

A Report into Kurdish Abuse in
Turkmeneli



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Purpose and scope

This book was written with four clear purposes in mind: firstly, to make an assessment of the current position of Turkmen in Kirkuk; {xe "Iraq"}secondly, to highlight the oppression of Turkmen after the toppling of Saddam Hussein's regime; thirdly, to introduce a brief history of the Turkmen in Iraq to the world; and finally, to draw the world's attention to the situation and oppression of Turkmen in Iraq.

I would like to dedicate this book to every Turkmen who has been detained in Iraqi prisons; to Turkmen who died under torture in Iraqi prisons; to all Turkmen whose sons and daughters were executed by the Iraqi regime; to all Turkmen who fought and died without seeing a free Turkmen homeland; and to the Turkmen city of Kirkuk{xe "Kirkuk"}}, which is a bastion of cultural {xe "cultural"} and political life for those Turkmen resisting the Kurdish occupation{xe "occupation"}.

This book would not have been written without the support of Turkmen all over the world. Therefore, first and foremost, my sincere thanks are to David Hamill and Enda Costello (Ireland) and I would also like to extend and express my sincere thanks to Ayshan Salman.

{xe "Turkmeneli"}I would also like to thank my family and last, but not least, my thanks go to my martyred brother, surgeon Dr Burhan Mohammed Salman {xe "Salman"} Kerkuklu, who motivated and encouraged me from childhood to fight for the Turkmen cause in the Turkmeneli.



Dr. Burhan Mohammed Salman {xe "Salman"} Kerkuklu, Iraq-Iran Gulf war, 1982

Chapter One

1. Introduction

A key to understanding why the maintenance of Iraq's territorial integrity is viewed by many as critical is knowledge of the country's enormous ethnic and religious diversity, the aspirations of these groups and the problems they now face. One of these ethno-linguistic groups is the Turkmen [¹], who have made a major effort to define themselves, both internally and to the world community. Their real population has always been suppressed by the authorities in Iraq for political reasons and is officially estimated at 2%, whereas in reality their number should be put between 2.5 and 3 million, i.e. 12% of the Iraqi population. The Turkmen of Iraq settled in Turkmeneli (Turkmen land) [²]. Over the centuries, Turkmen have played a constructive role in Iraq, either by defending against foreign invaders or by bringing civilisation. Their monuments and architectural remains exist all over Iraq and they lived in harmony with all ethnic groups around them. They lived with justice and tolerance.

The Turkmen are a Turkic group with a unique heritage and culture, as well as linguistic, historical and cultural links with the surrounding Turkic groups, such as those in Turkey and Azerbaijan. Their spoken language is closer to Azeri but their official written language is similar to the Turkish spoken in present-day Turkey. The Turkmen of Iraq settled in Turkmeneli in three successive and constant migrations from Central Asia, and increased their numbers; this enabled them to establish six states in Iraq:

1. The Seljuks
2. The Atabegs
3. The Ilkhanids
4. The Jalairids
5. The Kara Koyunlu, "Black sheep"
6. The Ak Koyunlu, "White sheep"

Turkmen have been living in present Iraq{x "Iraq"} for over a millennium. Yet, since they were left outside the borders of a new Turkey{x "Turkey"} in an artificially created Iraq, Turkmen felt the heavy-handed treatment by successive Arab{x "Arab"} rulers, the worst of whom were the Ba'ath Party. Though the Turkmen of Iraq consist one of the three major entities of the modern Iraqi State, the Turkmen have had the least of advantages. Since the foundation of Iraq{x "Iraq"} in the aftermath of the First World War, the existence of Turkmen has been denied by the official regimes in Baghdad{x "Baghdad"} in accordance

¹ **Turkmen** The Iraqi Turkmen live in an area that they call "Turkmenia" in Latin or "Turkmeneli" which means, "Land of the Turkmen". It was referred to as "Turcomania" by the British geographer William Guthrie in 1785. The Turkmen are Turkic groups that have a unique heritage and culture as well as linguistic, historical and cultural links with the surrounding Turkic groups such as those in Turkey and Azerbaijan. Their spoken language is closer to Azeri but their official written language is like the Turkish spoken in present-day Turkey. Their real population has always been suppressed by the authorities in Iraq for political reasons and estimated at 2%, whereas in reality their numbers are more realistically between 2.5 to 3 million, i.e. 12% of the Iraqi population.

² **Turkmeneli** is a diagonal strip of land{x "land"} stretching from the Syrian and Turkish border areas from around Telafer in the north of Iraq, reaching down to the town of Mandeli on the Iranian border in Central Iraq{x "Telafer"}. The Turkmen of Iraq settled in Turkmeneli in three successive and constant migrations from Central Asia, which increased their numbers and enabled them to establish six states in Iraq.

with the state's policy{x "Arabisation"}. It was the attempt at sealing the border with Turkey{x "Turkey"} that motivated the Baghdad regime, and their protector Britain, to deliberately ignore the existence of the Turkmen people in the early years of Iraq.

1.1 Turkmen at the Monarchy era

For decades, since the creation of the Iraqi State in 1921, the Turkmen of Iraq and their plight have been completely ignored by the international community. They have been the least listened to outside Iraq and the least defended by their own government. Indeed, for decades, the Turkmen have been denied their basic human rights in Iraq and have faced total indifference from the international community.

The disregard of the Turkmen's historical role and achievements in Iraq, the denial of their true representation as the third largest ethnic group and, consequently, their marginalisation in Iraq was initiated by the British colonial authorities at the end of World War One in 1918, for geopolitical and economical reasons. The British facilitated the separation of the Mosul Vilayat 'Mosul Province' (now representing five Iraqi provinces: Mosul, Kirkuk, Erbil, Duhok and Suleymaniyah) from the Ottoman Empire (Turkey) in order to control the huge oil reserves of Kirkuk which was inhabited mainly by the Turkmen, as it had been for centuries.

However, after the British invasion of Iraq in 1918, the Turkmen began to experience a different situation. They were branded unjustly as being loyal to Turkey: they were removed from the administration, pushed into isolation and ignored. Then, their fundamental human rights in culture and education were violated by the closure of their schools between 1933 and 1937.

Under the constitution, drawn up in 1932, the Kurds and the Turkmen had the right to use their own languages in schools and government offices and to have their own language press. With the Arabs, the Kurds were recognised in the first constitution of monarchical Iraq as one of the three main component groups of the Iraqi nation. However, constitutional rights were acknowledged to minorities in Iraq, with {xe "Iraq"}the Royal Constitution of 21st March 1925, Article 16: stating, "As determined by a general programme prescribed by law, each of the minorities originating from various nations has the right to set up schools where education is provided in the language{x "language"} used by that minority and is entitled to be in charge of these schools." It was stated in the Royal Constitution, which was valid until 1958, that the Iraqi State consisted of Arabs, Kurds, Turkmen and other minorities.

Moreover, according to Article 14 of the same constitution, Turkmen{x "Turks"}, like other minorities, were also entitled to receive an education in their own language and to be in charge of their own educational institutions. In fact, until the proclamation of the republic, various constitutional amendments did not cause ethnic or political discrimination. However, in 1933, the final version of Article 17 of the constitution declared Arabic as the official language, with legally defined exceptions. Legislation number 74, published in 1931, and entitled 'Native Languages' had clearly stipulated these exceptions. This law permitted all judicial processes to be conducted in the Turkmen language and primary school education to be in the Turkish language in all areas where Turkmen lived; foremost among these being Kirkuk{x "Kirkuk"} and Erbil{x "Erbil"}, and these rights were under constitutional guarantee. However, in 1936, after the resignation of Hikmat Suleiman, the brother of Sadrazam (Chief Minister) Mahmud Shavket Pasha, from the post of Prime Minister to

which he had been appointed two years previously, the new military regime began a campaign of taking back the rights given by the constitution. Thus, the Turkmen of Iraq lost the right to be educated in their native tongue.

The period of monarchy, from 1932 to 1958, saw the removal of Turkmen from government posts and their deportation to Arab areas. The suppression of the Turkmen peaked in 1946 when they were subjected to what is historically known as the *Gawer Baghi* massacre; when the police opened fire on unarmed protesters among the Iraqi oil workers in Kirkuk. Since then, and despite the formal independence of Iraq from Great Britain and the end of the British mandate in 1932, successive Iraqi governments have applied the same policies of marginalisation and discrimination towards the Turkmen as those that were initiated and applied by the British in 1918, and for the same geopolitical and economical reasons!

