect the propriety and integrity of their views and input, we will in this Report not reflect their individual views and input but summarise them as the joint views and input of the representatives of the “Western Countries” in their personal capacity.

The views and input can be summarised as follows:

1. The view was expressed that the Turkish peace process on the Kurdish Question was more in line with that of Colombia and the Philippines as the peace initiatives also

¹⁰ The Western Countries were Norway, United Kingdom, USA and the European Commission which represented most of the countries in Europe

have to do with minorities in those countries. The Kurdish people in Turkey are also a minority. Unlike in South Africa, the majority of the people who fought for their freedom were the black people of the country.

2. There are two issues arising from the peace process. The one is a security issue and the other is a political issue. The solution to the security is in the hands of the PKK which must abandon the armed struggle. The political issue is the responsibility of the Turkish government which have to democratise the Turkish society and recognise the identity and the rights of other minority groups which make up part of the Turkish society. The present Constitution defines nationality as Turkish thereby excluding the identity of other ethnic groups.
3. The peace process is not a priority for the Turkish people but rather a burden. The AKP has gained a lot of support from the Kurdish people. The opposition have little interest in the Kurdish issue. Both the MHP and the CHP have in the past indicated their opposition to the peace process. Within the AKP there is a large section that does not see the need for change.
4. The process should be open and transparent. One of the shortcoming in the peace process in Turkey is the lack of ownership on the part of the people of Turkey, both Turkish and Kurdish. The Wiseman's Commission established by the Turkish government was a very good initiative as it advanced the public need to be involved in finding a peaceful solution to the Kurdish issue. There is a difference in direct talks with PKK and the government as in the case of Oslo talks and talks directly with Abdullah Ocalan. The latter carries inherent political risks.
5. The Syrian crisis has a bearing and influence on the peace process in Turkey. Barzani was in Russia and Iran for talks. PYD which is regarded as an extension of PKK in Syria was also talking to the Russians and Iranians. Turkey on the other hand was talking to Salih Muslim who is regarded as the leader of the Kurds in Syria. It is not clear what to make of all this.
6. The Kurds in Turkey are not fighting for their independence but for wider democratisation of the Turkish society. It is rather economic factors that are influencing the peace process. The relationship between AKP and some of the opposition parties and some NGO's are not good. The CHP made advances to the AKP especially during the GEZI protest but such advances were turned down because AKP did not want to backtrack on the stand it had already taken.
7. On the peace process there was a view that reflected a high degree of optimism in that we will see a successful political solution to the Kurdish Question in Turkey. Although no time line was forecast, it was submitted that, if nothing untoward happens, the peace process could unfold very rapidly and we could witness a political solution within the foreseeable future. The view was expressed that exiles would be allowed to return home to participate in peaceful political activities, provided they are disarmed and reintegrated into society. It was conceded that Abdullah Ocalan was key to the negotiation process for peace in Turkey.
8. Turkey has developed close relations with the Kurdish Regional Government of Barzani to balance the influence of Kurdish political opposition in Turkey. The Prime Minister Erdogan appeared with Barzani in Diyarbakir at a public meeting in

December 2013. The cease-fire which was declared in March 2013 is holding. There have been no deaths from the armed conflict since the cease fire was announced. There appears to be a power struggle between the government and the Gulen Movement which is not in favour of the peace process.

9. There appears to be a struggle for Kurdish support from the AKP and the BDP. At the recent local government elections, the AKP garnered more support from the Kurdish voters than the BDP. Erdogan has presidential ambitions. PKK has assured the people that the peace process is still on track and the talks are continuing. The building of new security compounds in the South Eastern regions bordering Syria has generated suspicion about the motives.
10. There are still risks present: the Military is not happy with no action being taken against PKK; there is the expectation of the release of ill prisoners; the KNK trials are still pending; and the Gulenist's disclosure of alleged corruption forced government to do damage control. Erdogan must be given credit for his bravery in launching the dialogue with Ocalan with the aim of finding a solution to the Kurdish issues.
11. The cause of concern is that the withdrawal process of the guerrillas is incomplete; mother-tongue education in public schools has been resisted while mother-tongue education in private schools has been approved; and the risk of the peace process being derailed cannot be excluded. The new law in terms of which the assets vested in the governors are to be transferred to the Metropolitans have happened in Metropolitans other than those controlled by BDP. This may affect the credibility of the three mayors who control the Metropolitans in the Kurdish area.
12. There was a convergence of different interests, which must be properly managed. The following factors might have an impact on the peace process: since the cease-fire, there has been no conflict; there have been some improvements in the Kurdish region of Turkey; the Kurds are not asking for a separate state; the peace process must still evolve; there are still uncertainty with regard to certain accusations made against Prime Minister Erdogan; and the expectations of the new presidential system where the President of Turkey will be elected by the voters directly.
13. One can't detract from the fact that it is only the AKP and Prime Minister Erdogan that can deliver on the peace process. The AKP has substantial support amongst the Kurds in Turkey. In the last 12 years there has been a silent revolution to reform Turkish society in which the identity of the Kurdish people was denied, the Kurdish language was banned, the state had a policy of forceful assimilation and the Kurdish issue was regarded as a security issue and not a social issue. There are many challenges and risks in the peace process but there are also a lot of advantages if peace is established. The vision should be to have full democracy, basic human rights and the protection of minorities.

DR. M. SEZGIN TANRIKULU (Deputy President of the CHP)

Dr. M. Sezgin Tanrikulu, was formerly the chairperson of the Bar council in Diyarbakir. He told the Mission that the approach of CHP to the Kurdish Question in Turkey has changed since 2011. After 2011 they initiated talks between the presidency of the various

parties and the Prime Minister. They suggested that he establishes a Social Consensus Parliamentary Commission and a Wiseman's Commission. All the parties should be represented on this commission with equal participation. According to the internal rules of parliament such commissions can only be established with the consensus of all political parties in parliament.

However, the Prime Minister did not want to involve the MHP in the process and therefore no consensus could be reached. CHP regarded the move as a progressive step but when they discussed the matter with the Prime Minister they could not reach consensus. At the time they did not know that secret talks were taking place between the government and Ocalan.

In 2009 certain guerillas had returned to Turkey from the mountains in support of the peace process. The CHP was against the return of PKK militants. In March 2013 parliament established a parliamentary committee comprising a parliamentary research committee on the Kurdish issue comprising of 10 AKP members and 1 BDP member. CHP wanted to participate but AKP rejected such participation because no consensus was reached. The recommendation of the committee was not tabled before parliament. Today despite the negative attitude towards the CHP, the CHP, in principle, is not opposed to the peace process. There might be individuals in the party who do not support the peace initiative. The CHP published a booklet setting out the proposals how to resolve the Kurdish issue.

Salahattin Demirtas of the BDP said that the proposals are not in conflict with the peace initiative of the BDP. AKP ignored our assistance but such opposition does not only come from the government but also emanates from the State. They try to interact with government on the peace process but the government is not prepared to take them into its confidence with regard to the process. The Wiseman's Commission was their idea but, they maintained, that they had to be independent and consult and interview the cross-section of society in connection with the peace process and report on such consultations and interviews.

Ocalan is in isolation and the government should take the public into its confidence by presenting its peace proposals. The Parliamentary Commission, which considered the constitutional reforms, had reached consensus on 66 articles of the constitution including the lifting of the ban on education in mother tongue. CHP now supports the peace process and the normalization of society.

JOINT MEETING BETWEEN REPRESENTATIVES OF AMNESTY INTERNATIONAL (TURKEY), ASSOCIATION OF HUMAN RIGHTS, INTERNATIONAL FEDERATION OF HUMAN RIGHTS, CONFEDERATION OF PUBLIC EMPLOYEES TRADE UNIONS and PEACE MOVEMENT.

Association of Human Rights

Representative of the Association of Human Rights said that the Prime Minister accepts the reality of the Kurdish problem but it is important that he creates a necessary legal framework for the Peace Process with certain guarantees. The association interacted with guerillas in the region. The region is occupied by 3000 soldiers and a large number of village guards. It is equipped with 1600 military items. It carries out regular identity checks in the area to determine whether there are any guerillas in the region. We expect a confrontation at any

stage. Ocalan is the number one role player in the peace process but he is isolated. He occasionally sees the BDP but not his lawyers.

The government postponed the second step in the Peace Process by not establishing the necessary legal framework. As a member of the Wiseman's Commission he will not attending the workshop in Diyarbakir. The Wiseman's Commission comprising 62 members have reported and sent a lot of information to the government but they failed to make it public. The Prime Minister continuously assures the public that everything is under control whereas it is not. This undermines public confidence in the peace process. There is no love lost between Erdogan and Dermirtas. My prognoses are that the resistance will grow, the ceasefire will continue but the political confrontation between the Government and the Kurds will intensify.

