

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>               | <b>605</b>                                                                                                                     |
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| Kilde:                          | EASO                                                                                                                           |
| Titel:                          | COI Query Response – Turkey – Treatment of former Kurdistan Workers Party's (PKK) and People's Protection Units' (YPG) members |
| Udgivet:                        | 1. december 2021                                                                                                               |
| Optaget på baggrundsmaterialet: | 6. januar 2022                                                                                                                 |
|                                 |                                                                                                                                |



## COI QUERY

|                                            |                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Country of Origin                          | TURKEY                                                                                                                                                                                                                                                                                                                            |
| Main subject                               | <u>Treatment of former PKK and YPG members</u>                                                                                                                                                                                                                                                                                    |
| Question(s)                                | <ol style="list-style-type: none"><li>1. <u>General background on PKK and YPG</u></li><li>2. <u>Treatment by Turkish authorities of former YPG members between 2019-2021</u></li><li>3. <u>Treatment by Turkish authorities of former YPG and PKK members, who have become informants for Turkey, between 2019-2021</u></li></ol> |
| Date of completion                         | 1 December 2021                                                                                                                                                                                                                                                                                                                   |
| Query Code                                 | Q43-2021                                                                                                                                                                                                                                                                                                                          |
| Contributing EU+ COI units (if applicable) | N/A                                                                                                                                                                                                                                                                                                                               |

### Disclaimer

This response to a COI query has been elaborated according to the [EASO COI Report Methodology](#) and [EASO Writing and Referencing Guide](#).

The information provided in this response has been researched, evaluated and processed with utmost care within a limited time frame. All sources used are referenced. A quality review has been performed in line with the above mentioned methodology. This document does not claim to be exhaustive neither conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.

The information in the response does not necessarily reflect the opinion of EASO and makes no political statement whatsoever.

The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on 1 December 2021. Any event taking place after this date is not included in this answer.

## COI QUERY RESPONSE – TURKEY

### Treatment of former Kurdistan Workers Party's (PKK) and People's Protection Units' (YPG) members

#### 1. General background on PKK and YPG

##### Kurdistan Workers Party (PKK)

The Kurdistan Workers Party (PKK) is described as a Kurdish 'militant organisation'<sup>1</sup> with 'Marxist-Leninist ideals', founded in the 1970s with the aim of achieving self-determination for the Kurds in Turkey and neighbouring countries.<sup>2</sup> The PKK is considered a terrorist organisation by Turkey.<sup>3</sup> It is also designated as a Foreign Terrorist Organisation (FTO) by the United States of America (USA)<sup>4</sup>, as well as being on the European Union (EU)'s list of persons, groups and entities involved in terrorist acts and subject to restrictive measures.<sup>5</sup> Detailed information on the PKK can be found in the EASO COI report: [Turkey - Country Focus \(November 2016\)](#).

##### People's Protection Units (YPG)

The People's Protection Units (People's Defense Units/YPG)<sup>6</sup> is the military wing of the Syria-based Kurdish Democratic Union Party (PYD).<sup>7</sup> A November 2019 briefing paper by the European Parliament described the YPG as comprising 'mainly Kurdish groups that are a primary component of the Syrian Democratic Forces of the Democratic Union Party (PYD, opposed to the Bashar al-Assad regime)'.<sup>8</sup> A BBC report states that 'the YPG and PKK share a similar ideology, but say they are separate entities'<sup>9</sup>, while the Council on Foreign Relations (CFR) describes the YPG as having 'links' to the PKK.<sup>10</sup> The government of Turkey considers the YPG to be a terrorist organisation, as the 'Syrian branch' of the PKK.<sup>11</sup> In 2019, the Spokesperson of the Turkish Ministry of Foreign Affairs referred to the YPG as 'the extension of PKK in Syria'.<sup>12</sup> At the same time, as stated by the European Parliament, '[w]estern countries consider the PYD and the PKK two legally distinct entities, though linked