1.2 The Abdul Karim Qasim period (1958–1963)

The military coup of 1958 that toppled the monarchy first brought rays of hope for the Turkmen when they heard radio announcements by coup leader General *Abdul-Kerim Qasim* and his deputy General *Abdul-Salam Arif* that Iraq was made up of three main ethnic groups and Turkmen were one of them. Turkmen interpreted these statements as the end of the suppression.

However, happy days did not last long. After the coup of 1958, General *Abdul-Kerim Qasim* declared an amnesty and, because of this, a Kurdish rebel leader *Mullah Mustafa Barzani* returned from the Soviet Union and started negotiating for a Kurdish autonomous region. The situation of the Turkmen deteriorated dramatically and drastically because of the hegemonic ambitions of *Mullah Mustafa Barzani* and his plans for an independent Kurdish state in the north of Iraq, as well as his demand for the oil wealth of Kirkuk which was not only a necessity but also the main motivation.

The existence of Turkmen in the north of Iraq, side-by-side with the Kurds, and the Turkmen presence in great numbers in Kirkuk, where for centuries they represented the majority, were seen and felt by *Mullah Mustafa Barzani* as obstacles to the realisation of his dreams for an independent Kurdish state and the control of Kirkuk's oil wealth.

During the time of General *Abdul-Karim Qasim*, the Turkmen suffered marginalisation and discrimination from both the Kurds and the Iraqi communists who dominated the regime in Iraq. They faced internal deportation, exile, arbitrary arrest and detention, confiscation of properties and agricultural land and, worst of all, the massacre of 120 of their intellectuals and community leaders on the eve of the first anniversary of the revolution on 14th July 1959 by the Kurdish rebel leader *Mullah Mustafa Barzani* and his Kurdish followers allied to the Iraqi communists. Kirkuk was put under curfew and its population slaughtered by Communists and Kurds. The streets of Kirkuk were filled with blood and witnessed one of its more brutal moments in history. The Turkmen in Kirkuk were attacked under the false pretext that they helped the Mosul resistance against the central government. The Kirkuk massacre was totally disregarded by the world and the whole of humanity ignored it.

It was only after this massacre that the Communist Kurds became aggressive enough to negotiate for the inclusion of Kirkuk in their autonomous region. During this period (1958–1963), a mass migration of the Kurds, from their villages and towns in the north-east of Iraq to

the Turkmen region and especially to the cities of Kirkuk and Tuz Khormatu, were organised and implemented in order to increase the Kurdish presence in Kirkuk and alter the demography of this large Turkmen city.

1.3 The social era of General Abdul-Salam Arif (1963–1967)

The ensuing era of General Abdul-Salam Arif (1963–1967) was one of the best periods for Turkmen in Iraq. The culprits of the 1959 Kirkuk massacre were hanged in the two big squares of Kirkuk by the government. Turkmen were allowed to run cultural associations and schools, publish magazines and newspapers in the Latin characters of Turkish and get some posts in government. This made them very happy and they demonstrated excellently that as citizens of Iraq they could work for their country and live in co-operation with other Iraqis.

1.4 The Ba'ath Period (1968–2003)

After the coup d'état of the 17th July 1968, which brought the Ba'ath party to power in Iraq, efforts were made to end the Kurdish rebellion in the north-east of the country. Generous incentives were presented to the Kurdish rebel leader, *Mullah Mustafa Barzani*, by the Ba'ath regime in 1970 to put an end to his rebellion by offering him an autonomous Kurdish region with Erbil city (another Turkmen city) as its capital. In doing this, the Iraqi government acted in total disregard of the Turkmen interests in Iraq and particularly of those of the 300,000 unfortunate Turkmen of Erbil, who were sacrificed by the Ba'ath regime and offered as a 'present' to *Mullah Mustafa Barzani* in return for his acceptance to end the Kurdish rebellion.

In the 1970s, as it became more and more clear that *Mullah Mustafa Barzani's* ambitions and plans were to take over Kirkuk, control its oil wealth and declare an independent Kurdish state, the Iraqi government (Ba'ath regime) acted to maintain Iraq's territorial unity and to counter Barzani's ambitions. However, the Iraqi government refused to accede to the Kurdish rebels' demands to include the Turkmen city of Kirkuk as part of the Kurdish autonomous region for economical and political reasons and because the overwhelming majority of the population in Kirkuk were Turkmen. Moreover, Saddam Hussein's government did not carry out the agreement of 1970; thus, the Kurdish rebels renewed their fight against the central government in Baghdad.

Nevertheless, the Ba'ath party period commencing in 1968 had opened one of the darkest chapters in Turkmen history. The Turkmen Cultural Directorate that was originally set up by the government to bring Turkmen under strict control was not working according to the government's plans. Thus, Saddam Hussein's regime started a new policy, which is commonly referred to as *Arabisation* (‘*ta'rib*’), invoked by the Iraqi government programme. Arab families were resettled from southern Iraq to replace and dilute the Turkmen population but the Turkmen opposed policies of the Ba'ath regime and vigorously contested the regime's authoritarian Arabisation policy.

By 1972, the Iraqi government prohibited both the study of the Turkmen language and Turkmen media, and in 1973 any reference to the Turkmen was omitted from the provisional constitution. During the 1980s, the regime, the Ba'ath Party, prohibited even public use of the Turkmen language and the constitution of 1990 only states that the

‘people of Iraq’{xe "Iraq"} consist of ‘Arabs and Kurds’.

As I have stated, to reduce the concentration of the Turkmen population in Turkmeneli regions in general, and Kirkuk in particular, the Iraqi government established an Arabisation{xe "Arabisation"} policy, which can be defined as the systematic forcible transfer of the Turkmen and Kurdish{xe "Kurd"} populations, aimed at changing the demographic nature of northern Iraq{xe "Iraq"}. Arab{xe "Arab"} families who were brought from southern Iraq to replace and dilute the Turkmen and Kurd populations{xe "population"} was carried out under the Iraqi government programme of Arabisation.

The forced and arbitrary transfer of populations is not permissible under international law and is a crime against humanity. Nevertheless, Saddam Hussein’s government sought to alter the demographic make-up of northern Iraq in order to reduce the political power and presence of Turkmen and Kurds and to consolidate control over this oil-rich region; this covered areas reaching from the town of Mandeli, close to the Iranian border, to the Syrian and Turkish border areas around Telafer{xe "Telafer"}.

Many Turkmen and Kurdish villages were bulldozed and new Arab settlements were built nearby. The main object of the Arabisation policy was to reduce the Turkmen population in Kirkuk and the surrounding regions. Therefore, the Iraqi government annexed the district of Tuz Khormatu, which was linked to Kirkuk city until 1970. Because of the Arabisation policy, the Ba’ath regime decided to link it to a newly established province, called *Saladdin (Tikrit)*, which is 130 km from Kirkuk, whereas Tuz Khormatu is 75 km from Kirkuk. Nevertheless, the district of Tuz Khormatu city was annexed to the *Salahaddin* province by an official government legislation number 434, which was issued on 11th September 1989. [3] In addition, the Ba’ath regime linked the *Kifri* district to the *Diyala* province. The Turkmen district of *Altun Kopri*, which was annexed from Erbil, governed the Kirkuk province; thus the area that Kirkuk governed was reduced from 19,543 km² to 9,426 km², becoming the fourth largest province in Iraq. [4]

The properties and most other assets seized from the Turkmen victims were distributed among the new Arab arrivals as part of a package of economic incentives. Simultaneously, the Iraqi government brought in landless Arabs from the nearby *Al-Jazeera* desert in Northern Iraq and others from central and southern Iraq to settle in the Turkmen area. Furthermore, titles for the rich agricultural lands{xe "land"} seized from the Kurds and Turkmen were invalidated upon their expulsion and the land was then leased under annual contracts to Arab farmers. Many of those expelled have, for over a decade, been living in camps for the internally displaced in the northern Kurdish-controlled governorates outside Iraq.

The forced mass displacement of populations based on their ethnic identity and attempts to Arabise Kirkuk{xe "Kirkuk"} and Tuz Khormatu date back to the discovery of major oil{xe "oil"} reserves in Kirkuk city in the 1920s, while Iraq{xe "Iraq"} was still under British{xe "British"} mandate. Oil{xe "Oil"} from the Kirkuk fields was not successfully extracted until 1927, but oil rights were first conceded to the *Iraqi Petroleum Company* consortium on 14th March 1925.