International Federation of Human Rights

Yusuf Alatas in his capacity as the vice-President of the International Federation of Human Rights said that it is not clear what the government hopes to achieve from the peace process. Is its intention to keep the ceasefire going and in the process eliminate the PKK or grant limited rights to the Kurdish people as a need to exercise control over them? It does not appear that it wants to make the use of mediators to mediate between the government and the PKK. It appears that legalizing the peace process serves to act as a shield against the PKK.

It also appears that it wants to marginalize the BDP/HDP. The case of the so-called kidnapped children of Diyarbakir is a protest organized by the government to discredit BDP. The strategy of the government is to make use of Barzani to isolate PKK. It seems that the Prime Minister Erdogan wants the support of the Kurds for the presidential election and to act as a safety shield. Once elected, he will no longer need the Kurds and turn against them.

The Peace Movement

The representative of the Peace Movement said that the government thought it could eliminate the Kurdish movement with the ceasefire. With regard to the peace process the government has a unilateral peace policy and is not taking other parties into its confidence. The other parties have no say. What is important is education in mother tongue, freedom of expression etc. They can continue the peace initiative with Ocalan but what is needed is a Road Map so that the dialogue with Ocalan can be converted into negotiations. There is urgency about this matter and parliament must take the necessary initiative.

Fundamental rights must be respected; the anti-terror legislation is not a method to face the problem. What is required is the repeal of the anti-terror legislation, freedom of expression, democracy, education in the mother tongue and revision of the electoral system. The conditions of imprisonment of Ocalan should be changed by eliminating his isolation, giving him access to journalists and politicians. This would amount to a true compromise and will reflect the good faith of the government.

Association of Human Rights with Islamic Orientation

Representative of the Association of Human Rights with Islamic Orientation said that the economic rationale concerns the energy issue. The most positive outcome is the development of certain areas controlled by the CHP in order to give greater flexibility to the

peace process. There appears to be a great contradiction between the dialogue with Ocalan on the one hand and renewed authoritarianism on the other..

Amnesty International

Representative of Amnesty International said crises are normal but the question is how is it resolved?. The peace process was initiated by Ocalan and the government. Both have the desire to convince the people. The Ocalan's people understand the situation in Turkey. It is no longer that of, 30 years ago. They decided to take the initiative for peace. It is important that democracy is being integrated into the political system. Peace between the two parties is only possible with democracy, pluralism, the reduction in state influence and change in the mind-set of the people.

The people, as a whole, support the process but do so without much conviction. The experts in the Wiseman's Commission are of the view that you can convince the Turkish society provided that there is dialogue between society and the Kurds. Erdogan does not want a society that dialogues between its members. The release of sick prisoners is a humanitarian issue, not specifically Kurdish. The release of Ocalan is a reasonable demand. But to achieve it, there is a need to create a new understanding in society to change the mindset of the Turkish people against Ocalan and the PKK.

Confederation of Public Employees Trade Unions

Lami Ozgen, the President of the Confederation said that Erdogan is not ready for real peace. Dialogue should evolve to negotiations and parliament must be the locomotive of this process. He was a member of the South East Wiseman's Commission. There was empathy for the process. After the Gezi protests there has been renewed authoritarianism on the part of Erdogan. As a result the empathy declined. The Kurdish issue and the development of democracy is a class issue and peace is not an option, The peace process is a one way traffic. The government is not clear on how to maintain this process.

MS. ALATAS

Ms Alatas expressed her personal view as a woman

She said any woman as an individual focuses on non-violence. The government is slow to engage on the issue because Turkey is a highly centralized, nationalist state. Emotions are strong. However, she is very optimistic for the future. It is possible if we can convince the next generation if not this one. With regard to the missing children in Diyarbakir, I can understand the concerns of families. BDP must address this issue. This will afford them an opportunity to advance the peace process, if positive returns are expected. Today it is the government that benefits. The freedom of Ocalan is a challenge and we must prepare the Turkish public opinion for his possible release. It can take up to 10 years, which in terms of history is not a long period. Presently there is a presidential election taking place and nothing dramatic will happen.

EVIDENCE OBTAINED BY THE MISSION IN DIYARBAKIR

SATURDAY MOTHERS IN DIYARBAKIR

We interviewed various members of the Saturday Mothers in Diyarbakir. They were family members or a close relative who had disappeared more than 20 years ago. They have not found closure of the matter. They insist that those responsible must be brought to book and charged. 54 people disappeared in Mardin and in Diyarbakir 3000 persons disappeared.

With regard to the peace process despite obstacles from the state, Ocalan is trying to establish peace. In 2011 a strong message was issued by Ocalan calling for peace, freedom and democracy. Today there is a ceasefire but the state is building military bases and excavating trenches particularly in the South Eastern region of Turkey. This conduct on the part of the state is inconsistent with real negotiations. What one needs is a new constitution which entrenches democratic values and fundamental human rights.

With regard to the ill prisoners the government thinks that it is a political problem, but it is rather a humanitarian problem. Prime Minister cannot bring peace as he regards PKK as an enemy. The issue is essentially a democratic problem. We want peace and justice this can only be established through a Truth and Reconciliation Commission. The Peace Process must continue in terms of the legal framework. The government ignores the report of the Wiseman's Commission while parliament refuses all the proposals of BDP. We have great hope in the peace process but no confidence in the government. We can only have confidence in our struggle to bring about change.

ADVOCATE TAHIR ELCI (Chairperson of the Diyarbakir Bar Association)

He stated that the conflict between the PKK and the Turkish state is now 40 years old. I am neither optimistic nor pessimistic about the solution to the Kurdish issue in Turkey. Until 2009 we did not see the prospect of talks between Ocalan and the State. In 2011 there were secret talks between PKK and the Government in Oslo. In 2013 Prime Minister Erdogan acknowledged that secret talks were taking place between Ocalan and the Government.

On 21 March 2013 Ocalan announced a cease-fire and the withdrawal of the guerrillas from the borders of Turkey. Both sides acknowledged that the Kurdish problem cannot be solved by arms but could only be solved by a peaceful political process. The situation in Syria and Iraq affected the situation in Turkey concerning the Kurdish issue. If the conflict continues, the Turks and the Kurds of Turkey cannot remain the main actors.

The aim is the same, namely autonomous region – a structure similar to a federal structure but the method is different. Ocalan is of the view that the struggle can be advanced politically. However, PKK is of the view that they cannot give up arms at this stage. Adv Elci is of the view that the majority of the Kurds would support the peaceful political process of Ocalan. He was optimistic that a solution would be found in the long term but he cautioned that there are a number of obstacles on the way. He said that for more than 30 years the ideology was: one nation, one culture and one language. However both the Kurds and Turks support the notion that the problem should be solved in a democratic manner.

I attended the Workshop of the AKP in Diyarbakir as an invited guest. Minister Atalay said that the Government is working on a new Road Map which will be based on a political calendar and will include a general amnesty for returnees. Not sufficient details were given for me to assess the prospects. A Working Group appointed by the Prime Minister will prepare the new Road Map, which is likely to take into consideration the forthcoming presidential election in August 2014 and the national parliamentary election in June 2015. It is not likely that anything major will happen during this period.

The MHP is totally opposed to the peace process. The CHP is also opposed to the peace process but does not want to be seen to be opposed to the process. It is not likely that Ocalan will be released within the next 5 years. Before his released, he may be placed under house arrest.

SAHISMAIL BEDIRHANOGLU (Chairperson of Dogunsifed, Eastern & South Eastern Industrialists and Businessmen Association)

We as industrialists and businessmen are interested in the Kurdish issue and want to contribute to the peace process. If the conflict continues, the economic development in the Eastern and South Eastern region will be hampered. We therefore see the peace process as important and valuable. The Oslo process was the first official meeting between the Government and PKK to address the Kurdish problem.

The Government and BDP requested us to initiate peace moves between the conflicting parties. We had several meetings between the government, the BDP and the NGO's in the area including various government ministers and officials. We negotiated an end to a hunger strike in prison. We also met the leader of the CHP to take him along the peace process. The initial response from them was positive. They informed us that talks were taking place between Hakan Fidan of MIT and Ocalan. These talks led to an agreement between the parties on a number of critical issues, starting with the ceasefire and withdrawal of guerrillas from the Turkish territory. One of the important considerations today is that, since the ceasefire, there have been no clashes and no-one has died.

However, there were other issues which confronted the Government. They were the GEZI protests, the clashes arising therefrom, the corruption allegations against the Government and the conflict between the Gulen Movement and the Government. These events negatively impacted on the peace process and slowed down progress. The Syrian crisis also impacted on the peace process. The negative attitude of the Government towards the Kurds in Syria, affected the attitude of the Kurds in Turkey. Turkey's support for the radical groups in Syria also impacted on its relations with Europe. The Workshop of the Government in Diyarbakir is a public relations exercise. The message it want to send out is that they are still busy with and working on the peace process.

