



Turkey's Violations of International Law in Iraq

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**Report of the Egyptian Coalition for Human Rights and
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Introduction:

Turkey's violations, led by Turkish President Recep Tayyip Erdogan, against Arab countries continue. Turkey continues its campaigns and armed attack on Iraq to reach an unprecedented depth in addition to establishing military bases to become part of Turkey's strategy to expand militarily beyond its borders.

These interventions and military operations in Iraq have caused significant material and human damage, and these recent incursions by Turkey on Iraqi territory have been triggered by Baghdad, which has recalled Turkey's ambassador to Iraq more than once since the Turkish military campaigns began.

Turkey also intervenes in the water affairs in Iraq, where it pumps the quantities of water that originate from its lands, by controlling it through several dams, the largest in Turkey is the Atatürk Dam on the Euphrates, which is the second-largest dam in the Middle East, and the most recent of which is the Ilisu Dam, which was opened in 2018, on the Tigris River. Media reports state that the construction of the dam led to a 60% decrease in Iraq's share of the river's water.

Every day, Turkey aspires to expand its political and security influence within Iraq. Turkey has wanted for years to become an important entity and with a significant role in the political scene in Iraq, not only Iraq but all Arab countries through its interventions and provocative actions against Arabs. Turkey, represented by Erdogan's authority, tried to provoke many crises in Iraq on all aspects of security, economy and wealth, other than the crisis of building dams on the Tigris and Euphrates rivers.

The future of relations between Turkey and Iraq became tense, after the escalation between the two sides due to Turkey's recent incursions against Iraq, which targets the Iraqi borders and kill its guard officers and soldiers in the country. Thus, Iraq demanded the intervention of the United Nations in finding a solution to these violations against Turkey.

According to UN charters, the interventions of Turkish forces and the violation of the sovereignty of its lands contradict those charters. The presence of Turkey in Iraq is not only to fight the PKK but extends towards Turkey's presence on Iraqi territory and the construction of military bases there. The Turkish military forces have made numerous incursions against the PKK despite the 2013 peace agreement.



Turkish Interventions in Iraq from the Perspective of International Law

Turkey's aggression against Iraq is subject to the United Nations definition of aggression by the state-issued on December 14, 1974, and adopted by the General Assembly, by consensus, in resolution (3314) D-29 attached to the definition of aggression approved by the Fourth Special Committee. At the top of the list of acts of aggression described in Article 3 is the invasion of the territory of another by the armed forces of another state, whether this leads to the occupation of that territory or does not violate the authority of a State to exercise its rights, per the Charter, within its national mandate (9890/A, paragraph 10).

The aggression by a state against a state leads to civilian casualties as a result of the armed conflict resulting from the killing of civilians is subject to the Geneva Conventions, which prohibit assault on life and physical integrity, particularly the killing in all its forms of civilians and persons unable to fight. Each of the four Geneva Conventions lists the "willful murder" of protected persons as a serious violation.

Murder is also classified as a war crime under the Statute of the International Criminal Court in relation to international and non-international armed conflicts, and under the statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the Special Tribunal for Sierra Leone. This prohibition has been widely upheld in the system of national and international precedents where the killing of civilians and persons unable to fight is also prohibited under international human rights law, albeit in different terms. Human rights treaties prohibit "arbitrary denial of the right to life" and under these treaties, this prohibition may not be violated, and therefore at all times, and the prohibition of "arbitrary deprivation of the right to life" under the Human Rights Act also includes unlawful killing during the management of hostilities, i.e. the killing of civilians and persons unable to fight under the authority of a party to the conflict is unjustified under the rules of operations management.