³ Aziz Kadir Samanci, *Political History for the Iraqi Turkmen*, Page 34, first edition, year 1999
Published by Dar Al-Asaqi, London, United Kingdom.

⁴ *Ibid* page 34

The *Arabisation* policy first occurred on a massive scale in the second half of the 1970s. During the Arabisation period, Saddam Hussein's government controlled the oil industry. In addition, the Ba'ath regime brought in large numbers of Arab workers instead of employing local Turkmen and Kurds in the *Iraqi Petroleum Company*. The Turkmen were also excluded when the Iraqi government embarked on massive irrigation projects that began in the 1930s on the *Hawija*, *Qaraj* and *Qari-Teppa* plains around Kirkuk, which became a rich agricultural region. Later projects helped the Iraqi government to settle several large nomadic Arab tribes from southern Iraq on these newly fertile lands.

1.5 The provisional constitution of 1970

The provisional constitution announced by the President of Iraq, General Ahmed Hassan Bakir, on 24th January 1970, Article 5, stated that the people of Iraq consisted of two groups: Arabs and Kurds. The national and the legal rights of all ethnic minorities were acknowledged within the unity of Iraq. The cultural rights seemed to be set to include the cultural rights of the minorities in Iraq. In this declaration, the section of the Turkmen rights indicated that:

- The Turkmen shall receive primary education in Turkish in the area where they live and the Turkmen language will be the medium of instruction at the primary education stage.
- A directorate of Turkmen education shall be established and attached to the Ministry of Culture and Information.
- Turkmen publications shall be encouraged and assisted and this shall be attached to a union of Iraqi writers.
- A weekly newspaper and a monthly magazine in the Turkish language shall be published.
- The number of Turkmen programmes in the Turkmen language on Kirkuk TV shall be increased.

In 1972, at the height of the Cold War, Iraq signed a 15-year treaty with the Soviet Union. Saddam Hussein's regime undertook wide-ranging social and economic reforms to try to increase its popularity. By March 1970, an agreement was reached between the government and the *Kurdish Democratic Party* (KDP) over the establishment of an autonomous Kurdish area. The government also nationalised the *Iraqi Petroleum Company*, which had been set up under the British administration and was pumping cheap oil to the West.

Soaring oil revenues resulting from the 1973 oil crisis were invested in industry, education and healthcare, raising Iraq's standard of living to one of the highest in the Arab world. But Saddam Hussein's government did not carry out the agreement of 1970; thus, a conflict broke out between the Kurds and the government's armed forces in the spring of 1974.

The Kurds in the north of Iraq, who were funded by the US-backed Shah of Iran, *Mohammed Riza Pahlavi*, rebelled against the central government in Baghdad. The intensity of the conflict and the economic damage caused to the Iraqi economy pushed Baghdad

"Baghdad"} to the negotiating table with Iran, in a famous agreement that was signed between the Shah and Saddam Hussein in Algeria, where Iraq agreed to share control of the disputed *Shatt al-Arab* waterway with Iran. The Shah of Iran, *Mohammed Riza Pahlavi* cut off the Kurds' funds and the Iraqi regime put down their uprising. Also, Saddam Hussein extended his grip on power, stationing relatives and allies in key government and business roles. In 1978, the Ba'ath regime passed a new law, under which membership of opposition parties became punishable by death. The following year, Saddam Hussein forced *General Ahmed Hassan Bakir's* resignation – officially, because of ill health – and assumed the presidency. He executed dozens of his rivals within days of taking power.

1.6 The National Congress of the Ba'ath Party in 1971

The national Congress of the Ba'ath Party, held in 1971, reached a decision to make Kirkuk{xe "Kirkuk"} city and the surrounding area an Arab{xe "Arab"} city by the 1980s. In accordance with this decision, the following measures were taken:

All education in Iraq{xe "Iraq"} was entirely in the Arabic language{xe "language"}. The schools providing education in the Turkmen language were closed down in phases. The names of the Turkmen schools were changed to Arabic names and Arabic education became compulsory in all Turkmen-populated areas. The teachers of these schools were appointed to other areas against their wishes. All these steps were taken by the Ba'ath regime to assimilate the Turkmen in the area and to prevent their cultural{xe "cultural"} development.

There were 137 schools in 1970 and by 1971 this figure had fallen to 68. {xe "deportation"}The decomposition of Iraqi Turkmen was an Iraqi policy passed down from one government to the next. This involved moving the Turkmen from the north to the south of Iraq{xe "Iraq"} and spreading them all over the country to decompose their national identity. In short, the Turkmen received almost no attention from the Western media, despite being the third largest demographic component of Iraq. From 1970, the Iraqi Government resorted to various means to assimilate the Turkmen and to 'Arabise' the region. For example, tens of thousands of Turkmen families were deported against their will into the south of Iraq{xe "Iraq"} and hundreds of Turkmen villages were destroyed by the Iraqi regime under a variety of pretexts. Simultaneously, the Iraqi government brought in landless Arabs from southern Iraq{xe "Iraq"} and other parts of Iraq to be settled in their place, enticing them with free housing and other economic incentives. This Arabisation{xe "Arabisation"} policy was aimed at bringing about demographic changes designed to reduce the political power and presence of Turkmen, thereby consolidating the government's control over this region.

Teachers were transferred to the south of Iraq{xe "Iraq"} and a variety of legislation was introduced by the Revolutionary Command Council to prevent the Turkmen from seeking any employment{xe "employment"} in Turkmen-populated areas, especially Kirkuk{xe "Kirkuk"} City. Turkmen leaders and elders were often falsely accused of spying for Turkey{xe "Turkey"} or Iran{xe "Iran"}, or accused of being members of illegal organisations.

All these steps were carried out intentionally, in order to change the demography of the Turkmen-populated area. The Arabisation{xe "Arabisation"} of Turkmen became a state policy in 1971, when the General Assembly of the Ba'ath Party decided to Arabise Kirkuk{xe

"Kirkuk"}. This policy continued until 1980.

Administrative boundaries were changed in 1974 to divide Turkmen concentrations. Since the mid 1970s, Arabs have enjoyed special incentives and rights, encouraging them to move to historically Turkmen areas, including particularly the oil-rich cities of Kirkuk{xe "Kirkuk"} and Mosul{xe "Mosul"}.

Turkmen societies, institutions and properties were officially 'Arabised'. This meant that the Iraqi administration not only prohibited the people from speaking Turkish in public but also punished even those who spoke privately in that language{xe "language"}. Many Turkmen-settlement names were changed to Arabic by the Iraqi regime. Kirkuk{xe "Kirkuk"} City was officially changed to Al-Tamim (literally: 'nationalisation', marking the nationalisation of the Western-owned Iraq{xe "Iraq"} Petroleum Company in 1972) by resolution{xe "resolution"} number 41 of the Council of the Revolutionary Command, dated 29th January 1976. The largest township therein, Tuz Khormatu{xe "Tuzkhurmato"}}, was administratively attached to Tikrit, which was the place of birth of Saddam Hussein{xe "Saddam Hussein"}.

The province of Kirkuk{xe "Kirkuk"} has continually shrunk in size with successive administrative decrees and thus the size of Kirkuk province, which was 20,000 square kilometres in 1975, reduced down to half that figure. Consequently, Kirkuk, with 4.2% of the land{xe "land"} area and formerly the fourth largest province of Iraq{xe "Iraq"}}, is now presently only the 14th largest province, with only 2% of land area. The Turkmen names of all the streets, shops, supermarkets, mosques, graveyards, parks, sports centres and entertainment centres were changed to Arabic names{xe "Language"}.

The towns of Tuz Khormatu{xe "Tuzkhurmato"}}, Kifri and Chamchamal were affiliated to neighbouring provinces. Elsewhere, in the oil-rich regions, the government had already resorted to re-drawing Iraq's {xe "Iraq"} administrative map in an effort to alter the demographic make-up of disputed areas once and for all. The boundaries of Kirkuk{xe "Kirkuk"} province were redrawn such that an Arab{xe "Arab"} majority was ensured in key areas. Several major towns with a clear Kurdish majority were reallocated to existing neighbouring provinces or to the newly created Salahuddin province.

