

Turkish Attacks on Kurdistan, Iraq: 2007/8

Background, Motives and Human Rights Impact

KHRP Briefing Paper

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Summary

In the latter half of 2007 and early 2008 Turkey has resumed its cross-border military activity in northern Iraq. Turkey has attempted to justify this under the pretext of its ongoing fight against the Kurdistan Workers' Party (PKK). In actual fact, these military incursions into northern Iraq should be understood in the broader context of Turkey's long-standing strategic goals in countering regional Kurdish autonomy, as well as specific domestic Turkish political considerations which came to the fore in 2007. Research carried out by the Kurdish Human Rights Project (KHRP) indicates that Turkey's operations have caused extensive harm to the civilian populations of parts of northern Iraq through shelling and bombing campaigns during this period, with little actual impact on the capabilities of the PKK. In addition to constituting a gross violation of the Geneva conventions, these measures are further evidence of Turkey's hostility towards the Kurdistan region in Iraq. This deeply suspicious stance towards Kurdish autonomy in Iraq is misplaced, ignoring the positive impact that this could have in providing a model solution for the reconciliation Turkey's own 'Kurdish issue. As a clear-cut violation of Iraqi sovereignty with minimal regard for the rights of civilian populations, Turkey's behaviour is also establishing a worrying precedent which may be pursued by other countries with a similar agenda. This is made all the more concerning by the United States' tacit approval of Turkish military action, and minimal condemnation by the international community. The current situation demonstrates the damaging effect that the cooptation of the discourse of the 'War on Terror' has on human rights and the rule of law.

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BACKGROUND

In October 2007, Turkey resumed its cross-border military activity in northern Iraq after an incident on 7 October in Hakkâri province, Turkey, in which 12 Turkish soldiers were killed. Subsequently, a substantial majority of MPs (507 for and 19 against) backed a parliamentary bill authorising the military to fight the PKK in neighbouring Iraq, indicating consensus on this issue amongst a number of Turkey's major political forces. In late October and November 2007, Turkey launched an initial phase of operations consisting primarily of cross-border artillery bombardments and troop deployments in the Dohuk region. In a second phase, beginning on 16 December, Turkey launched a series of air strikes, primarily targeting villages near the Iranian border in the north-eastern Sulemanya governorate. Activities flared up once again on 11 Jan 2008, when Kurdish sources reported a two-hour artillery campaign against Dohuk province, with further reports of bombing in northern Iraq.

As with earlier campaigns in northern Iraq, the Turkish government has justified its operations as a defensive response to PKK activity. This explanation is flawed on a number of accounts. Despite attempts to underline the scale and significance of the 7 October Hakkâri attack (which was perceived and reported as a direct

affront to Turkish national honour), the incident did not stand out as a substantial escalation in the conflict with the PKK. Such clashes have occurred routinely in the past number of years, as a result of a tendency toward militarism and violence for which both the Turkish security forces and PKK are responsible (*see timeline, below, for key dates in 2007/08*). The parliamentary bill and subsequent military action are highly symptomatic of the prevailing nationalist rhetoric espoused by Turkey's political and military establishment in the build-up to and aftermath of Turkey's 2007 elections. During the election campaigns, the governing *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) was put under significant pressure by the main opposition party *Cumhuriyet Halk Partisi* (Republican People's Party, CHP) and the ultra-nationalist *Milliyetçi Hareket Partisi* (National Action Party, MHP) to take a hard line on PKK activity in south-east Turkey. This coincided with the declaration of the areas of Siirt, Hakkâri and Şırnak as a High Security Zones on 9 June 2007. The declaration of High Security Zones effectively returned these areas to a state of emergency rule, causing enormous disruption to daily civilian life through checkpoints, arrests and military activity.¹

¹ Though emergency rule was officially abandoned in 2002, it has periodically been re-introduced – officially or in practice - across south-east Turkey since then.

In addition to the above, Turkey's attempts to link its own domestic security concerns to Kurdish areas outside its own borders do little to conceal its overriding concern about the wider impact of increasing Kurdish autonomy in Iraq on its own Kurdish population. For example, in April 2007, while arguing that 'from the military point of view, an operation in northern Iraq must be made,' the military's Chief of Staff General Büyükanıt openly branded the development of the Kurdistan Regional Government (KRG) as the biggest threat to Turkey's future security.² Nonetheless, the strategic impracticality of taking on the PKK in Iraq, where its bases were relatively scarce, was publicly acknowledged in summer 2007 by Prime Minister Erdoğan. The government's decision to launch attacks on Iraq therefore indicates a move to acquiesce to pressure from the military and the Turkish republican political constituency which is generally hostile to the AKP in other areas, rather than a campaign based on clearly-defined strategic goals.