The American Human Rights Commission has also used international humanitarian law as a way of interpreting the right to life during hostilities in situations amounting to armed conflict. However, human rights bodies, in other cases, have applied human rights law directly, without reference to international humanitarian law, to assess whether or not there is a violation of the right to life during hostilities. In a number of cases involving non-international armed conflicts or serious internal disturbances (including



In cases where military force has been used), the Human Rights Committee, the African Commission on Human and Peoples' Rights, the European Court of Human Rights, the American Human Rights Commission and the American Court of Human Rights have stressed the need to take appropriate precautions to limit the use of force to the exact extent necessary and to conduct investigations in the event of suspicious deaths, to ensure that there is no "arbitrariness" in the occurrence of loss of relief.

The Arab League condemned these violations on the Turkish side, where Secretary-General Aboul Gheit condemned these military incursions and the continued violations by the Turkish side on Iraqi territory, which is contrary to international conventions and customs. He additionally called for a unified Arab position towards these violations.

Some of Turkey's Military Operations against Iraq:

The conflict in Iraq has begun since the signing of the 1995 agreement, which was set forward by Iraqi President Saddam Hussein, namely, allowing Turkish forces to be present at bases in northern Iraq to fight the separatist Kurdistan Workers' Party (PKK), where Turkey establishes military bases and aircraft with many weapons to use against fighters on their strongholds in the mountains, a base located in Bamerne, north of Duhok, Duhok province in Kurdistan province.

Turkey also has three other small bases:

- Kani Masi in the north of Duhok
- Gerilok North Of Amedi
- Cersei north of Zakho on the Iraqi border

These bases are permanently in place, with Turkish soldiers deployed throughout the year.

Experts estimate that the PKK numbers about 10,000 fighters compared to 300,000 Turkish soldiers. The party was classified as a terrorist organization in 2002 by the European Union, Turkey, Germany and the United States, but the United Nations and some countries do not classify it as a terrorist organization such as Egypt, China, Russia and India. The PKK has been facing Turkey since 1984 in a war that has resulted in at least 40,000 people.



Operation Claw-Eagle 14/6/2020:

Turkey has announced the launch of Operation Claw-Eagle in northern Iraq, where it has been pursuing the PKK, and through that operation, it has launched an airstrike attack against Kurdish targets. The Turkish Defense Ministry has announced through its official Twitter account the launch of operation Claw on northern Iraq, saying on its account that it will destroy the burrows of terrorists over their heads.

Turkish aircraft were bombed on Workers' Party positions in the Sinjar Mountains of Nineveh, The shelling also affected positions in the areas of Makhmur, Qandil, Zab, Proudst, Matin, Avashin and Zakho city of Duhok province near the Turkish border.

Turkish forces have been carrying out military campaigns against the Workers' Party (PKK), which it classifies as a terrorist. The PKK has been waging a rebellion against Turkey since 1984. The conflict between Turkey and the PKK has killed more than 40,000 people till now.

Operation Claw-Eagle resulted in the killing of three PKK forces in the northern Iraqi city of Metina by Turkish forces using air missiles. Turkey claimed that the people were carrying out acts of sabotage in northern Iraq.

The day after the operation, Iraqi politicians protested and demanded that the Iraqi government summon Turkey's ambassador to Baghdad in connection with Operation Eagle against the Workers' Party.

Operation Claw-Tiger 17/6/2020:

Turkey launched at dawn on June 17 operation Claw-Tiger in the Haftanin area of northern Iraq against the PKK and all those who support the party. That operation came hours after Iraq protested against Operation Claw-Eagle and summoned the Turkish ambassador to Baghdad on June 15th. The Iraqi Foreign Ministry said hours after Operation Claw-Eagle that it condemns the violation of its territorial sovereignty by the Turkish side, adding that the bombing operations caused intimidation of the population and spread panic among them. However, the Turkish ambassador to Baghdad (Yıldız)



considered that this summons was a new opportunity to support his country, adding that it would continue to hold military operations against the Workers' Party.

This operation resulted in casualties of more than 500 targets of Kurdish fighters in northern Iraq, in less than 72 hours, using F-16s and Hooters cannons, according to the Turkish Ministry of Defense, and rocket and artillery shelling came on the areas of Kendall, Yerevan, Dubshke Hill, Bactoria and Kishan.

