Countering Terrorism and the Law of Armed Conflict: the Turkish Experience

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1. Introduction

Turkey is located at the centre of some major regional flashpoints: Balkans, Caucasus, and the Middle East. Thirteen neighbouring countries surround her. Cyprus, Syria, Iraq, Iran, Armenia, Georgia, Russian Federation are just some of those countries. This geography is often referred to as a tough neighbourhood.

Secret arrangements aiming partition and share Ottoman territory before and after the World War I, by the major powers of the time, known as the “Eastern Question” in political history; demise of the Ottoman Empire, loss of large scale of territories, emergence of new independent States, remains of several ethnic populations in Anatolia; social and economic problems faced by the people during decades of efforts to further economic, social and democratic progress, are but some of the other negative elements that contribute to this overall difficult picture. 1 This picture, on the other hand, creates a convenient medium to exploit for pursuing hostile intents by third parties, through State sponsored terrorism.

In this context, for decades, Turkey has been a target of sustained indirect military aggression. Turkish Governments have had to function almost in a continuous state of low intensity conflict (LIC). State sponsored terrorism has been used against her,

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1 After World War I, under Articles 62-64, non-ratified Treaty of Sevres of 10 August 1920, an “International Commission for Kurds” was to be established, to create an “autonomous Kurdistan”. This resulted in refusal by Ottoman Parliament; which triggered almost total occupation of Anatolia by Allied Powers of the time; responded by Turkish Liberation war that ended by establishment of a new State; Republic of Turkey. Note that, not only ethnic Kurds, but also large numbers of Lazs, Circassians, Georgians, Abhazians, Chechens, Turkmen, Bosnians, Albanians, and others live in peace, in present Turkish territory.

as a substitute means of warfare. For each campaign, the sponsors have not been in too much difficulty to device a separate, suitable, convincing rationale, to be able to motivate and manipulate targeted groups. Thus, for example chauvinism, religious fundamentalism, Marxism-Leninism, Maoism, or, ethnic nationalism have been used as typical themes to trigger a new terrorist campaign. Common ground has been abuse of democracy and human rights. For all these reasons, all along many years, Turkish people have had to live in martial law or state of emergency rules. Turkey has had to fight numerous terrorist organizations: TKP/ML, Dev-Yol, DHKP/C, Turkish Hizbullah, etc. For the purpose of this conference, however, I will take the PKK/KADEK terrorism as the basic framework to elaborate and share our experiences concerning countering terrorism operations. I will try to concentrate on the law of armed conflict, and to a limited degree, human rights aspects of those operations.

2. PKK/KADEK

PKK was established in 1974; aiming establishing a Kurdish State, in parts of the Turkish territory. Following a strategy based on individual terrorism and armed propaganda, it has waged a violent terrorist insurgency in southeast Turkey. This started in 1984 by rural based armed propaganda, and covered later also urban terrorism, not limited to southeast. In 1987, the Government lifted martial law, and declared state of emergency in the area. Before September 12, 1980, the country was at the brink of a left-right civil war; after 1980, this time the country was being forced to fall in an ethnic conflict. Unfortunately, still some of Turkey’s friends and allies, overlooking their legal and political commitments under the terms of the Charter of the United Nations and the North Atlantic Treaty, seem reluctant to recognize the basic terrorist nature of the PKK/KADEK, except some lip service. In fact, not the Al Qaeda attacks directed against the United States on September 11, 2002, but PKK attacks directed against Turkey was the first example of a terrorist warfare.

In August 1992, when the PKK managed to attack Sirnak, and in the later days, to Patnos, it was an apparent sign of a concerted effort, to ignite an ethnic civil war in the country. A similar attempt was directed at Yuksekova, in August 1993, in the same region.

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2 Throughout their campaign, total casualty exceeded 47,000, including members of security forces, and 138 teachers. Material loss is almost impossible to calculate.

3 For a summary of PKK activities, see: PKK – reality in Turkey and in the World, Ankara Journalist Association, 1994, 40 pp. with pictures and statistics.