In this sense it is essential to note that the recent escalation is only the latest episode in a string of violations of Iraqi sovereignty carried out by Turkish armed forces. Ever since the 1990s Turkey has carried out dozens

² "Top Turkish commander Büyükanıt: Military operation into northern Iraq necessary" Today's Zaman, 12 April 2007, <http://www.todayszaman.com/tz-web/detaylar.do?load=detay&link=108160> (Last accessed 23 January 2008)

of incursions into KRG territory, with parliamentary approval, if not with much success. These episodes reflect a sustained campaign to undermine the KRG since its de-facto establishment in the 1990s, one that has been carried out in coordination with neighbouring powers Syria and Iran. All three countries have been closely scrutinising the economic and political development of the KRG, with a view to the impact that these might have on their own Kurdish populations. Most recently, Syria, which has experienced an upsurge in civil unrest in its north-eastern Kurdish regions in recent years, offered public approval of the 17 October bill authorising Turkish military action in Iraq. Iran actually launched its own cross-border operations in Kurdistan, Iraq, as part of its campaign against the Iran-based Kurdish armed group PJAK in the summer of 2007. In addition, Iran, Syria and Turkey have attempted to influence the outcome of the unresolved issues at the heart of Iraq's post-2003 reconciliation process, such as the status of the oil-rich Iraqi city of Kirkuk. This issue is regarded as particularly sensitive since Kirkuk's potential transfer to KRG jurisdiction would considerably boost the economic clout of the KRG.

IMPACT IN NORTHERN IRAQ

The Turkish military has repeatedly claimed that its raids are restricted to isolated PKK bases and avoid

targeting or harming civilian populations. However research undertaken by the KHRP, including two fact-finding missions to the Kurdistan region of Iraq in late 2007 and early 2008, in addition to other reports, have produced definitive evidence to the contrary. These reports indicate the extent to which Turkish shelling and bombing have compromised the human rights of Iraqi civilians. Military operations have resulted in deaths or injuries to civilians and damage to livelihood, farmland and property. The impact of military operations also extends to other, less immediately visible issues, such as the traumatising of civilians or the destruction of traditional ways of life through the temporary or permanent displacement of village dwellers.

KHRP witnessed first hand the impact of Turkey's extensive shelling and ground operations in mid-October, noting significant losses to property, livestock, arable land and woodland in Chaldean and Kurdish villages in the Sersenk district. The mission also observed the widespread traumatising of local people, particularly children, as a result of the bombardments. The intensification of the attacks in mid-December, which primarily affected the north-eastern Sulemanya governorate, caused widespread destruction of civilian homes and property and also resulted in the first confirmed civilian death. In January 2008, KHRP visited the affected Rania region in Sulemanya. This area

had already suffered Iranian artillery bombardments in the summer of 2007, during which the media reported the deaths of at least two women and the evacuation of some 200 families. Nonetheless the impact of Iranian shelling was clearly dwarfed by the devastation inflicted by the more recent Turkish air raids in December. Residents described the enormous damage caused by the 16 December overnight air strikes, which resulted in the death of one woman and loss of another woman's leg. Some families had their entire livelihoods destroyed through damage caused to fields and livestock. The attacks have placed extreme pressure on major towns in the region with an estimated 600 families displaced in the wider Qandil area due to the attacks.

In both Dohuk and Sulemanya, locals maintained that the areas targeted by the air strikes were exclusively inhabited by civilians. Moreover, many questioned the usefulness of such operations, noting that PKK or PJAK fighters were hiding in remote and inaccessible locations along the border, and not in the villages where the attacks occurred, or dispersed in the weeks prior to the strikes. Some added that such operations were doomed to failure, since they alienated civilian populations whilst ignoring their genuine economic and political grievances. Indeed, the impression that Turkey was manipulating the PKK issue as an excuse to hinder the

development of Kurdish autonomy in Iraq was widespread.