My organisation supports the peace process and we would like to see light at the end of the tunnel. The talks should be open and transparent and should not take place in secret. It should include other role-players such as PKK, BDP, CHP and the monitoring group. The contact group of BDP and the Government do not always convey the same message about their contacts with Ocalan. The government moderates the language because it does not want a backlash from its conservative support base.

We recently intervened between protestors and the government arising from the building of army basis and the building of dams in the South-Eastern area. Recent developments raised concerns and we asked Government to take certain steps to ease the tension. They were (i) to release ill-prisoners; (ii) to suspend the construction of the army bases in the area; (iii) Erdogan to temper his aggressive language towards PKK and BDP; and (iv) the government media to moderate their views and language. The BDP and/or PKK should deal with the demands of mothers who are protesting in Diyarbakir for the return of their children from the mountains. The concerns of the mothers are understandable.

M. RACI BILICI (Chairperson of the Human Rights Association – Diyarbakir Branch)

He reported that he had just returned from an investigation into the death of two youth who were shot and killed the day before by the police while protesting. The autopsy revealed that both were shot in the back. As a Human Rights Organisation they have a vital interest in the peace process.

Despite the ceasefire, there were a number of negative developments in the area: (i) In April 2014, they received a complaint from guerrillas in the area that there were military operations which prevented them from moving from the territory as ordered by Ocalan; (ii) at the time the Government employed additional village guards and placed with special military teams; (iii) they were erecting new army bases in the area and building security roads to the Iraqi border; and (iv) most of the KNK prisoners were not released as promised and this prompted violent reaction towards the police

They support the peace process and call for the release of all political prisoners so they can participate in the peace process. There is a need for increase trust between the two sides. They should take necessary steps to build trust. What is required is that the peace process should continue; there should be a complete withdrawal of the guerrillas from the territory and all guerrillas should return to their bases. There are tragic cases of prisoners who are extremely ill and there are medical reports to confirm this but the prosecutors insist on getting an opinion from the police. They are more concerned about public reaction to the release than to humanitarian considerations.

The peace process is holding. He wants to believe that here is light at the end of the tunnel but what he does not know how long the tunnel is.

DEMOCRATIC WOMEN ORGANISATION (Diyarbakir Branch)

They were represented by a former BDP Mayor and one of the co-vice chairperson of BDP and other members of the organization. They are mourning the death of the two persons killed (and the many wounded) in a peaceful protest in the area the day before. They are concerned and worried about the attitude of the government using violence to put down legitimate peaceful protests. There were similar incidents in the past. There should be a degree of caution and restraint from both sides because of the peace process.

The government should in fact be promoting confidence building measures and not create mistrust by building further military outposts in the area. The judiciary and the prosecutorial authority are also not helping the situation by making concessions. They continue to impose

and ask for heavy sentences. A case in point is the assassination of the three Kurdish activists in Paris last year. The person arrested is suspected of having ties with the Turkish intelligence agency, namely MIT.

The government established two commissions, namely the Wiseman's Commission and the Constitutional Commission in which all the political parties were represented. The government ignored the reports of the Wiseman's Commission and in respect of the Constitutional Commission only took into consideration the input of the AKP and ignored the input of the other parties. Many of the measures proposed by the other political parties were to advance democratic values. The government must open the way for a democratic process in order to advance the interests of all segments of society and especially that of women. The women and children including the young people are victims of conflict in the country.

We have great hope for the peace process but not because of the government but because of our own efforts and our own belief in peace as women. We do not depend on the government but depend on the power of our organization. Ocalan should be released as he is central to the peace process.

DEMOCRATIC SOCIETY CONGRESS - DTK (Seydi Firat and other members of the organization)

They acknowledge and respect the South African peace process. Their leader Ocalan who is in prison insists on the peace process. The Kurds want to live in peace with the Turks. It is their belief that everyone must exercise his or her rights in a peaceful way. They are thinking of local instead of national administration. They are advocating democratic autonomy for the whole of the Turkey. They are not advocating for a separate state. For realizing the aim of democratic autonomy, they established the DTK. At the inauguration congress they had 850 delegates from all sectors of society in the region. They have a permanent Assembly comprising of 101 delegates with at least 50% women representation. Ahmed Turk and Aysel Tugluk are the co-Presidents. They have 8 commissions. They comprise a cross-section of all cultural groups in the area.

They support the peace process. Negotiations are meaningful. They should already have found a solution. However, they believe that the talks should be converted into real negotiations. The conditions of Ocalan should be improved. He is their leader. They, as his constituency, should have access to him and he should have access to them..

There should be a monitoring committee for the peace process. There should also be a Road Map setting out the steps for the peace process, such as the legal framework which will deal with the removal of obstacles to the peace process: changes to the anti-terror legislation to permit freedom of expression and movement; amendment to the electoral law to remove or reduce the threshold for party political representation in Parliament; and to introduce legislation to deal with amnesty for returning PKK members.

Our attitude to the Government workshop held over the weekend in Diyarbakir is two-fold: the one is that it is a pro- AKP and an anti-PKK propaganda event in which the state media were deeply involved. The other is that the workshop was divided into two sessions, the first session was an open session where the academics, the bar association and the press participated and the second sessions was held in camera where they were not allowed to

participate. Many of those supporting the AKP and those supporting PKK criticized the government.

They said the language used by the government is not that of peace. It is estranging parties like HDP and BDP instead of co-operating with them. They say they are solving the problem by providing mother tongue education in private schools. They are wrong when they say they can solve the problem with Ocalan alone. With this attitude, they will not be able to go forward. They can't expect to solve the problem by getting PKK to disarm and speaking to Ocalan alone.

At the meeting they made the following proposals: (i) changes in the anti-terror law consistent with democratic values; (ii) legal frame-work within which the negotiations can take place; (iii) negotiations to be open and transparent; (iv) there must be an agreed Road Map for peace; and (v) Ocalan must be released to enable him to participate effectively as a free leader in the peace process. We are prepared to discuss our proposals with Minister Atalay.

His impression of the workshop is that it was not substantial as previous meetings. AKP has sufficient information and is well aware of the position to make the meeting more productive. What was then the purpose of the Workshop? Despite the ceasefire and the partial withdrawal of guerrillas, the government has not fulfilled their part of the bargain by releasing all the KNK trialists and is continuing to build new army bases in the area.

There are two aspects to the peace process. The one is positive the other is negative. The positive aspect is that the two parties who have the power and hold the key to the solution of the Kurdish issue in Turkey, namely Ocalan and Erdogan, are continuing to talk. Both have great influence on society. The international actors who exercise influence in the area are the EU and the USA. They should pressurize the government to recognize the rights of the Kurds. The negative aspect is the use of polarized language used by the ruling party and its leaders to maintain the support of its constituency.

However, one consolation is that Minister Atalay in his last statement did say that everyone should be careful and temper their language as they have entered a critical stage in the peace process. Ocalan wants to share his meetings with the public but the government is exercising self-censorship. From the outcome of the Workshop yesterday, they have serious reservation of the true intention of the government.

ZUBEIDA ZUMRUT (Co-President of BDP in Diyarbakir)

On 21 March 2013 Ocalan issued a declaration from Imrali prison announcing a ceasefire by PKK guerrillas. The declaration was widely welcomed by the public and created a sense of hope for the settlement of the Kurdish issue in Turkey. It is imperative that society must be prepared for peace. BDP is preparing the public for peace. Ocalan as the leader of PKK said that the Kurdish people are ready for peace. There is therefore great expectation for the peace process.

The first stage of the peace process is complete, that is, the release of the Turkish soldiers captured by PKK, the implementation of the ceasefire and the withdrawal of the PKK guerrillas. The second stage is the release of KNK prisoners and trialists and ill prisoners. The majority of them have been released. Some of their cases have been concluded but they were sentenced from 5 to 7 years imprisonment. Some of them were in detention and some of them

were released on bail at the time that they were convicted and sentenced. Sometimes 16 to 20 years were imposed by the courts on the accused.

The problem is that both the KNK and PKK are regarded as a terrorist organization. The release should have been completed as many of the prisoners had completed 5 years imprisonment. The ceasefire is holding. We know that in the past unilateral ceasefires were respected by the government. It appears that there is a bilateral ceasefire in place. We know that the process is not easy for the government. The ceasefire is an opportunity for both the Kurds and the Turks to be prepared for peace. We consider the Kurds better placed than the Turks. There are also other problems in society. We are of the view that the problems should be solved as whole.

There are also concerns on the part of the Kurds towards the AKP arising from their past experience of the conduct of the government. One example is the unilateral termination of the Oslo process which created a lot of disappointment amongst the Kurds. If AKP does not take positive steps in the peace process, it will reduce trust and confidence in the ruling party particularly amongst the critical voices of the Kurds. They were expecting Minister Atalay to use moderate language.