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<sup>1</sup> DW, Kurdistan Workers' Party PKK, 5 June 2021, [url](#)

<sup>2</sup> Australia, Kurdistan Workers' Party (PKK), n.d., [url](#); DW, Kurdistan Workers' Party PKK, 5 June 2021, [url](#); Lawfare, The Case for Delisting the PKK as a Foreign Terrorist Organization, 11 February 2016, [url](#)

<sup>3</sup> Turkey, Ministry of Foreign Affairs, PKK, n.d., [url](#)

<sup>4</sup> USDOS, Foreign Terrorist Organizations, n.d., [url](#)

<sup>5</sup> EU, Council Implementing Regulation (EU) 2021/1188 of 19 July 2021 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2021/138, 19 July 2021, [url](#)

<sup>6</sup> People's Defense Units, About us, n.d., [url](#)

<sup>7</sup> BBC, Turkey v Syria's Kurds: The short, medium and long story, 23 October 2019, [url](#)

<sup>8</sup> European Parliament, Turkey's military operation in Syria and its impact on relations with the EU, November 2019, [url](#), p. 2

<sup>9</sup> BBC, Turkey v Syria's Kurds: The short, medium and long story, 23 October 2019, [url](#)

<sup>10</sup> CFR, Who's Who in Northern Syria?, Last updated 5 November 2019, [url](#)

<sup>11</sup> USDOS, 2020 Country Reports on Human Rights Practices: Turkey, 30 March 2021, [url](#); Turkey, Ministry of Foreign Affairs, PKK, n.d., [url](#); European Parliament, Turkey's military operation in Syria and its impact on relations with the EU, November 2019, [url](#), p. 2

<sup>12</sup> Turkey, Ministry of Foreign Affairs, QA-82, 29 December 2019, Statement of the Spokesperson of the Ministry of Foreign Affairs, Mr. Hami Aksoy, in Response to a Question Regarding the Decision Taken by the UK Authorities about a Relative of a Member of the PKK / PYD / YPG Terrorist Organization, December 2019, [url](#)

historically and operationally'.<sup>13</sup> At the time of finalising this COI query response, the YPG was not included in the list of terrorist organisations by the USA<sup>14</sup>, nor by the EU.<sup>15</sup> Detailed information on the YPG can be found in the EASO COI report: [Syria – Actors \(December 2019\)](#).

## 2. Treatment by Turkish authorities of former YPG members between 2019-2021

Information on the treatment by Turkish authorities of former members of the YPG in particular was scarce among the sources consulted by EASO within time constraints for drafting this COI Query.

According to Human Rights Watch, between 11 October-6 December 2019, the Turkish army and the Syrian National Army arrested and 'illegally transferred at least 63 Syrian nationals from northeast Syria to Turkey, to face trial on serious charges that could lead to life in prison'. According to the source, the charges for the arrests 'include undermining the unity and territorial integrity of the state, membership in a terrorist organization, and murder. The charges are based mainly on unsubstantiated claims that the detainees have links with the People's Protection Unit'. Human Rights Watch further reported that in October 2020, five of the detainees were 'sentenced to life in prison without parole', one detainee was acquitted, while – as of February 2021 – 'the trials of the others are ongoing and they remain in detention in Turkey, more than a year after their arrest'.<sup>16</sup>

On 11 March 2021, the European Parliament published a resolution on the Syrian conflict, whereby *inter alia*, it condemned 'Turkey's illegal transfers of Kurdish Syrians from occupied Northern Syria to Turkey for detention and prosecution, in violation of Turkey's international obligations under the Geneva Conventions'.<sup>17</sup>

Although not specifically related to the treatment of former YPG members, the following information on treatment of people with affiliation or perceived affiliation to PKK might be relevant for the purpose of this COI Query.

