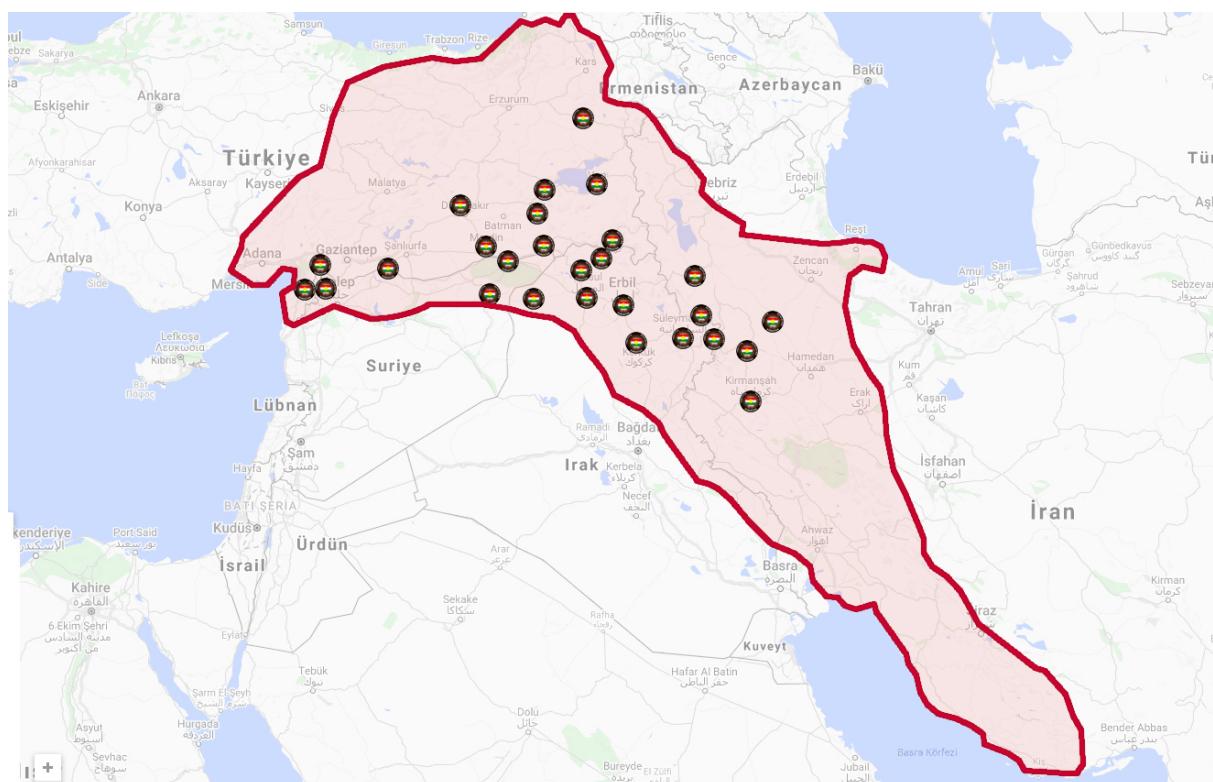


United States of Kurdistan



We are celebrating the second anniversary of the United States of Kurdistan's Government with the announcement of the submission to United Nations for the recognition of independency.



Second Anniversary of the Founding of the United States of Kurdistan (USK) Government

Kurdistan has been occupied after having been divided between several barbaric nations such that ever since WWI, Kurdish people have been brutalised in their own homeland. Kurdistan's freedom movements tried and struggled to their best ability, but could not succeed in liberating Kurdistan and thereby leading the Kurdish nation to freedom.

I drew upon my own learning and life experience and then called upon experts to seek a solution to build a new political movement and lay down the guidelines for Kurdistan's freedom; these are fundamentally that all Kurdistan has to be one, and that the political movements should become a government that must ensure the liberation of Kurdistan.

Accordingly, we announced the USK's government on 24 July 2018 in Lausanne in the same location and indeed, the very place, where Turkey was proclaimed an independent nation state but with this being based on its occupying the greatest land mass of Kurdish territory.

We are celebrating the government of the USK's 2nd anniversary by sharing the basis of our claim for independence with Kurdish people everywhere and the wider world.

Sincerely,
Hisêن Baybas

Introduction

1. The United States of Kurdistan has announced its Government in Exile ('USKGov') on 24th July 2018. On behalf of the Kurdish people currently living under suppression in areas occupied by Turkey, Syria, Iran and Iraq, the USKGov hereby declares that the Kurdish people want to reclaim their land from the occupying forces and request the United Nations ('UN') to recognise the territory of all of Kurdistan, between the Black Sea and the Mediterranean via Aleppo, on to Mosul and the north of Iraq and down to the Persian Gulf, moving up from there to the Caspian Sea and eventually the Black Sea again, as an independent sovereign state, the United States of Kurdistan (see map enclosed). The USKGov further announces that it will submit claims to the applicable UN entities for compensation for the widespread and systematic human rights violations that have been committed against the Kurdish population by multiple states, most notably, Turkey, Iran, Iraq and Syria.
2. This request is founded on the right of the Kurdish people, an estimated 50 million people, to self-determination, a right they have long battled for on the historic Kurdish homelands, which remain under the control of brutal occupiers, namely Turkey, Syria, Iran and Iraq. These occupiers have no rightful place in the Kurdish homeland or in positions of power and control over the Kurdish people, because they fail to abide by international rules of engagement and law.
3. The referendum, which took place on 25 September 2017 in the Kurdish region in Iraq to vote for or against Kurdish independence in Iraq and resulted in a vote of 92,73 % for independence,¹ was the reason for this project. The Kurdish population in Iraq asked for independence, but then were prevented from claiming their right to self-determination. The matter was resolved in a deceitful way. While the Kurdistan Regional Government prepared for future negotiations with Iraq to implement the vote of the Kurds for independence, the Iraqi and Iranian governments prepared for a forceful prevention of the intended self-rule. Iran closed its border with the Kurdish region in Iraq; and the Iraqi government blocked most international flights from entering into any of the airports in the Kurdish region.² On 15 October 2017, the Iraqi army was sent to recapture Kirkuk, a largely Kurdish area which in Kurdish hands since 2014, but was a disputed territory between the Kurdish region and Iraq.³ Masoud Barzani stepped down on 1st November 2017,⁴ and on 6th November, the Supreme Federal Court of Iraq ruled that no Iraqi province could lawfully secede in order to

¹ 2017 Kurdistan Region independence referendum. (2020, March 28). Retrieved from https://en.wikipedia.org/wiki/2017_Kurdistan_Region_independence_referendum.

² Iraq halts international flights to Kurdistan Region. (2017, September 29). Retrieved from <https://www.bbc.co.uk/news/world-middle-east-41440747>; Iran and Iraq to hold joint border drills. (2017, September 30). Retrieved from <https://www.aljazeera.com/news/2017/09/iran-iraq-hold-joint-border-drills-170930144038863.html>; A new war in Iraq, now between Shia Arabs and Kurds. (2017, October 16.). Retrieved from <https://www.economist.com/middle-east-and-africa/2017/10/16/a-new-war-in-iraq-now-between-shia-arabs-and-kurds>; Kurdish forces abandon long-held lands to Iraqi army and Shia fighters. (2017, October 17). Retrieved from <https://www.theguardian.com/world/2017/oct/17/kurdish-forces-abandon-long-held-lands-to-iraqi-army-and-shia-fighters>.

³ Battle of Kirkuk (2017). (2020, April 19). Retrieved from [https://en.wikipedia.org/wiki/Battle_of_Kirkuk_\(2017\)](https://en.wikipedia.org/wiki/Battle_of_Kirkuk_(2017)).

⁴ Iraqi Kurdish leader Massoud Barzani to step down. (2017, October 29). Retrieved from <https://www.bbc.com/news/world-middle-east-41794083>.

preserve the unity of Iraq,⁵ which marked the end of any plan to implement the results of the referendum.

4. These events underline the importance of independence; the Kurds should be able to determine their own fate, but as is clearly illustrated here, as long as they are governed by non-Kurdish rulers, they will be prevented from doing so.
5. Kurdistan fulfils the criteria of statehood as set out in article 1 of the 1993 Montevideo Convention on the Rights and Duties of States.⁶ The Kurdish people have their own language, their own governors, and their own territory. The only thing that is missing is sovereignty and autonomy, as well as the accompanying right to defend their territory against foreign intruders. The USKGov requests the United Nations to assist in making this long-lasting battle for independence a reality by recognising its independent sovereignty and to urge all foreign occupiers to leave the Kurdish independent territory, or settle under Kurdish rule.
6. Historically, the notion of self-determination served the concept of national identity and independent statehood separate from the large multinational empires under which these new states fell (e.g., Austro-Hungarian, Ottoman, and Czarist Russian empires); contributed to the withdrawal of colonial empires; and, more recently, played a significant role in the unification of Germany, the disintegration of Yugoslavia including the latest recognition of Kosovo as an autonomous state, the collapse of the Soviet Union and its empire, and the breakup of Czechoslovakia.⁷ Now it is time for all of Kurdistan to rise and be acknowledged by the United Nations, and the international community as a whole, as an independent and sovereign state.

Historical Context

7. Kurdish history starts around 10,000 BC. Kurds moved from Scandinavia to areas of Caucasia and around the region of Mount Ararat during the great migration. Two categories of Kurds travelled within the area still known informally as ‘Kurdistan’. One of them was the group of Gutis, who migrated from Ararat to the areas around the Caspian Sea and from there travelled further down to the Arabian Sea and Red Sea areas. The other was the group of the Kurtis, who migrated from Mount Ararat to the Mediterranean Sea passing through the areas around the Euphrates and Tigris rivers. From there, the Kurtis moved on to Aleppo and then to Mosul and crossed the Gutis in and around the Arabian and Red Sea areas. Together they formed the Kurdish people.⁸

⁵ Iraq court rules no region can secede after Kurdish independence bid. (2017, November 6). Retrieved from <https://www.reuters.com/article/us-mideast-crisis-iraq-kurds/iraqcourt-rules-no-region-can-secede-after-kurdish-independence-bid-idUSKBN1D617O>.

⁶ Montevideo Convention on the Rights and Duties of States (1933). Available at: <https://www.jus.uio.no/english/services/library/01/1-02/rights-duties-states.xml>.

⁷ Prof. Hasani E, *Self-Determination, Territorial Integrity and International Stability*. National Defence Academy, Institute for Peace Support and Conflict Management Vienna in co-operation with: PfP-Consortium of Defence Academies and Security Studies Institutes. Available at: https://www.bundesheer.at/pdf_pool/publikationen/hasa03.pdf.

⁸ Baybasin H. (July 24, 2018), ‘My Humble Statement in Contribution for the Announcement of the Government in Exile of the United States of Kurdistan’, available at: <http://www.uskgov.com>.

