



Kurdish National Congress of North America

P.O.Box 50216, Irvine, CA 92619, www.kncna.org

KNC-NA and HLP Meeting, Press Release

On July 31, 2010, a delegation from Kurdish National Congress of North America (KNC-NA) met with Professor Fertig, to discuss a recent U.S. Supreme Court ruling titled "Holder vs. Humanitarian Law Project".

The U.S. Supreme Court, in "Holder vs. Humanitarian Law Project" (HLP) ruled on June 21, 2010, that anyone subject to the jurisdiction of American courts who gives "material assistance" to any organization that is designated as a terrorist group by the Secretary of State could be charged as a criminal and, if convicted, serve fifteen years in a federal prison. Material assistance, the Court found, includes pure speech, even speech that advocates legal, non-violent action. It bars lawyers, doctors, social workers, peacemakers, or anyone from America from helping the PKK which was placed on the list of Foreign Terrorist Organizations in 1998.

HLP's president retired Federal Administrative Judge, who is now a Professor at the University of Southern California (USC), a long standing human right activist, has been advocating for resolving the Kurdish conflict in Turkey with peaceful means for over two decades. He brought Kurds to the United Nations Human Rights sub Commission to present complaints of civil rights abuses by the government of Turkey.

Arguing that the law seeking to restrain him was unconstitutionally vague, too broad, and a violation of his First Amendment rights of free association and free speech, he secured an injunction from the Federal District Court in Los Angeles to protect his work with the Kurds. The government appealed and the federal appeals courts upheld the injunction protecting him. Finally, the Supreme Court reviewed and reversed six federal court opinions, finding that the law was sufficiently clear and that national security trumped free speech.

From the viewpoint of Turkey, Fertig is seen as a supporter of the PKK and violating the US law. Based on this new ruling any Kurd and friends of the Kurds in the US who advocate for Kurdish Human Rights in Turkey, might be facing the same challenge as Professor Fertig.

The Turkish lobby has convinced the United States to put the PKK on the list of terrorist organization, while PKK claims to be a national liberation front and an armed resistance movement that never attacks anyone who is not invading Kurdish land militarily. From the perspective of the Turkish government anybody who supports equal protection of the Turks and the Kurds is a supporter of PKK and therefore a terrorist.

In the meeting of July 31, 2010 between KNC-NA and Professor Fertig options of fighting the recent unjust ruling were discussed. The Kurdish National Congress of North America sees the Turkish military and the PKK as engaging in the same behavior. But while the former flourishes on violence, the latter has repeatedly declared its willingness to negotiate peace.

The Humanitarian Law Project and KNC-NA believe that Turkey and the PKK should settle their differences via peaceful dialogue, as it was the case between the South African Apartheid regime and the

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African National Congress. It was necessary for neutral bodies to mediate between the Apartheid government and the ANC.

According to the new ruling, now neither HLP, nor KNC-NA, nor any other American organization or person can help the PKK to negotiate peace with Turkey.

Considering such a limitation on promoting peaceful negotiation, the KNC-NA delegate and HLP president discussed the options to secure some modification of the recent unjust ruling. Only the U.S. Congress can rewrite the law, and an effort is now underway through the Charity and Security Network to introduce such legislation.

Other possible options include ways to bring this ruling to the attention of the American public and they include a hunger strike or civil disobedience in front of or inside the Turkish Consulate and Embassies, and calling for a boycott of Turkish tours and a web site that would appear whenever a potential tourist goes on line.

An essential option for now seemed to be building alliances. Considering that the Kurds have no state power, KNC-NA and HLP will approach other communities who have been the subject of genocide in Turkey such as Armenians and Greeks for support. We hope together with the Armenians and other like minded groups and personalities to form a committee. The committee then should approach the Congress of the United States to review its policy toward the Kurds and pressure Turkey to adhere to the international laws and start peaceful negotiation with the Kurds.

For questions and comments, please contact the Kurdish National Congress of North America at info@kncna.org

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