### Treatment of people with affiliation or perceived affiliation to PKK

During 2019, the Turkish authorities were accused of misusing terrorism legislation against people suspected of having links to the PKK.<sup>18</sup> USDOS further highlighted the concerns of lawyers who claimed 'they were hesitant to take cases, particularly those of suspects accused of PKK [...] ties, because of fear of government reprisal, including prosecution'. According to the USDOS, the situation 'disproportionately affected access to legal representation in the southeast [of Turkey], where accusations of affiliation with the PKK were frequent and the ratio of lawyers to citizens was low'.<sup>19</sup>

In January 2019, International Crisis Group reported that Turkish authorities commenced a 'crackdown on individuals allegedly linked to PKK', while '[h]undreds of figures from the People's Democratic Party (HDP)'s municipal affiliate party remain imprisoned ahead of March [2019]

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<sup>13</sup> European Parliament, Turkey's military operation in Syria and its impact on relations with the EU, November 2019, [url](#), p. 2

<sup>14</sup> USDOS, Foreign Terrorist Organizations, n.d., [url](#)

<sup>15</sup> EU, Council Implementing Regulation (EU) 2021/1188 of 19 July 2021 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2021/138, 19 July 2021, [url](#)

<sup>16</sup> Human Rights Watch, Illegal Transfers of Syrians to Turkey, 3 February 2021, [url](#)

<sup>17</sup> European Parliament, European Parliament resolution of 11 March 2021 on the Syrian conflict – 10 years after the uprising, 11 March 2021, [url](#), para. 7

<sup>18</sup> Human Rights Watch World Report 2020: Turkey, 14 January 2020, [url](#); USDOS, 2020 Country Reports on Human Rights Practices: Turkey, 30 March 2021, [url](#)

<sup>19</sup> USDOS, 2020 Country Reports on Human Rights Practices: Turkey, 30 March 2021, [url](#)

municipal elections.<sup>20</sup> In February 2019, the same source reported that the Turkish government had 'intensified' the crackdown on 'HDP members and suspected PKK sympathisers'. On 14 February 2019, two HDP MPs were sentenced 'to fifteen and eighteen months in prison over terrorism charges'.<sup>21</sup>

Following the local elections of March 2019, Turkish authorities proceeded to dismiss mayors of municipalities where the pro-Kurdish Democratic Peoples' Party (HDP) had won.<sup>22</sup> On 19 August 2019, the Kurdish mayors of Diyarbakır, Mardin, and Van provinces in the south-east of the country, were removed from office, being accused of 'spreading "terrorist propaganda" and "financing terrorism"'.<sup>23</sup> Human Rights Watch described the incident as an attempt at 'smearing the mayors by alleging vague links with terrorism [in order] to deprive the Kurdish population of their chosen representatives endangers'.<sup>24</sup> On the same day, some 418 people across 29 provinces of the country were arrested for alleged links to the PKK.<sup>25</sup> As of October 2020, 59 of the 65 elected HDP mayors had been 'forced out or detained' since March 2019<sup>26</sup>, with the authorities using 'terrorism-related charges,' and claiming links to the PKK.<sup>27</sup>

On 28 May 2019, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) reported that 'human rights lawyer and co-president of the Human Rights Association (IHD), Ms. Eren Keskin' had been sentenced to spend more than 3 years in prison for spreading "'propaganda on behalf of a terrorist organisation'", referring to the PKK.<sup>28</sup>

On 6 June 2019, OMCT reported on events that allegedly took place between 18-21 May 2019, when 'at least 51 persons, including three children, were detained in Halfeti, Urfa' in police raids that followed clashes in the area between Turkish security forces and the PKK. According to witness accounts quoted by the source, during the arrest police forces 'kicked, punched, and hit [the detainees] with the butt of their weapons'. Subsequently, 'the beating continued in the anti-terrorism branch of Urfa security directorate, where the detainees were taken for interrogation. Some of them told their lawyers that the police threatened, blindfolded them and applied electricity to their bodies and genitals'.<sup>29</sup>