8. For thousands of years, the Kurdish people have been free from occupation and governed their own territories. Many states, kingdoms and empires, including the Medes, Kassites, Kattiyum, Kardonya, Mitani and Ayubis, were created throughout the years. Around these centuries two of the world's largest four states belonged to the Kurds. Kardonya and Mitani together with Egypt and Hittite were the largest states of the world at that time. The Kurds were living peacefully together and practiced various religions including Judaism, Christianity, Islam and Zoroastrianism, one of the world's oldest religions which accept one God and is still practiced by the Yazidis. There are various sub-dialects of the Kurdish language, spoken by various Kurdish tribes and communities. The peaceful cohabitation of all Kurds was first disrupted in 640 AD by an invasion in the name of Islam, orchestrated by Khalif/Caliph Omer. This led to a division along religious lines, but the Kurds managed to hold on to their territory. In 1514, the Kurdish Kings and the Ottoman Turks reached an alliance, which significantly undermined Kurdish sovereignty for the first time in history. This alliance allowed the Kings in the eastern parts of Kurdish territory, including parts of Dersim, which has a long tradition of Kurdish independent rule, to continue to reign autonomously. Other parts of Kurdish territory came under the direct rule of the Ottoman Empire. By 1639 a large majority of the Kurdish people had come under Ottoman rule, but the Kings in the east hang onto their autonomy until the second third of the 19th century, when the central state imposed its direct central rule in these autonomous areas as well. In doing so, it nonetheless relied on the co-option of local Kurdish lords. The central parts of Dersim retained its autonomy until the 1930s and resisted both co-option and direct rule until then.⁹
9. After World War I, the world's map was redrawn when the losing warring powers, Germany, Austria-Hungary, and the Ottoman Empire, were stripped of their colonies, which were mostly divided among the Allied Powers, and new states were formed on these territories previously occupied by the losing powers.¹⁰ The Kurdish people sought independence from the Ottoman Empire, their occupiers. In 1916 The Sykes – Picot agreement was reached, which referred to a possible Kurdish nation state. Reference to a Kurdish state was also included in the 1920 Treaty of Sèvres, which was adopted in the aftermath of World War I and the defeat of the Ottoman Empire. This agreement was, however, replaced by the Treaty of Lausanne in 1923, by which the new nation states of Iraq, Syria and Turkey were created on Kurdish territory. The Treaty of Lausanne was silent on an independent Kurdish nation state, but divided Kurdistan up between these new states, as well as Iran and the Soviet Union. It was the Anglo-French collusion and rivalry in redrawing the map of the Middle East, and the British interest in controlling oil rich areas, which led to the rejection of an independent Kurdistan and the extension of Iraq to include the Kurdish northern parts. The League of Nations, which had been created and later replaced by the United Nations, accepted the mandate of the victors of World War I in 1925 and legalised Kurdistan's usurpation, which meant the end of Kurdish independence and self-determination.¹¹

⁹ Yıldız, K., Muller, M., & Chomsky, N. (2008): Background. In *The European Union and Turkish Accession: Human Rights and the Kurds* (p. 6). London: Pluto Press; Cemilpaşa, E., (1988): *Kurdistan kisa tarihi*: İstanbul, 1988: doz basin yayin.

¹⁰ Sterio, M. (2013): *The right to self-determination under international law: "selfistans," secession, and the rule of the great powers* (pp. 10, 27). London: Routledge.

¹¹ *Ibid*; Izady, M. (2004), Kurds and the Formation of the State of Iraq, 1917–1932. In Simon R. & Tejirian E. (Eds.), *The Creation of Iraq, 1914–1921* (pp. 95–109). New York: Columbia University Press.

10. The Republic of Turkey, which was founded after its recognition in the 1923 Treaty of Lausanne, was perceived as a successful modern Turkish nation-state. It became a member of the League of Nations in 1932 and rebuilt its international relations after WWI. In 1938-39, in a deal with France and the League of Nations, the Republic of Turkey successfully incorporated the Syrian region of Alexandretta into its national territory in 1938-39. The Republic grew increasingly suppressive, being run by a single-party government, which sought to impose Kemalist Turkism as the predominant ideology of the Republic and to legitimise Anatolia as the historical national home of the Turks.¹² It was this mindset which drove the Turks into a long era of persecution against non-Turks. The Kurdish people were their main target, as it was the largest minority group within their new borders and also rebelled against the Turkish harsh rule. At least 20 to 25% of the population in Turkey is Kurdish. In Iraq, about 23 to 27% of the population is Kurdish; in Iran 10 to 16%; and in Syria about 10 to 15%.¹³
11. In Iraq, the cohabitation between the Arab Iraqi and Kurdish people did not go so well either. Many promises concerning the appointment of Kurdish officials and the use of the Kurdish language, made in the Anglo-Iraqi treaty by which British rule in Iraq came to an end in 1930, were not kept. In 1958 the monarchy in Iraq was abolished following a coup d'état and the newly adopted constitution referred to a partnership between the Arabs and the Kurds in Iraq.¹⁴ This partnership did not last and the Iraqi government stirred up strife between different Kurdish groups, which later reunited in their uprising against the Ba'ath Government of Iraq. In 1970 a peace agreement between the government and the Kurdish people was concluded and envisaged an autonomous region of Kurdistan. However, the government did not stick to the agreement in the 1974 Law of Autonomy in the Area of Kurdistan. The Kurdish protested and the government reacted strongly, resulting in the flight of many Kurds to Turkey and Iran.¹⁵
12. Since that time, the authorities of Turkey, Syria, Iraq and Iran ruled over Kurdish territories with complete disregard for Kurdish rights or autonomy. Through fraud and, or force, the occupying rules exploited fertile Kurdish land for their own benefit and usurped its wealth for themselves. They controlled the Kurdish people by the iron fist and brutal military force. The atrocities including persecution, mass killings, ethnic cleansing, rape and forced deportation committed against the Kurds are widely documented. Overt military policies have resulted in mass Kurdish forcible migration and extermination policies to sever Kurdish connections with their homeland.¹⁶

¹² Zeydanlioğlu, W. (2012), Turkey's Kurdish language policy, *International Journal of the Sociology of Language*, 2012(217), 99-125.

¹³ Malanczuk, P. (1991), The Kurdish Crisis and Allied Intervention in the Aftermath of the Second Gulf War. *European Journal of International Law*, 2(2), 114–132. Available at: <http://ejil.org/pdfs/2/1/1160.pdf>.

¹⁴ Hippler, J. (1990). Kurdistan - ein ungelöstes problem im mittleren osten: von unabhängigkeitstreben, uneinigkeit und unterdrückung. *Vereinte Nationen: German Review on the United Nations*, 38(6), (pp. 202–203).

¹⁵ Hannum, H. (2011): *Autonomy, Sovereignty, and Self-Determination* (pp. 178-202). Philadelphia: University of Pennsylvania Press.

¹⁶ Malanczuk, P. (1991), The Kurdish Crisis and Allied Intervention in the Aftermath of the Second Gulf War. *European Journal of International Law*, 2(2), 114–132. Available at: <http://ejil.org/pdfs/2/1/1160.pdf>; Dawn, C. (2010): *Displacement and Dispossession in the Modern Middle East* (pp. 231-278). Cambridge: Cambridge University Press.

I. Turkey

13. The Kurds in Turkey have been subject to oppression, forced assimilation, aggression, and massacres by the Turkish State since 1900. To name only a few examples: In 1924, the Caliphate fell, which marked the beginning of Islam antagonism on government level. The official policy was to suppress Islamic customs, which was done by very severe state terror allowing no counter-movement or alternative voices. This state terror mainly targeted the Muslim Kurds, because they were seen as a potential threat to the Ataturk governance. Special Courts, so-called 'Istiklal Courts' were established with the aim of banning the illegal Islamic customs. Istiklal Courts were mobile courts, which were ruled by three to four judges and a prosecutor with extraordinary powers. Their decisions were final without the possibility of review, and were reached without the involvement of defence lawyers or any form of challenge by the accused. The implementation of the decisions was also under the jurisdiction of the courts. Civil and military officers were responsible for the execution of the decisions. These Courts circulated in the cities and towns of Anatolia, and sentenced tens of thousands of innocent people, many of whom were Kurds, to death. They were killed in gallows in the public eye. It is impossible to determine the accurate number of victims, but the estimation is that at least five hundred thousand people were executed in only a few years (1924-1927).¹⁷

14. Among them were well-known Kurds who were involved in the Kurdish struggle for autonomy, including Sheikh Said, who was executed together with 47 of his comrades in Diyarbakir, at the Dagkapi Square on 29 June 1925, namely:¹⁸

1. Şeyh Said (Şêx Seid ê Palo endamê Nexşêbendi),
2. Melekanlı Şeyh Abdullah (Şêx Evdila ê Melekan ji Solaxan),
3. Kamil Beg (Kamil Beg lawê Xalit Beg Serokê eşîra Toklilan),
4. Baba Beg (Birayê Kamil Beg),
5. Seyh Serif (Şêx Şerîf ê Palo),
6. Fakih Hasan Fehmi (Fekîh Hesan Femî ê moden ji eşîra Ziktê),
7. Hacı Sadîk (Hecî Sadiqê Darahênî ji Valêrê),
8. Seyh İbrahim (Şêx İbraîmê cebexçurê u miftî'yê cebexçurê),
9. Seyh Ali (Şêx Elî berpirsîyarê Xarpêtê),
10. Seyh Celal (Şêx Celal ê Xarpêtê),
11. Seyh Hasan (Şêx Hesan),
12. Mehmet Beg (Mihemed Beg berpirsîyarê Licê, lawê Îzzet Beg ê Xerîb'ê),

¹⁷ Çandarlıoğlu, K (2020, February 22), Istiklal Mahkemeleri. Retrieved from <https://belgelerlegercektarikh.com/2012/09/26/istiklal-mahkemeleri/>.

¹⁸ Olson, R.W. (1989), *The Emergence of Kurdish Racism and the Sheikh Said Rebellion, 1880-1925*. Austin: University of Texas Press. ISBN 0-292-77619-5. Archived from the original on 2008-09-17; Olson, R.W. (March 2000), *The Kurdish Rebellions of Sheikh Said (1925), Mt. Ararat (1930), and Dersim (1937-8): Their Impact on the Development of the Turkish Air Force and on Kurdish and Turkish Nationalism*. In *Die Welt des Islams*. 40 (1) (pp. 67-94). doi:10.1163/1570060001569893; University of Central Arkansas (Political Science): 16. Turkey/Kurds (1922-present). Available at: <https://uca.edu/politicalscience/dadm-project/middle-eastnorth-africapersian-gulf-region/turkeykurds-1922-present/>; Mustafa Gürbüz: Rival Kurdish Movements in Turkey. Transforming Ethnic Conflict (p. 104). Amsterdam University Press. Available at: <http://library.oapen.org/bitstream/id/a56ded63-17b0-4261-b529-334486937e12/623376.pdf>.

