



CRIMES AGAINST KURDS

THE NEW ETHNIC
CLEANSING OF
THE DISPUTED
TERRITORIES

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RECOMMENDED CITATION

"Crimes Against Kurds: The New Ethnic Cleansing of the Disputed Territories," Seoul: Transitional Justice Working Group, 2022.

ACKNOWLEDGMENTS

This publication was supported by the Seoul-based Transitional Justice Working Group's Access Accountability project.

Crimes Against Kurds

<https://www.crimesagainstkurds.org>

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<https://en.tjwg.org>

Access Accountability

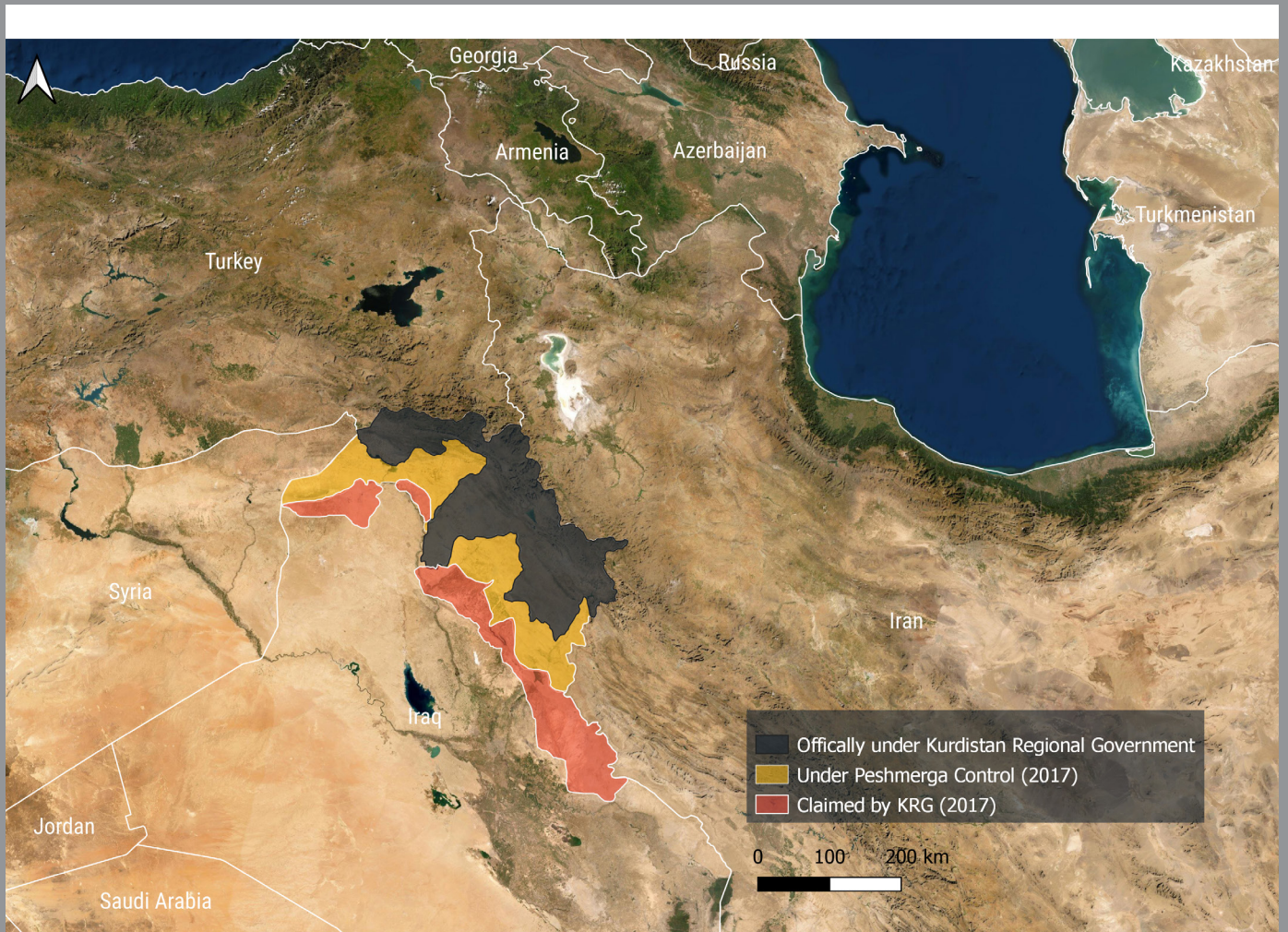
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ABOUT

Crimes Against Kurds is an internationally-based group of researchers focussing on abuses taking place in Kurdistan parts of Iraq, Syria, Turkey and Iran. Crimes Against Kurds conducts research to raise awareness on abuses happening in these areas, to conduct more effective advocacy advancing accountability for perpetrators and restoration for victims.

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Satellite imagery courtesy of Google Earth

Boundaries drawn with reference to:

<https://www.aljazeera.com/news/2017/11/1/territory-lost-by-kurds-in-iraq>

<https://www.aljazeera.com/news/2017/9/27/iraqi-pm-kurds-must-hand-over-airports-or-face-embargo>

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Please be advised, this report contains graphic images. Readers may find the violent images contained in the report disturbing.

EXECUTIVE SUMMARY



On October 16, 2017 Iraq renewed ethnic cleansing of Kurdish and other minorities in the disputed territories. This report details abuses experienced by the Kurdish community in oil-rich Kirkuk and other disputed territories.¹

Iraqi state "Arabisation" policy displaces Kurdish populations, which are then repopulated with settlers from other parts of Iraq. This is accomplished through direct violence, the creation of security vacuums where abuses can be carried out by non-state offenders including militias and ISIS. Displacement is then enforced through threats and violations of Kurdish security, repression of Kurdish culture and language, discrimination in employment, and the harassment of journalists.

Crimes Against Kurds uses a mixed methodology of open source documentation and interviews to gather information about the human rights abuses taking place in Iraqi Kurdistan.

This report includes a preliminary legal analysis and documents collected by Crimes Against Kurds to show accountability is needed for perpetrators of these abuses. These perpetrators include the Iraqi state, Iranian-backed militias and ISIS. The report concludes with recommendations for national and international action to stop the ethnic cleansing and hold those responsible to account.

This investigation finds that the war crimes, and widespread and systematic ethnic cleansing policies amount to genocide and crimes against humanity.

KEY FINDINGS

- 122 documented cases of murder (including 2 journalists) between 2017 and 2022
- 51 documented cases of farm burnings between 2019 and 2022
- 25 documented cases of kidnapping/abduction between 2018 and 2022
- 3 documented cases of rape between 2017 and 2022
- American-supplied weapons used to attack Kurdish security forces and civilians
- Journalists harassed and killed
- Security vacuum used to displace Kurds via ISIS and militias
- Iraqi state ethnic cleansing directives collected

1. Other disputed territories include: Tuz Khurmatu, Khanaqin, Mosul, Jalawla, Makhmur, Sinhar and Zummar.

BACKGROUND

The Kurdish population of Iraqi Kurdistan have long suffered human rights abuses including forced displacement, destruction of land and property, cultural oppression, and violence. The Kurdish population continues to experience discrimination and hardships resulting from Iraqi government actions and policy, and attacks from Iranian-backed militias and ISIS.

Historically, the Kurdish identity has clashed with the national interests of the Iraqi state. The Ba'ath Party's constitution stated, 'the Arab homeland is for Arabs,' and that anyone who spoke Arabic and was living in the regions that they considered to be part of Arab territory would be considered an Arab.² This territory being referred to however, also included Iraqi Kurdistan. According to this constitution, those living there were considered Arab, and anyone opposing this would be considered a threat to the nationalist project and would need to be removed.³ Thus, policies of Kurdish displacement have been implemented with the goal of resettling Kurdish areas with Arab settlers, referred to as "Arabisation" (ta'rib). This policy has also been applied to other minorities including Turkmens, Assyrians,⁴ and other minority ethnic groups in Northern Iraq.

Since the 1930s, the forced displacement of ethnic minorities within Iraq's oil-producing regions has been a continuous issue in the area. In 50 years, the Iraqi Al-ba'ath regime displaced 250,000 Kurds from Kirkuk, Tuz Khurmatu, Khanaqin and Mosul. During this time, Kurdish villages were bulldozed to make way for new Arab settlements to be built nearby. A total of 46 Kurdish and Yazidi villages were Arabised in the 1970s.⁵

Ethnic cleansing under the Anfal campaign began in February 1988 and lasted until September 1988. The campaign, carried out by Ba'athist Iraq under the orders of Saddam Hussein, consisted of ground attacks, airstrikes, chemical warfare, mass deportation, firing squads and destruction of towns and villages. Estimates are that between 50,000 and 100,000 Kurdish civilians were killed with the number of estimated Kurdish disappearances being 182,000 in total. Approximately 4,500 Kurdish villages were also destroyed.⁶ The armed conflict, alongside other Iraqi government policies, ensured that Kurds displaced due to the conflict remained permanently displaced.⁷

"On the 8th of March, 1991, I took part in the Kurdish Revolution against Saddam Hussein. On the 12th of March, Saddam attacked with all kinds of weapons. At that time, I saw many people murdered by helicopters. 50 metres away from me, I watched a woman and her baby be killed. After that, I left the town and when we returned, our house had been blown up."
Displaced Person from Tuz Khurmatu (October 2021 Interview)

Following the campaign, Saddam Hussein's regime repopulated these areas with Arab settlers, offering them free, irrigated land, and relocation assistance. The property deeds of the displaced Kurds were invalidated by law, followed by the nationalisation of agricultural lands which were then given to Arabs settlers.⁸

Later, the 1991 uprisings following the end of the Gulf War led to the further displacement of Kurds with between 1 to 2 million civilians, mostly Kurds, fleeing to Iran, Turkey or Kurdish controlled areas in the mountains. After Iraq was defeated in the war, some displaced Kurds were able to return to destroyed villages. Designated as safe zones, these villages were under the protection of Kurdish forces. However, some of the disputed territories remained under the control of Iraqi forces and Kurds were unable to return. The end of the Gulf War also saw the Hussein regime re-focus on its nationalist campaign and once again began the Arabisation processes in Kirkuk and the surrounding areas. Minorities in the area, including Kurds, were pressured into signing 'ethnic identity correction' forms to relinquish their ethnic identity and register as Arabs. Minority groups were also required to volunteer to serve in militias and to become members of the Ba'ath Party. Those who refused were presented with expulsion orders, and their properties were seized.⁹ These properties were then given to Arab settlers who were relocated to Kirkuk with the promise of houses, permanent work and other benefits. These ethnic identity correction forms and harassment lead to further displacement with almost 120,000 people displaced from Kirkuk alone between 1991 and 2000.¹⁰

2. Arab Baath Socialist Party Constitution, 1947, Article 7 and 10

3. Sherko Kirmanj & Aram Rifaat (2021) *The Kurdish genocide in Iraq: the Security-Anfal and the Identity-Anfal*, *National Identities*, 23:2, 163-183, DOI: 10.1080/14608944.2020.1746250

4. The term "Arabisation" is commonly used in this context and does not reflect animosity toward ethnic Arabs (see: <https://www.hrw.org/report/2004/08/02/claims-conflict/reversing-ethnic-cleansing-northern-iraq>).