In its 2021 World Report, referring to events taking place in 2020, Human Rights Watch again underlined 'the authorities' systematic practice of detaining, prosecuting, and convicting on bogus and overbroad terrorism and other charges, individuals the Erdoğan government regards as critics or political opponents'. Moreover, according to the source, 'the Erdoğan government refuses to distinguish' between the HDP and the PKK.<sup>30</sup>

On 11 September 2020, two Kurdish farmers were arrested by security forces in their village in south-eastern Turkey, and were taken away by helicopter. Some hours afterwards, both men were hospitalised, and one of them subsequently died, while the other was treated for injuries. The two men were accused of 'aiding' the PKK.<sup>31</sup> Media reports following the incident stated that the farmers

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<sup>20</sup> International Crisis Group, Crisiswatch Turkey, January 2019, [url](#)

<sup>21</sup> International Crisis Group, Crisiswatch Turkey, February 2019, [url](#)

<sup>22</sup> SWP, Turkey's Presidential System after Two and a Half Years, 1 April 2021, [url](#)

<sup>23</sup> BBC, Turkey removes three top Kurdish mayors in major crackdown, 19 August 2019, [url](#)

<sup>24</sup> Human Rights Watch, Turkey: 3 Kurdish Mayors Removed from Office, 20 August 2019, [url](#)

<sup>25</sup> New Arab (The), Turkey removes elected pro-Kurdish mayors, accused of links to terrorism, for the second time, 19 August 2019, [url](#); Al Jazeera, Turkey removes pro-Kurdish mayors, arrests more than 400, 19 August 2019, [url](#)

<sup>26</sup> Economist (The), Turkey locks up Kurdish mayors, 17 October 2020, [url](#)

<sup>27</sup> Politico, Turkey ousts Kurdish opposition's last mayor, 30 September 2020, [url](#)

<sup>28</sup> FIDH, OMCT, Sentencing of human rights lawyer and co-president of the Human Rights Association (IHD) Ms. Eren Keskin, 28 May 2019, [url](#)

<sup>29</sup> OMCT, Turkey : OMCT conveys deep concern to authorities regarding recent allegations of torture in two different incidents, 6 June 2019, [url](#)

<sup>30</sup> Human Rights Watch World Report 2021: Turkey, 14 January 2021, [url](#)

<sup>31</sup> Human Rights Watch, Turkey: Man Dies After Military Custody, 1 October 2020, [url](#)

had been thrown out of the helicopter while in the air.<sup>32</sup> The ‘criminal investigation into the allegations of torture’ by the security forces was ‘subjected to a secrecy order’.<sup>33</sup> Subsequently, according to Amnesty International (AI), four journalists who reported on the incidents were arrested ‘for being “members of a terrorist organization” on the grounds of the news agencies they worked for and of making news on “public incidents in line with PKK’s [...] perspective and orders to the detriment of the state”’.<sup>34</sup>

### **3. Treatment by Turkish authorities of former YPG and PKK members, who have become informants for Turkey, between 2019-2021**

Information on the treatment by authorities of former YPG and PKK members, who have become informant for Turkish authorities, was scarce among the sources consulted by EASO within time constraints. However, the following information may be relevant.

Article 221 of the Turkish Penal Code prescribes the following regarding absence or reduced punishment for those collaborating with the authorities in the dissolution of organised criminal groups:

- ‘(1) No punishment is imposed for the founders or directors who dissolves the organized criminal group, or assists in dissolution of this group by furnishing information before commencement of prosecution against a person who committed offense by forming an organized criminal group, or prior to commission of the said offense.
- (2) No punishment is imposed if one of the members notifies the authorities that he voluntarily abandons the organized criminal group without having committed an offense.
- (3) No punishment is imposed on the members of the organized criminal group who are arrested before committing any offense within the activities of the group, provided that he serves in dissolution of the group and furnishes information of great importance for arrest of the offenders by showing sincere repentance.
- (4) No punishment is imposed on the founder, director or any one of the members who furnish information, after giving up one’s self voluntarily, about the structure of the organized criminal group, and the offenses committed within the activities. In case of delivery of such information after being arrested, the punishment to be imposed for this offense is reduced from one third to three fourths.
- (5) The actions of the persons benefiting from the provisions relating to sincere repentance are kept under control for one year as precaution.’<sup>35</sup>