13. Mustafa Beg (Mistefa Beg ê Hêne),
 14. Salih Beg (Sala Beg ê Hêne),
 15. Şeyh Abdullah (Şêx Evdila ji Çan'e),
 16. Şeyh Ömer (Şêx Emer),
 17. Şeyh Adem (Şêx Adem ê Hêne),
 18. Kadri Beg (Qedrî Beg ji Mehden ê),
 19. Molla Mahmud (Melle Mehmud ji Pîran'ê),
 20. Şeyh Şemseddin (Şêx Şemseddîn berpirsîyarê Silîva),
 21. Şeyh İsmail (Şêx Esmeîl ê Dîyarbekir ji gunde Termil),
 22. Şeyh Abdüllatif (Şêx Evdilletîv ê Dîyarbekir ji gunde Termil),
 23. Molla Emin (Melle Emîn ê Balikan),
 24. Ali Arab Abdi Beg (Elî Ereb Evdi Beg),
 25. Mehmet Beg (Mihemed Beg lawê Xelîl Beg),
 26. Süleyman Beg (Silêman Beg lawê Hesen Beg),
 27. Molla Cemil (Melle Cemîl ji Musyan a Darahêni),
 28. Süleyman Beg (Silêman Beg lawê Emer Beg ê serokê Eşîra Az),
 29. Süleyman Beg (Silêman Beg lawê Şerîf Beg),
 30. Tahir Beg (Teher Beg nivîskarê Feqîh Hesen Femî),
 31. Mahmut Beg (Mehmud Beg lawê Mistefa Beg ê Hêne),
 32. Seyh Ali (Şêx Eli lawê Şêx Musa),
 33. Hacı Halid (Heci Xalid ê Balikan),
 34. Timur Ağa (Temir Ağa),
 35. Abdüllatif Beg (Evdilletîv Beg lawê Kamil Beg ê Xinus ê),
 36. Mehmet Beg (Mihemed Beg ê Muş ê),
 37. Süleyman Beg (Silêman Beg),
 38. Bahri Beg (Behrî Beg),
 39. Şeyh Cemil (Şêx Cemîl ji Zorabad ê),
 40. Yusuf Beg (Usiv Beg lawê Silêman Beg ê Cebexçur ê),
 41. Ali Badan Beg (Eli Badan Beg ê Bîngol ê ji Eşîr a Yamaç ê),
 42. Halid Beg (Xalid Beg),
 43. Halid Beg (Xalid Beg lawê Nadir Beg),
 44. Tahir Beg (Teher Beg lawê Mihemed Beg),
 45. Tayip Ali Beg (Tayîb Eli Beg),
 46. Çerkes (Çerkez, alikarê Şêx Seid) and
 47. Jandarma Hamid (Hemîd ê cenderme).

15. Executions of Kurds continued throughout the country, and did not stop with the end of this severe state terror. Bloody massacres of Kurdish people were committed in Koçgiri in 1921, in Zilan Valley in 1930, and in Dersim in 1937-38.¹⁹

16. As for the Dersim massacre, a military campaign took place against parts of the province of Tunceli, formerly Dersim, Turkey, that had not been brought under the control of the state and it resulted in a particularly high death toll of more than 13.000 Kurds. According to official statements by Turkish authorities, the military campaign targeted bandits and rebel tribal and religious leaders who misled innocent civilians.

¹⁹ See, amongst others, Jozuka E. (22 June 2012), Shedding light on the Zilan Massacre in Turkey. Available at: <https://ekurd.net/mismas/articles/misc2012/6/turkey3988.htm>. See also: Massicard, E. (2009, September 28), The Repression of the Koçgiri Rebellion, 1920-1921. Retrieved from <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/repression-ko-a-giri-rebellion-1920-1921.html>; Yıldız, K., Muller, M., & Chomsky, N. (2008): Background. In *The European Union and Turkish Accession: Human Rights and the Kurds* (p. 15). London: Pluto Press.

However, the circumstances in which these well-documented massacres were carried out, demonstrate that parts of the Dersim people were targeted as a whole. Indeed, the massacres were carefully planned in advance and cannot be characterised as a response to a concrete uprising.²⁰

17. This is particularly evident from the decision of the Council of Ministers of 4 May 1937, with the approval of the Turkish President at that time, Mustafa Kemal Atatürk, who died shortly afterwards. Together with the Chief of General Staff of the army, Feyzi Cakmak, the Council of Ministers decided in secret to forcefully attack the armed and unarmed Kurdish population of western-central Dersim. The aim was to disarm those with weapons and remove all of them from the region. That same day, warning pamphlets were dropped, urging the population to surrender to avoid harm: “If not, entirely against our will, the [military] forces will act and destroy you. One must obey the state”²¹ The Kurds did not surrender but instead put up a forceful but uncoordinated resistance, concerned they would be massacred otherwise.
18. Two of the leaders of the resistance were Alışêr, a well-known poet and activist, and Seyîd Riza. Both were killed, as well as many others who were perceived as important figures in the resistance. On 9th July 1937, Alışêr and his wife Zerîfe were beheaded by their own people and their heads sent to Alpdoğan, the head of the Turkish military in the city Elazig. The murderers were pressurised to commit their deed, and promised certain positions by the Turkish government, but when they had killed these resistance leaders, they too were killed to conceal the evidence. That was the policy of the Turkish government regarding the Kurds.²²
19. That same month, Seyîd Riza sent a letter to the prime minister in which he complained about what he referred to as anti-Kurdish politics and assimilation, removal and a war of destruction. He also sent letters to the League of Nations, and the foreign ministries of the United Kingdom, France and the United States. No answer was forthcoming. On 10th September 1937, Riza surrendered to the army in Erzincan. Shortly after the visit of Atatürk to the region, Riza, his son Resik Hüseyin, tribal leader Seyid Haso and a few sons of tribal chiefs, were executed. The execution was hastily organised by the later foreign minister, İhsan Sabri Çağlayangil.²³ Nonetheless, the resistance continued, and the military campaign was unsuccessful in removing the entire population.
20. In the summer 1938, the military campaign became more brutal, using massive violence against the entire population in Dersim and beyond. The British Vice Consul in Trabzon reported on 27 September 1938 that thousands of Kurds, including women and children, were slain or thrown into the Euphrates river. Others in less hostile areas, according to this report, were deprived of their cattle and belongings, and

²⁰ See, for instance, Kieser H-L. (27 July 2011), Dersim Massacre, 1937-1938. Retrieved from <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/dersim-massacre-1937-1938.html>. See also: Human rights of Kurdish people in Turkey. (2020, April 16). Retrieved from https://en.wikipedia.org/wiki/Human_rights_of_Kurdish_people_in_Turkey.

²¹ *Ibid; with reference to:* Aygün, H. (2009), Dersim 1938 ve zorunlu iskân, Telgraflar, dilekçeler, mektuplar (pp. 57-89). Ankara: Dipnot.

²² Göktaş, H. (1991), *Kürt, Isyan, Tenkil*. İstanbul: Alan Yayincilik.

²³ Çağlayangil, İ.S. (2007), *Kader bizi una değil, üne itti: ağlayangil'in anıları* (pp. 69-73). İstanbul: Bilgi Yayınevi. See also: Kieser, H. (2007), *A quest for belonging. Anatolia beyond empire and nation* (pp. 249-251). İstanbul: ISIS.

subsequently deported to places in Central Anatolia. This is the only existing report by a foreign observer near the events, as the Dersim area was generally closed to foreigners. The ruthlessness of the campaign also appears from letters of pious soldiers to the spiritual father of the *Nurculuk*, Saîd ê Nursî.²⁴ Yet, the Dersim campaign was referred to as a mission of pacification and civilisation; and the death toll as collateral damage of a necessary campaign against reactionary rebels. Nobody dared qualifying the deaths as massacres, as that could be perceived as criticism against Mustafa Kemal Atatürk, who had authorised the massacres.²⁵

21. Even after the death of Mustafa Kemal Atatürk, the Turkish authorities have long time been in denial about the characterisation of the killings, calling it a ‘disciplinary campaign’ (*tedip harekâti*); or a ‘civilising mission’. In 1990, historical sociologist Ismail Beşikçi, who was the first scholar to research the Dersim campaign, referred to the massacres as genocide committed against the backdrop of a colonialist enterprise, bearing in mind that the Turkish political elite did not know “Kurdistan” any better than 19th-century European elites had known their overseas colonies.²⁶
22. In 1994, anthropologist Martin van Bruinessen qualified the massacres as “ethnocide”, that is, the “deliberate destruction of Kurdish ethnic identity by forced assimilation”.²⁷ In light of the jurisprudence later developed by the International Criminal Tribunal for the former Yugoslavia, these massacres could, at the very least, be described as ethnic cleansing.²⁸ Yet, it was only in November 2009, more than seventy years later, that the official version of history was publicly challenged on governmental level. It was Prime Minister Tayyip Erdoğan who referred to this military action as a “massacre” for the first time, and even apologized for it on 17 November 2009.²⁹ After that, in 2010, lawyer Hüseyin Aygün filed a complaint for crimes against humanity in Dersim, on grounds of his relatives having been killed in 1938 in the village of Çamurek. This complaint was dismissed by the court at the beginning of 2011 for falling outside the statute of limitations, while in fact, there was no statute of limitations in respect of these types of mass atrocity crimes.³⁰
23. Political assassinations and suppression of any independent Kurdish voice continued after the Dersim massacres.

²⁴ Badıllı, A (1990), *Bediüzzaman Said Nursi, Mufassal Tarihçe-i Hayatı* (p. 1134). İstanbul: Timas. According to *Zaman* 4 December 2008.

²⁵ Bruinessen, M. van (1994), Genocide in Kurdistan? The suppression of the Dersim rebellion in Turkey (1937-38) and the chemical war against the Iraqi Kurds (1988). In Andreopoulos, G. J. (Ed.) *Conceptual and historical dimensions of genocide* (pp. 141-170). University of Pennsylvania Press.

²⁶ Beşikçi, İ (1992), *Tunceli kanunu (1935) ve Dersim jenosidi*. Ankara: Yurt Kitap-Yayın.

²⁷ Bruinessen, M. van (1994), Genocide in Kurdistan? The suppression of the Dersim rebellion in Turkey (1937-38) and the chemical war against the Iraqi Kurds (1988). In Andreopoulos, G. J. (Ed.) *Conceptual and historical dimensions of genocide* (pp. 143). University of Pennsylvania Press. See also: Hannum, H. (2011), *Autonomy, Sovereignty, and Self-Determination* (pp. 178-202). Philadelphia: University of Pennsylvania Press.

²⁸ Kieser, H. (2000), *Der verpasste Friede. Mission, Ethnie und Staat in den Ostprovinzen der Türkei (1839-1938)* (pp.411-412). Zürich: Chronos. See also: Kieser, H. (2007): *A quest for belonging. Anatolia beyond empire and nation* (pp. 249-51). İstanbul: ISIS.

²⁹ Turkey PM Erdogan apologises for 1930s Kurdish killings. (2011, November 23). Retrieved from <https://www.bbc.com/news/world-europe-15857429>.

³⁰ Kieser, H. (27 July 2011), Dersim Massacre, 1937-1938. Retrieved from <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/dersim-massacre-1937-1938.html>; Nilay Vardar Tunceli, Trial on "Dersim Massacre" Closed by Prescription - BIA News Center, 15 March 2011. (<https://bianet.org/english/minorities/128575-trial-on-dersim-massacre-closed-by-prescription>).