Since the beginning of Operation Claw-Eagle, Turkish shelling has killed 6 Iraqi citizens, displaced about 10 border villages belonging to the Kurdistan Region, burned agricultural fields, including barley, impacted houses and infrastructures and injured PKK targets in the Haftanin area in the north and three Sinjar protection forces.

In a media statement to the Kurdistan People's Defense Forces (KDF), 22 Turkish soldiers were announced killed and two Cobra military helicopters destroyed, as PKK fighters carried out strikes against the Turkish army as well as dozens of wounded.

The Turkish military forces also targeted, through the "Tiger/Eagle" operations, civilian places, including Makhmur camp, a place located 70 kilometres southeast of Erbil, deep inside Iraqi territory. This camp is inhabited by approximately 12,000 Kurdish refugees, most of whom were forced to flee due to the destruction of their homes by the bombing of the Turkish forces. That camp has existed since the nineties of the last century, in addition to the targeting of Sinjar camp, where the majority of Yazidi Kurds live.

The Qandil Mountains Represent the Obstacle for Erdogan's Army:

Erdogan bet on besieging the Qandil Mountains and fulfilling his dream of eradicating those mountains by Turkish forces and ensuring his stay in power. Qandil Mountains is the stronghold of the Iraqi Kurdistan Party in the Turkish-Iraqi-Iranian borders, which represents an obstacle for Erdogan and his forces, thus using it to justify his attack on the Kurds and Iraq. The Turkish forces continue to aggression against those mountains and on the Kurdistan region under the name of operations (Eagle-Tiger) in addition to the construction of military bases without regard to the sovereignty of Iraqi territory.



In the Qandil Mountains, Turkey has launched more than 30 military operations against the Party's strongholds in 25 years and has wasted a lot of money, blood, efforts and military plans, not to mention the displacement of many Kurdish residents. However, after all these military plans failed to access these mountains or eradicate the party, the Iraqi Kurdistan Party resists Turkish forces and prevents them from reaching their strongholds. The Treasury of the Turkish states cost nearly 500 billion dollars, that amount is enough for Turkey's economic renaissance.

Turkish Shelling in Northern Iraq on June 25, 2020:

Bombing by Turkish planes on the targets and sites of the Kurdistan Workers Party in northern Iraq, in the KunaMasi area, resulted in the killing of one person and the wounding of six who were nearby.

Qandil and Sinjar Mountain Clashes 27/6/2020:

The Turkish Defense Ministry nearly killed one of its soldiers in the clashes between Turkish forces and the PKK, as the Ministry of Defense almost stated that the clashes with the Workers' Party came as part of Operation Claw-Tiger launched by Turkish forces in northern Iraq. These raids targeted the Party positions in the Qandil Mountains and Sinjar in addition to two areas on the border area and following these raids the Office of the Iraqi Presidency accused Turkey of violating its sovereignty and violating international standards.

Raids of Deraluk and Shiladze 3/7/2020:

The military forces launched attacks on the surrounding mountains in the towns of Deraluk and Shiladze in Duhok province in northern Iraq, without any human casualties. The new wave of raids comes a few days after the deployment of units of the Border Guard forces of the Iraqi government in the border areas of Zakho district in Duhok province.



Targeting a Car for the Iraqi Border Guards, 11 August 2020:

A Turkish plane targeted a car belonging to the Iraqi border guards, killing 5 members of the army, including commanders and officers, in the Baradoti border area with Turkey in the Erbil governorate, as Turkey says that this operation came in response to the attack on the Turkish army positions on its border with Iraq.

Hassan al-Kaabi, the first deputy speaker of the Iraqi Parliament, called for the Security Council to intervene to stop the violations of Iraq's sovereignty, and Iraqi officials have called for reinforcements on the border with Turkey after violations of the country's sovereignty by violating the border and killing soldiers.