Sources reported that several ISIS suspects had benefited from these provisions.<sup>36</sup> On 5 January 2021, Anadolu Agency reported that a physiotherapist who had joined the YPG/PKK, had identified 14 terrorists after turning informant following his arrest in south-eastern Turkey.<sup>37</sup>

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<sup>32</sup> Medium, Turkish army accused of throwing Kurdish farmers from helicopter, 18 October 2020, [url](#); SBS, Turkish soldiers accused of throwing Kurdish farmers from helicopter, 25 September 2020, [url](#); Al-Monitor, Turkish army accused of throwing Kurdish farmers from helicopter, 24 September 2020, [url](#)

<sup>33</sup> AI, The State of the World’s Human Rights 2021, April 2021, [url](#), p. 367

<sup>34</sup> AI, The State of the World’s Human Rights 2021, April 2021, [url](#), p. 367

<sup>35</sup> Turkey, Penal Code, 26 September 2004, available at European Commission for Democracy through Law, Opinion No. 831 / 201, 15 February 2016, [url](#), p. 72

<sup>36</sup> International Crisis Group, Calibrating the Response: Turkey’s ISIS Returnees, 29 June 2021, [url](#); Al-Monitor, Islamic State suspects use Turkey’s remorse law to get off the hook, 17 August 2021, [url](#)

<sup>37</sup> AA, Turkey: Informant PKK member identifies 14 terrorists, 5 January 2021, [url](#)

According to its data, the Human Rights Association (HRA or İnsan Hakları Derneği - IHD),<sup>38</sup> a Turkish non-governmental organisation, reported that during 2019, 13 people were kidnapped by security agents and pressured to act as informants; 61 persons were subjected to forced informant-making offers and threats while being in custodial and extra-custodial places; five persons were offered to become informants while in prison by public prosecutors or other security officers. The same source reported that during the first ten months of 2020, 10 persons were kidnapped by security agents and pressured to act as informants; 72 persons were subjected to forced informant-making offers and threats while being in custodial and extra-custodial places; four persons were offered to become informants while in prison by public prosecutors or other security officers; 29 persons were threatened via social media. According to HRA/IHD, the disappeared persons were mostly students, members of opposition parties, media workers and relatives of prisoners.<sup>39</sup> No other sources could be found to verify information and data provided by HRA/IHD.

In his interview with the officials from the United Kingdom on 18 June 2019, Andrew Gardner, Amnesty International's Turkey researcher, noted that 'there are many reports on people being released after arrest and detention on the condition of being an informant for the police'.<sup>40</sup> No other sources could be found to corroborate this information.

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<sup>38</sup> HRA/IHD is a non-governmental organisation founded on 17 July 1986 by 98 human rights defenders. According to its Charter, the organization promotes and defends personal, political, economic, social, cultural rights and the right to solidarity for everyone. Its activities have focused on the abolition of the death penalty and DGM (State Security Court), freedom of expression, finding the forcibly disappeared persons, peace, amnesty aiming to achieve social peace. For more information, see: HRA , About us, n.d., [url](#)

<sup>39</sup> HRA/IHD, Special report: Enforced statements, interviews, informant-making and abductions through coercion and threats in 2020, 5 November 2020, [url](#), pp. 1-2

<sup>40</sup> UK Home Office: Report of a Home Office Fact-Finding Mission Turkey: Kurds, the HDP and the PKK; Conducted 17 June to 21 June 2019, Annex D, 1 October 2019, [url](#), p. 73

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