The AKP propaganda is not in accordance with the peace process. The people are protesting against the building of dams and army outposts. We appeal to protesters not to resort to violence but they say the government is not sincere and is in fact resorting to violence. They maintain that the government has alternative plans which threaten the peace process.

We spoke to the BDP/HDP delegation that visited Ocalan and they kept us informed of the talks between the government and Ocalan on the peace process. BDP/HDP is investigating the complaint of the mothers demonstrating in Diyarbakir for the return of the children. Two of them have returned.

We are presently very hopeful of the peace process. We must have permanent peace in the country and therefore it is important that we also address the wider issue of democracy and human rights. To give the peace process legitimacy, it must be underpinned by a legal framework. We must advance the political struggle for peace.

THE BROAD FORUM REPRESENTING MINORITY GROUPS

The Forum, KIRKLAR MECLISI comprises Alewis, Armenians, Gypsies (Dom), Muslims, Ezidis and other minority groups living in the region. Amongst those present at the meeting was the HAKPARTI, which represents the Kurdish nationalist's movement. The Forum was formed by the former mayor of the Sur district of Diyarbakir to give a voice to the minority groups in the Municipality.

The representatives of Alewis, Armenians and Gypsies regard the present peace process as one sided in that it only addresses the concerns of the Kurdish minority group in the country and not that of the other minority groups. They support the peace process but submit that the interests and rights of the other minority groups should be considered at the same time.

There appears to be a lot of mistrust in the peace process because it is not open and transparent. One can't say that talks are based on a concrete foundation if one has to consider the language used by the AKP. Another shortcoming is that Ocalan who is the leader of

millions of Kurds can't consult his constituency. This undermines the legitimacy of the talks between the government and Ocalan.

LEYLA ZANA

Ms Leyla Zana is an independent Kurdish member of the Turkish parliament. She is also the recipient of the Sakharov Peace Prize awarded to her in recognition of her work in Turkey in her fight for democracy and the human rights. The Mission was not able to consult her either in Ankara where parliament is located or in Diyarbakir which is her constituency. However, members of the Mission managed to speak to her as we were flying out from Diyarbakir airport. She sent us a short statement on the peace process which we set out hereunder.

We are all making efforts to heal the bleeding wounds of years. I can say that we are at the beginning for ensuring a lasting and honorable peace. It is the first time in the history of Republic of Turkey, that Parliament enacted a law, albeit insufficient, regarding this issue. We carry the hope that this is the beginning of the negotiations. The formation of framework law makes us hopeful for the future. But as you know, what matters is the application of the law, which will bring peace to the people.

SURVEYS

There were a number of surveys undertaken by professional bodies on the "*Question of the Kurdish Issue in Turkey*" and the "*Peace Process*" arising from such issue. During our interviews and consultations we received an input on such surveys or were handed documents reflecting the outcome of such surveys or we were directed to the source where we could download the results of such surveys.

These surveys were from among others: SETA – Foundation for Political, Economic and Social Research¹¹; TESEV – Turkish Economic and Social Studies Foundation; KONDA – Research Consultancy¹²; BILGESAM on the "*Question of Association between Turks and Kurds*"¹³; J SAMER: "*March Agenda Survey*"¹⁴ and "*Social Problems and the New Constitution: Preliminary Report on Perception, Expectations and Demands*"; J. SAMER: "*Views from Individuals and Institutions on a solution to the Kurdish Problem*"¹⁵; BILGESAM on "*Public Perception in the Fight Against Terror*"¹⁶

¹¹ Survey conducted by SETA in August 2009 on "*Public Perception of the Kurdish Question in Turkey.*"

¹² Survey conducted by KONDA in April 2010 on "*Polarization in Politics and Society*".

¹³ Survey conducted by BLGESAM in August 2012 on the "*Public Perception in the Fight Against Terrot.*" and published on 12 September 2012.

¹⁴ Survey conducted by J.SAMER in Diyarbakir during March 2012 "*The Solution to the Kurdish Question in Turkey – Self-Rule and "Mother-tongue Education*" and the survey on the same question held in the wider East and South East Turkey during March 2012; and

¹⁵ Survey conducted by J. SAMER in August 2012 nationally on the same question;

¹⁶ Survey conducted in Istanbul in August 2012 on the "*Question of Strengthening Municipalities: only 15% of Kurds would be satisfied.*"

EVALUATION OF THE EVIDENCE

We interviewed a cross-section of the Turkish society in connection with the Kurdish question in Turkey and the peace process arising therefrom. We visited three representative cities in Turkey. They were Istanbul one of the largest cities in and the economic hub of Turkey; Ankara, the legislative capital of Turkey and Diyarbakir a bustling and thriving city in the Kurdish South-Eastern part of Turkey. The interviews and consultations took place with a cross-section of Turkish society, which included politicians, political parties, NGO's and officials connected with such NGO's and certain western Embassies. We consulted and interviewed all the political parties other than the MHP. Although we tried to set up an appointment with the MHP but unfortunately we could not secure such an appointment. From the evidence we obtained it appears that the MHP was against any talks or negotiations with PKK or its leaders.

The consultations and interviews were remarkably frank, open, fair and objective. All parties that we consulted and interviewed were prepared to share their experiences and views with us. Most of them were forthcoming, some were critical and some of them had reservations. Not a single party that we consulted and interviewed was against the peace process. But many of the NGO's felt that there are also other issues in addition to the Kurdish issue, which must be addressed and resolved. These related to the democratization of the state and society, and the recognition of the identity and rights of other minorities forming part of the Turkish society.¹⁷

Amongst those that we consulted and interviewed in the AKP and the BDP/HDP were very optimistic that the resolution of the Kurdish issue in Turkey would be found. They were confident that the peace process will lead to such solution. The AKP linked the peace process to a political calendar. The political calendar, *inter alia*, identified the local government elections of March 2014, the presidential election of August 2014 and the national parliamentary election of June 2015. It is the first time in the history of Turkey that it will have a president who will be elected directly by popular vote. In the past parliament elected the president. The Turkish constitution was recently amended to allow direct election by popular vote. In the recent presidential election, Erdogan was elected with a convincing majority and without the need to have a second run-off election. In the election he was opposed by a candidate jointly put up the CHP and the MHP and by a candidate put up by the BDP/HDP

From our consultations and interviews it emerged that the two main actors in the peace process are Prime Minister Erdogan leader of the ruling party and Abdullah Ocalan, the leader of PKK. Ocalan is presently serving a life-long sentence in the Imrali Prison in Turkey. They have the necessary authority to steer the process to a satisfactory conclusion. In this regard, it was submitted that there are two issues facing the peace process: the one is a security issue and the other is a political issue. The leadership role of Ocalan is necessary to convince PKK to abandon the armed struggle, and Erdogan has got the power to bring about the necessary legal reforms to democratize Turkish society and recognize the identity and the rights of the Kurdish people.

¹⁷ "Terörle Mücadelede Toplumsal Algılar", Bilgesam, *op. cit.*
But see Section II.D, fn. 71, above for different poll results

The criticism leveled against the peace process, particularly by the opposition political parties and the NGOs we have spoken with, is that the peace process is not open and transparent. There is merit in this criticism. Since his arrest and detention, a series of talks were held between Ocalan and security personnel. Recently, Hakan Fidan, the present head of MIT which is the Turkish Intelligence Agency held discussions with Abdullah Ocalan based on the mandate by the Prime Minister. It was reported that during these talks Ocalan prepared a Road Map for negotiations and, handed it to the government for consideration. These talks were held in secret and no information was shared with the public. These talks culminated in 2011 with talks between the MIT and PKK in Oslo however they were inconclusive. The information concerning the secret talks was leaked to the press. What were agreed to at the abortive talks were not revealed.

It was only on the 28th of December 2012 that Prime Minister Erdogan took the public in its confidence and disclosed officially for the first time that talks were held with Ocalan . Although Erdogan kept on describing these talks publicly as technical talks between Ocalan and the security officials in order to terminate terrorism, it was understood that the Hakan Fidan was authorized by Erdogan to negotiate and to reach an understanding with Ocalan. It was followed a few days later in January 2013 by visit from the Peace and Democracy Party deputy Ayla Akat Ata and Democratic Society Congress co-chair Ahmet Türk to the PKK leader Abdullah Ocalan in Imrali prison. It was the first visit of Turkish/Kurdish politicians to the imprisoned PKK leader.

Thereafter a series of visits between officials of BDP/HDP took place. This culminated in a declaration issued by Ocalan on the 21st of March 2013, Newroz day, announcing that the struggle from then on should be carried in the social and political arena. In accordance to this initiative, PKK declared a ceasefire and the withdrawal of PKK guerrillas from the Turkish territory started. Although it was not made public by the government officials, it was understood that Ocalan was expecting some reciprocal steps, such as: (i) release of KCK prisoners; (ii) legal measures to give the talks between Ocalan and the government a legal framework; (iii) this would in turn set in motion actual negotiations for the normalization of the political situation and the reintegration of the PKK guerrillas into society; and (iv) the return of PKK members in exile to participate in the peaceful political process.