{xe "Kirkuk"}The authorities then embarked on a massive campaign{xe "campaign"} of forced relocation: tens of thousands of residents were evicted from their homes in areas with significant oil{xe "oil"} deposits, as well as in disputed areas. These included Kirkuk, Khaniqin, Mandeli and Shaikhan, where the majority of deportees were removed to locations in southern Iraq{xe "Iraq"}; many were abandoned without any shelter. Others were housed in rudimentary camps along major routes under military control. In their place came Arab{xe "Arab"} families from various southern tribes, encouraged by the government with financial remuneration and other benefits.

Many Turkmen quarters' towns and villages were changed and replaced with Arabic names in accordance with a decision taken by the Iraqi Ministry of Interior, on 20th of May, 1976, to rename Turkish villages with Arabic names. In accordance with the directives given by the Revolutionary Command Council in 1985, the party authorities contacted the eldest people of the Turkmen tribe and informed them about the new Arabic surnames that they were to use. The authorities prepared false lineage registers and replaced the Turkmen names with Arabic ones. These pressures were also being implemented in educational and cultural{xe "cultural"} fields. The names of some of the Turkmen schools were changed and Arabic names were assigned in accordance with the plan of assimilating the Turkmen amongst the Arabs.

As in the other Arabised areas, the Iraqi government replaced the expelled Kurdish and Turkmen populations of Kirkuk{x"Kirkuk"} with Arabs, most of them Shi`aa families brought from the south. Arabs took over the homes of expelled Kurdish and Turkmen families. The Iraqi government also constructed entirely new Arab{x"Arab"} neighbourhoods, such as al-Nasr, al-Hurriya and al-Qadisiyya, to alter drastically the ethnic demographics of Kirkuk — the very aim of Arabisation{x"Arabisation"}. The Arabs who came to Kirkuk tended to be more urbanised, middle-class professionals than the Arab farmers who settled in rural villages. In addition, the Iraqi government offered the newly arrived Arabs a free plot of land{x"land"} and 10,000 Dinars as an incentive.

To reduce the potential power and the influence of Turkmen in Kirkuk and the surrounding region, only the Arabs were selected for employment{x"employment"} in a new workshop set up in Kirkuk{x"Kirkuk"}. None of the Turkmen who had applied for employment were accepted. It was most unfair that there was not one single Turkmen employed in Kirkuk City among the 750 officials who were appointed to the municipality of Kirkuk. Previously, 80% of the employees were Turkmen. This shows the discrimination of the Iraqi government against the Turkmen. Furthermore, Saddam Hussein's {x"Saddam Hussein"} regime produced various legislations to change the demography of the area.

They wanted to dilute the concentration of Turkmen within the Arab{x"Arab"} society. One law that was passed decreed that Turkmen graduates in general, but particularly those who had graduated from Turkish universities, were not to be employed in Kirkuk and the surrounding areas. The Iraqi government discouraged the Iraqi Turkmen from taking higher education in Turkey{x"Turkey"} by endorsing stamps on the Turkmen ethnic passport stating that the holder of the passport could travel to all countries except Israel{x"Israel"} and Turkey. Moreover, the Iraqi government utilised a variety of methods to prevent Turkmen families from forwarding any financial support to their children who were studying in Turkish universities.

Turkmen in Kirkuk were forbidden from possessing and operating a petrol station in Kirkuk and the surrounding areas. Moreover, Turkmen were forbidden from making export or import bids. Arabised policy was included by placing restrictions on employment and transfer of government employees to posts outside the Turkmen region.

The Ba'ath regime issued legislation that stipulated that Turkmen were prohibited from working in important governmental jobs and positions, for example in the secret service and police, as pilots in the air force, officers in the army, or as ministers and councillors. Turkmen civil servants were assigned to the south and banned from living in Turkmeneli{x"Turkmeneli"}.

The Turkmen employees and their families were forcibly transferred from the government offices in Kirkuk{x"Kirkuk"} to other government organisations and especially to the South of Iraq{x"Iraq"}. Also, to change the demography of Kirkuk City and to reduce the political influence of the Turkmen in Northern Iraq in general, and particularly in Kirkuk, the Iraqi government adopted various laws to transfer the Turkmen without their consent into various purpose-built settlements in the south of Iraq. These settlements were built by the Iraqi government and under the direct instruction of Saddam Hussein{x"Saddam Hussein"}.

The Ba'ath Party administration had formed the most tragic days for the Turkmen nation. The tyrannical regime of Saddam had committed inhuman acts of violence in order to silence the Turkmen. The Turkmen nation was oppressed and persecuted and their leaders were fabricated with false accusations and executed, although they were not guilty.

Tens of thousands of the Turkmen's political activists and ordinary citizens were subjected to arbitrary arrest and imprisonment, summary execution{xe "execution"}, torture by beating and burning, electric shock, starvation, mutilation and rape. The wives of Turkmen prisoners were tortured in front of their husbands and children were tortured in the presence of their parents, the horrors of which were concealed from the world by the apparatus of a totalitarian state.

Because of a strike that was carried out by Turkmen students in conjunction with the Turkmen teaching union on the 2nd January, 1971, Saddam Hussein's government reduced the number of Turkmen schools that were to be open in Turkmen-populated areas and also arrested Turkmen union members. These were interrogated by the *Directorate of Security of Kirkuk*, which at that time was run by *Mr Taha Al-Jazrawi*. In addition, the Ba'ath regime found a good opportunity in the Turkmen student strike to arrest and execution of a prominent Turkmen actor Hussein Ali Moussa Demerci.

By 1972, the Iraqi government had issued new legislation prohibiting the study of Turkmen languages in Turkmen schools. They also banned Turkmen publicity and media.

The Ba'ath regime, under a variety of pretexts, demolished the houses of Turkmen-populated areas in Kirkuk City, in addition to a large number of Turkmen villages demolished by the Iraqi government. For example, Turkmen houses in Tuz Khormatu, Beshir, Kombetler and Yaychi were destroyed and the residents of those villages were left homeless. Moreover, a large number of Turkmen houses were confiscated, in order to split up the Turkmen localities. Arab{xe "Arab"} families were brought to Kirkuk from the south of Iraq{xe "Iraq"} and resettled by force, with the financial support of the government, in order to change the demography of the area. Turkmen who wanted to purchase or sell properties in Kirkuk{xe "Kirkuk"} were held under obligation to obtain official permission from governmental authorities. Under resolution{xe "resolution"} number 1081, dated 27th September, 1984, the Turkmen lands{xe "land"} were expropriated and allotted to the Arabs who were brought from the south. There was a very strict ban on all sales of real estate in Turkmen regions. Turkmen could only sell their land{xe "land"} or buildings to Arabs{xe "Arab"}. Turkmen{xe "Turks"} could neither obtain building permission on their own lands nor purchase real estate.

Religious leaders who did not speak Arabic were forced to deliver sermons in Arabic, and when they failed to, they were imprisoned. The 1980s saw the execution{xe "execution"} of countless Turkmen leaders and elders who were often falsely accused of spying for Iran or being pro-Turkey{xe "Iran"}. During the Iran-Iraq war, dozens of Turkmen villages were totally bulldozed to the ground.

Turkmen were severely intimidated into silence during the 1987 national census in Iraq{xe "Iraq"}, as it was relevant to the number of ethnic groups in the country. In this census, Turkmen were openly threatened to declare themselves as either Arabs or Kurds. If they declared themselves Turkmen{xe "Turks"}, they would be deported to the Saudi border and to the south of Iraq.

1.7 The Iraq and Iran War 1980–1988 (The First Gulf War)

One of the Turkmen's most painful tragedies unfolded during the Iran–Iraq war (1980 to 1988). While tens of thousands of young Turkmen were enrolled and all Turkmen reservists were called back to serve in the Iraqi army to fight against the Iranians, their families in Turkmeneli were discriminated against. Thousands of them were forcibly displaced and their property was confiscated under the pretext that they were opposing the war and were members of the outlawed 'Da'wa' political party!

