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Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 August 2022]

* Issued as received, in the language of submission only.



Türkiye: War Crimes and Crimes Against Humanity Committed in the Syrian Arab Republic and Iraq which Must be Investigated

In total violation of international law, Türkiye develops military operations in Iraq and the Syrian Arab Republic, causing deaths and injuries in civilian populated areas with drones and unmanned aerial vehicles as well as heavy howitzer weapons from its military headquarters in the northern part of Iraq and the north-eastern part of the Syrian Arab Republic, invoking "fight against terrorism" as justification.

The UN Commission of Inquiry on the Syrian Arab Republic has reported to several previous sessions that Türkiye has committed serious human rights violations against civilians. There are serious allegations that Türkiye's military operations in the Syrian Arab Republic and the northern part of Iraq have involved the use of weapons and gases banned under international rules of warfare. Despite appeals to international bodies such as the OPCW (Organisation for the Prohibition of Chemical weapons) to conduct independent investigations, these allegations have not been investigated.

Türkiye develops a policy of repression against the Kurdish people in violation of international law, not only on its own soil, but also on the territory of neighbouring countries, establishing military bases and command centres.

As reflected in the reports of the UN Independent Commission of Inquiry on the Syrian Arab Republic, Turkish operations in Kurdish areas such as Afrin and Ra's al-Ayn have resulted in the deaths of hundreds of civilians and the displacement of thousands more. The Turkish army has also been bombing and killing civilians with drones and unmanned aerial vehicles outside the areas it has occupied in the north-eastern part of the Syrian Arab Republic.

In December 2011, under the Justice and Development Party (AKP) government, the Turkish army bombed with F16 aircrafts the villagers of Roboski who were crossing the border, leaving 34 civilian Kurds dead, including 28 members of the Encu family. The bombing was carried out under the pretext that some Kurdistan Workers' Party (PKK) militants were involved, but after investigation, it appeared that all of them were common civilians.

Although a lawsuit has been filed in Türkiye against the perpetrators, to this day the responsible have not been prosecuted, despite the revelation that the order was given by the Chief of General Staff at the time. On 11 June 2013, the Diyarbakir public prosecutor's office decided that it had no jurisdiction over the case and sent the file to the military prosecutor's office. In January 2014, the military prosecutor also issued a decision of non-prosecution. Relatives of those who lost their lives in Roboski appealed to the Constitutional Court. However, the Constitutional Court has not yet ruled. Although the case was appealed to the European Court of Human Rights, it was rejected because domestic remedies were not exhausted.

Turkish attacks on the Kurds in the northern part of Iraq escalated in 2017. Between 2017 and 2018, nearly 30 civilians were killed as a result of Turkish army bombing of civilian areas. On 23 January 2019, four civilians were killed in an airstrike on Amediye and the town of Dêralok.

The Turkish army targets not only civilian settlements but also hospitals. In 2021, it bombed the hospital in Senghal, where Yazidis are located.

2022 OPERATIONS

Since April 2022, Türkiye has been developing an air and ground military campaign in the northern part of Iraq, bombing residential and mountains areas. The number of military posts established by Türkiye in Southern Kurdistan is around a hundred with 30,000 soldiers deployed. In the three-month period between mid-April and mid-July 2022, 2,574 warplane and 1,933 helicopter attacks were carried out on Iraqi territory.

On 20 July 2022, the shelling with howitzers of Perex Bay in northern Iraq, left 9 Iraqi citizens dead, with other 33 wounded. Although Türkiye denies the bombing, the UN Security Council convened an emergency meeting at the request of Iraq.

UN Special Representative Jeanine Hennis-Plasschaert summarized the information available to her about the incident to the Council as follows: "Five shells were fired at the Parkha resort area after noon on July 20. This is a well-known tourist area and, as one would expect at this time of year, it was crowded with people, including children. The first shell hit the uninhabited hillside overlooking Parkha. However, subsequent shells hit the centre of the resort, killing 9 civilians, including three children, including a one-year-old baby, and injuring 33 civilians. Eleven of the wounded have undergone surgery and three remain in critical condition."

The Special Representative said that immediately after the attack, Iraqi Prime Minister Mustafa al-Kadhimi set up a commission that travelled to the affected area the same day to see the destruction, collect evidence and interview witnesses and local authorities.

Jeanine Hennis-Plasschaert said that the Iraqi government, based on the evidence gathered at the scene, insisted that the attack was clearly carried out by the Turkish army. The Turkish Foreign Ministry, she said, "opposes any attack targeting civilians" and blamed the PKK for the attack, while the PKK issued a statement saying it had no forces in the area and that Türkiye was responsible for the attack.

The UN Special Envoy also noted that Iraqi Foreign Minister Fuad Hussein, who briefed the Iraqi Parliament, said that "Türkiye has violated Iraq's sovereignty 22,700 times since 2018 and that Iraq has sent 296 protest notes to Türkiye in the same period."

At its 26 July session, the UN Security Council called for "swift and thorough" investigations into the Turkish bombing of a tourist resort in the Dohuk province of northern Iraq, which killed 9 Iraqi tourists and wounded 33 others in an attack carried out by Türkiye. The bombing by the Turkish army has been widely condemned by the international community.

The Turkish army is also constantly drone bombing areas in the north-eastern part of the Syrian Arab Republic where there is a high concentration of Kurdish people. Recently there has been an increase in attacks, especially on the cities of Kobanê, Amudiye and Qamislo. On 9 August 2022, a house in Qamislo was bombed, injuring 7 people, including 4 children. The same day, Amudê, Tirbespiyê and Dirbêsiyê were bombed and two people were injured.

Turkish attacks against civilians in the areas where the Kurdish people live are increasing day by day. As seen in Zakho, these attacks affect not only Kurds, but also Arabs, the Yazidi community, Armenians and all the peoples living in the Kurdish areas.

RECOMMENDATIONS

The Mouvement contre le racisme et pour l'amitié entre les peuples calls upon the Human Rights Council to establish a special commission of inquiry to investigate the Turkish army operations in the north part of Iraq and the north-east part of the Syrian Arab Republic.