As a reciprocal step, the government took the initiative to form seven commissions composed of civilians called “Wiseman’s Commissions” *“to monitor the ceasefire, the withdrawal of the guerillas and to report back to the government”*. It also established a Parliamentary Commission *“to investigate ways for peace and evaluate the process for the solution”*.

MHP refused to participate in the Parliamentary Commission. CHP demanded equal representation of the parties in the commission and decided not to participate when this demand was turned down. As a result, the Commission was set up with ten members from AKP and one member from BDP/HDP. This raised concerns about the objectivity of the Commission.. A further complaint emanating from the opposition political parties and the NGO’s was that the Wiseman’s Commissions were not fairly representative of the broad based society but were packed with sympathizers and supporters of the ruling party. According to the evidence at the disposal of the Mission, Wiseman Commissions of the various regions gave a fair and balance report arising from the terms of their reference in respects their respective region and the responses they received in carrying out their mandate.

This to some extent mitigated the fact that they were not fairly representative of the broad base society.

There was also a Constitutional Reconciliation Commission which was set up in October 2011 in order to prepare the draft of a new constitution. However, this commission was disbanded in December 2013 as the discussions among the representatives of the political parties did not lead to a consensus for a new constitution. The constitutional changes which were important for the solution of the Kurdish problem were submitted to this commission by BDP/ HDP) , but most of the important ones were not accepted by other parties, especially MHP and CHP. One of the requirements of Constitutional Reconciliation Committee was that there should be consensus on any issue tabled to parliament for consideration. Because of the lack of consensus on the part of the Commission, the recommendations could not be tabled before parliament. The principle of consensus accordingly neutralized the fact that the Commission was not fairly represented but at the same time compromised those issues on which there was broad consensus. There was consensus in respect of 59 non-controversial articles. There was no consensus on certain important articles of the Constitution, namely, the first three articles dealing with the nature of the state as a secular state, the definition of citizenship and issues related to the Kurdish dilemma.¹⁸ .

A further criticism leveled by the opposition political parties and the NGO's of the peace process was that it was not comprehensive and inclusive. They felt that all political parties had to be part of the process and the process should not been confined to the ruling party. They also felt that the NGO's should have been involved to make an input into the process. They argued that this would have given the peace process greater credibility and would have facilitated to a greater extent in changing the mindset of the Turkish people to accept the outcome of the peace process. It is common knowledge that Prime Minister Erdogan played the "*the talks about the talks*" close to his chest. He confined such talks between MIT and Ocalan. The same strategy was used by the apartheid government when Nelson Mandela initiated talks from prison with it. The apartheid government involved its National Intelligence Services in talks with Mandela. These talks were likewise held in secret.

Although their criticism has merit, one cannot ignore the political situation prevailing at the time. There are four possible reasons why Erdogan played the "*the talk about talks*" close to his chest and did not make it comprehensive and inclusive. The first is because of the wide definition of "terrorism". In terms of the anti-terror legislation, it was illegal and in fact a criminal offence for anyone to engage either with Ocalan or PKK in any talks or negotiations. Those involved could be charged with helping to promote the aims of PKK. The second is that the Turkish society because of the decades of indoctrination was not prepared mentally to accept "*the talks about talks*" as necessary and a pre-requisite to peace and development in Turkey. The third is of the potential backlash from the nationalists in his ruling party and in other opposition parties which were opposed to the peace process. The fourth is the fact that there may be concerns that the Gulen Movement which was opposed to negotiations with PKK and Ocalan could have influenced the police and prosecution to charge and prosecute those involved in the "*talks about talks*"

A good lesson in this regard can be learnt from the secret talks which were held in 2011 between PKK and MIT in Oslo. Information about the talks was leaked to the media. This caused such a stir that the government terminated the peace talks. Soon thereafter Hakan

¹⁸ <http://www.al-monitor.com/pulse/originals/2013/11/turkey-constitution-reconciliation-crc-nationalist-mhp.html>

Fidan, the head of MIT who led the talks on behalf of the government, was summoned to the offices of the Chief Prosecutor to be interrogated by him. It was only because of the intervention of Erdogan and passing laws to provide legal protection for top security officers that prevented a major political crisis in Turkey. This clearly illustrates the risk involved in the peace talks with PKK without legalizing the peace talks.

The government submitted a new law package to Parliament on 23rd July 2014 which was approved by a strong majority of AKP, BDP/HDP and CHP deputies. Its objective is to determine the procedure and principles related to the solution process which aims to put an end to “terror” and to strengthen social integration. The law authorizes the government to take action in the areas of politics, law, socio-economic matters, culture, human rights, security and disarmament for these purposes. According to this law, the government will take measures related to the return of members of PKK who abandon their arms and commit themselves to participate in the social life and the reintegration into society. The government is authorized to organize meetings with individuals and organizations inside and outside the country or can appoint people to do so on its behalf. Those that undertake responsibility for and participate in the peace process will not be subjected to sanctions, whether criminal or otherwise, for their action.

The legislation may have far-reaching consequences for legitimizing the peace process which will lead to the normalization of the political situation in Turkey, reconciliation and reintegration of members of PKK into Turkish society and the release of political prisoners including Ocalan. It addresses the concerns of Erdogan, as to why he has played the peace process “*close to his chest*” as postulated above. It will also vindicate Ocalan, who on 21 March 2013 when declaring the ceasefire and the withdrawal of the PKK guerrillas from Turkey, announced the three steps for peace, namely, the ceasefire, the legal framework and the normalization of the situation in the country. We regard this as part of the confidence-building exercise.

The legislation may address some of the concerns of the opposition. The AKP had linked the peace process to the political calendar. In contrast to its calendar, Hatem Ete of SETA says that the political calendar stretches from June 2013 to June 2015. According to him the calendar is represented by the following events: (i) June 2013 – the GEZI protest; (ii) December 2013 – the attempt by the GULEN Movement to destabilize the government by corruption allegations; (iii) March 2014 - the local government elections which was held 30 March 2014; (iv) August 2014 - the Presidential election which was held in August 2014; and (v) June 2015 - the general elections which is to be held in June 2015. He said that the first year will be difficult but the last year will be critical.

The events referred to in (i) to (iv) above are now history. Both the GEZI protest and the corruption allegation had no impact on the political support to AKP as evidenced by the results of the subsequent local government and presidential elections. The AKP in the local government election and Erdogan in the presidential election maintained their hold on power. The local government election was described as a “*referendum-like*” local election in which the participation of 89% of the eligible voters was described as “*...one of the highest rates of participation in a local election in Turkey’s history...*”¹⁹

¹⁹ Turkey’s Local Elections: Context, Meaning and Future Scenarios dated 17 April 2014

The local government election was followed by the presidential elections in August 2014 in which Erdogan emerged victorious with 51.79% in a turnout of 75% of eligible voters. As Erdogan received more than 50% of the votes, it was not necessary to have a second runoff election. The national election in June 2015 is also critical and will finally determine the outcome of AKP's peace process in terms of its political calendar.

The CHP is ambivalent about its support for the peace process. At the outset it supported the process but insisted that the talks with Ocalan be transparent. It asked that the discussions to be held openly at Parliament with the participation of all parties. This proposal was not too realistic given the delicate nature of the subject matter and the position of political parties. The MHP has been against the peace process from the beginning and has described it as an "act of betrayal".²⁰ The CHP like many of the NGO's has linked the peace process to the democratization of the state and society.

The legislative framework which the Turkish Parliament passed in July 2014, does deal with the reservations expressed by the CHP and some of the NGO's. They are:+- (i) on transparency, it provides that the public is to be informed accurately and on time about the activities and the measures taken related to the solution process; (ii) on inclusiveness, it provides for dialogue to be established with national and international actors, organizations, institutions and individuals and for them to be involved in the process; and (iii) on democracy, the preamble states, *inter alia*, that since 2002 Turkey has been undergoing the most expansive democratic change, transformation and normalization process of its history; and at the end of 2012, the solution process was commenced for stronger democratic, free, safe and peaceful Turkey as a state policy. In view of the fact that the peace process is being legalized and most of the objections of CHP and the NGO's are being dealt with, there is no reason why they should not actively support the peace process.

Although the NGO's on the whole were in support of the peace process they were not optimistic about the final outcome of the process. Their reservation is based on the past action and conduct of the government. In the past a lot of expectations were created that the peace process will be advanced after the passing of certain events. In 2004 there were local government elections and a ceasefire was operative so that the elections could proceed in a peaceful manner. The armed struggle resumed on the 1st of June 2004 when no positive indicators were present of the government making any political concession to the PKK. With the local government elections of 2009, there was no ceasefire. However, the local government elections were conducted in relative peace. There was a lot of optimism amongst the people that after the elections, positive steps would be taken to solve the Kurdish question.