5. Human Rights Watch (2004) *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*. <https://www.hrw.org/reports/2004/iraq0804/iraq0804#.Toc78803800>

6. Sherko Kirmanj & Aram Rifaat (2021) *The Kurdish genocide in Iraq: the Security-Anfal and the Identity-Anfal*, *National Identities*, 23:2, 163-183, DOI: 10.1080/14608944.2020.1746250

7. Human Rights Watch (2004) *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*. <https://www.hrw.org/reports/2004/iraq0804/iraq0804#.Toc78803800>

8. Ibid.

In 2003, with the support of US air power, the Kurds were able to free the disputed territories¹¹, however Kurdish Peshmerga forces were then asked by the US to withdraw and allow the new Iraqi government to begin negotiations to address the ongoing issues.

The Peshmerga (Kurdish: هه‌گه‌رمه‌شێپ) are the military forces of Iraq's Autonomous Kurdistan Region. The Peshmerga were founded over 50 years ago and were initially organised as a volunteer militia. At present, they, along with their subsidiaries (Asayish, Parastin u Zanyarî, and Zeravani) are constitutionally responsible for the security of the Kurdistan Region. Salaries for the Peshmerga are paid by the Kurdish Regional Government, and not from the Iraqi Federal Government. The United States also sponsors units and has provisioned supplies and weapons, particularly during the coalition's fight against ISIS.

During this time, displaced Kurdish employees returned and took up government posts. Kurdish forces also joined with Iraqi forces in the fight against active terrorist groups.¹² The majority of Arab settlers who were relocated to these regions voluntarily left with compensation allowing the Kurds to return and rebuild their farmlands and houses.

In the same year, the Iraqi Governing Council approved an interim constitution, the Law of Administration for the State of Iraq for the Transitional Period (Transitional Administrative Law, TAL). The TAL included clauses addressing the return of and compensation for forced migrants and for the resolution of disputed territories. In 2005, a permanent constitution was approved detailing a 2007 deadline for the completion of the subparagraphs of Article 58 of the Transitional Administrative Law.¹³ The deadline also stipulated that once the subparagraphs of Article 58 were complete, a referendum for those in Kirkuk and other disputed territories was to be held no later than the 31st of December 2007. As mentioned, for the referendum to take place, the sub paragraphs of Article 58 must be implemented. These conditions included:

1. Deported, expelled or emigrated residents to have their homes and properties restored or if unfeasible to be provided with just compensation.
2. Those who were newly introduced to the area may be relocated and provided with new land or compensation from the state in the governorate from which they came.
3. New employment opportunities to be provided for those who left due to being deprived of work.
4. The correction of nationality to allow those who signed ethnic identity correction forms to determine their own national identity and ethnic affiliation.¹⁴

In 2014, when ISIS gained strength and support in Iraq, Iraqi forces retreated from disputed areas and Peshmerga forces were sent to protect those areas from ISIS.¹⁵ Kurdish forces casualties numbered in the thousands to protect these areas from ISIS advance.¹⁶ The Kurds, becoming frustrated that Article 140 had not been implemented, held an independence referendum in the Kurdistan region and the disputed territories on the 25th of September 2017.¹⁷

Article 140

The 2005 Iraqi constitution guaranteed that a referendum would take place in Kirkuk and other disputed territories no later than December 31, 2007, to determine the "will of their citizens".¹⁸ The referendum was originally set for the 15th of November 2007 but was delayed for 6 months then delayed again until it was eventually postponed indefinitely. The referendum remains a contentious issue. A referendum was carried out in September 2017, but the results were recognized neither by the Iraqi federal government, nor the international community. Voter turnout was recorded at 72%, with 92.7% voting in favour of independence.¹⁹

9. Ibid.

10. Human Rights Watch (2004) *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*. https://www.hrw.org/reports/2004/iraq0804/iraq0804#_Toc78803800

11. Ofra Bengio, *The Kurds of Iraq: Building a State Within a State* (Lynne Rienner Publishers, Inc., 2021), pp. 267.

12. <https://www.rferl.org/a/iraq-mosul-offensive-peshmerga-/28071183.html>

13. Human Rights Watch (2004) *Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*. https://www.hrw.org/reports/2004/iraq0804/iraq0804#_Toc78803800

14. Iraq: Law of 2004 of Administration for the State of Iraq for the Transitional Period - <https://www.refworld.org/docid/45263d612.html>

15. Till F. Paasche & Michael M. Gunter (2016) Revisiting Western Strategies against the Islamic State in Iraq and Syria, *The Middle East Journal*, 70:1, 9-29, <https://www.jstor.org/stable/43698617>

16. BATTLEFIELD SUCCESSES AND CHALLENGES: RECENT EFFORTS TO WIN THE WAR AGAINST ISIS, U.S. GOVERNMENT PUBLISHING OFFICE WASHINGTON : 2018

17. Hawre Hasan Hama (2019) Article 140 Between Baghdad and KRG: The Future of Kirkuk Status in Post 16 October, *India Quarterly*, 75:4, 510-524, DOI: 10.1177/0974928419874551.

18. https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en

19. <http://austria.gov.krd/en/die-ergebnisse-des-referendums/>



*Qasem Soleimani in Kirkuk following the October 16th 2017 attack.
Source : Al-Arabiya Al-Hadath Satellite Channel ²¹*

THE INVASION OF OCTOBER 16, 2017

*"The Kurdish population there was 60-70,000. On October 16th, almost half of them stayed. But, after hearing about the abuses, rapes and houses destroyed, they all left."
- Displaced Person from Tuz Khurmatu (October 2021 Interview)*

Following the independence referendum, the Prime Minister of Iraq sent the Iraqi army and Iranian-backed militias (Popular Mobilisation Forces) to reclaim the disputed territories and take control of the oil fields within the area. The regime also took control of the border posts and airports in the region, damaging the Kurdistan Regional Government's (KRG) ability to generate income from them. The Iraqi Government further undermined the KRG by auditing their payroll and halting the payment of Kurdish salaries. ²⁰

20. Dylan O'Discoll & Bahar Baser, "Referendums as a Political Party Gamble: A Critical Analysis of the Kurdish Referendum for Independence," *International Political Science Review*, vol. 41 (2020), p. 662.



*Qasem Soleimani and Abu Mahdi al-Muhandis inside the building of a Kurdish political party in Kirkuk following the October 16th 2017 attack.
Source: social media image (collected in Crimes Against Kurds database)*

On October 16, 2017, alongside Iranian-backed militias, Iraqi forces arrived in Kirkuk and launched a large-scale military attack against the ethnic Kurds in the city. The military assault, led by Qasem Soleimani²¹, resulted in the massacre of Kurdish civilians and Kurdish Peshmerga forces. During this time, Kurdish civilians in Tuz Khurmatu, Khanaqin, Jalawla, Makhmur and Zummar were also targeted and killed. Some of the weapons used in the attack against the Kurds were supplied to the Iraqi Government by the US to help in the fight against ISIS.

The purpose of these attacks was once again to displace Kurds and change the ethnic demographic of these cities. The Iraqi government removed Kurdish flags and changed the names of some streets and towns to Arabic. Kurdish farmers were forced to leave their lands, which were once again given to Arab settlers.

Since the 16th of October 2017, 120 Kurdish officials have been removed from high positions in government departments in Kirkuk. 25,000 Arab families were also relocated to Kirkuk and given voting rights. Each family consisted of 3 to 5 voters who were eligible to vote in upcoming elections, drastically altering voting demographics. Arab candidates or representatives in the Iraqi Parliament increased from two to four in both the 2018 and 2021 elections while Kurdish candidates were reduced from eight to six. At the same time, more than 296,500 acres (1,200,000 donums) of Kurdish land have become subjected to repeated confiscation attempts with 2,472 acres (10,000 donums) given to Arab settlers.²³

21. https://www.youtube.com/watch?v=pqc6u_hqRS8&t=2s

22. Leader of the Iranian Revolutionary Guard Corp

23. <https://www.kurdistan24.net/ckb/story/207491-25> (In Kurdish)

METHODOLOGY

OPEN-SOURCE INVESTIGATION

The ongoing displacement of Kurdish people has drawn little attention from international human rights observers. One major reason for this are personal safety concerns for both documenters and information holders, who fear reprisals. Working around this challenge, Crimes Against Kurds employs an open-source investigation technique, collecting information, video footage and photographs from social media accounts, and from news outlets such as Kurdistan24, Rudaw, Kirkuk Satellite Channel, NRT, BasNews and Kirkuk Now. This information is stored in a database for preservation and analysis.

INTERVIEWS

Semi-structured interviews were conducted with information holders from the disputed areas, including journalists, displaced individuals, an activist, and a current resident of a village near Kirkuk. This report makes use of information collected from the interviews to gain insight into people's personal experiences of displacement and hardship resulting from Iraqi federal government policy.

The identities of the interviewees have been withheld to protect the information holders and their families from reprisal. Several information holders expressed concern or declined interviews due to fear of reprisal.

Crimes Against Kurds will continue interviews with on-the-ground information holders, as their testimony is necessary to understand the ongoing abuses.

LEGAL ANALYSIS

A preliminary legal analysis was carried out on five cases. Findings identified treaty violations of international law.

Iraq has ratified or is a signatory to²⁴:

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
International Covenant on Civil and Political Rights (ICCPR)
Convention for the Protection of All Persons from Enforced Disappearance (CED)
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
International Covenant on Economic, Social and Cultural Rights (ICESCR)
Convention on the Rights of the Child (CRC)
Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)
Optional Protocol to the Convention on the Rights on the sale of children, child prostitution and child pornography (OP-CRC-SC)
Convention on the Rights of Persons with Disabilities (CRPD)

Findings from the preliminary legal analysis indicate a failure of the state to meet its international obligations. This type of analysis points toward avenues for accountability for the designers of the ethnic cleansing policies and perpetrators of human rights abuse. Continuation of this work may also inform the design of justice mechanisms for perpetrators and redress or compensation for victims in the future.