The Iraqi government (Ba'ath regime) used the Turkmen as a scapegoat during the Iraq–Iran War (the 'First Gulf War'). Whereas Arabs and, especially members of the Ba'ath Party, were stationed in safe places, providing planning and logistical support, the Ba'ath regime {xe "Saddam Hussein"} deliberately brought the Turkmen to the front line during the Gulf war and during the liberation of Kuwait. Because of these wars, thousands of Iraqi Turkmen lost their lives – they were either killed in battle or went missing in action. The Iraqi Turkmen suffered severely under the dictatorship of the Socialist Arab{xe "Arab"} Ba'ath Party, whereas the Kurds were exempt from carrying out military services.

Moreover, the 1980s saw the execution of countless Turkmen leaders and elders who were often falsely accused of spying for Turkey or Iran. During the Iran–Iraq war, Turkmen were not allowed to establish any political party or to form any political or cultural{xe "cultural"} organisation. The only party that was allowed to function in Iraq{xe "Iraq"} was the Ba'ath party.

The official combination of the assimilation policy and the decomposition policy against the Turkmen by Saddam Hussein's regime successfully played out for years, but assimilation and decomposition would not have been enough to erase or eradicate the Turkish character and the language of the Iraqi Turkmen.

The repressive policies of Iraqi governments were always the order of the day; for fear that the Iraqi Turkmen could be as big a headache as the Iraqi Kurds and the Shi'aa Arabs in the South. Repressive measures by the Ba'ath regime were intensified or relaxed depending on the opinions and the relations of the Iraqi government, especially with the Iraqi Kurds. Moreover, in the interim constitution year, 1973, no reference was made to the Turkmen population in Iraq. The Ba'ath regime prohibited public use of the Turkish language in 1980, and the new constitution of 1990 only states that the Iraqi people consist of Arabs and Kurds.

1.8 The uprising of 1991

During the Gulf war in 1991, an operation known as 'Provide Comfort' was launched by the allied forces to ensure a safe haven through an air exclusion zone, which prohibited Iraqi aircraft from flying north of the 36th parallel.

This safe haven caused the division of the Turkmen into separate communities in the Kurdish autonomous area and under the Iraqi administration. During this period, the Kurdish political party enjoyed unprecedented autonomy in administering their political affairs.

However, the treatment of the Turkmen under their control illustrates a pattern of systematic human rights violation. Almost immediately after Iraq accepted the cease-fire on 3rd March,

1991, uprisings began to spread from dissident areas in the north and south of the country. The *Shi'aa* in *Basra* City and the *Najaf* and *Karbala* in southern Iraq took to the streets in protest against the regime. During the uprising, Sulyaimaniya City, which is a Kurdish-populated area in the north of Iraq, was the first large city to fall. Within a week, the Kurds controlled the Kurdish Autonomous Region and the nearby city of Kirkuk. In mid-February, President George Bush (Snr.) called on the Iraqi people and the military to take matters into their own hands. Despite this call to arms, promised US support never arrived but, instead, Iraqi helicopter gunships arrived to quell the uprising.

Civilians and suspected activists in the revolt were arrested by the Iraqi armed forces and were executed en masse; moreover, hospitals, schools, mosques, shrines and columns of escaping refugees were bombed and shelled.

According to US intelligence, between 30,000 and 60,000 people were killed by Saddam Hussein's military. The Turkmen people took the lion's share of this atrocity in *Altun Kopri*, *Tuz Khormatu* and *Kirkuk*.

Altun Kopri is a small Turkmen town located 40 km north of the Turkmen city of Kirkuk and the name means '*Golden Bridge*' in the Turkmen language. The indigenous inhabitants of *Altun Kopri* are Turkmen, but in recent years, a large number of Kurds migrated to this town seeking work as economical migrants, especially after the Kurdish rebels in 1975 were suppressed by the Iraqi regime.

During the uprising in March 1991 against the Iraqi regime, the inhabitants of Altun Kopri decided to leave the town after they had heard that Kirkuk City was retaken by the Iraqi regime and that looting, burning property and summary execution were taking place. With the news of the summary executions, opposition to the Iraqi regime quickly spread to Altun Kopri. To avoid reprisal, persecution and revenge from the Iraqi secret service and republican guards, the inhabitants of the town decided to escape and shelter in safe areas. The fleeing population from *Altun Kopri* were ambushed and rounded up by the Iraqi army and the consequence was that all males were separated from females and the Iraqi armed forces and Iraqi secret service executed hundreds of Iraqi Turkmen and Kurds on the spot. It was two weeks after this despicable crime against the civilian people before the dead bodies were allowed to be removed and buried by their families. The Iraqi government then confiscated the properties of these martyrs. The dead were buried in a mass grave in *Altun Kopri*.

In the meantime, during 1991, the people in Tuz Khormatu also rose up against the Ba'ath regime. The consequence of this uprising was the occupation of the city of Tuz Khormatu by the Kurdish militia for a short period. During the occupation of Tuz Khormatu by the Kurds, the Turkmen carried arms and fought vigorously against Saddam's army alongside the Kurdish rebels. However, the Turkmen paid a very high price for their participation in the uprising when the Kurdish leadership made a secret deal with the Iraqi government (Ba'ath regime) by withdrawing their forces from Tuz Khormatu so as not to be attacked by the Iraqi armed forces. The deal between the Kurds and the Ba'ath regime was carried out secretly and without the knowledge of the Turkmen, and this led to the Kurdish militia withdrawing from the city of Tuz Khormatu in the middle of the night, leaving the Turkmen to suffer the consequences. After the Kurdish militia withdrew from Tuz Khormatu, the Iraqi army entered the city but they faced a vicious resistance and a street war commenced in the district.

The fighting between the opposition and government forces lasted for several hours and

some of the opposition fighters withdrew their limited resources and headed to the mountains surrounding Tuz Khormatu, while the remaining fighters melted away into the city's houses. While the fighters headed towards the mountains, they were attacked by military helicopters. In the meantime, the Iraqi army and security forces entered the district of Tuz Khormatu and large numbers of fighters were arrested and executed on the spot by Iraqi security forces under the pretext of helping the Kurdish rebels or fighting against the Iraqi government.

The Turkmen people in Tuz Khormatu suffered from neglect and persecution through ethnic and sectarian division by the former totalitarian regime, which itself had executed hundreds of young people and imprisoned many of its children in the early 1980s.

Nevertheless, as part of the Iraqi government's regime of legalising its ethnic cleansing{xe "ethnic cleansing"} policies, on 6th of September 2001, in an unprecedented move, it passed resolution{xe "Resolution"} number 199, giving all non-Arab Iraqis over 18 the right to change their ethnic identity to that of Arab. {xe "Arab"} Such legislation is contrary to all the principles of human rights and was politically motivated. The Ba'ath council banned Turkmen from acquiring real estate in Kirkuk{xe "Kirkuk"}, with its resolution{xe "resolution"} number 434, dated 11th September 1989 and its resolution number 418, dated 8 April 1984. Turkmen who owned arable land were deported to the southern regions by force. In the 1987 national census in Iraq{xe "Iraq"}, Turkmen were openly threatened to declare themselves as either Arabs or Kurds. If they declared themselves Turks{xe "Turks"}, they would be deported to South Iraq.

1.9 Occupation era 2003

After the toppling of Saddam Hussein in 2003, hundreds of Kurdish militia{xe "Kurdistan"} poured into the Turkmen city of Kirkuk{xe "Kirkuk"}. The Kurdish militia ransacked the municipality buildings in Kirkuk, government offices, and military buildings. The land{xe "land"} deeds for the Turkmen were deliberately taken from the Registry Office making it difficult for the Turkmen to establish themselves as original inhabitants of the province. Large hotels and a historical military barracks in the city (at that time used as a museum), which was built in the Ottoman era, were set alight by Kurdish rebels, along with Turkmen shops and houses, including the land{xe "land"} registry office.

The invasion of Kirkuk in 2003 by the Kurdish militia was{xe "Kirkuk"} a mirror image of the events from 1991 during the uprising against Saddam Hussein{xe "Saddam Hussein"} after Operation Desert Storm. In addition{xe "Iraq"}, thousands of internally displaced Kurds and Turkmen were returned to Kirkuk{xe "Kirkuk"} and other Arabised regions to reclaim their homes and lands that had been occupied by Arabs from central and southern Iraq. These returnees were forcibly expelled from their homes by the government of Saddam Hussein{xe "Saddam Hussein"} during the 1980s and 1990s.