"Iraq's territory has not been used as a headquarters or corridor to harm and harm any of the neighbouring countries, and Iraq has refused to be an arena for conflicts and settling accounts for external parties," the State Department said in a statement.

Operation Yildirim Black Hell 19/8/2020:

The Turkish Interior Ministry announced with the help of the Turkish army the launch of a new operation called Yildirim (Black Hell) against the Iraqi Kurdistan Workers' Party (PKK) in Bingol in the east of the country, and the Turkish Interior Ministry stated in the statement that this process' fundamental goal is to remove the separatist organization completely from the Turkish agenda and eliminate the terrorists as they describe it.

More than 800 members of the gendarmerie and police forces are participating in the operation, resulting in destroying a large number of the Party hideouts, killing 54 fighters, arresting 24 party collaborators, targeting some positions and the pursuit of its elements in northern Iraq.

Workers' Party Resistance against the Turkish Army 6/9/2020:



In response to regular attacks against the PKK in the northern Iraqi Kurdistan region, PKK fighters attacked a Turkish base, injuring two and killing four Turkish soldiers. The military operation launched by Turkey in northern Iraq has caused clashes with the PKK since mid-June, causing significant material and human damage.

The incursion by Turkish forces and their violation of Iraqi territorial sovereignty has also been condemned by Baghdad, which has twice recalled Turkey's ambassador and sent a note protesting the situation in northern Iraq since the start of military operations and campaigns.

Since the beginning of fighting between the PKK and the Turkish army inside the Territory of the Kurdistan Region, 519 villages have been evacuated, including 363 in Duhok province, 118 in Erbil province and 40 villages in Sulaymaniyah province.

Operation Thunderbolt 13 on 15 October 2020:

The Turkish Ministry of Interior announced the launch of an operation called "Thunderbolt 13" to eliminate militants and elements of the Kurdistan Workers' Party (PKK) in the southeast of the country, and launched these operations in the states of (Sirt - Van - Hakkari - Sirnak), aimed at eliminating the militants of the organization, and participates in this process more than 2,500 members of the Turkish special forces of the police and gendarmerie.

The operation caused the killing of 124 militants, the arrest of 53 PKK collaborators and the destruction of 190 warehouses, shelters and grotto. This operation was carried out, according to the Ministry of Interior, in response to the attack on Turkish areas targeting civilians and security personnel alike.

Turkey's Economic Crisis as Erdogan Is Busy with Wars in Neighboring Countries Instead of Taking Care of His Country's Economies



The Turkish army's expenditures have increased significantly over the past few years due to reverse operations outside Turkey, amid fears of a crisis and its impact on Turkey's economies, which is already going through an economic crisis with the fall of the Turkish lira.

Bloomberg revealed that the Turkish army's budget reached 2.5% of the country's GDP in 2018 compared to 1.5% in 2015.

Since the days of the Ottoman Empire, its army has not had a military presence abroad, as is the case at the moment, where we are currently finding Turkish forces in Iraq, Syria and Libya, where they are working to support militias through weapons, equipment, warplanes and mercenary weapons, Bloomberg added.

That rise in the costs and expenses of the army on equipment and the support of Turkish forces came at the time of weakness of the Turkish economy and the fall of the lira and its impact on the country.

Bloomberg also revealed that despite international warnings calling for appeasing and restraint, there is an expansion from the Turkish side and its interventions abroad. Turkish intervention, for example, in Libya cost billions of dollars, and the war on Iraq cost the Turkish Treasury about 500 billion dollars.

Turkey's Objectives of Constant Interference in the Sovereignty Of Iraqi Territory Can Be Highlighted in the following:

➤ **The Destruction Of The Kurdish Military Base and Structure:**

Since 1991, Turkish governments have chosen to resolve the Kurdish problem as a military option. In the framework of the Claw-Eagle and Claw-Tiger operations, the Turkish Ministry of Defense said in its Twitter account that Claw-Eagle and Claw-Tiger operations must allow their military forces and commandos to deploy in the areas of Hqtnanin. In addition to the presence of drones and combat helicopters transported by our air forces, it pointed out that the deployment of commando forces was preceded by a massive artillery bombardment, and that Turkish forces paved the way for the ground incursion by shelling more than 150 targets of Kurdish workers in northern Iraq with artillery and rocket launchers.