24. https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=82&Lang=EN

ETHNIC CLEANSING AND HUMAN RIGHTS ABUSES

The Iraqi government pursues a policy of ethnic cleansing of the disputed territories through destruction of farmlands and homes, displacement, violence and threats, cultural oppression, and discrimination in employment.

This section of the report focuses on the events taking place after the 16th of October 2017, an important turning point for the Kurds in Iraqi Kurdistan. It highlights the injustices suffered by those in Kirkuk and the surrounding areas at the hands of the Iraqi Government, renewed in response to the referendum. The preliminary legal analysis mentioned above will be used to analyse the events.

In an area where the ISIS threat is still prevalent, security is of utmost importance. Many Kurds live in fear as the Iraqi forces pushed out Peshmerga forces and refused to provide security – a basic right under the Universal Declaration of Human Rights (UDHR).

The basic right to security, the right to freedom of expression and the right to practice one's religion without fear for their lives are only a few of the core freedoms being taken away from the Kurds.

The Iraqi context is complex when it comes to assigning responsibility for human rights violations. Some abuses and failures can be clearly attributed to Iraqi state security forces. Many of the abuses, however, are perpetrated by militias. In 2016, most militias were integrated into the Popular Mobilisation Forces (PMF).²⁵ We therefore consider activity from the following militias to fall under the category of state responsibility.

MAJOR ACTIVE MILITIAS

- Asayib Ahl Alhaq قحلا لهاأ بئاصع
- Saraya Vanayat al-Khorasani سارسا وانايات الكوراساني
- Brigades of Sayyid al-Shuhada عادهشال ديس بئاتك
- Hezbollah Al-Nujaba Movement هبلال بزل عكرح
- Hezbollah Brigades هبلال بزل بئاتك
- Saraya Al Salam سالسال ايسارس
- Badr Organization - Military Wing ركسعال حانجال - رذب ةمظنم
- Hashd Al Turkmani هنامكرتال دشحال

25. <https://euaa.europa.eu/country-guidance-iraq-2021/12-popular-mobilisation-units-and-tribal-mobilisation-militias>

FORCED DISPLACEMENT

Kurds are no strangers to being displaced, with a history of forced displacement going back to the 1930s. An interviewee recalls his memories of the 1988 Anfal Campaign,

"I was in school in 1988 when my mother arrived to tell us we had 24 hours to leave the town. My father was arrested by 'security forces' who refused to release him unless he promised to leave the town. Because we were Kurds, we weren't allowed to stay in Kirkuk. My father was taken to the police station and was given the choice of changing his ethnicity to Arab or to leave the town. My father asked them 'How can I change my identity when I don't even speak Arabic?'. They brought a truck to pick up our furniture then left us at a camp 100km away."

- Displaced Kurdish Interviewee (October 2021)

The Iraqi federal government renewed policies of forced displacement in Kirkuk and other disputed territories after October 16th, 2017. Displacement, however, is perpetrated differently than during the Anfal campaign. The policy of displacement takes place in a number of ways including threats to livelihoods by turning a blind eye to the destruction of workplaces²⁶ and farmlands, harassment for practising Kurdish culture, looting and destroying homes, and discriminating against Kurdish employees by favouring Arabs for positions. No new projects are planned or sanctioned in the Kurdish neighbourhoods and normal services such as refuse collection, street cleaning, road repairs are neglected. Extra fees and taxes are placed on Kurdish grocery shops, vendors and businesses with threats made for non-payment by the collectors.



Photo above
Iraqi army in Kirkuk October 16, 2017
Source: AFP/Getty Images

26. <https://foreignpolicy.com/2017/10/16/iraqi-kurdistan-clash-kirkuk-open-door-to-more-iranian-influence-slows-fight-against-islamic-state-isis-terrorism-middle-east/>



Photo top left
Kurds fleeing Kirkuk on October 16th, 2017, the day of the Iraqi invasion.
Source: social media image (collected in Crimes Against Kurds database)



Photo top right
Shops in Tuz Khurmatu burned, October 16th 2017
Source: Rudaw ³²

This type of displacement, no longer done using chemical warfare and overt violence but through the lack of security provided to Kurds and the oppressive policies pursued by the Iraqi regime, forces Kurds to leave their homelands in search of safer and better lives for their families. Several Kurdish villages have been evacuated and abandoned because of the threats received from ISIS or Arab settlers. Amongst the displaced are members of the Peshmerga Army who previously provided security from the ISIS threat in the region, fighting to help keep the Kurds safe.

"While taking my family out of town on October 15th, 2017, I saw large groups of militias on the highway - Iraqi Army, Iranian-backed militias and Iraqi federal police. The Peshmerga wouldn't have been able to fight back so they withdrew from the area."
-Kurdish Displaced Person (October 2021 Interview)

Currently, high ranking officials in the Peshmerga forces generally are unable to enter the disputed territories. They have moved their families out of the areas and live in fear for their safety. Lower-ranking members are able to re-enter the area but are often subjected to harassment by Iraqi forces at checkpoints.²⁷

"My cousin is a Captain in the Peshmerga Army. He left Kirkuk and has not been able to return since October 16th. He is worried about his life, so he has never come back to Kirkuk with his family."
- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

The displacement happening in Iraqi Kurdistan will have detrimental effects on internally displaced persons (IDPs). The International Organisation for Migration (IOM) concludes that displacement can have significant long-term effects on people's socio-economic development. It can also impact their physical health, mental wellbeing, livelihood, education, security, housing and access to basic infrastructure.

27. Crimes Against Kurds Interview with Mr. Dalo, Journalist, September 2021

28. International Organization for Migration, "Iraq - Reasons to Remain: Categorizing Protracted Displacement in Iraq," November, 2018, p. 13-16, <https://displacement.iom.int/reports/iraq-%E2%80%93-reasons-remain-categorizing-protracted-displacement-iraq-november-2018> (retrieved January 23, 2022)

These issues are interlinked and a negative effect on one has the potential to impact others.²⁸ In this instance, the Kurds being displaced from their homes are likely to face ongoing impacts to their lives. Poorer mental and physical health will likely affect future employment opportunities which in turn can affect their access to adequate housing, security and access to basic infrastructures.

The report also found that IDPs were less likely to return to the areas they were fleeing with housing listed as a primary concern. The destruction of housing, issues with property ownership and compensation or restitution were found to be key reasons playing a role in returns.²⁹ In Kirkuk, Kurdish residents receive threats demanding they leave their houses³⁰, and in some cases, houses belonging to Kurdish families have been destroyed by Iraqi forces.³¹

This displacement of Kurds – repeated in the last century – has once again intensified since the events of October 16th, 2017. Without measures being taken to stop the ethnic cleansing, the Kurds will continue to be displaced through the Iraqi state's Arabisation policies.

State directives collected by Crimes Against Kurds indicate continued policies attempting to strip Kurds of their residency claims in disputed areas. A May 2020 letter (appendix 3.1) orders a two-step process of installing Arabs in homes vacated by Kurds, and then further removing any remaining Kurds. A July 3, 2022 letter (appendix 3.2) orders security forces to remove residency cards from those who fled Kirkuk – including those who left during or after the violence of October 16, 2017. These actions deny Kurdish people resident privileges and corresponding claims.

29. *Ibid.*

30. (2) *Stand with the Kurds 2 – Posts* | Facebook

31. (1) *Stand with the Kurds 2 – Posts* | Facebook

32. <https://www.rudawarabia.net/arabic/kurdistan/181020171>

MURDER, ABDUCTION, AND RAPE

"Whoever condemns the militias, he gets threatened or he gets killed"
– Mr. Dallo (September, 2021)

The security threat posed by ISIS in Iraqi Kurdistan has been prevalent for years. When the Iraqi forces retreated in June, 2014, Peshmerga forces upheld security in the region.³³ Following the referendum and the arrival of Iraqi forces back into the area on October 16th, 2017, Kurdish lives were once again subjected to security issues. Iraqi Forces started searching the houses of families in Kurdish villages and neighbourhoods immediately following October 16th looking for weapons, without court warrants and have continued. The existence of ISIS in some more rural areas, along with the presence of Iraqi forces in urban areas failing to provide security to Kurdish residents, and in some cases perpetrating crimes against the minority, the Kurds have once again become vulnerable.

The open-source investigation documented:

- 122 instances of murder of Kurds between the years 2017 and 2022
- 25 instances of kidnapping/abduction between 2018 and 2022
- 3 cases of rape between 2007-2020 ³⁴

33. Till F. Paasche & Michael M. Gunter (2016) Revisiting Western Strategies against the Islamic State in Iraq and Syria, *The Middle East Journal*, 70:1, 9-29, <https://www.jstor.org/stable/43698617>

34. [1] It is believed the number of rapes is higher, but the reported number is low due to the stigma attached to reporting sexual assault/harassment. Within the Kurdish culture, this issue is seldom spoken about due to the stigma attached to the victim.

Research indicates the number of actual incidents is much higher, but with restrictions on journalists who try to report events and an intentional disregard for Kurdish security by Iraqi forces, it is likely that many of these will go unreported. This barrier to information is heightened by victim fears of reprisal. This investigation therefore relies on social media posts, witness testimonies, and news articles.

Below are selected images from the Crimes Against Kurds database, which were collected from social media posts.



Top left

A six year old girl found beheaded after being kidnapped by an anonymous group in Topzawa village. October 1st, 2019.



Top right

Haroon Rashid was a Peshmerga fighter who joined the fight against ISIS in Tuz Khurmatu. On October 16, 2017 he was killed by Hasid Al Turkmani, an Iranian-backed militia.



Bottom left

Following the killing, militia members posed for selfies and desecrated his remains.



Bottom right

Militia members tied cables to the legs of Mr. Rashid's corpse, which was then draped with a Kurdish flag and dragged through the streets.

Within the interviews conducted, the participants also reported instances of rape, kidnappings and murders. One interviewee told us of a cameraman murdered, in retaliation for refusing to leave Kirkuk, a week after the 2017 referendum.

Preliminary legal analysis has been conducted on a select number of cases collected in the Crimes Against Kurds Database. The findings show that Iraq is in violation of treaties that it has ratified and in violation of the UDHR.

The scope of the investigation was limited to five cases detailed in appendix 2. These are outlined below.

- 1. A young man murdered in Tuz Khurmatu by 3 militia members*
- 2. A Kurdish woman and child killed by Iraqi forces*
- 3. A disabled Kurdish woman raped by an Iraqi policeman and militia members*
- 4. A Kurdish man handcuffed to a hospital bed saying his wife died because 'no one listened'*
- 5. A Kurdish merchant was assassinated alongside two of his workers.*

The analysis found multiple violations of international law across all five cases, including but not limited to the right to life and the right to liberty and security. These incidents are not infrequent, and our database hosts many other cases similar in nature. The Kurdish community continues to live under threats to their lives and security in the disputed territories.

