

PKK leader Ocalan's fate remains undecided after death sentence upheld by Turkish appeals court

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On November 25 the highest Turkish appeals court confirmed the death sentence against Kurdish Workers Party (PKK) leader Abdullah Ocalan. Following urgent representations by Ocalan's lawyers on November 30, the European Court of Human Rights called on Turkey to delay the execution. The government said it might suspend a final decision on carrying out the death penalty, which rests with the Turkish parliament and the president.

Ocalan, chairman of the PKK, a nationalist movement of the Kurdish minority, was kidnapped in mid-February 1999 from the Greek embassy in Nairobi by Turkish agents and forcibly brought to Ankara. Since then he has been incarcerated on the Turkish prison island of Imrali. There he was subjected to a show trial before a security court that flouted democratic legal norms, found guilty of treason and separatism, and sentenced to death by hanging. As a matter of course, the verdict of the security court was referred to the appeals court for formal review, but its confirmation was generally expected.

Immediately following his capture, Ocalan's lawyers submitted a complaint to the European Court of Human Rights in Strasbourg, arguing that his fundamental rights had been breached. The brief charged Turkey with disregarding the prohibition against torture; violating the right to life, liberty and security; and trampling on the right to a fair trial. These are offences against the European convention on human rights, which Turkey signed as a member of the Council of Europe.

The European Court cannot rule on the death penalty, since Turkey never signed the addendum concerning its abolition. A judgement regarding the other pending procedures is expected in one or two years. This gives the Turkish government ample time to dispose of the Ocalan case.

Representatives of the European Union (EU) condemned Turkey's confirmation of the death sentence, and linked the question of Ocalan's possible execution with the country's application to join the EU, which the forthcoming Helsinki summit is slated to decide. If Turkey were to carry out the execution of Ocalan, its entry into the EU would almost certainly be blocked.

The US State Department spokesman on Turkey reiterated the

Clinton administration's point of view that the proceedings against Ocalan were "lawful". He said the issue of the death sentence was exclusively a matter for Turkey to decide. In point of fact, Ocalan was apprehended and handed over to his executioners with the direct aid of American intelligence agents.

The divergent positions of the US and the European Union concerning Ocalan's fate reflect their conflicting interests in relation to Turkey. How the struggle between Washington and the European powers over influence in Turkey plays out will have a great bearing on whether or not Ocalan is eventually put to death. The PKK leader has become a pawn in the complicated relations between Turkey, the EU and the US. It will not be legal formalities and certainly not human rights questions that decide the issue, but rather Ocalan's usefulness to the various players in this game.

Over the past 10 years, Turkey has been transformed from a military base in the Cold War against the Soviet Union into an indispensable bastion in the tug-of-war for control of raw materials and trade routes that will be critical in the twenty-first century. Besides Israel, with which Turkey established a military alliance two years ago, Turkey is the most important base of support for American operations in the Middle East and Far East. To the delight of the Turkish press, President Clinton during his November state visit to Turkey promised a great future for Ankara as a regional power.

The role of Turkey was affirmed and underlined at the recent Organisation for Security and Cooperation in Europe (OSCE) summit in Istanbul. The most significant development occurred outside of the formal deliberations of the summit, when an agreement was signed to build an oil pipeline from Baku in Azerbaijan to the Turkish Mediterranean port of Ceyhan. This is to become the main export route for Caspian oil, whose extensive development is now beginning. This pipeline is not only a means of transporting oil, but is also a strategic project. It will give the United States control over the marketing of the largest unexplored oil reserves in the world, and further marginalise Russia, Iran and Iraq.

The route of the Baku-Ceyhan pipeline runs directly through

the Kurdish areas of eastern Turkey. That is another reason why the US has been urging a resolution of the Kurdish question for some time. The large oil companies will not finance a pipeline in an area that is rocked by civil warfare.

As for the EU, not one of its member countries was prepared to grant Ocalan asylum when he arrived in Italy one year ago and declared his readiness to face a European court.