24. In the eighties, many killings of Kurdish people took place; some being the result of attempted military coups, but many were the result of specific targeting on an ethnic basis. An example of the latter is the massacre of the Alevi Kurds in Kahramanmaraş, a region to which many Kurds had migrated after the massacre in Dersim. Those who escaped the massacres were forced to migrate further south into Syria and encountered many problems there.³¹

25. Former MIT chief, Mehmet Eymur, produced a 54-name hit list before the No. 1 High Criminal Court in Ankara in mid 2014 where he was testifying as a witness into extra judicial killings carried out by Turkish state agents in the 1990s. Among the names on the list was that one of Hüseyin Baybaşın, the initiator to establish the United States of Kurdistan' Government.³² The order is reported to have been given by then President Suleyman Demirel and endorsed by PM Tansu Çiller. In other words, the decision to assassinate all individuals named on this hit-list was taken at the highest levels of the Turkish state. Whilst the Turks did not manage to kill all of them, a significant number of prominent Kurdish activists and businessmen were targeted and killed. Most likely more hitlists naming Kurdish activists existed and still exist. Another list concerned undesirable foreigners close to the Kurdish issue; and another list concerned persons who were regarded as sympathetic to the Kurdish cause from inside the Turkish state. These groups, and likely many more, were branded as enemies of the state. To the extent persons mentioned on any such hitlists are still alive, they are likely still today perceived as enemies of the state.³³

26. The alleged basis for targeting them was their support for resolving the Kurdish question and by extension, supporting the Kurdistan Workers' Party ('PKK'). Turkey considers the PKK, as well as any other Kurdish organisation which it perceives as an ally of the PKK, including the People's Protection Units ('YPG') and the Syrian Democratic Forces ('SDF'), as terrorist organisations and continues to bomb their strongholds in Iraq and Syria even today. Civilians are not spared in such airstrike attacks.³⁴

27. Saturday Mothers (Cumartesi Anneleri) is a group of Kurdish civilians who gather together every Saturday at 12pm for half an hour at Galatasaray (district) in Istanbul (Turkey), holding photographs of their "lost" loved ones. This group is mainly composed of mothers of victims, and renowned as a model of civil disobedience. They combine silent sit-in with communal vigil as their method of protest against the forced disappearances and political murders in Turkey during the military-coup-era of 1980s and the OHAL-era of 1990s. The estimated disappearances combined with political

³¹ Bruinessen, M. van (1996), Kurds, Turks and the Alevi Revival in Turkey. *Middle East Report*, (200) (pp. 7-10). See also: Shankland, D. (2003). *The Alevis in Turkey: The Emergence of a Secular Islamic Tradition* (p. 1.). London: Routledge.

³²Cumhuriyet (10 April 2015):

http://www.cumhuriyet.com.tr/haber/siyaset/251597/Devletin_olum_listesi_yillar_sonra_aciklandi.html.

³³ Laizer, S. (2017, December 12), The Hit List: Killing pro-Kurds on the orders of the Turkish State. Retrieved from <https://ekurd.net/turkish-killing-list-kurds-2017-07-27>.

³⁴ See, for instance, <https://www.al-monitor.com/pulse/originals/2019/07/iraq-kurdistan-pkk-turkey-sulaimaniyah.html>; Turkey Launches Offensive Against U.S.-Backed Syrian Militia. (2019, October 9). Retrieved from <https://www.nytimes.com/2019/10/09/world/middleeast/turkey-attacks-syria.html>. See further below.

murders are approximately 13.000 people.³⁵ On October 25, 2014, they held their 500th sit-in protest.³⁶

28. In recent years, Turkey's military police forces have killed some 2,000 people in the context of security operations in South-East Turkey. The Office of the United Nations High Commissioner for Human Rights ('OHCHR') documented numerous cases of excessive use of force; killings; enforced disappearances; torture; destruction of housing and cultural heritage; incitement to hatred; prevention of access to emergency medical care, food, water and livelihoods; violence against women; and severe curtailment of the right to freedom of opinion and expression as well as political participation. The most serious human rights violations reportedly occurred during periods of curfew, when entire residential areas were cut off and movement restricted around-the-clock for several days at a time.³⁷
29. Apart from killings and physical repression, the Turkish also used, and continue to use, other methods of suppression and forced assimilation, including restrictions on the use of the Kurdish language and culture.³⁸ There is a long history of suppressing the use of the Kurdish language, names, folk song, dress code and other cultural Kurdish features anywhere in Turkey. This suppression has been so severe that some refer to it as a linguistic genocide.³⁹ Even before the Kurdish language and culture were officially banned in 1980, any expression thereof had already been *de facto* criminalised since the existence of the Turkish Republic. The words "Kurds", "Kurdish" and "Kurdistan" were banned by the Turkish government, and the Kurds referred to as "Mountain Turks" long before any official ban was in place. Following a military coup that took place in 1980, the situation for the Kurds worsened significantly. The Constitution which was adopted by the new government only recognised Turkish as an official language in Turkey, following which the Kurdish language was completely banned in public and private life, and violations of this ban resulted in many arrests. Kurdish families could not register new-borns with Kurdish names.⁴⁰ In addition, every name including but not limited to goods, places, nature, animals and family names, in Turkey has to be in accordance with Turkish culture and tradition. Accordingly, any Kurdish reference to these names and items has been replaced by Turkish names and words. The same suppression goes for the Yazidi religion, which is not recognised in Turkey and, therefore, it is not allowed to teach this religion in public or private schools – just like in Syria before the civil war.
30. The official ban was lifted in 1991, but the struggle for recognition of the Kurdish language has continued until today. Whilst in 2009, President Erdogan removed some

³⁵ Arifcan, U. (1997), The Saturday Mothers of Turkey. *Peace Review*, 9(2) (p. 265).

³⁶ Saturday Mothers meet for 500th time in hope of finding lost loved ones. (2014, October 25). Retrieved from <https://www.hurriyetdailynews.com/saturday-mothers-meet-for-500th-time-in-hope-of-finding-lost-loved-ones--73436>.

³⁷ Office of the United Nations High Commissioner for Human Rights (2017): *Report on the human rights situation in South-East Turkey. July 2015 to December 2016*. Available at: https://www.ohchr.org/documents/countries/tr/ohchr_south-east_turkeyreport_10march2017.pdf.

³⁸ Human Rights Watch (1999): *Turkey. Violations of Free Expression in Turkey*. Available at: <https://www.hrw.org/reports/1999/turkey/turkey993-08.htm>.

³⁹ Hassanpour A., "Nationalism and Language in Kurdistan 1918-1985", Edwin Mellon Press, 1992, pp. 132-136; 150-152, available at: <http://kurdishacademy.org/wp/kurdish-language-policy-in-turkey/>.

⁴⁰ *Ibid. See also*: Letsch C., In Turkey, Repression of the Kurdish Language is Back, with No End in Sight (December 21, 2017), available at: <https://www.thenation.com/article/archive/in-turkey-repression-of-the-kurdish-language-is-back-with-no-end-in-sight/>.

of the restrictions on the use of the Kurdish language, since the summer of 2015, when Kurdish activists declared autonomy of a number of Kurdish cities and districts in Sur with the main Kurdish city being Diyarbakir, Erdogan responded with an iron fist in all Kurdish areas, but particularly in the areas near the border with Syria and Iraq. Apart from a violent repression of the Kurdish rebellion, leading to approximately 3000 people dead, this also led to the destruction of two bilingual schools in Sur, and the “Turkification” of many other bilingual schools. Until today, it is illegal by Turkish constitutional law to use the Kurdish language as the language of instruction in public and private schools, and many Kurdish media outlets, associations, language schools and cultural institutions have been closed down.⁴¹

31. As noted by Hüseyin Baybaşin, “[d]espite the barbaric occupiers’ systematic destruction of the Kurdish language, the bans imposed, and the censorship of Kurdish forms of national and cultural expression, the Kurds have managed to keep their language alive.”⁴² This is a correct observation, given that nowadays more than 80,000 distinct Kurdish words form part of the different spoken Kurdish dialects.⁴³

II. Iraq

32. In Iraq, the Kurds have some level of independence in the Kurdish Region, governed by the Kurdistan Regional Government, which became an autonomous region in 1970 following the agreement of an Autonomy Accord between the government of Iraq and the governors of the Iraqi Kurdish population. However, the independence of this region continued to be contested and battles with the Iraqi government forces continued until the 1991 uprisings in Iraq, which led to the adoption of the United Nations Security Council Resolution 688, which was used as a basis for the implementation of a US-led multinational military operation which was to ensure the safety and security of the Iraqi Kurdish region (see further below). In October 1991, the government in Baghdad withdrew its forces from the region, and the region was now not only *de jure*, but also *de facto* autonomous with governors from two leading Kurdish political parties – the Kurdistan Democratic Party (‘KDP’) and the Patriotic Union of Kurdistan (‘PUK’), its own national anthem and flag.⁴⁴
33. Before they gained *de facto* independence in October 1991, the position of the Kurds in Iraq, who lived predominantly in the North of Iraq, was no better than in Turkey. There were a number of significant conflicts between the Kurds and Iraqi, and before that, British forces. The first conflict began immediately after the end of World War I when the British forces arrived and conquered the Mesopotamia and later established the British Mandate in Iraq. The then Kurdish leader Sheikh Mahmud Berzenci began secession attempts in 1919 after the notion of an independent Kurdistan was off the table. The British troops crushed his revolt and took Mahmud Berzenci in prison and then exiled him to India for a year.⁴⁵

⁴¹ *Ibid.*

⁴² Baybaşin H. (July 24, 2018), ‘My Humble Statement in Contribution for the Announcement of the Government in Exile of the United States of Kurdistan’, available at: <http://www.uskgov.com>.

⁴³ *Ibid.*

⁴⁴ Kurdistan Region, retrieved from: https://en.wikipedia.org/wiki/Kurdistan_Region (last accessed: May 16, 2020).

⁴⁵ The Iraqi - Kurdish Conflict. Available at: https://en.wikipedia.org/wiki/Iraqi-Kurdish_conflict; Kilic I. (2018), *Britain’s Kurdish Policy and Kurdistan 1918-1923*. University of East Anglia. Available at: https://ueaprints.uea.ac.uk/id/eprint/69191/1/ILHAN_KILIC-NOVEMBER_2018_MPhil -HISTORY-

34. In 1922, after he returned from exile, Sheikh Mahmud Berzenci proclaimed the Kingdom of Kurdistan, a region in the North of Iraq. Two years after its creation, the Kingdom of Kurdistan ceased to exist, and central British rule of the Iraqi Government in Baghdad was imposed on the Kurdish people living in the North of Iraq. This resulted in many casualties among the Kurdish civilians. This was, however, not the end of the Kurdish struggle for independence. In the nineteen twenties and thirties, Ahmed Barzani and his supporters actively opposed central ruling and made secession attempts, but he was ultimately defeated and took refuge in Turkey. His younger brother Mustafa Barzani took over the struggle for independence and made a serious secession attempt in 1943, but failed to succeed and took refuge in Iran, where he took part in the creation of the Kurdish Republic of Mahabad.⁴⁶

35. In 1958, Mustafa Barzani and his armed group returned to Iraq and started negotiations for Kurdish autonomy in the North of Iraq with the new Iraqi government led by General Abdul Karim Qasim who had come to power through a military coup and ended the Iraqi monarchy. General Qasim promised the Kurds regional autonomy in exchange for support for his policy. Barzani created, and became the head of the Kurdistan Democratic Party ('KDP'), which was granted legal status in 1960. Eventually, the negotiation attempts with Qasim failed resulting in the First Iraqi-Kurdish War which started on 11 September 1961. This war lasted until 1970 and brought about 75.000-105.000 casualties. Then negotiations took place again for the acknowledgment of Iraqi Kurdistan, and an agreement was reached in March 1970, granting the Kurds regional autonomy.⁴⁷ In 1974, the agreement was still not implemented, which led to the Second Iraqi-Kurdish War, which resulted in full victory of the Iraqi government troops reconquering the northern part of Iraq. Casualties reached 7000 to 20.000 on both sides. Mustafa Barzani and his group, the KDP, fled to Iran, which allowed the Patriotic Union of Kurdistan ('PUK') to gain support in Iraq and take the lead in the Kurdish secession attempts in Iraq. The relationship between KDP and PUK deteriorated significantly in 1976, reaching its peak in April 1978.⁴⁸ Saddam Hussein's Ba'athist party took advantage of the internal Kurdish conflict and performed large-scale displacement and colonization projects in North Iraq, forcefully displacing ethnic minorities (Kurds, Yezidis, Assyrians, Shabaks, Armenians, Turkmen, Mandaeans) to make place for Arabs. These settler colonialist policies went on until the early 2000s, and aimed at shifting the demographic composition towards Arab domination, and destabilizing Kurdish strongholds.⁴⁹

36. During the Iran-Iraq War (22 September 1980 – 20 August 1988), the Kurdish people were used both by Iraq and by Iran. The KDP under the leadership of Barzani's sons were lured into helping Iran against Baghdad and infiltrated Iraqi territory in coordination with the Iranian Pasdaran, while Iraq was supporting the Iranian Kurds

[THEESIS_FULL.pdf](#); Smith B. (2010), *Land, History and Separate Conflict: The Origins of Nationalist Rebellion in the Post-Colonial World*. University of Florida. SSRN-id1642402.pdf. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1642402.