With the suppression of Kurdish media and the lack of security provided by Iraqi forces and Iranian-backed militias, who at times are the perpetrators of these crimes, the human rights abuses are bound to continue. With no one to hold the regime to account, the abuses and therefore displacement of Kurds trying to find safety will persist.



Photo above The aftermath of a crop fire in Topzawa Village, Kirkuk, May 25, 2019. The land is located opposite an Iraqi security outpost.
Source: social media image (collected in Crimes Against Kurds database)

BURNING AND CONFISCATIONS OF FARMLANDS

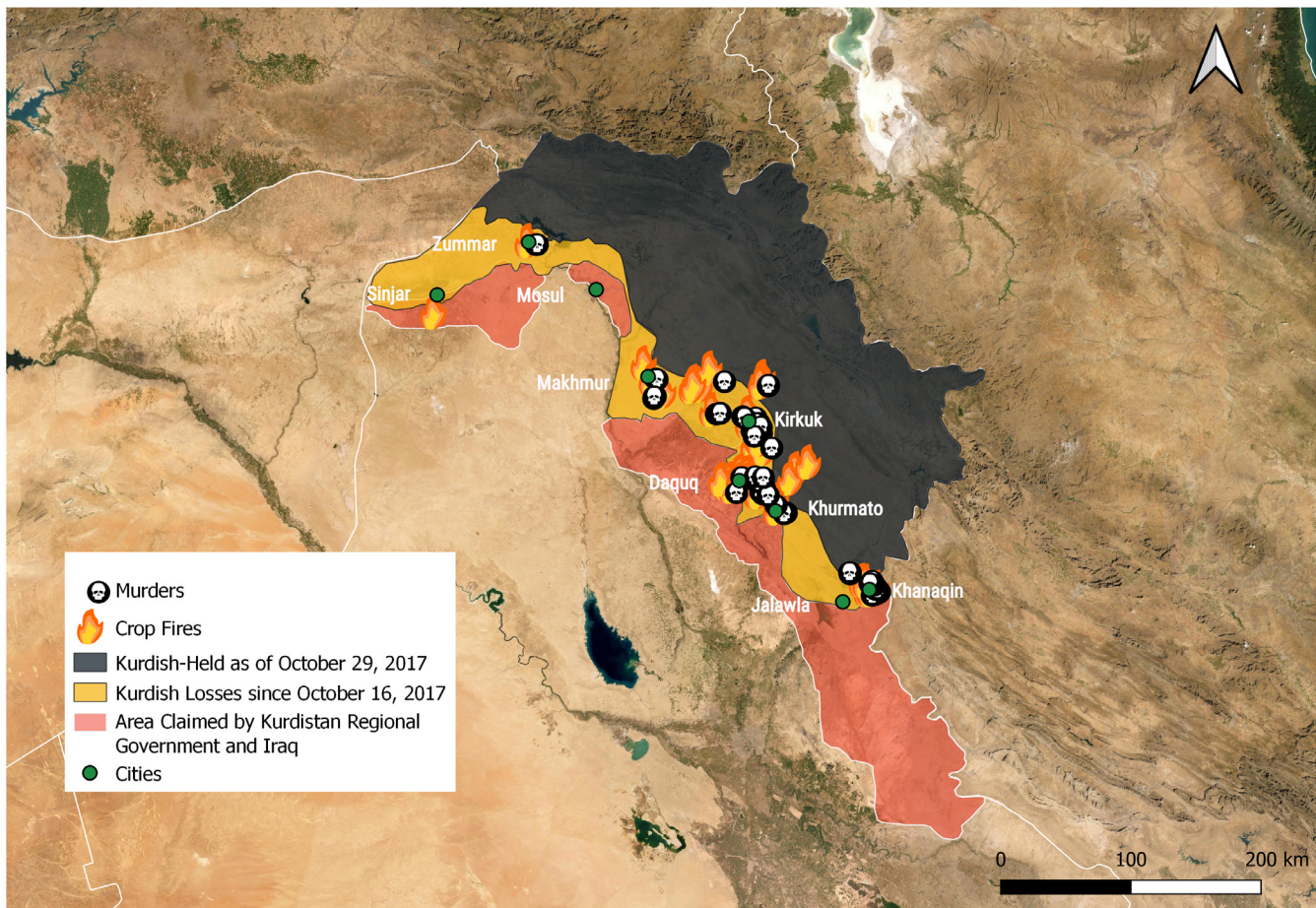
Since the arrival of the Iraqi forces in Kirkuk October 16th, 2017, Arab settlers have laid claim to over 296,500 acres (1,200,000 donums) of lands that originally belonged to the Kurds. More than 2,400 acres (10,000 donums) of these farmlands were seized by Arabs after judicial courts ruled in the favour of the Arab settlers.³⁵ Burning farmlands is used as a tactic-among others to push Kurdish farmers off of their land, and clear space for the new arrivals from other parts of Iraq.

ISIS claims responsibility for the majority of the crop fires. The ISIS propaganda newspaper, Al-Naba, claims the burning of farmlands is revenge and retaliation against the Iraqi and Peshmerga forces for the bombardment of territories that were occupied by ISIS.³⁶ The group also demanded taxes from farmers as 'protection money' and burned the farms of those who refused to pay. A number of farms in the disputed territories were also burned without a prior demand for payment. Kurdish farmers believe this tactic is used to displace them from their farms.³⁷

35. <https://www.kurdistan24.net/ckb/story/207491-25> (In Kurdish)

36. <https://www.rudaw.net/english/middleeast/iraq/310520192>

37. <https://www.bellingcat.com/news/mena/2019/06/03/torching-and-extortion-osint-analysis-of-burning-agriculture-in-iraq/>



Satellite imagery courtesy of Google Earth Boundaries drawn with reference to:
<https://www.aljazeera.com/news/2017/11/1/territory-lost-by-kurds-in-iraq>
<https://www.aljazeera.com/news/2017/9/27/iraqi-pm-kurds-must-hand-over-airports-or-face-embargo>

Arab settlers have also been accused of burning Kurdish farmlands after claiming that they were the rightful owners of the lands.³⁸ In some cases Kurdish farmers were present while lands were seized. In these cases, the farmers were able to return within a few days, only to find the lands already burned. Furthermore, the Kirkuk agriculture department refuses to provide support and supplies or to purchase crops from Kurdish farmers whose farmlands have been claimed.

In 2019, The Iraqi Government's initial response to the crop fires denied the involvement of ISIS, stating the fires were set by Kurdish farmers in order to fertilise the soil. However, the next day the Iraq Government backtracked, saying they would investigate the fires and prosecute those involved.³⁹ Our research has found no indication of any investigations or prosecutions taking place for these crimes.

When farmlands are burned, farmers, fearing for their safety, and with their livelihood destroyed, leave the disputed territories to resettle in safer parts of Iraqi Kurdistan.

The burning of these Kurdish lands began in 2018, increasing in

numbers in the following years. The numbers of fires set decreased in 2021/22, but it is speculated that this was the case due to a drought, which led to Kurdish farmers to plant fewer crops. An official figure on the number of lands burned does not exist. Our research therefore collects data on these fires and maps their location. The Crimes Against Kurds Database recorded 51 such instances within the disputed territories between 2019 and 2022 – 34 of these in Kirkuk. Ongoing research indicates the widespread use of this tactic beyond the events we have been able to document.

If farmlands continue to burn, farmers will lose their ability to make a living and will be forced to relocate, leaving many of them displaced. As the IOM has concluded, displacement can adversely affect people's socio-economic development and health. Furthermore, destruction of crops can lead to a decrease in the supply, resulting in demand not being met. This in turn will lead to an increase in food prices resulting in people not being able to afford as much.

38. <https://www.rudaw.net/english/middleeast/iraq/310520192>

39. <https://www.bellingcat.com/news/mena/2019/06/03/torching-and-extortion-osint-analysis-of-burning-agriculture-in-iraq/>

HARASSMENT OF JOURNALISTS

Victims of the fires, and journalists reporting on this issue meet threats and harassment from Iraqi security forces and militias. In an interview with Crimes Against Kurds, Mr. Hemin Dalo, a well-respected Kurdish journalist, detailed his attempts at covering the farm fires in the disputed territories. Mr. Dalo reported five arrests, including two arrests by the Iraqi army for covering the crop fires. The authorities claimed the media were not permitted to visit the public places. Mr. Dalo was interrogated, then released but warned not to go back to the area. In the interrogation, Mr. Dalo's equipment, camera and mobile phone were seized. Looking through the content on the devices, the interrogator demanded Mr. Dalo retract articles and social media posts related to the fires and other abuses, especially those that described abuses perpetrated by militias. The interrogator also examined Mr. Dalo's personal messages and mobile phone content. Before his release, threats were made to Mr. Dalo in relation to his coverage of the militias:

"You are going to regret it someday."

Iraqi commander to journalist, Crimes Against Kurds Interview, October 2021.

Notably, journalists from Arabic and non-Kurdish channels are permitted to visit these areas.

Arkan Ashraf, Kurdistan TV cameraman, was killed by a militia in Daquq shortly after October 16th. Mr. Ashraf, a teacher by profession, returned to his hometown to resume his work in Haftaghar village near Daquq, Southern Kirkuk. On October 30 four men broke into his home, locking his family in another room while they bound and then stabbed Mr. Ashraf to death.



Source: Kurdistan 24 40

Instances like these, common to Kurdish journalists and victims of the fires, indicate violations of Article 19 of the Universal Declaration of Human Rights⁴¹ (non-binding) and ICCPR⁴² (legally binding): Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

These violations are systematic in nature and are perpetrated under orders from state authorities.

In a July 2018 directive obtained by Crimes Against Kurds, Kirkuk Governor Rakan Saeed al-jaboori requested the Anti-Terrorism Forces arrest of a group of prominent writers and journalists in the province on the pretext of inciting public opinion. A photo of the letter and translation is included in appendix 3.3.

The above mentioned interviewee Mr. Hemin Dalo is listed in the letter. Noted reported Mr. Hewa Hussamadin from Rudaw, is also listed among other activists.

Censorship and suppression of these stories creates space for human rights violations to be perpetrated with impunity. Crimes Against Kurds will continue to collect information regarding the lands destroyed and reported perpetrators looking toward accountability for perpetrators and redress for victims.

Intimidation of journalists will cause fear for their safety, making it more likely that information will continue to be suppressed making it even more difficult for these atrocities to be brought to light.

41. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

42. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

PUNISHED FOR THEIR CULTURE

"We are not allowed to raise the Kurdish flag or freely speak about Kurdistan"
- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

Article 27 of the ICCPR, which Iraq has ratified, clearly states that everyone should be allowed to practice their religion, use their own language, and enjoy their own culture. However, throughout history and presently, the Iraqi regime has continuously oppressed Kurdish culture and erased the Kurdish language from the disputed territories.



Following the events of October 16th, 2017, the oppressive tactics employed by Iraq intensified. With the destruction of cultural monuments, abuse and harassment towards people displaying the Kurdish flag and shooting into crowds of people celebrating Newroz Day. Once again the Kurdish language is being removed from road, street and building signage along with the removal from governmental and legal documentation. The Iraqi regime is not only the perpetrator of this oppression but also fails to provide security when militias are responsible.

Photo left: Ministry of the Interior forces take pictures with a militia member stepping on American, Kurdish, and German flags at a base where the Kurdish Peshmerga forces were trained by US forces during the fight with ISIS in Kirkuk.
Source: social media image (collected in Crimes Against Kurds database)

Interviews conducted also found that after the events of October 16th, Kurdish culture in Kirkuk has been under threat. An anonymous source explained that prior to October 16th, the residents of Kirkuk co-existed and marriages between cultures were common. They expressed that this is no longer the case and suggests that the different ethnic groups now "hate each other".

"Coexistence in Kirkuk is in danger because of the Arabisation"
- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

Another important aspect of Kurdish culture affected is the education sector in Kirkuk. Culture and education are inseparable with each influencing the other. Culture can impact the type of education given with students being taught their language, history and cultural norms.



*Photo left:
An Iraqi federal police officer removes a
Kurdish flag in Kirkuk, October 16th 2017
Source: Emad Matti/AP ⁴³*

The KRG in Kirkuk has operated the Kurdish education department since 2003. Following the attacks of October 16th and the appointment of Arab officials to the disputed areas, the department has faced major budget cuts as the Iraqi Government stopped allocating funds to the KRG to continue. Kurdish-language schools in the area have continued to exist, however, they are extremely underfunded and understaffed. Additionally, several teachers fled for their safety after the invasion. Since October 16th, 2017, the schools are also no longer permitted to display Kurdish flags, slogans or to participate in Kurdish Clothing Day with those ignoring the rules risking arrest.

"During the New Year Ceremony, the principal raised the Kurdish flag. Someone called the security forces who went to his house to arrest him. Luckily, he was alerted about them coming and managed to flee to Kurdistan before their arrival."
- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

Furthermore, higher education institutions in the regions no longer allow the use of Kurdish within them.

"In colleges and universities, we are not allowed to ask questions in Kurdish – we have to speak Arabic to the teachers and that has affected most of the Kurdish students."
- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

Kurds are immediately disadvantaged if they are unable to use their own language. Language is connected to one's cultural identity, the right to which is a fundamental one for every person. Changing the language of instruction to Arabic is a tactic to assimilate Kurds into Arabic culture, and therefore it is another method by which the Iraqi regime pursues its Arabisation policy.

The link between language, cultural identity, self-identity, health and economic implications is well understood (Jan & Lomeli, 2019; Khawaja, 2021). Furthermore, education can reduce the ethnic language ability in children leading to a risk of language loss in the generations to come.

⁴³. https://www.washingtonpost.com/world/middle_east/kurdish-and-iraqi-forces-in-fierce-clash-for-remaining-district-of-kirkuk/2017/10/20/3564bdd0-b5a2-11e7-9b93-b97043e57a22_story.html



Photo above: A member of an Iranian-backed militia burns a Kurdistan flag
Source: social media image (collected in Crimes Against Kurds database)



Photo above: An Iraqi soldier poses stepping on a Kurdistan flag in the disputed territories
Source: social media image (collected in Crimes Against Kurds database)



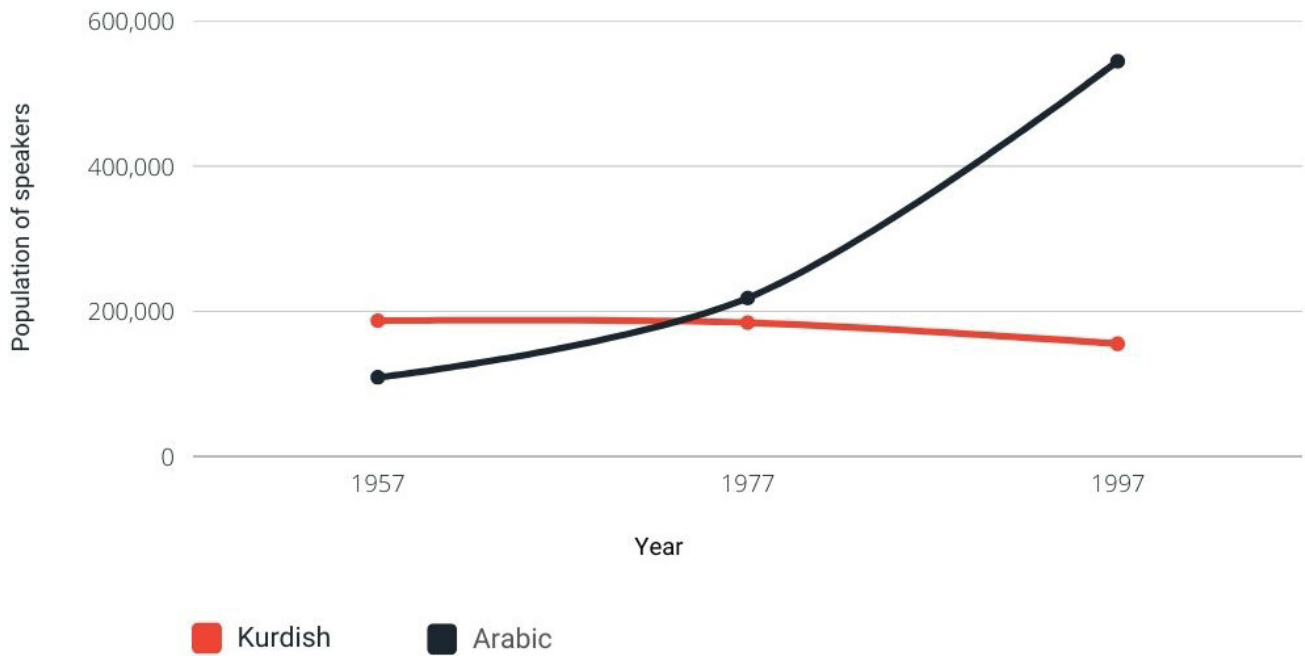
Photo above: Iraqi forces remove Kurdish flags in the disputed territories
Source: Anadolu Agency photo



Photo above: An Iraqi forces member poses in front of a defaced Kurdistan flag on the outskirts of Kirkuk on October 16, 2017
Source: AFP ⁴⁴

44. <https://www.dailymail.co.uk/wires/afp/article-5019145/Baghdad-dismisses-Kurd-offer-freeze-independence-vote.html>

Mother Tongue of Kirkuk Governate



Iranian-backed militia members pose stepping on a Kurdish flag
Source: Rudaw⁴⁵

45. <https://www.rudawarabia.net/arabic/kurdistan/181020176>

EMPLOYMENT DISCRIMINATION

"The Iraqi government prefers to hire those who went to Arabic schools instead of Kurdish schools. Because of this, parents have begun sending their children to Arabic schools to avoid all of these issues."

- Hemin Dalo, Kurdish Journalist (September 2021 Interview)

Since October 16th, discrimination involving the employment of Kurds has increased. With sources claiming employers in the region prefer to hire those who have been educated in Arabic schools. This discrimination directly affects the livelihoods of those who were educated in Kurdish schools. This type of discrimination also plays an important role in the nationalist Arabisation project, with parents, in some cases, preferring to send their children to Arabic schools to help their chances at future employment.

After the attacks of 16th of October 2017, the regime began focusing on the removal of Kurds from influential positions and depriving them of employment in Kirkuk and other disputed territories. In Kirkuk, 120 high-ranking Kurdish government officials have been removed from their positions since the invasion.⁴⁷

Examples of influential positions where Kurds were replaced by Arabs include but are not limited to:

- The Governor of Kirkuk
- The Head of the Provincial Council
- The Mayor of Kirkuk
- The Head of the Integrity Committee
- The Director of Health
- The Director of Agriculture
- The Director of Housing
- The Director of Investment
- The Director of Water Resources
- The Director of Sports
- The Director of the District Police
- The Director of Anti-Crime
- The Director of Emergency Police
- The Director of Antiquities Protection

In Daquq, a disputed territory, Kurds lost 7 positions:

- The Mayor
- The Director of Police
- The Director of the Fight Against Crime
- The Director of Agriculture
- The Director of Natural Resources
- The Director of Communications
- The Director of Finance

The cities of Dubiz, Sarkaran, Tuz Khurmatu and Altun Kopri also lost positions, including mayor, police chiefs, positions in anti-crime, agriculture, and electricity.

The replacement of Kurds and the appointment of Arabs to positions of office in the disputed territories has led to the power dynamics changing in the region. These positions directly influence the lives of Kurds living in the area and have the potential to negatively impact them. Further, putting Arabs in positions of power within the disputed territories pushes forward Arabisation policies.

This is part of a systematic action to disempower the Kurds in government and workplaces.

In a September 2018 letter obtained by Crimes Against Kurds, the Iraqi ministry of Oil ordered the North Gas Company in Kirkuk to stop using the Kurdish language and subject violations to disciplinary action. The translated letter is included in appendix 3.4.



Photo above: Kirkuk appointed Governor Rakan Saeed al-Jabouri after October 16th 2017 with Kirkuk Military ruler "Saad al-Harbiya." Behind them is a portrait of Iranian leader Ali Khamanayi

Source: social media image (collected in Crimes Against Kurds database)



Photo above: Iranian and Seheh leaders inside government buildings in Kirkuk

Source: social media image (collected in Crimes Against Kurds database)

CONCLUSION



The Iraqi federal government must halt ethnic cleansing of Kurdish and other minority groups. Cessation of the state policies and failures detailed above is only the first step in a needed comprehensive justice program. Crimes Against Kurds will continue to conduct open source research and interviews, advocate for accountability for perpetrators and reparations for victims. Future research will focus on abductions and disappearances, engaging international mechanisms given that Iraqi federal institutions are unwilling to meet their commitments.

