

HUMAN RIGHTS WATCH

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September 1, 2018

Mr. Haidar al-Agaili
Prime Minister's Advisory Commission
Baghdad, Iraq

Re: Turkish Military Operations Killing Civilians in Northern Iraq

Dear Mr. al-Agaili,

Thank you for your and the Prime Minister's continued assistance and support to Human Rights Watch. We very much appreciate your team's willingness to maintain an open line of communication with Human Rights Watch to discuss human rights challenges in Iraq and recommendations for how to overcome them as well as your willingness to engage with the findings of our human rights investigations and to provide your input and information.

We have a new report planned for release on September 17, 2018 on Turkish air and ground attacks during four operations between May 2017 and June 2018 which killed at least six men and one woman, and injured one more man, where there were no apparent military objectives in the vicinity of the strike sites. Human Rights Watch was unable to visit the strike sites but was able to obtain photographs and death certificates to corroborate the allegations made by witnesses to the attacks.

In an attack on **May 3, 2017**, on the village of Sinji in Amadiya district (approximate coordinates 37.10361, 43.49833), Turkish forces started shelling farmland six kilometers south of the Turkish border as six farmers were working their land at 10 a.m. without any apparent warning, one farmer present at the time said. He told Human Rights Watch that the second projectile that landed killed his uncle and wounded his cousin, both civilians who were farming at the time. He said that as far as he knew Kurdistan Workers' Party (PKK) fighters were about 30 kilometers away at the time, but he did not hear any fire coming from that direction.

On **November 13**, outside Barmiza village in the Sidekan area (approximate coordinates 36.79689, 44.70902), a Turkish airstrike hit a car, killing the one man, a trader, inside it, his wife said. She said all day she had heard planes overhead, and that there had been daily strikes in the area for months. She said there was an unnamed

PKK base two kilometers from the village, but that was not the area her husband had been driving through.

On **March 22, 2018** in the middle of the night an airstrike killed four cousins, all adult men visiting their family home in Sarkan village, in Qasre sub-district of Choman (approximate coordinates 36.50972, 44.90472). Their neighbor and relative said that the nearest PKK presence at the time was in the mountains about five kilometers from their village, and that this was the first time the village was targeted in an airstrike.

In a **June 30, 2018** attack, at about 4 p.m. outside the village of Halania (approximate coordinates 37.07569, 44.11423), seven kilometers from the Turkish border, Turkish shelling hit and killed a 19-year-old woman, a civilian, who was with her family and a large group of villagers harvesting nuts and wild herbs, her father said. He said there was a Turkish base about three kilometers from where they were, and no PKK presence in the area as far as he knew. Before the shelling began, he did not hear any other fire in the area, he said.

The witnesses and families said that they had not received any form of warning from the Government of Iraq, Kurdistan Regional Government (KRG), or Turkish authorities about the ongoing military operations and a need to stay out of the area in question. All four families who lost relatives in the four attacks said that no authorities from the Government of Iraq, KRG or Turkish Government had contacted them to investigate the attacks or provide any form of reparations, and that they did not know of any mechanism available to request an investigation or compensation.

Despite the presence of PKK fighters or installations in the areas being targeted, to be lawful, Turkish strikes would need to target legitimate military objectives only. Turkey also would have been required to issue an effective warning, to take feasible precautions to protect civilians, and to ensure that attacks did not disproportionately harm civilians and civilian objects.

In light of these attacks, we would like to ask you to provide us with detailed information on the following:

- Has the Government of Iraq either requested the Turkish military operations to take place, or given permission for the operations to take place? As far as you are aware, has the KRG?
- To what extent do the Turkish Armed Forces coordinate with the Government of Iraq and/or the KRG, in planning and carrying out military operations in northern Iraq?
- What precautions has the Government of Iraq taken to minimize civilian casualties from Turkish military operations in northern Iraq?

- What steps, if any, has the Government of Iraq taken to investigate possible civilian casualties stemming from the Turkish military operations? Does the government see itself as having a legal obligation to conduct these investigations?
- What steps, if any, has the Government of Iraq taken to compensate victims of Turkish military operations, or their families? Does the government see itself as having a legal obligation to compensate these individuals?
- What steps has the Government of Iraq taken to press Turkish authorities to conduct credible investigations into civilian casualties stemming from their military operations, to compensate victims of unlawful attacks, and to cease any unlawful strikes?

Human Rights Watch will incorporate any response received by September 13, 2018 in our public report and will issue an update to the report if we receive a response from your office after that date. Please direct your response and any questions to my colleague Senior Iraq Researcher Belkis Wille via email or phone at [REDACTED] or [REDACTED].

Thank you for considering our request.

Sincerely,

Lama Fakhri
Deputy Director
Middle East and North Africa
Human Rights Watch