⁴⁶ See below, section Iran.

⁴⁷ Prince, J.M. (January 1993), A Kurdish State in Iraq. In *Current History* 92(570) (pp. 17-23).

⁴⁸ *Ibid.*

⁴⁹ Savelsberg E., Hajo S., and Dulz I., *Effectively Urbanized - Yezidis in the Collective Towns of Sheikhan and Sinjar*. Etudes rurales 2010/2 (n°186).

against the government of Teheran in the Iranian part of Kurdistan. The PUK was used by the Iraqi Government against Iran.⁵⁰

37. After the war was over, the KDP and any Kurd associated with this political party paid a heavy price for their alliance with Iran. In March 1988, Iranian troops and Kurdish guerrillas took control of the Iraqi military base in Halabja. Two days later, the Iraqi Air Force fired rockets into Halabja's residential areas followed by a poison gas attack. Over 5,000 innocent civilian Kurds, mostly women, and children were killed and 10,000 or more severely injured. This attack on the Kurdish people was the most brutal gas attack since poison gas was outlawed after World War I.⁵¹ Some referred to this attack as a genocide, as it was carried out with the intent to destroy 'in whole or in part' the Kurdish people. Following Iraq's use of chemical warfare during the Iran-Iraq War and against the Iraqi Kurds in Halabja in March 1988, UN Security Council Resolution 620, of 26 August 1988, was adopted and condemned the Iraqi use of such weapons.⁵²
38. Repression did not stop afterwards. On 16 January 1991, after Iraq had invaded Kuwait and diplomatic negotiations had failed, an international coalition of military forces led by the United States launched a massive air campaign on Iraqi military objects (most importantly Iraq's Air Force and anti-aircraft facilities), lasting 42 consecutive days. This air campaign put an end to the First Gulf War (2 August 1990 – 28 February 1991) and Iraq's invasion of Kuwait. During the war, a CIA-run radio station operational in Saudi Arabia, had encouraged the people in Iraq to rebel against the Iraqi government by airing 'The Voice of Free Iraq' on 2 February 1991 which indicated that the US would support an uprising against the government of Saddam Hussein. On 15th February 1991, the President of the US made two separate speeches in which he made the point that the bloodshed could stop if the Iraqi military and civilians would 'take matters into their own hands to force Saddam Hussein, the dictator, to step aside'.⁵³
39. The defeat of the Iraqi army at the end of February 1991 at the hands of the coalition forces led by the US was therefore followed by large uprisings in Iraq, amongst others by the Kurdish people in the northern Kurdish provinces, against the Iraqi government. They were hoping to overthrow the government, with the support of the US, but when the uprisings began, the US distanced itself from the uprisings and did not provide any direct or indirect support. As a result, Iraqi generals remained loyal to President Saddam and brutally crushed the Kurdish uprising.⁵⁴
40. By the end of March 1991, the Iraqi armed forces had recaptured some of the northern towns from the Kurds, many of whom (millions) subsequently fled towards the

⁵⁰ Hippler, J. (1990). Kurdistan - ein ungelöstes problem im mittleren ost: von unabhängigkeitstreben, uneinigkeit und unterdrückung. *Vereinte Nationen: German Review on the United Nations*, 38(6), (p. 204).

⁵¹ *Ibid.*

⁵² Security Council Resolution 620 (26 August 1988). Available at: [http://unscr.com/en/resolutions/doc/620; see further Pike J., "Iran–Iraq War \(1980–1988\)"](http://unscr.com/en/resolutions/doc/620; see further Pike J., 'Iran–Iraq War (1980–1988)'). Available at: <https://www.globalsecurity.org/military/world/war/iran-iraq.htm>.

⁵³ "Baghdad's Offer and Conditions for Ending War Over Kuwait" and "Excerpts From 2 Statements by Bush on Iraq's Proposal for Ending Conflict," *The New York Times*, February 16, 1991.

⁵⁴ Human Rights Watch (1 January 1992), *Human Rights Watch World Report 1992 - Iraq and Occupied Kuwait*. Available at: <https://www.refworld.org/docid/467fca591e.html>; Yildiz, K., & Taysi, T. (2007): The First Gulf War: From Uprising to Democracy. In *The Kurds in Iran: The Past, Present and Future* (pp. 34-43). London: Pluto Press.

borders of Turkey and Iran. This gave rise to international concern. On 3 April 1991, the UN Security Council adopted Resolution 687 setting out the terms of a full ceasefire in the Gulf, which were reluctantly accepted by the Iraqi government. On 5 April 1991, UN Security Council Resolution 688 was adopted, recalling the provisions of article 2, paragraph 7, of the Charter and condemning “the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, which led to a massive flow of refugees towards and across international frontiers and to cross-border incursions which threaten international peace and security in the region”.⁵⁵

41. On 9 April, a third resolution – UN Security Council Resolution 689 – was adopted by which a demilitarized zone between Iraq and Kuwait was created, which was to be monitored by a 1440 UN Iraq-Kuwait Observer Mission (UNIKOM) staffed by military personnel of the five permanent Security Council members. On 11 April 1991, the Security Council notified Iraq that a ceasefire in the Gulf was formally in effect.⁵⁶ The Kurdish refugees in the mountains of the border regions with Turkey and Iran were in very bad shape and sought to survive in extremely harsh conditions. The international community sought to organise emergency relief operations and establish Kurdish ‘safe heavens’, protected by foreign military troops (from the US, UK, France and other states) from persecution by the Iraqi military troops. This only materialised when the US, which initially decided not to intervene in Iraq, altered its position in light of the very serious humanitarian risk to the Kurdish people and devastating conditions in which they struggled to survive, despite strong objections raised by Iraq.⁵⁷
42. While the Baghdad government withdrew its forces from the Kurdish region after it gained *de facto* independence in October 1991, the relationship remains fragile until today. This fragility was again made apparent in 2017, when the KRG organised a referendum for independence, the implementation of which was prevented by force by the central governments of Iraq and Iran, not least because the Kurds in Iran, Syria and Turkey supported the vote for independence.⁵⁸ International support was failing (with some exceptions, mainly Israel), and so any implementation plan was short-lived.⁵⁹ In

⁵⁵ Security Council Resolution 688 (5 April 1991). Available at: <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IJ%20SRES688.pdf>. See also: Malanczuk, P. (1991), The Kurdish Crisis and Allied Intervention in the Aftermath of the Second Gulf War. *European Journal of International Law*, 2(2) (pp. 114–132, at 114). Available at: <http://ejil.org/pdfs/2/1/1160.pdf>.

⁵⁶ Keesing’s Record of World Events, Vol. 37 (1991) 38, 164 (News Digest for April 1991).

⁵⁷ Amnesty International (July 1991), *Iraq: Human Rights Violations Since the Uprising/Summary of Amnesty International’s Concerns*. Available at: <https://www.amnesty.org/en/documents/mde14/005/1991/en/>; Yildiz, K., & Taysi, T. (2007): The First Gulf War: From Uprising to Democracy. In *The Kurds in Iran: The Past, Present and Future* (pp. 34-43). London: Pluto Press.

⁵⁸ 2017 Kurdistan Region independence referendum. (2020, March 28). Retrieved from https://en.wikipedia.org/wiki/2017_Kurdistan_Region_independence_referendum.

⁵⁹ Iraq halts international flights to Kurdistan Region. (2017, September 29). Retrieved from <https://www.bbc.co.uk/news/world-middle-east-41440747>; Iran and Iraq to hold joint border drills. (2017, September 30). Retrieved from <https://www.aljazeera.com/news/2017/09/iran-iraq-hold-joint-border-drills-170930144038863.html>; A new war in Iraq, now between Shia Arabs and Kurds. (2017, October 16.). Retrieved from <https://www.economist.com/middle-east-and-africa/2017/10/16/a-new-war-in-iraq-now-between-shia-arabs-and-kurds>; Kurdish forces abandon long-held lands to Iraqi army and Shia fighters. (2017, October 17). Retrieved from <https://www.theguardian.com/world/2017/oct/17/kurdish-forces-abandon-long-held-lands-to-iraqi-army-and-shia-fighters>; Iraq court rules no region can secede after Kurdish independence bid. (2017,

addition, despite strong objections from the Iraqi authorities, Turkey continues to bomb PKK strongholds in the Kurdish region in Iraq, which frequently leads to civilian casualties.⁶⁰

III. Syria

43. In Syria, Kurdish people have collectively and individually been exposed to widespread and systematic violations of human, political, civil, economic, cultural and social rights under all successive Ba'ath governments from its creation until today. Kurds consist of about 10 to 15% of the total population of Syria, and are settled mainly in the north and north-east of the country along the Syrian-Turkish borders, in the areas of Al-Jazeera, Afrin, and Ain al-Arab. Following the creation of Syria as an independent nation-state, successive governments of Syria have routinely adopted policies of institutional discrimination, racism and ethnic persecution of the Kurdish people. This went so far that their whole existence has frequently been threatened. International Organisations such as Society for Throughout the years organisations including Threatened Peoples, Human Rights Watch, Amnesty International, the International Commission of Jurists (ICJ) and the Human Rights Council have been vocal about their concern relating to the continued repression and discrimination against the Kurdish population in Syria.⁶¹ Examples of ethnically-based exclusionary measures imposed on the Kurdish people in Syria are the following:⁶²

-Deprivation of Syrian nationality

44. By legislative Decree No. 93 adopted on 23 August 1962 (implemented on 5 October 1962), the Syrian authorities in Hasaka stripped 120,000 Kurdish people of their Syrian nationality because they could not provide proof that they had lived in Syria since 1945 or earlier.⁶³ This was an irrevocable resolution without any review option, and left many Kurdish families without citizenship and all accompanying civil rights, including the right to work, employment, education, medical treatment, travel, own property and use agricultural land. They were stripped of all their rights and means to build a living and generate an income. Some of them received a foreigner identity card, which allowed them to leave the country, but not re-enter it. Others remained unregistered in all official records and could not obtain an identification document

November 6). Retrieved from <https://www.reuters.com/article/us-mideast-crisis-iraq-kurds/iraqcourt-rules-no-region-can-secede-after-kurdish-independence-bid-idUSKBN1D617O>.

⁶⁰ See, for instance, <https://www.al-monitor.com/pulse/originals/2019/07/iraq-kurdistan-pkk-turkey-sulaimaniyah.html>.

⁶¹ Human Rights Council, Working Group on the Universal Periodic Review (2011), Twelfth session, Geneva, 3-14 October 2011. *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1. Syrian Arab Republic*, A/HRC/WG.6/12/SYR/3, para. 13. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/151/41/PDF/G1115141.pdf?OpenElement>.

⁶² For more details, see Kurds in Syria (2011). *Persecution and Discrimination against Kurdish Citizens in Syria*. Available at:

<https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1>.