The majority of the returning Kurds were not originally from Kirkuk but were brought to Kirkuk with the help of two Kurdish parties. The reasoning behind this was that they wanted to change the demography the city and win the referendum that was planned to be carried out by 31st December 2007 to determine whether Kirkuk could formally join the Kurdish administered region, an outcome that Arabs and Turkmen in Kirkuk staunchly opposed. However, the unresolved issue was the future of Kirkuk, an oil rich city in northern Iraq,

which is home to a substantial number of Turkmens, Kurds, and Arabs. This mixture within the city made it a powder keg.

However, the Turkmens, Arabs, and Chaldo Assyrians {xe "Turkey"} had high expectations of the interim administration established after April 9, 2003. The Turkmens expected to see democracy, fairness, an end to discrimination, the right to self-determination and an end to violence. Unfortunately, the opposite has occurred regarding the human rights situation in Iraq, in particular concerning the Iraqi Turkmens.

The Turkmens have been subject to campaigns by the Kurds in Turkmeneli in an often more brutal fashion than carried out on Kurds by Saddam Hussein. The Kirkuk city holds strategic as well as symbolic value for the Iraqi people in general and for the Turkmens especially! The ocean of oil beneath its surface could be used to drive the economy of an independent Kurdistan, the ultimate goal for many Kurds. The Kurdish militia's hope is to make the city of Kirkuk and its vast oil reserves part of an autonomous Kurdistan, whereas the Turkmens, Chaldo Assyrians, and Arabs are fiercely and staunchly opposing the inclusion of Kirkuk in an autonomous region. This is because of {xe "Kirkuk"}{xe "oil"}its strategic importance; the fight over the control of the province has proved to be one of the focal points of the conflict in northern Iraq{xe "Iraq"}. Kurdish control over Kirkuk could fuel Kurdish nationalism in the region and undermine the rights of Turkmens, Arabs and Chaldo Assyrians residents in Kirkuk.

Kirkuk itself has become almost synonymous with the abusive Kurdisation{xe "Arabisation"} campaign{xe "campaign"}, which illustrates the persistency of the designs that the Kurds have on Kirkuk. The fate of the city of Kirkuk has been one of the thorniest issues of Iraq's constitutional process. Under Article 140 of the document ratified by Iraqis on 15th Oct. 2005, a referendum on the status of Kirkuk was to be implemented in the province no later than 31st Dec. 2007. This was to happen only after the Iraqi government had taken measures to repatriate former Arabs residents, resettle Turkmens and Kurds or compensate them, implement normalisation and carry out the census in Kirkuk.

After the toppling of Saddam Hussein's regime, the Kurds intensified their Kurdisation campaign{xe "campaign"} in the city of Kirkuk{xe "Kirkuk"}. The Kurdish officials working at the administration of the Kirkuk Municipality, confiscated real estate and lands belonging to the town administration and granted them to ethnic Kurds who were newly arrived in Kirkuk and who were not originally from the town. However, throughout Kirkuk and across hundreds of remote farming villages, the Kurdish political parties did the job themselves.

The PUK had openly provided \$5,000 to each repatriated Kurdish family. Tens of thousands of Kurds resettled in the city and surrounding villages after the toppling of the Saddam Hussein regime, many with the help of both Kurdish parties.

The Iraqi Kurds attempted by various methods to eliminate Turkmen identity, especially those from Kirkuk City, in order to dilute them into Kurdish society. The economic, political, and cultural aspects for the Turkmens completely changed when the Kurds brought over 600,000 Kurds to city of Kirkuk. This was clearly organised and orchestrated by both Kurdish parties in order to change the demography of Kirkuk. The {xe "Kirkuk"}Kurdish parties encouraged and offered financial support to all Kurdish families that were brought from outside Kirkuk{xe "Kirkuk"}. The demographic structure of Kirkuk have changed

seriously and distorted as Kurds, backed by armed Peshmerga forces, migrated into the city in large groups claiming to be original residents.

This scandal was discovered and denounced by the Swedish Migration Minister, Mr. Tobias Billstrom in February 2007 when it was discovered that the Iraqi Ambassador to Sweden, a Kurd and named *Ahmed Bamarni*, had been issuing Iraqi passports to non-Iraqi Kurds from Syria, Iran, Turkey and Lebanon.

It was identified by the Swedish authorities that the Iraqi embassy in Sweden alone had issued twenty-six thousand passports to non-Iraqis and that all of these passport holders were supposed to have been born in Kirkuk.

Consequently, thousands of internally displaced Kurds and Turkmen returned to Kirkuk and other Arabised regions to reclaim their homes and lands, which had been occupied by Arabs from central and southern Iraq. These returnees were forcibly expelled from their homes by the government of Saddam Hussein during the 1980s and 1990s. Mr. Barzani declared that 250,000 Kurds, including Turkmen, were expelled from Kirkuk while in actual fact and according to the Ration Card Data Base (considered by the United Nations to be a reliable source for information on the Iraqi population); some 12,000 inhabitants were expelled from Kirkuk under the previous regime, one third being Turkmen.

On 10th April 2003, Kirkuk had 810,000 inhabitants and today, four years after the occupation of Kirkuk by the Kurdish militia and the massive influx of Kurds to Kirkuk, the population of Kirkuk is over 1.5 million inhabitants; all newcomers are Kurds. The majority of the returning Kurds were not originally from Kirkuk but had been brought in to help win the referendum of December 2007 to determine whether Kirkuk could formally join the Kurdish administered region.

The Kurdish militia insisted that the constitution required a referendum by December 2007 to determine whether Kirkuk could formally join the Kurdish administration region. The Arabs and Turkmen in Kirkuk staunchly opposed this because the demography of the city had changed so dramatically in favour of the Kurds. In addition to this, a true referendum result was going to be nigh on impossible considering that the country was under occupation, there was lack of the security and stability, and that specific groups had forced this legislation on the Iraqis.

James Baker & Lee Hamilton [⁵] called for a major delay to the constitutional referendum on the grounds that holding a census could lead to regional conflict. The risks of further violence sparked by a referendum were great and potentially explosive, with the possibility of violent clashes among the ethnic groups and even a civil war across Iraq. Not only could this lead to the disintegration of Iraq but there was also the great possibility that Iran, Syria and Turkey would have sought intervention and involvement. The Turkish Republic in particular - which has always attributed a high importance to independence and liberty throughout its history - was conscious of the need to preserve and maintain its capability of protecting its sovereign

⁵ *Recommendation 30 Kirkuk. "Given the very dangerous situation in Kirkuk, international arbitration is necessary to avert communal violence. Kirkuk's mix of Kurdish, Arab, and Turkmen populations could make it a powder keg. A referendum on the future of Kirkuk (as required by the Iraqi Constitution before the end of 2007) would be explosive and should be delayed. This issue should be placed on the agenda of the International Iraq Support Group as part of the New Diplomatic Offensive."*

rights, its territorial integrity, the stability in the region and its national and international interests. Any clashes in Kirkuk would have provoked the Turkish government into some form of action.

The Iraqi Study Group Report on the Kirkuk issue, submitted by James Baker and Lee Hamilton, was considered by the Turkmen to be a realistic, constructive, well-structured and comprehensive document that covered all aspects that related to Iraqi issues and provided new hope for the future of Iraq. It was of the utmost importance that the status of Kirkuk should be delayed: quoted in Page Number 45, Recommendation 30 on the Iraq Study Group Report (James A. Baker, III and Lee H. Hamilton, 2007).^[6] Reference should also be made to Page 19 of the same report for further corroboration of this point.

1.10 The New Iraqi Constitution

The new Iraqi constitution which was established after the toppling of the Saddam Hussein regime was written mainly by the Kurds and the foreign military occupation and mostly the non-Iraqis. Article 140 imposed by the Kurds and which was added at the last minute to the New Constitution.

Article 140: The article dealt with very important and sensitive issues, not only for the Turkmen of Iraq but also for all Iraqis, except perhaps for the Kurdish minority who wrote it with their foreign consultants to suit their own special agenda and self-interest. To the Kurds, this article would help them to facilitate the kidnapping of Kirkuk, its annexation to the Kurdish Autonomous Region, and give them legal means by which they could seize control of the huge oil wealth of this historical Iraqi Turkmen city; the Turkmen's capital city and main cultural centre for at least the past 900 years.