➤ **Strengthening Turkish Influence in Northern Iraq:**

The Turkish military forces are in the process of establishing a long-term establishment in the region, as revealed by the ongoing military operations in northern Iraq, other than the establishment of four of the previously established military bases:

- Kani Masi in the north of Duhok
- Gerilok North Of Amedi
- Cersei north of Zakho on the Iraqi border
- Central base in the Balkaya Mountains at an altitude of 2400 meters in Şemdinli

➤ **Preventing the Achievement of Objectives and the Establishment of the Kurdish States:**

The Turkish side justifies to the international community that it is carrying out these military operations within the sovereignty of Iraqi territory by calling for the pursuit and fight of the Kurdistan Workers' Party (PKK) opposed to Turkey politically, as the Party's objectives signify its ambition to establish an independent Kurdish state in the southeastern part of its border with Syria and Iraq.

Therefore, Turkish forces are seeking to move the battle with the Kurds, whether they are represented by the Workers' Party or others, to Iraq and Syria, and are trying to get rid of the Kurdish targets threatening its national security.

The Position of the Iraqi Government Regarding Violations of Its Territorial Sovereignty by the Turkish Side:

In a press release, the Iraqi Foreign Ministry condemned the military operations carried out by the Turkish military forces on Iraqi territory and the violation of the country's sanctity and sovereignty. The



ministry stressed the need for the Turkish side to abide by the peace treaty and not violate international covenants, and to be committed to stopping the bombing and withdrawing Turkish military forces from Iraqi territory.

If the Turkish side does not commit itself to respect the principle of sovereignty and non-interference in Iraqi territory, we will ask the UN Security Council to intervene. The Ministry's statement stressed that Iraq retains its legitimate rights to take preservation, security and peace measures.

The Iraqi government stressed that the reason for the disruption of security in the common border area between the two countries is Turkey, and called on the Turkish authorities to stop these violations and provocative actions.

The Iraqi Foreign Ministry also summoned Turkey's ambassador to Iraq (Yildiz) more than ever because of these violations and wars against Iraq, and handed him a note of protest and demanded that Turkish forces withdraw their troops from the country.

The International Position on Turkey's Violation of Iraqi Territorial Sovereignty:

The Turkish interventions in the sovereignty of Iraqi territory violate the rules of international law and the principles of good neighbourliness, and these incursions and interventions in the Arab territories reflect the aggressive nature of Turkish policy, which requires the international community to take all measures to stop violations in Iraq, not only Iraq but also in Arab territories from Iraq to Syria to Libya.

Turkey continues its violations of the sovereignty of Iraqi territory from time to time, through the use of weapons and bombing by air specifically on the positions of the leaders of the Kurdistan Workers' Party (PKK) in northern Iraq, in violation of the sovereignty of Iraqi territory, especially since the Iraqi government summoned the Turkish ambassador more than once and handed him a note of protest against the Turkish attacks on Iraqi territory, and that Iraq will have a strong response to these military incursions, but despite these protests, the Turkish side ignores the protests from the Iraqi government and the violations continue against Iraq.



The Iraqi government has therefore decided to escalate internationally against the Turkish side and take an international stand against these violations, especially since the Arab League has previously condemned these violations on the Turkish side and taken a unified Arab position.

The four Geneva Conventions have identified a set of international humanitarian rules that are adhered to by states in the event of armed conflicts and wars, and have recommended the protection of civilians from such violations and military operations. Additionally, under the four Geneva Conventions, the state is required to respect the principle of sovereignty, non-interference, violation of the lands of others and the protection of dignity and human life, and linking those agreements, especially also the charters of the United Nations in Article 42, which stipulates the prohibition of the use of force directed against territorial safety and violation of territorial sovereignty, and Article 3 of The Universal Declaration of Human Rights, which stipulates the need to respect the right of individuals to freedom, life and a sense of security, we find that the Turkish side has committed acts and violations contrary to conventions and covenants by committing crimes against the Iraqi side and against civilians, which is a violation of international law and custom.