RECOMMENDATIONS



CRIMES AGAINST KURDS RECOMMENDS THE IRAQI FEDERAL GOVERNMENT:

- Implement joint security of the disputed territories between Iraqi federal and Kurdish Regional Government forces
- Provide protection to residents of the disputed territories to prevent attacks on farmlands
- Support the safe return of displaced persons, and compensate victims for losses
- Investigate the farm fires and prosecute those responsible for burning the lands
- End state policies supporting oppression of Kurdish language and culture, and discrimination in employment
- End state policies limiting freedom of expression and targeting of journalists
- Implement Article 140 of the Iraqi constitution
- Implement Article 58 of the Transitional Administrative Law
- Undertake impartial investigations of all allegations of arbitrary killings, torture, enforced disappearances and other human rights violations
- Ensure to align its domestic legislation in line with international human rights standards (or international obligations)
- Take steps to become a party to the Rome Statute of the International Criminal Court
- Accept individual complaints, inquiry, and interstate communication mechanisms associated with treaties
- Ratify the Optional Protocol to the Convention against Torture
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty
- Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

APPENDICES

♦

1. RELEVANT PROVISIONS AND OTHER GUIDANCE

DISCRIMINATION AGAINST KURDS

- ICCPR

Article 2 – The State Party's obligation to take all measures necessary to protect the rights

Article 3 - The right to all civil and political rights

Article 26 - The right to equal protection of law

- ICESCR

Article 2 - The State Party's obligation to take all measures necessary to protect the rights

- ICERD

Article 5 - The State Party's obligation to prohibit and eliminate racial discrimination

ARBITRARY/EXTRAJUDICIAL KILLING

- ICCPR

Article 6(1) – The right to life

- CRC

Article 6 – The right to life

- ICERD

Article 5(b) – The right to security of person and protection by the State against violence or bodily harm by government officials without distinction as to the ethnic origin

- UDHR

Article 3 – The right to life, liberty and security

- Code of Conduct for Law Enforcement Officials

- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials

SEXUAL AND GENDER-BASED VIOLENCE

- ICCPR

Article 2 – The State Party's obligation to take all measures necessary to protect the rights

Article 7 – The right not to be subject to torture or cruel, inhuman or degrading punishment

- CEDAW

Article 2 and 5 – The State Party's obligation to take all appropriate measures, including legislation

- CRC

Article 19 – The State Party's obligation to take all appropriate legislation, administrative, social, and educational measures to protect child

- CRPD

Article 16 - The freedom from exploitation, violence and abuse

- UDHR

Article 3 – The right to security

Article 5 – The right not to be subjected to torture or cruel, inhuman or degrading punishment

- General Recommendation No. 19, Committee on Elimination of Discrimination Against Woman

Paragraph 7 – The prohibition of gender-based violence

- Declaration on the Elimination of Violence against Women (DEVAW)
- Article 2(a) - The prohibition of physical, sexual, and physical violence against women
- Declaration on the Elimination of Violence against Women
- Reaffirming DEVAW

INTERNAL DISPLACEMENT

- ICESCR
- Article 2 - The State Party's obligation to take all measures necessary to protect the rights
- Article 11(1) – The right to an adequate standard of living, including housing
- ICCPR
- Article 2 – The State Party's obligation to take all measures necessary to protect the rights
- Article 17(1) – The right not to be subject to arbitrary or unlawful interference with his/her privacy, family, home, or correspondence
- ICERD
- Article 5 - The State Party's obligation to prohibit and eliminate racial discrimination
- Article 5(d)(i) – The right to freedom of movement and residence
- Article 5(d)(v) and 5(d)(vi) – The right to property
- Article 6 – The State Party's obligation to assure remedies and reparation for damages
- CRC
- Article 16(1) – The prohibition of arbitrary and unlawful interference with a child's privacy, family, home or correspondence
- Article 27 - The right to an adequate standard of living
- CRPD
- Article 28 – The right to an adequate standard of living
- UDHR
- Article 8 – The right to an effective remedy
- Article 17 – The right to own property and not to be arbitrarily deprived of property
- Article 25 – The right to an adequate standard of living
- Guiding Principles on Internal Displacement
- Principle 5, 6, 7, 8, 9 and 10– The right to be protected against being arbitrarily displaced from home
- Principle 28, 29 and 30 – The State Party's obligation to ensure a voluntary and safe return
- Housing and property restitution in the context of the return of refugees and internally displaced persons
- Principle 3 – The right to non-discrimination
- Principle 5- The right to be protected from displacement
- Principle 6 – The right to privacy and respect for the home
- Principle 7 – The right to peaceful enjoyment of possessions
- Principle 8 – The right to adequate housing
- Principle 9 - The right to freedom of movement
- Principle 10 - The right to voluntary return in safety and dignity

DESTRUCTION OF FARMLAND

- ICESCR
- Article 2 - The State Party's obligation to take all measures necessary to protect the rights
- ICCPR
- Article 2 – The State Party's obligation to take all measures necessary to protect the rights
- Article 12 – The right to movement and residence
- ICERD
- Article 5(d)(v), 5(d)(vi) and 5(e)(iii) – The prohibition of racial discrimination and enjoyment before the law in the enjoyment of the rights to own property
- Article 6 – The State Party's obligation to assure remedies and reparation for damages
- UDHR
- Article 8 – The right to an effective remedy

Article 13 – The right to freedom of movement and residence

Article 17 – The right to own property and not to be arbitrarily deprived of property

ARBITRARY ARREST/DETENTION

- ICCPR

Article 2 – The State Party's obligation to take all measures necessary to protect the rights

Article 9 – The right to liberty and security of person and the prohibition of arbitrary arrest or detention

- CAT

Article 10 – The State Party's obligation to educate law enforcement personnel

Article 11 – The State Party's obligation to keep under systematic review

- UDHR

Article 3 – The right to life, liberty and security

Article 9 – The right not to be subject to arbitrary arrest, detention or exile

- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

KIDNAPPING/ENFORCED DISAPPEARANCE

- ICCPR

Article 2 – The State Party's obligation to take all measures necessary to protect the rights

Article 9 - The right to liberty and security

- ICPED

Article 3 – The State Party's obligation to take appropriate measures to investigate enforced disappearances

Article 4, 6 and 7 – The State Party's obligation to take necessary measures that enforced disappearances constitutes an offence under its criminal law and to hold responsibility

Article 24 – The right to obtain reparation and compensation

- ICERD

Article 5(b) – The right to security of person and protection by the State against violence or bodily harm by government officials without distinction as to the ethnic origin

- UDHR

Article 3 – The right to life, liberty and security

RESTRICTIONS ON USING THE KURDISH LANGUAGE

- ICESCR

Article 13(1) - The right to education

Article 15 - The right to cultural life

- ICCPR

Article 2 – The State Party's obligation to take all measures necessary to protect the rights

Article 19 - Right to freedom of expression

- ICERD

Article 5 – The right to economic, social and cultural rights, in particular, the right to education

Article 7 – The State Party's obligation to adopt immediate and effective measures to combat the prejudice that lead to racial discrimination

- UDHR

Article 19 - The right to freedom of opinion and expression

- General Comment No. 21, the Committee on Economic, Social and Cultural Rights

Paragraph 13 - The right to cultural life, including ways of life and language, etc.

EMPLOYMENT DISCRIMINATION

- ICESCR

Article 6 - The right to work

Article 7 - The right to enjoyment of just and favourable conditions of work

-UDHR

Article 23 - The right to work

COALITION PROVISIONAL AUTHORITY

LAW OF ADMINISTRATION FOR THE STATE OF IRAQ FOR THE TRANSITIONAL PERIOD

8 March 2004

Article 58

(A) The Iraqi Transitional Government, and especially the Iraqi Property Claims Commission and other relevant bodies, shall act expeditiously to take measures to remedy the injustice caused by the previous regime's practices in altering the demographic character of certain regions, including Kirkuk, by deporting and expelling individuals from their places of residence, forcing migration in and out of the region, settling individuals alien to the region, depriving the inhabitants of work, and correcting nationality. To remedy this injustice, the Iraqi Transitional Government shall take the following steps:

With regard to residents who were deported, expelled, or who emigrated; it shall, in accordance with the statute of the Iraqi Property Claims Commission and other measures within the law, within a reasonable period of time, restore the residents to their homes and property, or, where this is unfeasible, shall provide just compensation.

With regard to the individuals newly introduced to specific regions and territories, it shall act in accordance with Article 10 of the Iraqi Property Claims Commission statute to ensure that such individuals may be resettled, may receive compensation from the state, may receive new land from the state near their residence in the governorate from which they came, or may receive compensation for the cost of moving to such areas.

With regard to persons deprived of employment or other means of support in order to force migration out of their regions and territories, it shall promote new employment opportunities in the regions and territories.

With regard to nationality correction, it shall repeal all relevant decrees and shall permit affected persons the right to determine their own national identity and ethnic affiliation free from coercion and duress.

(B) The previous regime also manipulated and changed administrative boundaries for political ends. The Presidency Council of the Iraqi Transitional Government shall make recommendations to the National Assembly on remedying these unjust changes in the permanent constitution. In the event the Presidency Council is unable to agree unanimously on a set of recommendations, it shall unanimously appoint a neutral arbitrator to examine the issue and make recommendations. In the event the Presidency Council is unable to agree on an arbitrator, it shall request the Secretary General of the United Nations to appoint a distinguished international person to be the arbitrator.

(C) The permanent resolution of disputed territories, including Kirkuk, shall be deferred until after these measures are completed, a fair and transparent census has been conducted and the permanent constitution has been ratified. This resolution shall be consistent with the principle of justice, taking into account the will of the people of those territories.

2. LEGAL ANALYSIS OF SELECT CASES

Legal analysis of abuses clarifies the nature of the violations, points toward responsibility for violations, avenues for justice, and remedy for victims. This information can then be used to pressure local, national, and international actors to address the abuses. Below are legal analyses of only five cases collected in the Crimes Against Kurds Database. The analysis is not intended to be comprehensive, but instead lays a foundation to show how legal analysis clarifies the nature of the ongoing abuses, and points to directions for future advocacy.

CASE 1.

***Three militia members killed a Kurdish young man in Tuz Khurmatu
Tuz Khurmatu, January 5, 2021***



Peshtewan Karim was a young Kurdish man and a Peshmarga soldier who was murdered in Tuz Khurmatu by members of an Iranian-backed, Shia militia. According to his family and officials, there is an arrest warrant against the murders, however an arrest has not been made for fear of reprisal from the militia.