One of the anomalies of article 140 of the New Permanent Iraqi Constitution is that it imposed a fixed time limit for its implementation, stating that it must be completed before 31st December 2007. Furthermore, article 140 deals with the normalisation process of the Kirkuk governate, a process which consists of three major steps, each one with its own time limit:-

- 1- The return to Kirkuk of all its forcefully displayed inhabitants by the Ba'ath Regime during the Arabisation processes of the province by the regime, and the reoccupation of their confiscated lands and properties to be completed before 31st March 2007.
- 2- A new population census for the original population of the province to be held before 31st August 2007.
- 3- A referendum to decide whether Kirkuk should be attached to the Kurdish Autonomous Region, or not, to be voted before 31st December 2007.

⁶ "Another key unresolved issue is the future of Kirkuk, an oil-rich city in northern Iraq that is home to substantial numbers of Kurds, Arabs, and Turkmen. The Kurds insisted that the constitution require a popular referendum by December 2007 to determine whether Kirkuk can formally join the Kurdish administered region, an outcome that Arabs and Turkmen in Kirkuk staunchly oppose. The risks of further violence sparked by a Kirkuk referendum are great."

This supposedly New Permanent Constitution with its imposed time limits was unheard of: it was a Kurdish innovation in the Iraqi Constitution. Kirkuk itself had become almost synonymous with the abusive Kurdisation{x "Arabisation"} campaign{x "campaign"}, illustrating the persistency of the Kurds in their designs on Kirkuk.

The 140th article expired on 31st Dec.2007 and, according to the Iraqi constitution that was established after the fall of the Saddam Hussein regime, article 140 could not be modified or extended since it had a fixed time limit for its implementation, stating that it must be completed before 31st December 2007. Therefore, at the end of 2007, it automatically expired and lost its constitutional validity.

The Iraqi constitution also clearly stated that any extension or amendment on the article needed the approval of two-thirds of the Iraqi parliament's members and also the approval of the public in the form of a referendum. It appeared to be dead in the water.

Unfortunately, however, the UN representative in Erbil, *Staffan de Mistura*, recommended extending the expiry date of article 140 for a further six months; this happened was after he had taken up an invitation to attend the Kurdish parliament. Turkmen considered his suggestion unwise and biased, since he had failed to pay any attention to the Iraqi Constitution.

He had, in fact, bent to the pressure that was applied on him by the both Kurdish parties in northern Iraq, but the Prime Minister of Iraq, *Nuri al-Maliki* did not support the initiative because he stated that any extension after the time limit was unconstitutional.

The Turkmen public thought it would be more beneficial for the UN to open an office in Kirkuk city instead of opening an office Erbil city in northern Iraq. This would enable the UN to listen to the suggestions, demands and complaints of the ethnic groups in Kirkuk rather than issuing generalised and irrational edicts.

In addition, the UN representative was not entitled to change, extend or even modify any article within the Iraqi constitution. Iraq is sovereign country and not under a UN mandate, therefore he should have consulted with his main office and with the people of Kirkuk before tabling his motion. The suggestion of *Stephan de Mistura* was totally opposed by the Turkmen. The Iraqi Turkmen Front leader, *S. Ergerj*, met with *Stephan de Mistura* regarding his statements and expressed his deepest concern about the extension of the Article 140. Furthermore, other Turkmen political parties condemned the action.

1.11 The attack on the Iraqi Turkmen front in Kirkuk

In the middle of July 2008. Iraq's parliament reached an agreement on the Provincial Council Election Law, particularly with regard to Paragraph 24 of the law, which deals with the election mechanism in the Kirkuk Governorate. The postponement of the elections and adaptation of the division of Kirkuk to the three constituencies that include the proportion of 32 % for Arabs, Kurds, and Turkmen and 4% for Assyrians.

Turkmen, Arab and Assyrians proposed equal distribution of provincial council seats in the Kirkuk region - which is outside the Kurdish territory. This was vetoed by President Jalal Talabani and his deputy, Adel Abdul Mahdi.

Before the voting, the Kurds rejected secret ballot whereas the opposition had requested a secret ballot and the members of the Iraqi parliament voted open and secret voting. The majority of members have decided for secret voting and the deputy parliamentary speaker Khalid al-Attayah, a Shiite, said the secret ballot was unconstitutional and accused the lawmakers of "arm-twisting."

On the 22nd of July 2008, decision was made by 127 Iraqi members of parliament they voted in favour of the Provincial Council Election Law, particularly with regard to Paragraph 24 of the law, which deals with the election mechanism in the Kirkuk Governorate. The distribution of power that include the proportion of 32 % for Arabs, Kurds, and Turkmen and 4% for Assyrians.

The security of the town shall be controlled by the central government rather than the current military forces that are stationed in the town. The security forces that are linked to the political parties have to leave.

The bill was approved by 127 out of 140 deputies that attended the meeting and 10 of those members decided not to vote. Two of them decided to vote against and one MP submitted a blank ballot paper but the Iraq's parliament still passed the law. The Kurds, along with the two deputy parliamentary speakers, walked out of the chamber after lawmakers decided to hold a secret ballot on a power-sharing item in the law for the disputed, oil-rich city of Kirkuk. This was vetoed by President Jalal Talabani and his deputy, Adel Abdul Mahdi.

On the 27th of July 2008 the secret police that are linked to both Kurdish parties distributed leaflets informing the people of Kirkuk, especially the Turkmen to participate in a protest that had been organised by the Kurds against the adoption of the law of elections for provincial assemblies causing a postponement of elections in the city for an indefinite period. Also the Kurdish police whom accompanied the Kurdish Asayish informed the Turkmen shop owners to close their shops and anyone who opened his shop would be subjected to punishment and his shop will be ransacked. The Kurdish Asayish separated roamers that all the governmental buildings would be close and the Kurdish directors in Kirkuk informed the Turkmen employees not to attend to work and anyone failing to do so he/she will be punished and his wages will be cut.

As the result of this, the Turkmen population in the Kirkuk was extremely worried and concerned as this event reminded the Turkmen of the Kurdish massacre of the Turkmen in 1959, when Turkmen were burned and killed. Some were attached to ropes and pulled behind cars in the mains street of Kirkuk by the Kurds and some communist party members. As a result, panic among the Turkmen population in Kirkuk caused them to approach the Turkmen member of the Kirkuk governing council Mr. Hassan Turan and Turkmen Chief of Police Burhan Tayip, asking for advice and help.

So on the 27th of July both Mr. Hassan Turan approached the Kirkuk governor Mr. Mustafa Abdullrahman who is a Kurd. After a lengthy meeting and discussion with him on this subject, Mr. Mustafa Abdullrahman acknowledged to Mr. Hassan Tuan that a Kurdish protest has been organised and he assured Mr. Hassan Turan that all the government offices shall be opened and participation in the demonstration is not compulsory.

But on the afternoon and evening of the 27th of July Mr. Hassan Turan and Turkmen Chief Police in Kirkuk Mr. Burhan Tayip and also Turhan Abdurrahman appeared on Turkmeneli TV advising the worried Turkmen population about the demonstration, what they have to do, measures that are needed to be taken and both advised the Turkmen citizens to carry out their normal business. Shop keepers are free to open their shops and all governmental offices would open and no one should be forced to participate in this demonstration. He also mentioned that the Kurds have the right to demonstrate in order to express their protest. Both advised the population to be calm and avoid any provocation that might be implemented by the other side (which he meant by the Kurds).

In the meantime, the Kirkuk governor Mr., Mustafa Abdullrahman who is a Kurd never appeared on the TV or on radio to assure the population in Kirkuk this is going to be a Kurdish demonstration and no one is forced to attend this protest. Whereas the Kurdish directors for many government offices have openly threatened Turkmen staff their salaries will be cut if they do not participate in the protest. The Kurdish police have threatened the shop keepers to close their shops and any shop that opens will be looted and destroyed.

In the meantime on the 27th of July, mini bus drivers owned by the Turkmen reported that their car disc and certificate of Insurance had been forcibly taken by the Kurdish police and they were informed this would be returned when these drivers transport the Kurdish demonstrators to the meeting point free of charge.

On the 28th of July, prior to the demonstration the local government in Kirkuk and Kurdish-led personnel of the two Kurdish parties blocked all road access that lead to government works places. They set up various checking point in order to prevent the people from going to their work.

The shop keepers were forced to close their shops and Kurdish director in various governmental offices locked the main doors to prevent the people from attending their work place and forced the employees to participate in the demonstration.

