

HUMAN RIGHTS WATCH

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August 31, 2018

Hulusi Akar
Minister of Defense
Ministry of Defense
Ankara, Turkey

Re: Turkish Military Operations Killing Civilians in Northern Iraq

Dear Minister Akar,

We write to share Human Rights Watch's findings from a recent investigation into Turkey's military operations in northern Iraq between May 2017 and June 2018 and to request a response to our queries.

Human Rights Watch is a nongovernmental organization that works in over 90 countries around the world to promote respect for international human rights and humanitarian law by governments and non-state armed groups, including in Iraq and Turkey.

We plan to release a report on September 17, 2018 regarding four attacks carried out by Turkish military forces in northern Iraq that allegedly killed seven civilians and wounded another. Our research indicates that there were no apparent military objectives in the vicinity of the strike sites. We were unable to visit the strike sites but obtained photographs and death certificates corroborating the allegations made by witnesses to the attacks that killed and wounded civilians.

The details of the incidents are provided below:

In an attack on **May 3, 2017** at 10 a.m. on the village of Sinji in Amadiya district (approximate coordinates 37.10361, 43.49833), Turkish forces shelled farmland six kilometers south of the Turkish border, as six farmers were working their land, without any apparent warning, one farmer present at the time said. He told Human Rights Watch that the second projectile 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 one man, a trader, 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, a Turkish 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 civilian woman, 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 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.

For each of the attacks described above, we would appreciate answers to the following questions in as much detail as possible and any other information that will shed light on the attack and subsequent investigations:

1. Can you confirm that the Turkish military carried out each of the strikes in question on the dates and locations indicated?
2. What was the intended target of each attack?
3. Before conducting the attack, what steps did your forces take to ascertain whether there were civilians and civilian objects in the area?
4. Did the Turkish Armed Forces issue any warnings to civilians in the area before each attack?
5. Were the Turkish Armed Forces aware that there were civilians and civilian objects in the target area? If so, in the army's assessment, how many civilians were in the area, and how did you assess the risks to civilians?

6. Have the Turkish Armed Forces investigated whether their attacks in northern Iraq, including the four attacks documented here, have led to civilian casualties? If so, what were the findings? On what information did you base these findings?
7. What legal framework do you apply when conducting military operations in northern Iraq, and what steps do the Turkish Armed Forces take to ensure full compliance with international humanitarian law?
8. Has the Government of Iraq requested or permitted Turkish military operations in Iraq?
9. To what extent do the Turkish Armed Forces coordinate with the Government of Iraq or KRG in planning and carrying out military operations?
10. Will the Turkish Defense Ministry publish any non-public findings of any investigations into strikes in northern Iraq that have resulted in civilian casualties? Will it commit to conducting investigations in cases in which there are credible allegations of civilian casualties and publicly release the findings?
11. Is there a mechanism by which Iraqi victims or families of victims of Turkish military operations can request investigations and reparations for potentially unlawful attacks?
12. Has your government provided reparations to any Iraqis for attacks carried out in northern Iraq? If so, in how many cases and through what mechanism?

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,

Sarah Leah Whitson
Executive Director
Middle East and North Africa
Human Rights Watch