

## **Ocalan trial: Breaking the Man or Breaking the Movement**

**Author:** IWPR

The Turkish authorities have captured, and may yet kill, the PKK leader. But the arrest may in fact inspire rather than defeat the movement for Kurdish rights in Turkey.

If they break the man they may yet break the people. But if jailed Kurdistan Workers' Party (PKK) leader Abdullah Ocalan stands firm he could become the focus of a future global effort to resolve the Kurdish issue, says exiled Kurdish analyst Cemil Gündogan.

"Firm resistance, from Ocalan on the inside, and the Kurds without, could bring the same world leaders who chased him through Kenya, back to his door for a solution to the question. "This is not just lively imagination," Gündogan wrote in a pro-Kurdish daily in Germany. "Remember Mandela!"

But Turkey remembers Mandela too. The government's aim, almost from the moment its special forces got the PKK leader on the plane to Ankara, has been to try to subvert the Ocalan legend and demoralise his supporters.

Their analogy of choice is not Mandela, whose presence in prison provided the focus for decades of black resistance against apartheid rule in South Africa, but Abimael Guzman, leader of Peru's Sendero Luminoso. Guzman's capture collapsed its organisational and spiritual leadership and handed the moral high ground to the Peruvian government.

Ocalan's personal qualities are being tested to breaking point, even as Kurds throughout the world have staged protests to save their 'serok' (leader), from Canada to Iran, Syria to Britain, sometimes with fatal results.

The first TV footage of Ocalan, who faces a possible death sentence under articles 125 and 146 of the Turkish Penal Code, showed him in a less than heroic light. Blindfolded and strapped into his chair, flying from Nairobi to Istanbul, he seemed anxious to ingratiate himself. "My mother is of Turkish descent and I love Turks," he told his guards. "I hope I will be able to render service for both Kurdish and Turkish peoples, if I am provided that opportunity."

Even Turkish President Suleyman Demirel told journalists that he found Ocalan's attitude "very wise under those circumstances". But nevertheless, it's a far cry from his days in Syria from where he built and led a 10,000-strong guerrilla force to fight for autonomy for the Kurdish populated regions of south-east Turkey, posing the greatest single challenge to the Turkish system in 75 years of modern statehood.

But most doubt that he would so quickly buckle under, even allowing for the fearsome fate he may now be enduring as a solitary prisoner in a jail on Imrali Island, 50 miles south of Istanbul.

"It would be erroneous to believe that Ocalan has capitulated himself to the state," said analyst Omer Tarkan of the daily Radikal. "His approach gives him more space to manoeuvre, whether he is bargaining for his life or claiming leadership of Kurds worldwide." Ocalan, despite ruling unchallenged as the head of the PKK, has often drawn a distinction between his roles as a leader and that as an ordinary person.

Without his organisation, and no longer speaking from the safety of a Syrian hideout, Ocalan is an undivided personality again, confronting his interrogators. He has reportedly developed a heart condition, and three cardiologists have joined the interrogation team, an elite squad drawn from Turkey's armed

forces, its intelligence officers and paramilitary gendarmes.

Ocalan's eventual appearance in court will be a watershed. Global attention is already focusing on Turkey's judicial system, despite the protestations of the Turkish Foreign Ministry that Ocalan will get a fair trial. His Dutch counsel were refused entry into the country hours after his arrest. Four lawyers from the Istanbul bar, appointed by the Ocalan family, were refused permission to see him. They were later driven out of the port town that serves Imrali Island by gangs of ultra-nationalist thugs.

Current legislation in Turkey provides for four days' incommunicado detention for people held under the Anti-Terror Law. Amnesty International reports that "this has been described as unacceptable by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and it is widely recognised as being conducive to torture". Eventually the Council of Europe, citing Turkey's international treaty obligations, demanded and got the right to send a team of 15 lawyers and doctors to Ocalan's island prison.

"Even the minimum conditions for a defence do not exist," says one of the four, lawyer Ahmet Zeki Okcuoglu. "There exists no official post to appeal. The local authorities say they have no connection with the trial, while little is known about the 'Crisis Management Desk' reportedly placed in charge of the procedure. "I have no power to resist those forces, who have stripped my client of his right to defend himself. The only thing I can do is to make a statement in protest," Zeki says.

Ocalan's case will be heard by one of Turkey's notorious State Security Courts (DGMs). An October 1998 ruling by the European Court found that the DGMs - headed by two civilian judges and a military appointee - denied defendants the right to a "fair and just trial" under international conventions signed by Turkey.

"The constitutional article that provide military judges' presence in the State Security Courts (DGM) needs to be amended," says Professor Ugur Alacakaptan of Ankara University Faculty of Law. "If Ocalan is tried by the DGM, an application against the DGM decision in the European Court will definitely go against Turkey."

The Council of Europe's Parliamentary Assembly plans to send its Turkey rapporteurs, Hungarian MP Andreas Barsony and Austrian MP Walter Schwimmer, to Ankara to persuade Turkish officials to try Ocalan along Council of Europe guidelines.

But according to a statement to media in Bonn last week, Turkey will not be permitting official international observers to the trial. The Turkish embassy said the involvement of foreign observers would be regarded as damaging to Turkish sovereignty and the independence of its jurisdiction. Turkish law does not allow for 'foreign observers', but court proceedings are open to the public where 'facilities permit'.

Professor Cetin Ozek of Istanbul University Faculty of Law complains about way Ocalan has been pre-judged, both by officials and especially by the media. "Even the best TV anchormen do not refrain from making open charges without evidence against Ocalan, bringing the judges under heavy public pressure and, indeed, violating the individual's right to a fair legal defence."

Prime minister Bulent Ecevit has tried to cool the Turkish nationalist fervour, even though the snatching of Ocalan in Kenya has undeniably boosted his cross-party support. His Democratic Left Party (DSP) is gaining in the polls ahead of early general elections on April 18, and may do what few would have predicted last month, actually lead the party lists on the day.

Ecevit talks of "conditional amnesty" for the PKK fighters still hiding out in the ten conflict-stricken south-eastern territories, backed by pledges of state development. But his government continues to rule the disputed territories with an iron hand.

The pro-Kurdish People's Democracy Party (HADEP), expected to take at least half the vote in the Kurdish regions, reports that 380 of its members and officials have been arrested since Ocalan was snatched. Party leader Murat Bozlak and other senior officials were arrested on charges of separatism even before that, and HADEP still faces a permanent ban after it was accused of links with the PKK.

Ufuk Uras, leader of the Freedom and Solidarity Party - one of the few Turkish parties to distance itself from the nationalist fervour that followed Ocalan's arrest - makes a rarely heard call for calm and reconciliation.

"No one is innocent in this war," Uras says. "The Kurdish question is not born out of the PKK but the PKK is born out of the Kurdish question. The PKK is not the only element to blame."

Hundreds of thousands of Kurds have been forced out of their homes in scorched-earth offensives by Turkish forces against local supporters of the PKK. And since the conflict began in 1984, the security forces have become deeply intertwined with the far right and organised crime. "War crimes were committed by the security forces," Uras adds. "Villages were evacuated, civilians were killed. If justice is going to be reached, these war crimes too should be tried."

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