INTERNATIONAL LAW AND THE INTERNATIONAL COMMUNITY'S REACTION AND INVOLVEMENT

International law, particularly the Geneva conventions, details the necessary steps that a belligerent force must take should it initiate an armed conflict in the name of self defence. The principles of *jus in bello* require that the conditions of necessity, distinction and proportionality are met. The first of these conditions demands that combat forces engage only in acts that are necessary to secure definitive military gain. The principle of distinction requires that every effort is taken to distinguish between military and civilian targets, as defined by Article 48 of the First Additional Protocol to the Geneva conventions. Lastly, the principle of proportionality prohibits the use of any kind of force that exceeds that which is required to accomplish the military objective. In every case, responsibility falls upon the belligerent to establish that these conditions are satisfied prior to pursuing military action.

The indiscriminate targeting of villages during air strikes and artillery bombardments violates all three of the above principles. The principles of necessity and proportionality are undermined by the strategic futility of the nominal

aim of the campaign - reducing the operational capacity of the PKK by targeting its bases in Iraq. This futility was even acknowledged by the Turkish government earlier in 2007. Equally, the extent of the damages incurred by the civilian population of Kurdistan, Iraq, points not only to a failure on Turkey's part to distinguish between civilian and military targets, but suggests a deliberate effort to affect civilian areas. These violations were highlighted by Kerim Yildiz, Executive Director of the KHRP speaking in response to the 16 December attacks: 'Yesterday's air raids by Turkey flouted all relevant protocol and procedure required, showing an utter disrespect for Iraqi sovereignty and the safety and welfare of civilians. The killing of civilians and the indiscriminate destruction of their homes and property are a gross violation of the Geneva conventions. Such action is utterly at cross purposes with Turkey's stated aim of "combating terrorism".'

That this conduct should be exhibited by an EU applicant and NATO member, and with the tacit support of the United States, is a matter of the utmost concern. The United States' involvement has consisted of both passive support through failure to appropriately condemn the attacks as violations of Iraq's sovereignty, and active assistance through the provision of intelligence and airspace clearance. In this regard, the US has also failed

to meet its obligations to protect the lives and human rights of the inhabitants of Kurdistan, Iraq.

Evidently, the United States' primary concern regarding the Turkish attacks has been related to their scale and intensity, as opposed to the outright legitimacy of military action. Its policy would also appear to have been governed by the strategic calculation that some Turkish military action in Iraq was likely, given the strong political pressure on Ankara to act against the PKK and the inflammatory talk coming from the Turkish military. Turkey is a key NATO ally to the United States in the region and Washington evidently felt it necessary to accommodate Ankara on this issue. On the other hand, the US has registered its concern that a more comprehensive aerial bombardment of northern Iraq or ground invasion would de-stabilise the only region of Iraq to enjoy a modicum of stability since 2003.

Similarly the EU's failure to condemn outright Turkey's actions, instead of simply urging it to exercise restraint, is indicative of a much broader failure on the EU's part to meet all of its obligations towards Turkey as per the terms of the Copenhagen criteria.

Whatever the reasoning behind the policies of the US, EU and wider international community towards Turkey, it is clear that Turkey's behaviour has only served to undermine KRG autonomy, and

endanger the lives and human rights of its inhabitants, whilst yielding few logistical gains in its fight against the PKK. Turkey has co-opted the language of the 'War on Terror' in order to legitimise measures that compromise international law, state sovereignty and human rights, under the pretext of its own security concerns. Rather than leading to a lasting and peaceful resolution of the root causes of Turkey's conflict in the Kurdish regions, military action that violates international law is likely only to inflame existing tensions.

In carrying out aggressive and destabilising military acts against Iraq, Turkey is exhibiting behaviour more commonly associated with countries in the region described by some in the international community as 'rogue' states. By allowing Turkey to take such measures, the international community has created a dangerous precedent which might be used by other states, including so-called 'rogue' states, to act in a similar manner. The cross-border bombardment campaigns of the summer of 2007 initiated by Iran are highly indicative of just how real this threat is. Indeed, given that the US has expended so much energy since 2003 calling for neighbouring Iran and Syria to stop interfering in Iraq, it seems both hypocritical and counter-productive that it should allow another state to act similarly in such an overt way, particularly when doing so in collaboration with Syria and Iran.

CONCLUSION

Turkey's operations in northern Iraq have been designed primarily to acquiesce to Turkish military and political opinion rather than meet strategic objectives. They also reflect Turkey's deeply-suspicious stance towards Kurdish autonomy in Iraq – a stance that is ultimately contrary to its own interests. Though there are undoubtedly several important obstacles to the development of Kurdistan, Iraq, not least its own human rights and security issues, this region should be looked upon as a model for the successful and peaceful integration of a Kurdish autonomous region within the broader confines of a sovereign state. It could be argued that it is in Turkey's interest to allow its own Kurdish population to participate within a Turkish democratic national system that represents the Kurds' interests and recognises their existence as a people, in order to create an environment in which peace and stability prevail. Rather than allow Turkey to attack Iraq, the US, EU and all other parties with an interest in maintaining stability in the region should urge Turkey to pursue constructive and non-military measures towards this reality.