The Geneva Conventions have established special rules that will protect civilians in wartime because they do not participate in the war in articles 16, 18 and 19 of the conventions, and to ensure the respect and protection of civilians and not to target civilian targets.

But we find that the Turkish side violated this agreement and one of those violations carried out by Turkey against civilians targeted Camp Makhmur, which is located 70 kilometres southeast of Erbil, deep inside Iraqi territory, which led to the death of some and the displacement of others. About 12 thousand refugees lived in that camp. Additionally, some hospitals have been targeted as what has happened in the targeting of a hospital in Duhok in northern Iraq.

Under UN General Assembly Resolution 36/103 of 1981, affirms that no state has the right to intervene directly or indirectly, for any reason, in the internal and external affairs of any other country, and it is the duty of all states not to threaten or use force against the sovereignty political independence or territorial integrity of other states bearing in mind that the process of establishing, maintaining and promoting international peace and security is based on freedom, equality, self-determination, independence and



respect for the sovereignty of States, as well as the permanent sovereignty of States over their natural resources, regardless of their political, economic or social systems or levels of growth.

Emphasizing that the objectives of the United Nations can be achieved only in circumstances where peoples are free, States enjoy equal sovereignty and fully meet the requirements of these principles in their international relations.

But we see that the Turkish side has violated the decision of the General Assembly of the United Nations not to interfere in the affairs of states, not only through interfering in Iraq and launching military attacks within the sovereignty of Iraqi territory, as the Turkish side interferes in Libyan affairs and supports conflicts and civil wars inside Libyan territory in addition to the interventions in Syria and committing crimes against civilians and the shelling of the city of Afrin by Turkish forces with heavy weapons in addition to areas in the Aleppo countryside, other than interventions in other countries. All these interventions are contrary to the resolutions and charters of the United Nations.

We find that the neighbouring countries and the European Union countries agreed to take a unified position against the Turkish side because of interventions in the internal affairs of countries such as Iraq, Libya and Syria and violation of the sovereignty of the territories. In France, President Macron stated that Turkey's interventions in the internal affairs of countries is contrary to international conventions and also demanded the need to ban the use of weapons. In Greece, Greek Prime Minister Mitsotakis said that Turkey's moves threaten security in the region and violate international law and that resorting to international courts would be among the options taken against the Turkish side. The Syrian Foreign Minister (Al-Moallem) said that Turkey is the most important main sponsor of terrorism in his country and the region and accused the Turkish government of committing crimes against humanity. Other countries have also condemned interference in the internal affairs of countries such as India and Cyprus, calling for the application of international law.

Recommendations:

- The adherence of the parties of the conflict to the rules of international humanitarian law and instructing the parties of the conflict to ban the targeting of civilians and civilian targets.



- Taking adequate measures necessary to protect civilians from the dangers posed by military operations.
- Punishing those responsible for violations of war and violation of international laws and conventions.
- The United Nations should set up an independent commission to investigate violations and incursions by Turkish military forces.
- Stopping interfering in Iraq's internal affairs directly or indirectly for any reason, and the need to stop launching military attacks on the Iraqi side.
- Withdrawing Turkey from Iraqi territory and the cessation of aggression against the Iraqis, and the assertion that this aggression is unacceptable to the sovereignty of the member states in the Arab League.
- Considering urgent measures by the Iraqi government and the Arab League to address violations by the Turkish side, including reviewing cultural and economic relations with Turkey, halting military cooperation and reducing diplomatic relations.
- Calling on the UN Security Council to withdraw from Iraq and stop Turkish attacks, and urging the international community to act in this context.