In the second report of the International Delegation of Human Rights Lawyers on the Kurdish question in Turkey, the report says:

'During his discussions and interviews with the various role players, he noticed and got the distinct impression that there was a degree of optimism amongst the people of a possible peaceful solution to the Kurdish question. In December 2008 PKK suspended the armed struggle to enable the local government elections to take place peacefully. The Turkish army respected such suspension. An unofficial ceasefire came into operation.'

Soon after results of the 2009 local government elections were announced, the sense of optimism was shattered when the Turkish security forces embarked on a massive clampdown

²⁰ Today's Zaman 2013-05-06 (National)

on Kurdish political organizations and activists. The same situation prevailed in 2011 with the national parliamentary elections. The reservation is further emboldened by the sudden termination of the Oslo Peace Process which had almost reached a successful completion. For these reasons the NGO's were skeptical about the intention of the government to see the peace process to its logical conclusion.

The NGO's that represented the minority groups such as the Armenians, Alewis, Gypsies, the Ezidis and certain Muslim sects were in favor of the peace process. However, they expressed strong reservation that such process is one sided in that that it does not address the concerns of other minority groups. It is therefore important that their concerns are addressed at the same time that the concerns of the Kurdish people are addressed. We will return to this matter later in the evaluation.

The officials and politicians of the AKP party we spoke to were optimistic about the peace process provided PKK and its supporters did not derail the process by any rash action. Professor Telelioglu, the chairperson of the EU Harmonization Committee in the Grand National Assembly of Turkey, in our consultation was optimistic about the peace process and said that the obstacles are not insurmountable. It can be overcome if there is the political will on the part of all role-players. He did, however, say that the biggest obstacle is the mind-set of the Turkish people but since AKP came into power gradual progress has been made in Turkish society for the acceptance of the Kurdish identity and one has to build thereon.

The members of BDP that we spoke to and who have been in communication with Ocalan were very hopeful about the outcome of the peace process. They were optimistic that the peace process will result in a permanent ceasefire, the granting of amnesty, the return of exiles, and the release of all political prisoners including Ocalan. According to Pervin Buldan, the deputy President of BDP, in June 2014 top government official's briefed senior officials of the HDP/BDP on the peace process. It emerged from the briefing that a new Road Map for Peace will be agreed upon between the government and Ocalan; that the military supports the peace process and Ocalan will be released after the final agreement is reached between the government and the Ocalan on the peace process. His release might be preceded by "*house arrest*" as in the case of Mandela.

The officials of the CHP that we spoke to were cautious about expressing a definitive view on the issue but indicated that in 2011 the stance of the party on the peace process had changed and they engaged the government on the issue but no consensus could be reached on its proposals to make the process transparent and inclusive. However, they supported the peace process in principle. The President of CHP, Kemal Kilicdaroglu, said in Diyarbakir on 20 June 2014 that the peace process should have a legal framework with concrete steps for democratically resolving the Kurdish issue.²¹ This policy statement by CHP leader is consistent with the views expressed to the Mission by Dr Tanrikulu. As most of the concerns of the party have been addressed in the legal package before parliament, one can assume that their support for the peace process is a foregone conclusion,

As far as the embassies were concerned, they had mixed reactions to the success of the peace process. They vacillated between optimism on the one hand to pessimism t on the other hand and spiced in between with the elements of caution and reservation. The one that generated the most optimism was to the effect that there would be major political developments leading

²¹ CHP no Longer a Hurdle before Peace Process, HDP says:: Ankara, June/22/2014

to the successful conclusion of the peace process. The second view reflected cautious optimistic about the outcome of the peace process. The third view reflected optimism with reservation with regard to the successful conclusion of the peace process. The fourth view with which most of the representatives agreed to was that any solution must be conditional on the democratization of the Turkish state and Turkish society. The representative of the European Union was cautiously optimistic. None of the embassies expressed any opposition to the peace process. They had expressed reservation with regard to the nature of the Turkish state and the nature of its society. However, in our opinion, most of these concerns are being dealt with in the legislation approved by parliament to legitimize the peace process in the face of the anti-terror legislation.

RESULT OF SURVEYS

The surveys did not indicate major social problems between the Kurdish and the Turkish people as a whole. Despite the lengthy period of conflict between the Kurds and the Turks, no significant sense of enmity between the Turks and Kurds has surfaced in the surveys, In August 2012 a research showed that 71% of the Turks said that they can have a common future with Kurds and 90% of the Kurds said that they can have a common future with Turks.²² The supporters of the AKP and BDP/HDP were more amenable to interaction between the Turkish and the Kurdish people. This is understandable as the two political parties enjoy the support of the majority of the Kurdish people in Turkey.

The resistance to social interchange between the Kurds and the Turks came from the supporters of the MHP which are ultra- conservative and many of them still subscribe to the Kemalist ideology. The CHP has leftist leanings but a section of the supporters of the CHP is also opposed to the social interchange between Turks and Kurds because of the influence of the Kemalist ideology but the leftist section has no objection to the social interchange between Turks and Kurds. However, there is not much difference on the question of nationalism between MHP, CHP and AKP. All of these parties have nationalist members and supporters.

According to KONDA there has been an exponential increase in support for the peace process by the Turkish population. According to its survey of 2013, when the peace process started early 2013, 40% of the Turkish people supported the peace process. This figure increased to 55% in July 2013 and in December stood at 65%. According to SETA there is large scale support for the peace process. While confirming the figures of KONDA, it added that of the 65% supporters, 55% is made of AKP and BDP/HDP supporters, 5% from CHP supporters and 2-3% from MHP supporters and the rest are others. According to SETA, at the beginning 70% to 75% of the AKP supporters supported the peace process but presently the support has increased to 95%. The figures of BDP are similar. From the surveys one can conclude that the overwhelming majority of the supporters of AKP and BDP/HDP support the peace process while a substantial majority of the Turkish people, as a whole, support the peace process.

²² “Terörle Mücadelede Toplumsal Algılar”, Bilgesam, *op. cit.*
But see Section II.D, fn. 71, above for different poll results

These surveys are revealing as it reflect the trends in both the Turkish society on the Kurdish issue. In the survey conducted by SETA and POLLMARK in 2009²³ and analysing and interpreting the results, Taha Ozhan, the Director-General of SETA in his PREFACE writes that: *“The most important characteristic of this new period is that the Kurdish question is increasingly considered a political problem by the public in contrast to the previous perspectives which used to take the issue essentially as a security problem.”*²⁴

In the Executive Summary they state that the survey reveals that the public perception of the Kurdish question in Turkey has three dimensions: the first significant finding is that the majority of the of society views the Kurdish issue as the most important political issue in Turkey; the second significant finding is the strong sense of integration between the citizens who describe themselves as Kurds and Turks; and the third significant finding is the political differences between the Turks and Kurds on the question of whether the Kurds wants their own independent state. The majority of Turks believe rightly or wrongly that the Kurds wants their own independent state while the majority of the Kurds do not see the separation as the ultimate goal of the Kurdish political demands. The divergence in such perception calls on the political actors to find an urgent²⁵ solution to the Kurdish issue in Turkey.

The results of these surveys affirm the social and political realities of Turkey today. They can be summarised as follows: (i) that there is no significant sense of enmity between the Kurds and Turks; (ii) that they can have a common future in Turkey; (iii) that the supporters of the AKP and the BDP are more amenable to social interaction between Turks and Kurds; (iv) that resistance to such social interchange came from supporters of MHP and CHP; (v) that the support for the peace process amongst the Turkish people has exponentially increased from the time the peace talks were announced; (vi) that there is large scale support for the peace process – a substantial majority of the Turkish people support the peace process and an overwhelming majority of AKP and BDP/HDP supporters support the peace process; (vi) that the public increasingly regard the Kurdish issue as a political problem rather than a security problem; (vii) that the majority of society regards the Kurdish issue as the most important political issue to be resolved peacefully; and (viii) that the divergence in the perception between Turks and Kurds on the question of territorial separation calls for urgent and immediate action on the part of all role-players to the peace process.