Report by Kurdistan 24, translated by Crimes Against Kurds

<https://www.youtube.com/watch?v=DOfgjkhfm30>

(1) THE KILLING OF A KURDISH MAN BY THREE MEMBERS OF IRANIAN-BACKED MILITIA

Binding Instrument

International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971

Relevant Provisions

Article 6(1) – The right to life
Article 26 – The right to legal equality and non-discrimination

Non-Binding Instrument

Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948

Relevant Provisions

Article 3 – The right to life

(2) DESTRUCTION OF HOUSES & DISPLACEMENT

<i>Binding Instrument</i>	<i>Relevant Provisions</i>
International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971	Article 17 – The prohibition of arbitrary or unlawful interference of privacy, family, or correspondence
International Covenant on Economic, Social and Cultural Rights (ICESCR); a State party since January 25, 1971	Article 11 – The right to an adequate standard of living, including housing
Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), a State party since August 13, 1986	Article 14(2)(h) – The right to an adequate living conditions, including housing
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a State party since January 14, 1970	Article 5(e)(iii) – The right to property
Convention on the Rights of the Child (CRC), a State party since June 15, 1994	Article 16(1) – The prohibition of arbitrary and unlawful interference with child's privacy, family, home or correspondence Article 27 – The right to an adequate standard of living
Convention on the Rights of Persons with Disabilities (CRPD), a State party since March 24, 2013	Article 28 – The right to an adequate standard of living, including adequate housing
<i>Non-Binding Instrument</i>	<i>Relevant Provisions</i>
Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948	Article 25(1) – The right to a standard of living
Guiding Principles on Internal Displacement, adopted by the Commission of Human Rights in 1998 **	Principle 5, 6, 7, 8, 9 and 10– The right to be protected against being arbitrarily displaced from home Principle 28, 29 and 30 – The State Party's obligation to ensure a voluntary and safe return
Principles on Housing and Property Restitution for Refugees and Displaced Persons**	Principle 3 – The right to non-discrimination Principle 5- The right to be protected from displacement Principle 6 – The right to privacy and respect for the home Principle 7 – The right to peaceful enjoyment of possessions Principle 8 – The right to adequate housing Principle 9 - The right to freedom of movement Principle 10 - The right to voluntary return in safety and dignity

* Non-binding instruments do not directly create legal obligations for countries.

** The Guiding Principles on Internal Displacement and the Principles on Housing and Property Restitution for Refugees and Displaced Persons specifically sets out the rights and obligations relating to internally displaced persons. These principles are created to fill the gaps. While not legally binding like treaties, they provide useful guidance based on international human rights, humanitarian and refugee law.

CASE 2.

***Iraqi forces killed a Kurdish woman and a child in Kirkuk
Kirkuk June 14, 2018***



Iraqi counter terrorism forces (brought to Kirkuk after October 16, 2017) killed a senior citizen Kurdish woman and injured three others in Shoraw district after indiscriminately firing on civilians. A month before this incident some members belonging to the same forces killed an Kurdish child in Shorja district in Kirkuk.

Report by Alhurra Iraq TV, translated by Crimes Against Kurds

<https://www.youtube.com/watch?v=yDncmTlbzB0&list=PL7hWAA0MPVMBPDf9InysWgEUdxJ5YSVkg&index=15>

(1) THE KILLING OF A KURDISH WOMAN AND A CHILD BY IRAQI COUNTER TERRORISM FORCES

Binding Instrument

Relevant Provisions

International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971

Article 6(1) – The right to life

Convention on the Rights of the Child (CRC), a State party since June 15, 1994

Article 6 – The right to life

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a State party since January 14, 1970

Article 5(b) – The right to security of person and protection by the State against violence or bodily harm by government officials without distinction as to ethnic origin

Non-Binding Instrument

Relevant Provisions

Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948

Article 3 – The right to life

Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 in 1979

Article 3 - Use of force when strictly necessary and to the extent required for their duty

Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the UN Congress on the Prevention of Crimes and the Treatment of Offenders in 1990

Principle 4 - Non-violent means prior to resorting to force

CASE 3.

Kirkuk, militias raping a Kurdish disabled woman
Kirkuk, October 16, 2017



An Iraqi police member and several members of the militia Hashed Turkmani (a local branch of Hashed al-Shaabi) raped a disabled Kurdish woman in Perdi, northern Kirkuk. They filmed their crime, which was then leaked to social media as well as Kurdish news TV channels.

Report by Rudaw, translated by Crimes Against Kurds

https://www.youtube.com/watch?v=RnIMJAjgEQ4&list=PL7hWAA0MPVMDHX4I2mOsJEKcWWe_bmby&index=62

Rape of a disabled woman by an Iraqi policeman and several militia members

Binding Instrument	Relevant Provisions
Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW), a State party since August 13, 1986	Article 2 and 5 – The State Party's obligation to take all appropriate measures, including legislation
Convention on the Rights of Persons with Disabilities (CRPD), a State party since March 24, 2013	Article 16- The State Party's obligation to take All appropriate means to prevent all forms of exploitation, violence and abuse
Non-Binding Instrument	Relevant Provisions
Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948	Article 3 – The right to security of person Article 5 - The right not to be subjected to torture or cruel, inhuman or degrading punishment
General Recommendation No. 19: Violence against Women, adopted by the Committee on the Elimination of Discrimination Against Woman in 1992	Paragraph 7 – The prohibition of gender-based violence
Declaration on the Elimination of Violence Against Women (DEVAW), General Assembly Resolution 48/104, December 20, 1993	Article 2 (a) – The prohibition of physical, sexual and psychological violence against women
Declaration on the elimination of violence against women General Assembly resolution 65/228	The prohibition of physical, sexual and psychological violence against women

CASE 4.

Kirkuk A Kurdish man handcuffed to hospital bed by security says wife died because "no one listened"

Kirkuk, July 2020



Harrowing footage from Kirkuk shows a man handcuffed to a hospital cot unable to assist his now-deceased wife went viral on social media. The handcuffed man, who was later identified as a teacher named Mohammed Karim, says he was chained to his wife's death bed on Monday as a result of a quarrel over his wife's care. Infected with COVID-19, Muna Ismael, 44, died from coronavirus complications. Speaking to Rudaw, Karim, who has since been diagnosed with the virus, recounts the disagreement beginning when health workers took away two of the three oxygen cylinders that he had bought for his wife himself.

Report by Rudaw, translated by Crimes Against Kurds

https://www.youtube.com/watch?v=SvOftmvp06g&list=PL7hWAA0MPVMDHX4I2mOsJEKcWWe-_bmby&index=32

A man handcuffed to the hospital bed by a police officer

<i>Binding Instrument</i>	<i>Relevant Provisions</i>
International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971	Article 9(1) – The right to liberty and security
<i>Non-Binding Instrument</i>	<i>Relevant Provisions</i>
Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948	Article 3 – The right to life, liberty and security
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment	Principle 1- Treatment in a humane manner

CASE 5.

Gunmen assassinate a Kurdish merchant in Kirkuk with two of his workers
Kirkuk, July 17, 2017



Mr. Nawzad Sabir, the business owner of a plant Nursery in Kirkuk who also held Swiss citizenship, was assassinated by gunmen inside his workplace along with two workers. His family is asking both the Iraqi and Kurdistan region to punish the perpetrators and to stop killing Kurdish citizens in town.

Report by Kurdistan 24, translated by Crimes Against Kurds

https://www.youtube.com/watch?v=BFNBS2xj67g&list=PL7hWAA0MPVMDHX4I2mOsJEKcWWe_bmby&index=30

(1) CONTINUED KILLING OF KURDS

Binding Instrument

Relevant Provisions

International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971

Article 2 – The State Party's obligation to take all measures necessary to protect the rights
Article 6(1) – The right to life

Non-Binding Instrument

Relevant Provisions

Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948

Article 3 – The right to life

(2) KIDNAPPING/DISAPPEARANCE

Binding Instrument

Relevant Provisions

International Covenant on Civil and Political Rights (ICCPR); a State party since January 25, 1971

Article 9(1) – The right to liberty and security

International Convention for Protection of All Persons from Enforced Disappearance (ICPED), a State party since November 23, 2010

Article 3 - The duty to take appropriate measures to investigate enforced disappearances

Article 4, 6, 7 – The duty to take the necessary measures that enforced disappearances constitutes an offence under its criminal law and to hold criminal responsibility

Article 24 – The right to obtain reparation and compensation

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), a State party since January 14, 1970

Article 5(b) – The right to security of person and protection by the State against violence or bodily harm by government officials without distinction as to ethnic origin

Non-Binding Instrument

Relevant Provisions

Universal Declaration of Human Rights (UDHR), adopted by General Assembly resolution 217 of 10 December 1948

Article 3 – The right to life, liberty and security

3. IRAQI STATE DIRECTIVES



3.1 DIRECTIVE INSTRUCTING THE REMOVAL OF KURDS FROM THEIR LANDS TO ALLOW THE RETURN OF ARAB SETTLERS

Republic of Iraq

Date 18/05/2020

To/ the Advanced Headquarters of the Joint Operations Command - Kirkuk/ Leader

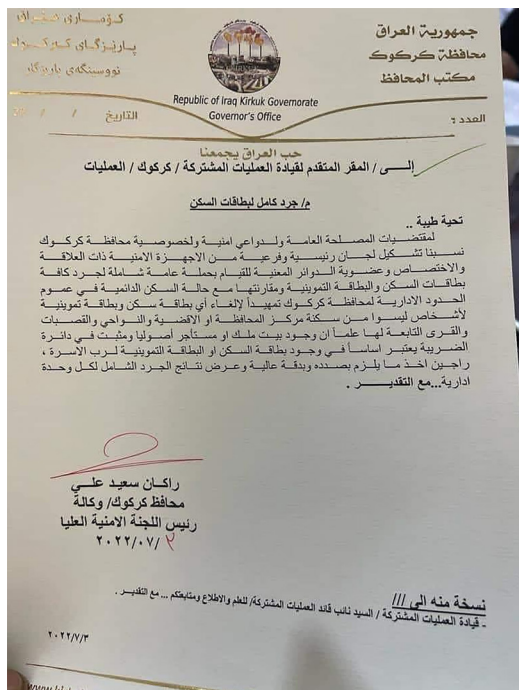
Subject: Resettlement of Citizens' Housing, a nice greeting

We enclose the below copy of the request of the Sheikh of Shammar tribe in Kirkuk (Ali Hawas al-Hathami), in which they intend to re-housing them in their homes from whom they left after a year 2003 being original Arabs of Kirkuk, to take what is necessary To restore the role in coordination with the forces holding the land and be a two-stage replay (the first / returning them in the vacant homes) (and the second / taking out the transgressors) and informing us of the importance of the subject being that they have all the supporting documents and the decisions of the courts acquired the final degree ... With appreciation.