⁶³ Human Rights Council, Working Group on the Universal Periodic Review (2011), Twelfth session, Geneva, 3-14 October 2011. *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1. Syrian Arab Republic*, A/HRC/WG.6/12/SYR/3, paras. 60-61. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/151/41/PDF/G1115141.pdf?OpenElement>.

other than a letter of reference from the mare, or a residency certificate, which was granted only with the approval of political security police. The group of Kurdish residents in Syria without any nationality has grown to more than a quarter of a million because their children all obtained the status 'foreigner' or 'unregistered'. Amnesty International reported that the number of stateless Kurds is between 200,000 and 360,000 persons. Despite repeated and persistent demands to the successive government to find a solution of those stateless Kurdish families, this situation did not get resolved.⁶⁴

45. In 1999, the UN Committee on the Elimination of Racial Discrimination;⁶⁵ and in 2005, the UN Commission on Human Rights expressed their concern about the growing stateless Kurdish people.⁶⁶ In 2011, Kurdish Human Rights Project and Amnesty International noted with concern the fact that stateless Kurds in Syria could not go anywhere without official documents. Amnesty International recommended putting an end to all related discrimination against stateless Kurdish people including their right of movement, which is impossible to exercise without a passport or other travel document. Stateless Kurds could not even register their marriage.⁶⁷ Human Rights Watch recommended the Syrian authorities to redress the status of all Kurds who were born in Syria but are stateless.⁶⁸ None of these recommendations were implemented.
46. Arguably even more problematic is that stateless Kurds were precluded from carrying out any formal profession for which Syrian citizenship is a requirement. They were not allowed to work in the private sector and could be penalised by fine or imprisonment if they do. For the most, their only option was to work illegally in the informal sector.⁶⁹ Also, as Habitat International Coalition pointed out, pursuant to

⁶⁴ Amnesty International (2011), *Amnesty International submission to the UN Universal Periodic Review 12th session of the UPR Working Group*, October 2011, para. B., p. 3, para. D., p. 5. Available at: <https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/AI-AmnestyInternational-eng.pdf&action=default&DefaultItemOpen=1>.

⁶⁵ Committee on the Elimination of Racial Discrimination (1999), *Consideration of reports (12th – 15th reports) submitted by state parties under Article 9 of the Convention. Concluding observations of the Committee on the Elimination of Racial Discrimination. Syrian Republic*, CERD/C/304/Add.70, para. 14. Available at: <https://undocs.org/CERD/C/304/Add.70>.

⁶⁶ United Nations Human Rights Committee (2005), *Consideration of reports submitted by state parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee*, CCPR/CO/84/SYR, para. 19. Available at: <https://undocs.org/en/CCPR/CO/84/SYR>.

⁶⁷ Kurdish Human Rights Project (2011), *Submission to the UN Universal Periodic Review of the Republic of Syria for consideration by the Office of the UN High Commissioner for Human Rights for submission to the 12th session of the Working Group on the UPR (3-14 October 2011)*, para 15., p. 4. Available at: <https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KHRP-KurdishHumanRightsProject-eng.pdf&action=default&DefaultItemOpen=1>.

⁶⁸ Human Rights Watch (2011), UPR Submission Syria March 2011. *Universal Periodic Review Twelfth Session. Syrian Arab Republic*, pp. 4-5. Available at: <https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/HRW-HumanRightsWatch-eng.pdf&action=default&DefaultItemOpen=1>.

⁶⁹ Kurdish Human Rights Project (2011), *Submission to the UN Universal Periodic Review of the Republic of Syria for consideration by the Office of the UN High Commissioner for Human Rights for submission to the 12th session of the Working Group on the UPR (3-14 October 2011)*, paras. 11-12, p. 4. Available at: <https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KHRP-KurdishHumanRightsProject-eng.pdf&action=default&DefaultItemOpen=1>. See also: Society for Threatened Peoples (2011), *Universal Periodic Review Twelfth Session. Syrian Arab Republic* (p. 2). Available at:

Decree No. 49 of 2008 relating to restrictions on the use of land, stateless Kurds were unable to own land, houses or businesses, which deprived them, not only of an adequate standard of living and ability to feed their families, but also of any source of livelihood and culture. Such measures have greatly impoverished the Kurds.⁷⁰ The Kurdish people as a particular social group have been unfairly and highly disproportionately targeted for such measures, as is also the view expressed by the Support Kurds in Syria.⁷¹

- Confiscation of land and a policy of forced Arabization in Kurdish areas

47. In 1973, in the province of Hasaka along the Syrian border with Turkey and Iraq, the Syrian authorities confiscated an area of more than 750 square kilometres - of fertile agricultural land owned and cultivated by tens of thousands of Kurdish citizens, and gave it to Arab families brought in from the provinces of Aleppo and Al-Raqqa. In addition, the National Leadership Bureau of the ruling Ba'ath Party issued orders to establish 41 settlement centres in these areas, replacing the Kurdish inhabitants by Arabs from other areas through eviction of the Kurds. The aim was to change the demographic composition of these areas.⁷²
48. On 13 June 2007, this earlier policy was implemented again, and tens of thousands of Kurdish people were evicted from their land in Hasaka province, which was allocated to 150 Arab families from the Shaddadi region. They got about six thousand square kilometres in Malikiyah.⁷³
49. On 17 March 2010, the Ministry of Agriculture and Agrarian Reform issued order number 2707/ S instructing departments of agriculture in the province of Hasaka to remove the names of a significant number of Kurdish citizens from the records of wages or rental contracts under the pretext that they had not obtained legal licenses according to the provisions of Act No. 41 of 2004 and its amendments.⁷⁴

- Excessive measures against Kurdish cultural heritage

50. The Kurds in Syria have also been severely hampered in exercising their basic human rights relating to their ethnic identity and cultural heritage. For instance, the authorities

<https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/HRW-HumanRightsWatch-eng.pdf&action=default&DefaultItemOpen=1>.

⁷⁰ Habitat International Coalition's Housing and Land Rights Network (2011). *Systematic Housing and Land Rights Violations against Syrian Kurds* (pp. 2-4). Available at:

<https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/HIC-HabitatInternationalCoalition-eng.pdf&action=default&DefaultItemOpen=1>.

⁷¹ International Support Kurds in Syria Association (2011), *Submission to the UN Universal Periodic Review of the Republic of Syria. For consideration by the Office of the UN High Commissioner for Human Rights for submission to the 12th session of the Working Group on the UPR* (3-14 October 2011) (paras. 5-8, p. 3). Available at:

<https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/SKS-SupportKurdsSyria-eng.pdf&action=default&DefaultItemOpen=1>.

⁷² Yildiz, K. (2005), Kurdish Cultural Rights. In *The Kurdish in Syria. The Forgotten People* (p. 18). London: Pluto Press.

⁷³ Kurds in Syria (2011), *Persecution and Discrimination against Kurdish Citizens in Syria* (para III, p. 3). Available at:

<https://lib.ohchr.org/HRBodies/UPR/layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1>.

⁷⁴ *Ibid.*

have sought to prevent Kurds from celebrating the Nowruz Festival, the Kurdish New Year in a variety of ways.⁷⁵ On 21 March 2010, the authorities in Al-Raqqah province attempted to break up the crowds of Kurdish citizens who were celebrating Nowruz in the North Sawamia area and fired indiscriminately live bullets at them. The result was that one person was killed and a number of them wounded.⁷⁶

- Prohibition to use Kurdish language

51. The Syrian authorities continued to use every means available to prevent Kurds from exercising their natural right to speak their mother tongue. The Kurdish language is not recognized as an official language in the state, and the authorities have used any kind of tool, including torture, initiating criminal proceedings or limitation of movement, to prohibit Kurdish citizens from speaking or conversing in Kurdish. Speaking Kurdish in public was severely punished. Possession of Kurdish literature as well as cultural practices was forbidden and teaching in Kurdish was prohibited.⁷⁷
52. Over the years, a number of measures have been taken to further reduce adherence to the Kurdish language, namely:

On 11 November 1986, the governor of Hasaka issued Resolution No. (1012/ S/ 25) which prohibited the use of the Kurdish language in the workplace.⁷⁸

On 13 March 1989, the governor of Hasaka, Mohammed Mustafa Miro, issued resolution 1865/ S/ 25 to re-confirm this ban on speaking Kurdish in the workplace and added to it a prohibition on non-Arabic songs at weddings and holidays.⁷⁹

In 1967, all references to Kurds in Syria were removed from geography curriculum books, and many Kurdish citizens were subject to pressure from the staff of the Civil Registry Departments to not give their children Kurdish names.⁸⁰

53. After the Kurdish people gained some level of independence in the Kurdish territory in northern Syria (Rojava), the Kurdish language became the official language of all

⁷⁵ Kurds in Syria (2011), *Persecution and Discrimination against Kurdish Citizens in Syria* (paras. IV, VI, p. 3). Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1.

⁷⁶ *Ibid.*

⁷⁷ Society for Threatened Peoples (2011), *Universal Periodic Review Twelfth Session. Syrian Arab Republic* (p. 3). Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/HRW-HumanRightsWatch-eng.pdf&action=default&DefaultItemOpen=1.

⁷⁸ Kurds in Syria (2011), *Persecution and Discrimination against Kurdish Citizens in Syria* (paras. IV, p. 3).

Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1. See also: Yildiz, K. (2005), Kurdish Cultural Rights. In *The Kurdish in Syria. The Forgotten People* (p. 116). London: Pluto Press.

⁷⁹ Yildiz, K. (2005), Kurdish Cultural Rights. In *The Kurdish in Syria. The Forgotten People* (p. 120). London: Pluto Press.

⁸⁰ Kurds in Syria (2011), *Persecution and Discrimination against Kurdish Citizens in Syria* (para. IV, p. 3).

Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1.

provinces in the Kurdish regions. In July 2011, the Kurdish Language Institute was opened and offered language courses in Kurdish that had been banned before. The Social Contract of the Autonomy of the Rojava Provinces states that the official languages of the Province are Kurdish, Arabic and Syriac. According to this Social Contract, all communities have the right to teach and be taught in their native language. It also gives cultural rights to all of the communities.

54. This policy resulted in a more developed language education in the Kurdish territory (Rojava). Publishing books in Kurdish was made possible, allowing for more elaborate teaching in Kurdish. Today, elementary, intermediate and advanced schools in the Kurdish territory are offering programs in the Kurdish language.⁸¹ This also had impact on the remainder of the country, mainly Damascus and Aleppo, where the ban on using the Kurdish language is no longer imposed.⁸²

- Violation of Right to Education

55. Due to the Kurdish language ban, which existed until very recently, the number of illiterate persons had increased among Kurds, because many of them did not speak Arabic had therefore no access to education. Stateless Kurdish children faced even greater problems because they could not even be registered at school due to their lack of the required documents. Also, Kurdish students continued to be subjected to arbitrary transfer or expulsion from governmental institutions.⁸³ There have been many appeals to allow the Kurdish language to be taught in Syrian schools and universities.⁸⁴

56. In the last few years, attempts have been made to rectify this situation. Language conferences are being held annually by two language institutions: Language and Education Movement and the Kurdish Language Institute. The main objective of both of the institutions is to develop and spread the language. Also, in big cities of Syria, such as Damascus and Aleppo, the Kurdish language institutes are established. The sole reason for this development is that the Kurds gained some level of independence in the North.⁸⁵

- National and religious discrimination against Yezidi Kurds in Syria

57. Yezidis, an estimated 70 thousand people, are distributed across regions in the provinces of Hasaka, Aleppo, and in particular the cities of Qamishli, Ras Al Ain, Amouda, Derbassiyeh, and Afrin. Because they are associated with the Kurds, they

⁸¹ Ameen Rizgar Muhammad (2019), Present situation with the Kurdish language. Филологические науки. Вопросы теории и практики, 12 (2), 85-90. Available at: <https://cyberleninka.ru/article/n/present-situation-with-the-kurdish-language>.