THE FACTUAL FINDINGS AND RECOMMENDATIONS

The sentiments of the cross-section of the Turkish society on the peace process in the country cascaded from expectation and hope to disappointment and despair. The expectation and hope were generated by the following circumstances: firstly, that the cease-fire that was declared on 21 March 2013 is holding and respected by the state and no deaths have been reported since the ceasefire was declared arising from the armed conflict; secondly, many of the

²³ SETA and POLLMARK on the *“Public Perception of the Kurdish Question in Turkey”*;

²⁴ Ibid at page 9

²⁵ Ibid at page 11 and 12

political prisoners and trialists, who have spent many years in detention, have been released from prison; thirdly, certain concessions concerning the Kurdish language and education in the mother-tongue have been made; fourthly, the leaders of the BDP/HDP, which represent the Kurdish interests, have been permitted to have access to Abdullah Ocalan in Imrali prison for purpose of consultation on the peace process and permitted to meet and consult with the PKK and its wider constituency on the Kandil mountain, inside Turkey and in the Kurdish diaspora; fifthly, the Prime Minister in December 2013 admitted that it was having official talks with the leader of the PKK in prison on the resolution of the Kurdish issue in Turkey; sixthly, the indications are that the government is implementing the three stages of the peace process referred to by Ocalan in his declaration issued to his constituency on 21 March 2013, namely, (i) the ceasefire and withdrawal which the government has respected; (ii) the establishment of the legal framework for the peace process; and (iii) the normalisation of the political situation in the country in respect of which parliament has approved legislation which deals with the question of giving the peace process under way between the government and Ocalan the necessary legal basis to enable the process to go ahead openly and transparently and without any legal constraints; and seventhly, the crisis in Syria and now in Iraq and in the Middle East as whole makes it imperative that a solution be found in Turkey on the question of the Kurdish issue to enable Turkey to play a more positive and meaningful role in finding a peaceful political resolution to the conflict in the neighbouring countries.

The despair and the disappointment were underpinned by historical factors, namely: (i) that Ocalan has since 1999 offered the government the olive branch of peace by suspending, on a number of occasions, the armed struggle, to give peace a chance and to allow both the local government and national parliamentary elections since 2004 to be conducted in an environment of relative peace and calm but the government did not take up the offer of peace; (ii) that the talks between Ocalan and the Turkish Intelligence Agency (MIT) has been on-going for more than 10 years, without any indication that any progress has been made in such talks until 21 March 2013; (iii) the secret talks in Oslo in and during 2011 between PKK and MIT, which had made satisfactory progress, were suddenly terminated by the Turkish government when the information of the talks were leaked to the media; (iv) that despite positive noises made by the AKP in the 2009 local government elections and the national parliamentary elections in 2011, the government instead of engaging the parties in peace talks clamped down on Kurdish activists and organizations; (v) that the aggressive language used by the government toward Ocalan and PKK was counter-productive and inconsistent with finding a solution to the Kurdish issue in Turkey; (vi) that the delay in the government putting in place the legal framework to legitimise the peace process fanned the flames of doubt in the sincerity of the government to solve the Kurdish problem; (vii) the GEZI protest and the corruption allegations against the government created concerns about the capability of the AKP party to govern ; and (viii) the building of the military outposts and stations, roads and dams in south-eastern Turkey has created strong suspicion amongst the Kurdish political opposition about the governments true and real intention in the construction of these facilities and drawn opposition and protests from the Kurdish people in the area.

A human rights lawyer in giving his evidence was asked by a member of the Mission whether he sees *“light at the end of the tunnel”*, responded as follows: *“I want to believe that there is light at the end of the tunnel but what I don’t know is how long the tunnel is.”*

A representative of a Human Rights organisation was put the same question and responded as follows: *“My prognosis is that the resistance will grow, the ceasefire will continue but the political confrontation between the Government and the Kurds will intensify.”* Another prominent lawyer said on the same question said: *“I was optimistic that a solution would be found in the long term cautioned that there are a number of obstacles on the way because the official ideology was ‘One nation, one culture and one language.’”*

A representative of a woman’s organisation said she saw *“light at the end of the tunnel not because of the government but because of our own efforts and our own belief in peace as women.....we (sic) depend on the power of our organisation.”* A representative of the diplomatic corps on the same issue said: *“There are many challenges and risks in the peace process but there are also a lot of advantages if peace is established. The vision should be to have full democracy, basic human rights and the protection of minorities.”* A woman responding to the same question in her personal capacity said: *“Turkey is a highly centralised and nationalistic state. Emotions are strong. I am very optimistic for the future. It is possible we can convince the next generation if not this one.”*

A member of the diplomatic corps on Erdogan said: *“Erdogan must be given credit for his political bravery in launching the dialogue with Ocalan with the aim of finding a solution to the Kurdish issue.”* A senior politician and leader in a Kurdish party on the peace process said: *“In the last three meetings a lot of obstacles were raised and discussed but Ocalan is positive and keen to develop the peace process. He does not want to lose confidence as thousands of people have lost their lives. He wants to complete the process.”* A leading academic said: *“A traditional way of Ottomans addressing a problem is to raise it for discussion but no concrete action follows.”*

With that background, we are now going to determine in accordance with our terms of reference what progress has been made with the peace process which has spanned over a period of time; identify any obstacles, if any, which may be obstructing the peace process; what mechanisms have to be put in place in order to deal with these impediments; and how IPRI could facilitate, without dictating to the parties, the peace process in order to reach its logical conclusion.

It is common cause that there are two principal actors and two principal parties that can deliver the peace process. The two principal actors are Erdogan and Ocalan and the two principal parties are AKP and PKK. Other political actors and political parties also have a substantial constituency. There should be a strategy to involve them and civil society in the process. They should throw their weight in with the two principal actors and principal parties to bring about the resolution of the Kurdish issue in Turkey. They must not make political capital out of the peace process. They owe it to the victims of the armed conflict from both side of the divide. The object is to find a political solution to what is essentially a social

problem, which has bedevilled the society for almost a century. The opposition parties must commit themselves unreservedly to the peace process.

The political climate and social circumstances are favourable for the peace process to be advanced to its logical conclusion. The GEZI protests and the corruption allegations did not weaken the government. The other events in the political calendar, namely, the local government election and the presidential election have reinforced the power of Erdogan, and have given the government the mandate to proceed with the peace process. The only outstanding event in the political calendar that still has to take place is the general parliamentary election in June 2015. On the basis of the results of the local government and presidential elections, it is unlikely that the results of the parliamentary elections will constitute an impediment to the peace process. It is therefore in the interest of society as a whole that a permanent solution be found to the Kurdish issue in Turkey for the sake of peace, economic development and prosperity of the citizen.

It is understood from various indicators that the majority of the Turkish and Kurdish people support the peace process. This is borne out by the various surveys that were conducted. The overwhelming majority of the Kurdish people support the peace process and a substantial majority of the Turkish people support the peace process. Civil society, including NGO's, should therefore throw their weight in behind them in order to find a permanent solution to the age- old Kurdish problem in Turkey.

The majority of the political parties and the NGO's are in principle supportive of the peace process. The AKP and the BDP/HDP have been supporting the peace process from the time that it became public. The CHP which had expressed reservation about the peace process has now come out in support of it. The only party that has not come to the party is the MHP. Once the peace process gains momentum, it will either by force of circumstances be drawn into the peace process or if it resists, it will be marginalised. It would be in the interest of the country and its citizens that they are also persuaded to participate in the peace process as it will facilitate the change in the mind-set of those who still harbour any reservation about the peace process. The party best suited to facilitate that process is the CHP which fielded a joint candidate with the MHP in the presidential election. .

In the case of South Africa, many conservative parties which had refused to participate in the peace process either opted at the last minute to come into the peace process, when the writing was on the wall that they would become marginalised and irrelevant or tried to hold out and became marginalised and irrelevant and eventually disappeared from the political landscape.

The ambassadorial representatives of the United States, European Union, Britain and Norway in Turkey that we interviewed, in principle supported the peace process, although some of them linked it to the democratization of the Turkish state. The democratic aspirations of Turkey are reflected in the preamble to the legislation to legalize the peace process which was approved by parliament.

The peace process has become irreversible. It is unlikely that the armed struggle will be resumed. It is in the interest of durable and lasting peace in Turkey that the peace process, once legalized be open and transparent and comprehensive and inclusive so that the cross-section of Turkish society including NGO's, political parties, community-based organisations, societal institutions, and business, professional and academic community, can be taken along the process. This will ensure that there is a paradigm shift in the mind-set of Turkish people, who will not only buy into but will also own the end-result of the process and give the outcome the necessary credibility and confidence that it deserves. We need to bear in mind that for decades the official policy was imbued with Turkish nationalism and the educational system was geared to indoctrinate the Turkish population with a sense of nationalism and loyalty to the Turkish state.

We have earlier mentioned that we will return to the question of the democratization of Turkish society. The solution of the Kurdish question can only be addressed on the basis of democratic principles and values. The interest of all sections of the society and other minority groups can likewise be addressed at the same time on the basis of such principles and values. As we mentioned earlier it can be done so without causing any ripples or concerns in the broader Turkish society. It is imperative that all the political parties participate in the negotiation process which could become more open and transparent after the implementation of the legal framework. It is likewise in the interest of the cross-section of society including the NGO's to do likewise so that their views and aspirations can be taken into consideration in the negotiation process for peace, stability and democratisation of Turkey.