At about 9.00am, approximately three thousand Kurdish protesters gathered near Turkmen Castel (Qelat Kirkuk) as a meeting point to commence their protest towards the Kirkuk governing in order to show their anger and to condemn the adoption of the law of elections for provincial assemblies and causing a postponement of elections in the city for an indefinite period by the Iraqi government.

Since the security of the town is controlled by both the US forces and the police in Kirkuk, thus they were obliged to guarantee the safety and security for the people in Kirkuk, but it was negligence on behalf of the US forces for granting permission for the Kurdish protest to go ahead and especially allowing the Kurdish protestors to pass through a routes that are mainly Turkmen neighbourhood, This protest was designed by the Kurds to show their musels and to provoke the Turkmen population in the town. Nevertheless, the demonstration commenced from Qelat Kirkuk toward the Kirkuk governing office to demand the holding of elections and the application of Article 140 for the normalization of the situation in the province.

According to the eyewitness, Kurdish demonstrators, Kurdish police wearing civil clothes were brought from outside of the Turkmen city of Kirkuk such as Erbil and Suleymaniyah by mini buses, private cars and police cars. This was to mislead the media and to show the world that the overwhelming population of Kirkuk was refusing the decision of the Iraqi central

government towards the adoption of the law of elections for provincial assemblies causing a postponement of elections in the city for an indefinite period.

The Kurdish demonstrators prior the demonstration were seen carrying automatic weapons, pistols, iron bars, baseball bats and Kurdish flags. The protestors were escorted and protected by the local police forces that mainly consist of Kurds and also Kurdish secret service police who are known as Asayish.

The Kurdish protestors walked through the street of Kirkuk chanting patriotic songs and provocation slogans against the Arabs and the Turkmen. Almost at 11am on the 28/7/2008 at the [Nafura] fountain area opposite to the Kirkuk governate, an explosion occurred and according to the Kurdish police, the explosion was caused by a female suicide bomber. Killing at least 22 and injuring at least 120 while the Kurdish were demonstrating but no one claimed responsibility for the bombing, which bore the hallmarks of Sunni Arab extremists. Nonetheless, many in the crowd blamed Kurds extremists for the attack.

After the explosion, the Kurdish guards started to open fire, shooting into the air as "Najat Hassam, a senior member of the Kurdistan Democratic Party (KDP), quoted by AFP as saying."More people responded to the gunfire with heavy shooting. The rumours in the towns was that the Kurdish police carried out this attack in order to create chaos, instability and to show the world that they are the victims but the more realistic reason was that to create a civil war thus the Kurdish militia would have a good reason to enter the town with large numbers of Kurdish militia.



Figure 1. Turkmen properties after being attacked by the Kurds

But within a few minutes, rumours and misleading information was started by the Kurdish police stating, the explosion was caused by the Turkmen. The Kurdish Asayish started directing the protestors to attack the Turkmen targets in the city of Kirkuk. Elsewhere, the media started broadcasting Kurdish news claiming that the Iraqi Turkmen Front (ITF) guards opened fire on the Kurdish demonstrators and that the Kurdish demonstrators defended themselves by replying back.

The protesters attacked the headquarters of the ITF party headquarters, the head quarter of the political prisoners and families of martyrs, Sonuber hotel, Turkmen shops and Turkmen properties. But the most striking thing was that the Turkmeneli TV Station was attacked and its content was burnt prior to the blast.

The ITF head office is approximately a distance of one kilometer away from the site of the blast and the ITF headquarters is located in a residential area and not on the main street as was stated by the Kurdish media.

A large number of Kurdish armed demonstrators escorted with Kurdish police opened heavy fire to the Turkmen guards whom were guarding the building which resulted in injury to one of the guards, including the head of the security personnel. They set ablaze to their vehicles; the demonstrators later attacked Turkmen properties and then set a light to the cars and properties of the Turkmen people. Then the Kurdish Asayish burst into the ITF office and burnt its contents and cause a tremendous damages to the building and its contents. Then the Kurdish secret police kidnapped five Turkmen guards including the injured person.

One of the ITF guards was wounded and after they ran out of ammunition no help arrived from the police. Then the ITF building was stormed by the Kurdish secret police and the armed demonstrators. The five Turkmen guards including the injured guard were taken to the undisclosed location by the Kurdish Asayish.

Then the content of the Iraqi ITF building was ransacked and its content was set on the fire. Staff cars and ITF cars were set on fire and all this happened in the presence of the local Kirkuk police whom are mainly Kurds. All these atrocities occurred in the front of the eyes of the US forces and local police. The police forces in Kirkuk didn't take any action against the protesters but kept watching them.



Figure 2. ITF in Kirkuk after being attacked by Kurdish militia



Figure 3. Turkmen properties being attacked by the Kurds



Figure 4. ITF in Kirkuk after being attacked by Kurdish militia

But the most interesting thing was that after the explosion Mr. Yahiya Albarzenchi, of Kurdish origin, a Cameraman working for Associated Press was taking images for the Kurdish protestors who are attacking the Turkmen, but unfortunately the protestors thought that Mr. Yahiya Albarzenchi was a Turkmen citizen working for the Turkmeneli TV station as a Cameraman. He was immediately attacked by the Kurdish crowds with fists, sticks, iron bars and was kicked variously while he was lying on the ground unconscious. The footage of

the attack on the Mr.Yahya Albarzenchi the cameraman working for Associated Press was shown frequently on the Turkmeneli TV Satellite on the 30th of July 2008. The Turkmeneli TV showed how the Kurdish mobs had beaten Mr.Yahya Albarzenchi even when he was unconscious on the ground. But prior to this film footage the Kurdish police announced that the Mr.Yahya Albarzenchi was among the dead during the blast.

After the explosion, the Kurdish police had set up a check point on the road that leads into and out of Kirkuk. Cars were stopped and searched. Turkmen individuals were taken out of the car and attacked, beaten, abused and their car was smashed before leaving the check point. The attack on the Turkmen was widely condemned by Iraqi politicians, civil organizations and Turkmen organisations but the most striking thing was that Kirkuk governor and Iraqi president Jalal Talabani both of whom are Kurds did not condemn the attack on the Turkmen in Kirkuk.



Figure 5. Turkmen properties being attacked by the Kurds



Figure 6. Turkmen properties being attacked by the Kurds

The problem of Kirkuk is not a constitutional one but lies in the ambiguity of Article 140. According to article 140 of Iraqi constitution, the problem of the disputed areas, notably the oil-rich province of Kirkuk, addressed three stages of a normalization and then to conduct a census among the population, followed by a referendum on the fate of areas which will decide whether Kirkuk will join the Conservatives or the Kurdistan region. It was supposed to accomplish those stages during a maximum period up to the 31st of December 2007, a deadline which was extended by the united nation representative without the approval of the central government for six months ending on June 30th.



Figure 7. Turkmen properties being attacked by the Kurds

Nevertheless, the Kurdish Brotherhood List at the Kirkuk Governorate Council held an extraordinary meeting on the 31/7/2008. The 24 members of the 41-member of the Kirkuk Governorate Council presented a request to the Kurdistan Region Government and the Iraqi parliament to make the governorate part of Kurdistan Region as they believe that Article 140 of the Constitution has not been implemented and that Article 24 of the Provincial Council Election Draft Law does not meet their ambitions.

Whereas the Turkmen and Arabs regarded this extraordinary session as illegal. Also the Turkmen leadership has requested to replace the Kurdish police in Kirkuk with army forces from central and southern Iraq, the postponement of the elections and adaptation of the division of Kirkuk to the three constituencies include the proportion of 32 % for both Arabs and Kurds and Turkmen and 4% for Assyrians

In the meantime, on the 31/7/2008, a statement by the Turkish Foreign Ministry was released regarding the issue of Kirkuk, which stated that the Turkish Foreign Ministry were concerned and were deeply alarmed about the demand by some members of the governorate of Kirkuk, regarding a Kurdish list to join the Northern Department. The Turkish Ministry of Foreign affairs said in a statement: *'We in Turkey express our deep concern on what we see and what happened in the governorate of Kirkuk, where some members agreed to join the Council in Kirkuk to the north of Iraq and Turkey's position on Kirkuk would not have ever changed in the present and future and the Arab and Turkmen called this move by the Kurd as a provocation'*.^[7]

⁷ http://news.xinhuanet.com/english/2008-07/28/content_8828848.htm

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