⁸² Kurdish residents in Syria's north find linguistic freedom after decades of state suppression. (2017, November 29). Retrieved from <https://syriadirect.org/news/after-decades-of-suppression-kurdish-residents-in-syria's-north-find-linguistic-freedom/>.

⁸³ Kurds in Syria (2011), *Persecution and Discrimination against Kurdish Citizens in Syria* (para. IV, p. 3). Available at: https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KIS-KurdsinSyria-eng.pdf&action=default&DefaultItemOpen=1.

⁸⁴ *Ibid.*

⁸⁵ Ameen Rizgar Muhammad (2019), Present situation with the Kurdish language. Филологические науки. Вопросы теории и практики, 12 (2), 85-90. Available at: <https://cyberleninka.ru/article/n/present-situation-with-the-kurdish-language>.

suffer the same discrimination and persecution as the rest of the Kurdish population, in addition to suffering religious persecution. Because Syrian law does not recognize the Yezidi religion, they are prevented from learning the basics of their religion in public schools. The government forces followers of this religion to study Islamic religion in public schools, despite the obvious different beliefs between the two religions. Also, religious courts do not apply Yezidi religious rules, and do not even recognize Yezidis as a community, similar to the Ismaili or Druze communities. Recognized religious communities are allowed by the state to follow their own religious teachings and apply their own rules in personal status matters such as marriage, divorce and paternity. The Kurds are also not allowed to resort to civil courts.⁸⁶

- Deprivation of political and civil rights

58. Syrian authorities throughout history have systematically suppressed the political freedom of all Syrian people, but particularly of the Kurdish people. Amnesty International reported many cases of arbitrary detention of peaceful Kurdish demonstrators, critics of the government and human rights activists. Peacefully expressing opinions different from those of the authorities has frequently led to lengthy prison sentences.⁸⁷ The repression to prevent peaceful assemblies of Syrian Kurds has intensified over the years. Kurdish political parties were viewed as a separatist threat to the Syrian ruling party. Accordingly, members of Kurdish political parties often faced charges of membership of an illegal organization and were arbitrarily detained.⁸⁸

Situation during and after the Syrian conflict

59. Following the Tunisian and Egyptian Revolutions, also referred to as the 'Arab spring' when many people in the Arab world stood up against their governments, activists in Syria declared a Day of Rage through Facebook on 4th February 2011. The protesters consisted mainly of Kurds in the northeast of the country. The Syrian government responded by having the Kurdish leader Mashaal Tammo killed by masked men in his apartment on 7th October 2011. During Tammo's funeral in the town of Qamishili, which was attended by more than 50.000 Kurdish people, Syrian security forces fired into the crowd and killed five persons. Since then, Kurdish demonstrations became a

⁸⁶ Society for Threatened Peoples (2011), *Universal Periodic Review Twelfth Session. Syrian Arab Republic* (p. 2). Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/HRW-HumanRightsWatch-eng.pdf&action=default&DefaultItemOpen=1.

⁸⁷ Cairo Institute for Human Rights Studies, The Damascus Center for Human Rights Studies, Haitham Maleh Foundation for the Defense of Human Rights Defenders in Syria (2011), *Joint submission by a coalition of regional and national human rights Non-Governmental Organizations (NGOs) towards the Universal Periodic Review (UPR) of Syria* (section V, pp. 8–9). Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/JS1-JointSubmission1-eng.pdf&action=default&DefaultItemOpen=1. See also: Amnesty International (2011), *Amnesty International submission to the UN Universal Periodic Review 12th session of the UPR Working Group*, October 2011 (para. C., p. 3). Available at:

https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/AI-AmnestyInternational-eng.pdf&action=default&DefaultItemOpen=1.

⁸⁸ Kurdish Human Rights Project (2011). *Submission to the UN Universal Periodic Review of the Republic of Syria for consideration by the Office of the UN High Commissioner for Human Rights for submission to the 12th session of the Working Group on the UPR* (3-14 October 2011) (para. 16, p. 5, para. 19, p. 6). Available at: https://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/session12/SY/KHRP-KurdishHumanRightsProject-eng.pdf&action=default&DefaultItemOpen=1.

routine part of the Syrian uprising.⁸⁹ During the conflict, in July 2012, the People's Protection Units (YPG), which were created by the Kurdish Supreme Committee to support the Kurdish inhabitants in the northeast of Syria, took over a range of north-eastern towns including Kobane and Efrîn. The only major Kurdish inhabited towns which remained under government control were Hasaka and Qamishli. In 2014, Kurds along with Assyrian and Arab populations in the region declared the cantons of Cizîrê, Kobanê and Efrîn to be parts of the autonomous Democratic Federation of Northern Syria.⁹⁰

60. The autonomy of the Kurdish region has been under constant threat since its creation. At the heat of the conflict, the Turkish had closed the borders of the Kurdish region and prevented the medical and necessary aids to enter the Kurdish towns and villages, while they let the jihadists pass across the border to Syria, with the aim to attack the Kurds. This led to a serious humanitarian crisis, especially since the Syrian authorities had left the Kurds to themselves and offered no assistance in terms of security, food or medical care.⁹¹
61. Consequently, the living conditions in the Kurdish region had become catastrophic. Efrîn and surrounding Kurdish villages in north-western Syria were under constant siege by jihadist groups who were supported by Turkey and repeatedly sought to invade the region from the south. On the other sides, the Kurdish region was surrounded by Turkey, which had closed the borders and regularly bombarded the region.⁹² Despite repeated requests for assistance, the Turkish authorities kept on refusing to open a humanitarian route for medicines and food. The Turkish armed forces in alliance with the Turkish-backed and sponsored Free Syrian Army occupied the Efrîn canton in the beginning of 2018, which led to the displacement of 150,000 to 200,000 Kurds.⁹³ The Free Syrian Army consisted of many fighters who had initially

⁸⁹ With A Dose of Caution, Kurds Oppose Syrian Regime. (2012, April 5). Retrieved from <https://www.npr.org/2012/04/05/150064912/with-a-dose-of-caution-kurds-oppose-syrian-regime?t=1588671047304>; Syria Funeral Shooting: Forces Open Fire On Mashaal Tammo Mourners. (2011, August 10). Retrieved from http://www.huffingtonpost.com/2011/10/08/syria-funeral-shooting_n_1001354.html; Thousands of Kurds could awaken against Syrian regime. (2011, October 9). Retrieved from <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/8816825/Thousands-of-Kurds-could-awaken-against-Syrian-regime.html>.

⁹⁰ Radpey, L. (2016), Kurdish Regional Self-rule Administration in Syria: A new Model of Statehood and its Status in International Law Compared to the Kurdistan Regional Government (KRG) in Iraq, *Japanese Journal of Political Science*, 2017(17, 3), 468-488.

⁹¹ Human Rights Council, Forum on Minority Issues (2016), Ninth session, *Minorities in situations of humanitarian crises* (24 and 25 November 2016). Available at: https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/MinorityIssues/Session9/YASA_Item3.pdf&action=default&DefaultItemOpen=1.

⁹² *Ibid.*

⁹³ Syrian Kurds Try to Maintain Unity. (2012, July 17). Retrieved from <https://web.archive.org/web/20120723012730/http://www.rudaw.net/english/news/syria/4964.html>; More Kurdish Cities Liberated As Syrian Army Withdraws from Area. (2012, July 20). Retrieved from <https://web.archive.org/web/20120721142617/http://www.rudaw.net/english/kurds/4978.html>; Armed Kurds Surround Syrian Security Forces in Qamishli. (2012, July 22). Retrieved from <https://web.archive.org/web/20120724224808/http://www.rudaw.net/english/news/syria/4984.html>; Girke Lege Becomes Sixth Kurdish City Liberated in Syria. (2012, July 24). Retrieved from <https://web.archive.org/web/20121129100410/http://www.rudaw.net/english/news/syria/4992.html>; Syrian Kurdish Official: Now Kurds are in Charge of their Fate. (2012, July 27). Retrieved from <https://web.archive.org/web/20120801020239/http://www.rudaw.net/english/news/syria/5010.html>. See also Balance F. (2018), *Sectarianism in Syria's Civil War* (Online ed.). Washington, DC: The Washington Institute for Near East Policy. Available at:

joined the Islamic State ('IS'). The OHCHR reported widely about the abuses in Efrîn. The report called on Turkey to ensure rebels adhered to the international humanitarian law.⁹⁴

62. Nonetheless, the Kurds put up a fierce resistance against the jihadists, who are now largely defeated. Kobani resistance was one of the most important battles that took place between the Kurds and the "Islamic State" terrorists, which was witnessed by the entire world. If the Kurds had not achieved victory, the Kurdish existence would have been completely finished through a massive ethnic cleansing. This is when the Kurds took responsibility for their own fate and forcefully protected the rule and security in the region. It was the Democratic Union Party (PYD) which came to power as a *de facto* ruler and later declared the Rojava autonomous region in North and East Syria.⁹⁵ Rojava still exists, though not officially recognized as an autonomous region by the government of Syria or the international community.
63. Despite the fact that the Syrian Kurds attained a level of independence and autonomy, they were, and are still under constant threat. The consequences of the Syrian revolution, which turned later into a civil war and a proxy war, in which many regional and international powers got involved with different and conflicting interests on the Syrian territory, are still felt today by the Kurds in Syria. In particular Turkey continues to form a threat to their existence. The Turkish government strongly opposes any level of independence of the Kurds, even in a neighbouring country. Turkey, together with allied jihadist groups – mainly IS, continue to form a threat to the Kurdish autonomous region in northern Syria, even after their defeat.⁹⁶
64. As late as October 2019, American troops withdrew from the buffer zone in northern Syria bordering Turkey, thereby allowing Turkey to bomb the Kurds in that area. Whilst the alleged target was the strongholds of the Syrian Democratic Forces, which Turkey claims are aligned to the PKK, many civilians got killed in the airstrikes launched by Turkey, which also led to the escape of IS ("Islamic State") prisoners from abandoned prisons and triggered another conflict between the Syrian army, backed by Russia and Iran, and Turkey on Syrian territory.⁹⁷

<https://www.washingtoninstitute.org/uploads/Documents/pubs/SyriaAtlasCOMPLETE.pdf>; Bozbuğa, R. (2016, January 20). Kurdish Population in Syria. Retrieved from <http://sahipkiran.org/2014/08/05/kurdish-population-in-syria/>.

⁹⁴ Human Rights Council, Forum on Minority Issues (2016), Ninth session, *Minorities in situations of humanitarian crises* (24 and 25 November 2016). Available at:

https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/M_inorityIssues/Session9/YASA_Item3.pdf&action=default&DefaultItemOpen=1.

⁹⁵ *Ibid.*

⁹⁶ Nader, A. et al (2016), Turkey's Reaction to an Independent Kurdistan. In *Regional Implications of an Independent Kurdistan* (pp. 61-62). Santa Monica: RAND Cooperation.