It will be necessary for a new democratic constitution to be crafted for Turkey with, inter alia, the following principles which shall provide built-in safeguards for all the citizens of the country in accordance with democratic practice and good governance: citizenship shall be accorded to all citizens of the country who shall enjoy equal rights and will be equal before the law; the multi-cultural, multi-lingual and multi-religious characteristics of the nation should be acknowledged and protected; the parliamentary system should accommodate, minority political parties in a manner consistent with democracy; it shall contain a justiciable and an entrenched Bill of Rights guaranteeing and protecting, inter alia, minority rights, diversity of cultures, languages and religions consistent with international law, conventions and protocols; recognition and protection of organs of civil society, including political, cultural and religious organisations; for the right of its citizens to be educated in their mother-tongue; separation of powers between the legislature, executive and judiciary; the judiciary shall be independent, impartial and entrusted with task of protecting and enforcing the Constitution and the Bill of Rights; and powers shall be devolved to regional and local levels for effective and democratic governance of the country.

In our interviews and consultations with civil society it emerged that a strong appeal is made for the repeal of the anti-terror legislation or the amendment thereof consistent with democratic values and principles and international law and protocol. It is common cause that the anti-terror legislation has abrogated certain fundamental democratic and human rights principles and values and the rule of law. They are right to be presumed innocent until proven

guilty; the *audi alteram partem* rule, that is, the right to be heard; freedom of expression and association; detention without trial; and other rights which have been developed over many decades, if not centuries in order to prevent miscarriage of justice.

In the discharge of our mandate we conclude that considerable progress has been made in the talks between the government and Ocalan in his capacity as the leader of PKK. These talks have resulted in the ceasefire which was declared by Ocalan on 21 March 2013 as well as the withdrawal of the PKK armed combatants from Turkey. The ceasefire and the withdrawal were implemented by PKK and respected by the Turkish state. At one stage the complete withdrawal of the armed combatants had stalled because of certain political developments. We are therefore not in a position to make a finding to what extent the withdrawal was completed. We recommend that it be addressed during the negotiation process and, if necessary it can be monitored by independent observers from civil society.

The legal framework, as we mentioned earlier, gives legal efficacy to the peace process, and sets out the negotiation process and the reconciliation and normalisation of the political situation in the country. By enacting the legal framework, the government has shown its basic commitment to the negotiations and as such has kept its part of the understanding with Ocalan, namely, its obligation to put in place the legal framework and normalisation ,

Layla Zana, in her submission to us said that *“We are all making efforts to heal the bleeding wounds of years. I can say that we are at the beginning for ensuring a lasting and honourable peace. It is the first time in the history of the Republic of Turkey, that Parliament enacted a law, albeit insufficient, regarding this issue. We carry the hope that this is the beginning of the negotiations. The formation of framework law makes us hopeful for the future. But as you know, what matters is the application of the law, which will bring peace to the people.”*

It is important that that both parties, that is AKP and PKK, as part of the confidence building exercise, temper their language consistent with the peace process in order to avoid confusion in the rank and file of ordinary members of the public but particularly the youth and get them to buy into the peace process. A senior member of the AKP in parliament said that the youths are not very optimistic about the peace process and the challenge is how we can make them more optimistic about the peace process. In this regard he added that civil society has an important role to play in promoting the peace process and not to play into the hands of the enemies of peace.

Subject to what we say hereafter, in our view the impediment that arose and can still arise, which can negatively influence the peace process do not constitute a serious threat to reverse the peace process. The peace process underway presently bodes well for the people of Turkey and, at this stage of the process, there are no impediments blocking the process that are required to be removed and we do not see the need for IPRI to intervene. We do however recommend to IPRI that it appeals to the Turkish government that it considers releasing Ocalan as soon as reasonably possible in order for legitimate formal talks to start and encourage the parties to reach a successful conclusion to the peace process without much

delay. They owe it to the people of Turkey as a whole; they owe it to the people of the Middle East; and they owe it to the people of the World.

Since the completion of this Report, a new development in Syria and Iraq has threatened and bedevilled the peace process in Turkey. Soon after we completed the evidence-gathering process in Turkey, the Islamic State (IS), on 10 June 2014, launched an attack on Mosul in the Kurdish area of Iraq. It was earlier involved, as part of the opposition alliance forces in Syria, in trying to dislodge the Assad Regime but failed to make any headway. It then changed tactics and descended on Iraq to destabilize the Kurdish areas. It killed and displaced many communities including religious minorities living in harmony in those areas for centuries. They included, amongst other, Eezidi Kurds, Assyrians, Chaldyans, Turkomen, and Shia and Sunni Muslims. Many of them were forced to flee their homeland.

With the fall of Mosul to IS, it confiscated heavy military weapons and equipment including tanks and armoured vehicles belonging to the Iraqi army. In addition, it raided the weapon stores in Tikrit and seized weapons and equipment of warfare. It then turned its attention on Kobani. Despite being outnumbered and outgunned with heavy artillery, tanks and armoured vehicles, the People's Defence Units (YPG) and the Women's Defence Units (YPJ) repulsed the attacks by IS on Kobani. The position of Turkey *vis-à-vis* IS was somewhat ambivalent. There have been conflicting claims whether or not the Turkish government preferred the fall of Kobani. The fallout from Kobani had seen demonstration in support of the people of Kobani not only in Turkey but worldwide.

However, the HDP (People's Democratic Party) delegation visited Ocalan on 1 October 2014 and released a press statement with regard to the recent developments pertaining to the siege of Kobani and the peace process. Ocalan emphasized that the Kobani reality and the peace process is indivisible. He affirmed that the peace process is still on track. He said that the priority is to frame, in principle, a Road Map and an Action Plan, which will incorporate organs of negotiations, commissions and councils, consistent with the legal framework adopted by the Turkish Parliament ahead of the provincial election. He stressed that it is of major importance to initiate formal negotiations as a matter of urgency and with due diligence.

The message from the international community is quite loud and clear. The differences between the Turkish and Kurdish peoples must be settled by peaceful political means through dialogue and negotiations. The fact that Kobani has survived the IS attacks, must send a strong message to the parties that they should expedite the talks and reach a settlement as a matter of urgency. The prospect of IS, which is a loose cannon, turning its attention on Turkey and destabilizing that country and other parts of the Middle East cannot be excluded. The quest for unity is therefore paramount.

The urgency of finding a solution to the peace process has been emphasized in the significant findings of the surveys conducted by SETA and POLLMARK in 2009 because of the divergence on the view between the Turks and the Kurds on the question of whether the Turks wants an independent state or not. This urgency is reflected in the legal framework which provides: *‘The tasks assigned within the scope of this law will be fulfilled urgently by the related institutions and organisations.’*

The Fact-Finding Mission wanted to engage both the then Prime Minister Erdogan and the imprisoned Kurdish leader Ocalan on the peace process but at the time we completed our evidence-taking in Turkey, we had no feedback from the authorities about our visit to them. As both of them are critical to the peace process, it would have been important for us to have had their input and views on the peace process. This would have given us a good indication what the prospect of success is, in the parties successfully concluding the peace process and the possible timelines for such conclusion. We encourage both the two leaders to continue with the peace process which they initiated when it was not popular for them to do.

We recommend to IPRI that it distributes this Report, its finding and recommendations to both leaders and the organisations they represent for their attention and consideration and to all the individuals and organisations we interviewed and consulted in the preparation of this Report and to such other organisations, world leaders and opinion makers that it seems fit.




We also recommend that, as the peace process is on-going, IPRI urge the two leaders, Erdogan and Ocalan to continue the dialogue for the resolution of the Kurdish issue in Turkey. It also continues to monitor the peace process and report on the progress of such process from time to time until the successful conclusion thereof. The successful conclusion of the peace process can also contribute to the democratisation of the Turkish state and its society. The experience and goodwill created in finding a peaceful solution of the Kurdish issues in Turkey can have a positive and beneficial effect and impact on the neighbouring countries that are experiencing conflict and strife.

The circumstances in the neighbouring countries dictate that Turkey finds a lasting solution to the Kurdish problem in Turkey to enable it to contribute to a peaceful political solution in the strife-torn neighbouring countries which include Iraq, Syria, Iran, Israel and Palestine. Turkey cannot play a meaningful role in the Middle East while the Kurdish issue in Turkey remains unresolved. Let’s get that issue out of the way for the common good of all in the Middle East.

In conclusion we wish to extend our sincere appreciation and thanks to all those individuals, organisations and embassies, including government officials, members of parliament, officials of political parties, and NGO’s, activists, business men, women and the many who we may have omitted to mention for the open and frank manner in which they shared their views and experiences with the Fact-Finding Mission of the International Peace Reconciliation Initiative (IPRI).

We also wish to say a special thank you to all those that organised our Mission to Turkey especially those in Cape Town, Europe and Turkey. Our special gratitude is extended to Berivan Alatas our scribe, secretary, translator, organiser and our confidante.

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 FRANCIS WURTZ	 JUDGE ESSA MOOSA	 OSMAN KAVALA
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