Turkey at crossroads

General amnesty impossible

INTERVIEW

Peace does not mean the absence of war, but rather a transformation of relationships. This sentiment sums up the current state of affairs between Turkey and the PKK, highlighting that a change in relations can be construed as progress in the peace process even when war has been absent for some time. Many analysts argue that the announcement of the Kurdistan Workers' Party's (PKK) dissolution does not spell the end of the conflict altogether, but rather marks a turning point in the group's relationship with Ankara — one that could pave the way for further developments down the line.
The dissolution of the PKK must now be seen as a major development on the Middle Eastern political and security stage. This move, which has sparked widespread reactions from governments and various institutions, has given rise to numerous questions about the group's future and its impact on the Kurdish situation. Key issues crop up regarding the legal process behind the dissolution and its consequences for the PKK's leaders and members. Shifts in political relationships and structures could, in turn, bring about new dynamics in Kurdish society and politics, calling into question the very notions of peace and security in the region.
In the following interview, Turkish legal expert Cüneyd Altıparmak provides critical insights that shed light on the issue.

Jailed PKK leader Abdullah Öcalan (sitting) appears at his trial in 1999.
MUSTAFA ABADAN/AP

As you know, the PKK has announced its dissolution. Does this mean the conflict is over? What legal steps will follow from here?

ALTIPARMAK: The PKK's move is significant not only for Turkey but also for our neighbors, as Turkey has launched the "terror-free Turkey" initiative. The aim has been to wipe out terrorism from Turkey, and we can say this has largely paid off. It's crucial to look back on the steps that led us here. Turkey's anti-terror campaign has picked up steam, especially after the July 15, 2016, coup attempt, and the country has even taken the fight beyond its borders. As a result, the PKK and its affiliates have found themselves hemmed in from all sides, leaving them with no option but to call it quits — which is exactly what happened. The organization, which has lost its grip over the past five years, is no longer capable of mounting a serious fight or hitting back effectively. This weakness forced the PKK to back down.
From here on out, there's no need for additional legislation. The current legal framework sets the stage for wrapping up this process. However, this situation signals that Turkey's political landscape will open up, giving us the chance to draft a constitution fit for this century. In this light, these days stand out as a genuine turning point for Turkey.
Turkey wants this process to play out not just for itself, but for the whole region since its spiritual borders stretch beyond its physical boundaries.

Cüneyd Altıparmak

Since the peace process began between the PKK and Ankara, there's been talk of "the right to hope" for Abdullah Öcalan. What does this mean, and is it possible for Öcalan to benefit from it?

When we talk about the right to hope, the first thing that springs to mind is the issue of execution. In this context, the right to hope concerns those serving life sentences. It refers to a situation where "a prisoner" — regardless of their sentence — can, after a certain period, get a shot at returning to society and reassessing their behavior.
This right does not apply across the board. It may only kick in for those who meet certain conditions. The first requirement is that the sentence must be served out in line with regulations. In Turkey, the maximum time anyone can spend behind bars — regardless of their sentence — is set by law. For aggravated life sentences, it's 36 years; for standard life and fixed-term sentences, it's 30 years. However, the European Court of Human Rights, in its ruling on the Vinter and Others vs. the UK cases, ordered that all "whole-life" prisoners would be entitled to a review of their sentence within 25 years of being sentenced.
Looking at this issue solely through the lens of Öcalan's case would be a mistake as others in his position may also push for the right to hope. Without a specific legal framework, this issue cannot move forward. Moreover, according to statements from the Peoples' Equality and Democracy Party (DEM Party), there are no such expectations — no one has gone out on a limb for Öcalan's freedom. I think the fact that this issue has come up at this stage should be seen as symbolic, showing that the government is making a genuine effort.

What legal process awaits PKK leaders and members in Qandil? Can they return to Turkey? What will happen to the PKK's weapons?

Article 221 of Turkey's Penal Code covers this issue. Those who have committed terrorist crimes are more likely to be singled out from those who haven't. Leaders, as opposed to supporters, and those who are armed, as opposed to those not involved in fighting, may benefit from the repentance provisions in Turkey's constitution.
I believe a general amnesty is still off the table, as these matters will only come up for discussion once the PKK's dissolution, with all its elements, has been fully carried out.
For now, the focus is on the PKK disbanding entirely, laying down its arms, and calling a halt to its activities against Turkey. While there may be some changes in how punishments are handed down, there will be no legal leniency.
The repentance provisions include measures for reduced or waived sentences, but these do not extend to all offenders. In particular, the legal status of the leadership will stand apart. There are various formulas for the PKK to give up its arms — these could involve abandoning weapons in Syria and Iraq or destroying them under government supervision. We will see how this plays out as the process unfolds.

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Turkish soldiers stand outside a courtroom at the Silivri prison and courthouse complex in Silivri near Istanbul, Turkey.
ÜMIT BEKTAŞ/REUTERS