Attachments /// - All Primaries

Rakan Saeed al-Jabouri, Governor of Kirkuk Agency May 17th 2020

Email: gov@kirkuk.iq



3.2 DIRECTIVE TARGETING KURDISH RESIDENCE CARD HOLDERS

To / The advanced headquarters of the joint operations command / Kirkuk / operations

Subject / A complete inventory of residence cards

Greetings, For the requirements of the public interest, security and privacy of Kirkuk governorate, We demand the formation of main and sub-committees from the security forces, and membership of the relevant departments to carry out a comprehensive public campaign to inventory residence cards and rations cards and compare them with the residences statues within Kirkuk Governorate boundary in preparation to cancel any residence card or rations card for people who are not residents of Kirkuk provincial center or districts and villages affiliated, knowing that owning or renting a house which is recognized by taxes department is a fundamental requirement to receive a residence card or rations card, kindly take action and inform the results of the inventory count for each administrative unit.

With appreciation

Rakan Saeed al-Jabouri, Governor of Kirkuk / Chairman of the Supreme Security Committee 03/07/2022

A copy of it to /// - Joint Operations Command / Deputy Co



3.3 DIRECTIVE TARGETING JOURNALISTS

Kirkuk Governor requests the Counter terrorism forces to arrest some Journalists and activists

Arab and Kurds who are posting /writing against his administrator Republic of Iraq Kirkuk Governorate Governor's Office Kumari Iraq ((The love of Iraq brings us together)) Adra)

Date / July / 2018

(Confidential) To the Anti-Terrorism Service/Second Special Operations Command/Office of Commander

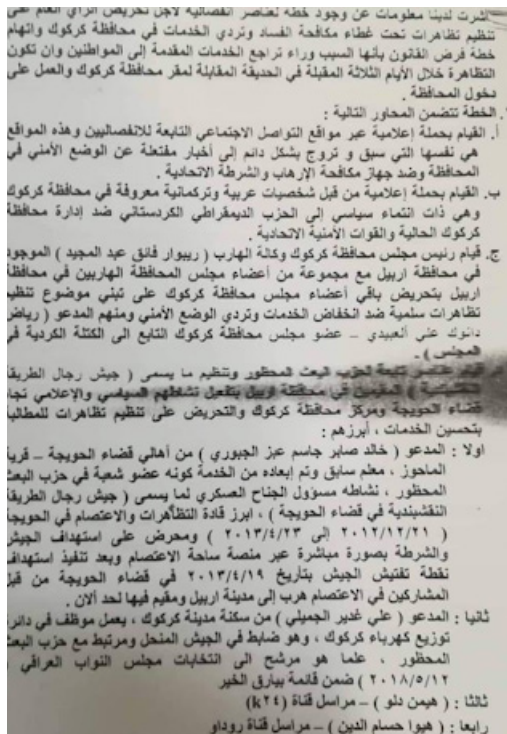
Subject/inciting public opinion good

Greetings, We attach to you a copy of the information that is nominated about the creation of the people of the various authorities by raising public opinion at social networking sites to break the necessary measures and security measures against them in order to preserve civil peace and to strengthen the success of law enforcement ... with estimation annexes - picture of information

Signed by :Rakan Saeed al-Jabouri, Governor of Kirkuk, Agency 7/03/2018

Copy to: - Directorate of National Security in Kirkuk - Intelligence Service in Kirkuk - Intelligence and Combating Terrorism Kirkuk - Departments of (education and electricity and sewage) / to take legal measures against your affiliates who incite the country's leadership and intend to stoke For information, review and follow-up....with appreciation

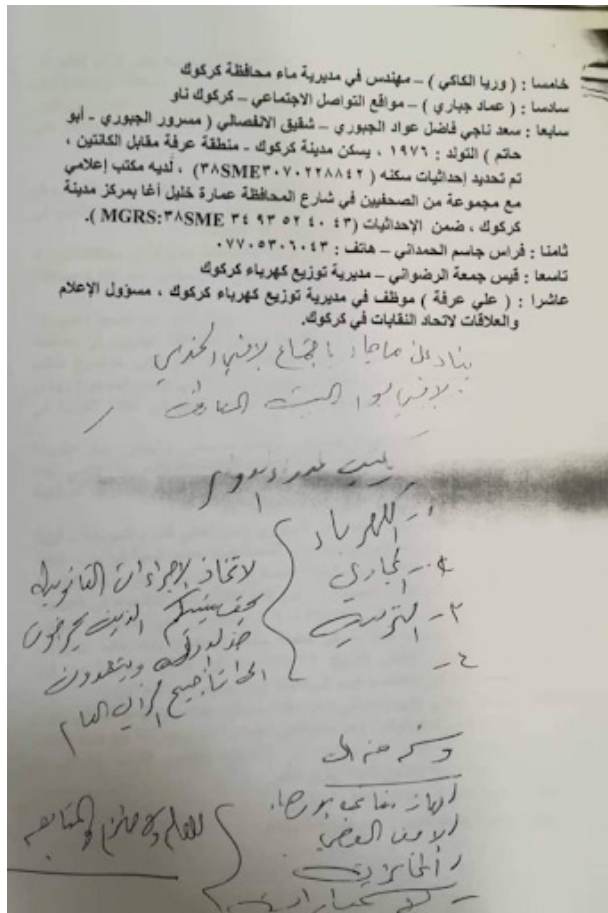
The intention of the developed Ba'ath Party and the organisation of the so-called (Army of the Men of the Order, wishing in the Erbil interrogation to activate their political and media activity towards Hawija district and the centre of Kirkuk governorate and incitement to organise demonstrations to demand You indicated to us information about the existence of a plan by separatist elements in order to incite public opinion to organise demonstrations under the cover of combating corruption and the deterioration of services in Kirkuk governorate, accusing the law enforcement plan of being the reason behind the decline in services provided to citizens, and that the demonstration will be during the next three days in the park opposite the headquarters of Kirkuk governorate and work On Entering the county.



2. The plan includes the following topics: a. Carrying out a media campaign through the social networking sites affiliated with the separatists, and these sites are the same ones that have previously promoted permanently fabricated news about the security situation in the province and against the Counter-Terrorism Service and the Federal Police. . Carrying out a media campaign by well-known Arab and Turkmen personalities in Kirkuk Governorate, who are politically affiliated with the Kurdistan Democratic Party, against the current administration of Kirkuk Governorate and the federal security forces. c. The head of the Kirkuk Provincial Council, the fugitive agency (Rebwar Faiq Abdul Majid), who is in Erbil governorate, along with a group of fugitive Provincial Council members in Erbil governorate incited the remaining members of the Kirkuk Provincial Council to adopt the issue of organising peaceful demonstrations against the decline in services and the deterioration of the security situation, including the so-called (Riyad). Danuk Ali Al-Obeidi - Member of the Kirkuk Provincial Council affiliated to the Kurdish Bloc in Improving services, most notably:

First: The so-called (Khalid Saber Jassim Abaz al-Jabouri) from the people of Hawija district - Mahooz village, a former teacher and he was removed from service as a division member in the banned Ba'ath Party, his activity is in charge of the military wing of the so-called (Army of the Men of the Naqshbandi Order in the district Hawija), the most prominent leader of demonstrations and sit-ins in Hawija (21/12/2012 to 23/4/2013) and instigator of targeting the army and police directly through the sit-in platform and after the implementation of targeting the army checkpoint on 19/4/2013 in Hawija district by The participants in the sit-in fled to the city of Erbil and has been residing there so far.

Second: Ali Ghadeer al-Jumaili, from the city of Kirkuk, works as an employee in the Kirkuk Electricity Distribution Department. He is an officer in the dissolved army and is associated with the outlawed Ba'ath Party, knowing that he is a candidate for the Iraqi Parliament elections (12/5/2018) on Bayarq al-Khobar's list.



Third : Hemin Dalo Reporter of K 24

Fourth :Hew Husamadin Reporter of Rudaw

Fifth: (Raya al-Kaki) - Engineer in the Kirkuk Governorate Water Directorate

Sixth: (Imad Jabari) - Social networking sites - Kirkuk Now

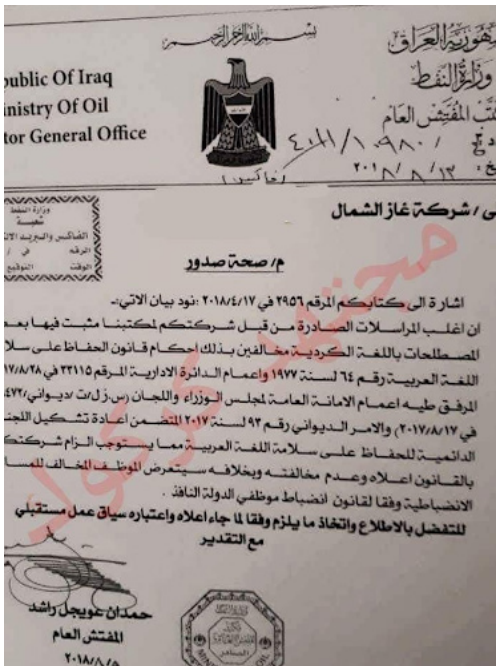
Seventh: Saad Naji Fadel Awad al-Jubouri - brother of the separatist (Masrou al-Jubouri - Abu Hatim) Birth: 1976, lives in the city of Kirkuk - Arafa area opposite the canteen, the coordinates of his residence were determined (38SME3070228842), he has a media office with a group of journalists in the Governorate Street, Khalil Agha Building, in the centre of Kirkuk city, within the coordinates (43 40 52 93 34 MGRS:38SME).

Eighth: Firas Jassem Al-Hamdani - Phone: 07705306043

Ninth: Face Juma Al-Radwani - Kirkuk Electricity Distribution Directorate

Tenth: (Ali Arafa) employee in the Kirkuk Electricity Distribution Directorate, media official And the relations of the Federation of Trade Unions in Kirkuk. Nadeel mama orgasm because I intuition

3.4 DIRECTIVE BANNING THE KURDISH LANGUAGE IN STATE-OWNED ENTERPRISE



Republic Of Iraq

Ministry Of Oil

Director General Office

Letter No. 1980/1 A.D. 41,

Date: 5/12/2018

To / North Gas Company

Certificate of the issuance

Referring to your letter No. 2956 on 17/4/2018, We would like to state the following that most of the correspondences issued by your company to our office contain some terms in the Kurdish language, in violation of the provisions of the Arabic Language Preservation Law No. 64-1 of the Arabic Language Preservation Department No. 17-Alam 1977 8/28 Annex Followed by the Understanding of the General Secretariat of the Council of Ministers and Committees (S2 Sluts for Diwani / 26472 in 2017/8/17) and Diwani No. 93 of 2017, including the restructuring of the Permanent Committee to preserve the safety of Arabic language, requiring your company with law above and not violated and otherwise The violated employee will be subject to Disciplinary action in accordance with the State Employees Discipline Law in force.

Hamdan Awaijel Rashid,

General Inspector , 08/09/2018



ISBN 979-11-976954-4-5

비매 품/무료