TIMELINE

9 May 200

General Büyükanit, Chief of the Turkish military's General Staff, publicly calls for cross-border attacks on northern Iraq.

14 May

Turkish media reports that 40,000 troops have been deployed to Iraq border areas.

21 May - 3 Jun

Some 11 soldiers and 12 PKK members reportedly killed in clashes in Kurdish regions, Turkey.

4 - 10 Jun

PKK attack police station in Tunceli province killing 9 soldiers and injuring 9 others; further clashes reported in Van, Siirt, Hakkâri and Şırnak.

6 Jun

Turkey denies media reports that 1,000 of its troops crossed into Iraq.

9 Jun

Turkey declares Kurdish areas of Siirt, Hakkâri and Şırnak High Security Zones.

12 Jun

Prime Minister Erdoğan publicly questions wisdom of incursions into Kurdistan, Iraq, stating "There are 500 terrorists in Iraq; there are 5,000 terrorists inside Turkey. Has terrorism inside Turkey ended for us to think about an operation in northern Iraq?" Erdoğan explained that he was speaking figuratively and the numbers given were only to illustrate this point

2-8 Jul

Turkish leaders hold series of meetings on the possibility of military action in Kurdistan, Iraq; opposition accuses government of signing secret deal with US over non-intervention in Iraq.

20 Jul

Kurdish official claims that Turkey has fired 100 shells towards Zakho, Iraq.

Aug-Sept – Iran shells Kurdish villages over 50km stretch in north-east Iraq.

6-12 Aug

3 soldiers and 6 PKK members reportedly killed in clashes in Tunceli province, Turkey.

PUK sources claim that 350 Turkish troops have crossed into Iraq.

13-19 Aug

11 soldiers wounded in alleged PKK bomb attack in Siirt province, Turkey.

27 Aug -2 Sept

Clashes between PKK and Turkish army reported in 7 provinces in the Kurdish regions of Turkey.

7 Oct

12 Turkish soldiers killed during an attack in Hakkâri province, Turkey.

17 Oct

Turkish Parliamentary bill authorises cross-border attacks into northern Iraq.

21 Oct

First Turkish ground offensive; 12 Turkish troops killed & 16 wounded.

8 Turkish soldiers captured by the PKK during fighting in Daglica/Hakkari region, Turkey; they were released 2 weeks later.

22 Oct

Sustained Turkish shelling over several days.

24 Oct

Turkey shells areas up to 50 km inside the Iraqi border.

28 Oct

Ground incursion involving some 8,000 troops with air support; 20 PKK members allegedly killed.

30 Nov

KHRP conducts fact-finding mission to Dohuk governorate, Kurdistan, Iraq.

1 Dec

Major artillery bombardment from within Turkish territory.

16 Dec

First air strikes, involving 50 warplanes, hit Zap, Avashin, Hakurk & Qandil regions reaching 95km into Iraqi territory; simultaneous ground offensive involving 300 troops.

17 - 26 Dec

Three major air strikes reported by Kurdish sources in Iraq; only 1 confirmed by Turkey.

26 Dec

Turkey confirms its 4th air strike, claiming to have destroyed 60 PKK positions in Iraq.

3 Jan 2008

6 people killed in bomb attack in Turkish town of Diyarbakır; Turkey blames the PKK.

8 Jan

KHRP carries out fact-finding mission near the Iranian border in the Rania area, Sulemanya governorate.

11 Jan

Kurdish sources reported a two-hour artillery campaign against Dohuk province, with further reports of bombing in northern Iraq.

29 Jan

Kurdish media reports hour-long Turkish air strike on Xakurk region of Kurdistan, Iraq.

4 Feb

Turkish warplanes bombard three Kurdish hamlets in Qandil Mountains in early morning raid, according to Iraqi officials



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The Kurdish Human Rights Project (KHRP) is an independent, non-political, non-governmental human rights organisation founded and based in London, England. KHRP is a registered charity and is committed to the promotion and protection of the human rights of all persons living with the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere, irrespective of race, religion, sex, political persuasion or other belief or opinion. Its supporters include both Kurdish and non-Kurdish people.