Of all the European powers, Germany maintains the closest relations with Turkey and is its largest investor and trade partner. Germany has long supplied Turkey's military-dominated government with heavy weapons. Recently, the Green party foreign affairs spokeswoman Angelika Beer discounted press reports that Ocalan's execution might endanger this cooperation. Beer said the Social Democratic Party-Green coalition government had not made the delivery of 1,000 German Leopard II tanks contingent on a decision to spare Ocalan's life.

The bloody war against the Kurdish minority is only taken up and criticised by the European Union when it is seeking to pressure Turkey diplomatically. The persecution of the Kurds was cited again and again in order to postpone Turkey's entry into the EU, something Ankara has been seeking for more than 30 years. But the real reason for the EU's reluctance to admit Turkey is the fact that the accession of such a comparatively poor country would bring enormous costs to the EU, since Turkey could then claim wide-ranging EU subsidies. The EU considers it preferable to arrange relations in such a way that Turkey serves as an export market and cheap production base, without having any claims on the EU's resources.

In view of America's push into the region and the growing tensions between the US and Europe, Turkey's weight within the EU has risen over the past few years. This was driven home to German Foreign Minister Joschka Fischer when the Turkish secret service provocatively kidnapped Cevat Soysal, a Kurd living in Germany, just before Fischer's visit to Turkey last July.

The decision regarding Ocalan's fate will have far-reaching implications for the orientation of Turkey's foreign policy. Imposition of the death sentence would make it almost impossible for the EU to admit Turkey as a candidate for EU entry. The present state of domestic affairs in Europe would not permit acceptance of a country that practices the death penalty. Moreover, European governments are afraid it could lead to unrest inside their own countries: 2 million people from Turkey live in Germany, including approximately one and a half million Kurds.

Apart from foreign policy considerations, the unsettled internal situation in Turkey bears heavily on Ocalan's fate. For a long time American and European governments have urged Turkey to include moderate Kurdish politicians in the ruling apparatus in order to defuse the civil war and stabilise conditions within the country. Such a policy is not in contradiction with the destruction of the PKK as a guerrilla

organisation. The question is, however, whether it would be further advanced by including or excluding Ocalan.

Ocalan and the PKK have said for some time that they are prepared to reach an agreement with the Turkish state. They have made clear that they will fulfil all the necessary conditions. They lost their remaining inhibitions after the arrest of their chairman. From his prison cell, Ocalan ordered the withdrawal of PKK fighters from inside Turkey and warned them to adhere to the cease-fire, even though the Turkish army has since massacred guerrillas in the mountains on the Iraqi border.

"So long as I live", Ocalan wrote to the OSCE summit last month in Istanbul, "it will be my fundamental role to persuade the PKK to abandon violence and prepare it for legality as part of the democratisation process that Turkey has begun." The Central Council of the PKK wrote at about the same time to Turkish president Suleyman Demirel: "We see that the cultural, economic, social and political benefits that the 150-year struggle of the Turkish people for democracy has created will be crowned with actual democracy on the way to the year 2000, and would like to participate in achieving this desired goal and sharing our common responsibility."

The PKK refers to Arafat's Palestine Liberation Organisation and the African National Congress under Nelson Mandela in order to underline how they could be of use to those in power. If only they were included, they could help ensure peace and order in the country.

The Turkish government has made some gestures of reconciliation in recent months. For example, in August President Demirel received the mayors of the larger Kurdish cities represented by the legal Kurdish HadeP Party. Prime Minister Bulent Ecevit has publicly said he opposes the death penalty, to great effect in the media.

But it is not easy for the Turkish government, in the name of "democratisation", to accept Kurdish participation in the affairs of state. They have long utilised anti-Kurdish chauvinism to whip up sections of the population and divert social tensions along racist lines. Ecevit owed his election success last April to his role as "Ocalan's conqueror", whom he paraded like a victor's trophy.

The fascist MHP party, government partners to Ecevit's Social Democrats and the second largest parliamentary group, conducted its election campaign with the slogan "Hang Ocalan!" and is arguing for rapid implementation of the death sentence. Moreover the military still forms the backbone of the state and cannot easily be deflected from the war of extermination against their traditional enemies.



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