⁹⁷ Turkey Launches Offensive Against U.S.-Backed Syrian Militia. (2019, October 9). Retrieved from <https://www.nytimes.com/2019/10/09/world/middleeast/turkey-attacks-syria.html>; Turkey unleashes airstrikes against Kurds in north-east Syria. (2019, October 9). Retrieved from <https://www.theguardian.com/world/2019/oct/09/turkey-launches-military-operation-in-northern-syria-erdogan>; ISIS Rears Its Head, Adding to Chaos as Turkey Battles Kurds. (2019, October 11). Retrieved from <https://www.nytimes.com/2019/10/11/world/middleeast/turkey-syria-kurds.html>;

Trump orders US troops out of northern Syria as Turkish assault continues. (2019, October 13). Retrieved from <https://www.theguardian.com/world/2019/oct/13/trump-us-troops-northern-syria-turkish-assault-kurds>;

65. This current situation makes it abundantly clear that the Kurds in Syria need international support to put pressure on neighbouring countries, particularly Turkey and Iran, and the Syrian administration to recognize and accept the rights of the Kurds in today's Syria. The Kurds also need humanitarian support because the Kurdish region is still deprived of medical care and other basic needs. The international community should also put pressure on Turkey to open the border gates and allow the passage of humanitarian aid of medicines and food, and to allow trade exchange with the Kurdish region.⁹⁸ After all, the international community owes the victory over IS and other terrorist groups to the Kurds. These jihadist groups formed a threat, not only to the Kurds in Syria, but to the entire international community. Many fleeing minorities, including the Yezidis, when the Islamic State announced itself and occupied areas in Syria and Iraq, were saved by the Kurds in North East Syria and North Iraq. Approximately 350,000 Yezidis were displaced from the Sinjar region in Iraq, most of who remain in IDP camps in the Kurdish region in Iraq at present time. Many Yezidi men were killed, and women sold as sexual slaves. The mass killing and sexual slavery by IS of the Yezidi population is frequently referred to as genocide, also by the UN Commission of Inquiry. This was possible because the Yezidis were unprotected by the authorities, and left to their own fate.⁹⁹

66. In addition, IS is still active in the region and is regaining power. Its threat to the region and international community is far from over. IS took advantage of the Covid-19 situation, which occupied the whole world, to rebuild its manpower in Syria and Iraq. Recent attacks in Syria and Iraq are indicators of IS regaining strength.¹⁰⁰ The international community needs the continuing support of the Kurds in Syria and Iraq in fighting against IS and protecting the minorities against IS violence.

67. The independent Kurdish region, Rojava, is ruled in an exemplary manner, promoting democracy, religious freedom, separation of state and religion, gender equality, and environmental sustainability. It is time for the international community to officially recognise Rojava as an autonomous Kurdish region and give it full support in its struggle against armed attacks, be it from Turkey, Syrian army, IS or Iran.

IV. Iran

68. Iran counts approximately 12 million Kurds, which comprises 15-17 per cent of the population. They live predominantly in the west and south-west of the country, and nowadays also in Tehran.¹⁰¹

⁹⁸ Human Rights Council, Forum on Minority Issues (2016), Ninth session, *Minorities in situations of humanitarian crises* (24 and 25 November 2016). Available at: https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/HRBodies/HRCouncil/MinorityIssues/Session9/YASA_Item3.pdf&action=default&DefaultItemOpen=1.

⁹⁹ UN Commission of Inquiry on Syria (16 June 2016), ISIS is committing genocide against the Yazidis. Retrieved from <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20113>. See also: UN Security Council Adopts Resolution - One Step Towards Justice for the Yazidi Genocide. (2017, 21 September). Retrieved from <http://globaljusticecenter.net/press-center/press-releases/832-un-security-council-adopts-resolution-one-step-towards-justice-for-the-yazidi-genocide>.

¹⁰⁰ Iraqi spy chief warns ISIS is rebuilding. (2019, November 18). Retrieved from <https://edition.cnn.com/2019/11/18/middleeast/iraq-spy-chief-isis-rebuilding/index.html>; Isis in Iraq: Militants 'getting stronger again'. (2019, December 23). Retrieved from <https://www.bbc.com/news/world-middle-east-50850325>.

¹⁰¹ Amnesty International (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. Available at: <https://www.amnesty.org/download/Documents/MDE130882008ENGLISH.pdf>.

69. A large number of Kurdish people in Iran (estimated 200,000) live in Mahabad, the capital city of Mahabad County, West Azerbaijan Province in Northwestern Iran. The Unrepresented Nations and Peoples Organization (UNPO) recognizes Mahabad as the unofficial capital of Kurdish Region of Iran. Historically the Mahabad region has been of critical importance to the Kurdish people. Kurdish people have their roots in this region for over 1000 years. Many of the Iranian Kurds who reside in this region are descendants of the Murki tribe, who claim to speak the most ancient and least manipulated form of the Kurdish language.

70. In more recent history, a Kurdish independent region was established in Mahabad County by the Kurdish nationalist movement, which was led by the oldest Kurdish opposition group in Iran, the Kurdish Democratic Party of Iran ('KDPI'). It was called the Republic of Mahabad, named after its capital, and was established in 1946, and was supported by the Soviets. The Republic was, however, short-lived and collapsed after ten to eleven months when the Soviets withdrew from Iran.¹⁰² The Republic of Mahabad was then absorbed by the new Iranian government, the KDPI banned and its leaders were arrested. On 31 March 1947 President Qazî Muhammed, prime minister Hecî Baba Şêx and the defence minister Muhammed Hüseyin Han Seyfi Qazî, together with around 20 other leaders, were hung in public at the Çarçira Square in Mahabad, where they announced the Republic of Mahabad, and two smaller cities, Saqez and Boukan, The Mahabad of Kurdistan was demolished in 1947.¹⁰³

71. Despite the ban, the KDPI continued to be operational and fight for Kurdish rights, and was officially recognized in 1979, more than 30 years later, after it played a significant role in the revolution and the overthrowing of the Sha, the government of Iran. The Sha government had not provided any support to Kurdish independent rule and crushed any movement in support of autonomy, which is why most Kurds (particularly the Shi'a Kurds) supported the revolution. Following the official recognition of KDPI by the newly constituted post-revolution government, the councils (shoura) of Kurdish towns led by the KDPI were given some powers to make autonomous decisions within Kurdish territory.¹⁰⁴ This also led to the takeover by the Iranian Kurds of police and army barracks in other Kurdish areas.

72. The relative autonomy of the Kurds after the revolution did not last long and was challenged after a mere two months in post-revolution Iran. Initially the Kurds were supporting the new government and the KDPI briefly referred to itself as a non-separatist movement promoting political autonomy only but not independence. However, the relationship between the Kurds and the new government quickly deteriorated, which led to the largest of all nationwide uprisings against the government. There was division among the Kurds with the Shi'a Kurds continuing its

¹⁰² The Kurdish Project: <https://thekurdishproject.org/kurdistan-map/iranian-kurdistan/mahabad/>. See also: Yildiz, K., & Taysi, T. (2007), A History. In *The Kurds in Iran: The Past, Present and Future* (p. 13). London: Pluto Press.

¹⁰³ Yildiz, K., & Taysi, T. (2007), A History. In *The Kurds in Iran: The Past, Present and Future* (pp. 11-30). London: Pluto Press.

¹⁰⁴ Amnesty International (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. Available at: <https://www.amnesty.org/download/Documents/MDE130882008ENGLISH.pdf>. See also: Abrahamian, E. (1982), *Iran between two revolutions* (p. 527). Princeton: Princeton University Press.

support for the government policies and the Sunni Kurds continuing their struggle for independence.¹⁰⁵

73. By mid-1979, an armed conflict broke out between the new government's Revolutionary Guards and armed Kurdish groups, particularly the KDPI and another group Komala. Prominent supporters of Kurdish independence were declared 'enemies of the state', and while the Kurds initially managed to put up a forceful defence against the unprepared Revolutionary Guard, the Iranian government then declared a holy war (fatwa) on the Iranian Kurds and launched a three-week military campaign to crush the Kurdish positions in and around Mahabad. Early September 1979, Mahabad was overtaken by the Revolutionary Guard and the Kurdish fighters withdrew into mountains. Six weeks later, when the Iranian government was distracted with other issues, including the crisis around the American Embassy hostage in Tehran, the Kurdish fighters launched a counter-attack and regained control over Mahabad and other occupied Kurdish towns.¹⁰⁶
74. In December 1979, the Supreme Leader of the new Islamic Republic of Iran, Ayatollah Ruhollah Khomeini, declared that tolerating ethnic minorities would be contrary to Islam, and accordingly ordered that the Kurdish opposition should be destroyed. Accordingly, in spring 1980, the Iranian central government sent a large military force to the Kurdish territories and regained control of some Kurdish cities, but not Mahabad. After the Iran-Iraq war broke out in September 1980, the Iranian government made a more significant effort to defeat the Kurdish rebellion. It took until late 1980 to defeat the Kurdish fighters, and until 1981 to crush the Kurdish uprising and regain full control over Mahabad. Around 10,000 Kurds were killed during this military campaign. Thousands of Kurds were sentenced to death after summary trials.¹⁰⁷
75. Until 1983, groups of Kurdish fighters with links to KDPI continued to launch guerilla attacks against Iranian militias. In 1984, KDPI forces were driven across the border into Iraq following a major military attack by Iranian forces.¹⁰⁸ Throughout the war between Iran and Iraq, governments on both sides encouraged Kurdish separatist movements in the other country, thereby creating internal strife and political separation between different Kurdish groups. Until 1991, the KDPI continued its armed opposition to the Iranian authorities from neighboring country Iraq, but then eventually suspended it. A number of assassinations of KDPI leaders living outside Iran were carried out by Iran in 1992 (Berlin) and in 1989 (Vienna).¹⁰⁹
76. In 2005, the United Nations accorded KDPI consultative status, but this had no impact on the position of the Kurds in Iran. The armed conflict between the Iranian Revolutionary Guards and different Kurdish armed groups in Iran recommenced in 2006. Most of the armed groups had links with the Party for a Free Life in Kurdistan ('PJAK'), a party which emerged in 2004 and is affiliated with the PKK. Mainly the

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¹⁰⁶ Democratic Party of Iranian Kurdistan, retrieved from:

https://en.wikipedia.org/wiki/Democratic_Party_of_Iranian_Kurdistan

¹⁰⁷ De Bellaigue, C. (2005), *In the Rose Garden of the Martyrs* (p.60). New York: Harper Perennial.

¹⁰⁸ Iran Human Rights Documentation Center (2011), *Murder at Mykonos: Anatomy of a Political Assassination*. Available at: <https://iranhrdc.org/murder-at-mykonos-anatomy-of-a-political-assassination/>.

¹⁰⁹ Democratic Party of Iranian Kurdistan, retrieved from

https://en.wikipedia.org/wiki/Democratic_Party_of_Iranian_Kurdistan.

Kurds living in the northern parts of the four provinces bordering Iraq were supporting the PJAK. Kurdish fighters reportedly destroyed a helicopter belonging to the Revolutionary Guards in Jahannam-Darreh, near Khoy in West Azerbaijan. This incident, which took place in February 2007, killed nine officers and was followed by a series of revenge attacks by the Revolutionary Guards against Kurds in the mountains near the border town of Salmas. At least 17 Kurds, likely Kurdish fighters, were killed in these attacks.¹¹⁰

77. In September 2007, more than 300 people were in detention on grounds of their support of Kurdish political groups. Some of the prisoners were serving sentences of up to 20 years. To provide a number of examples: in December 2006, Simko Ghaderpour, a ‘political detainee’ from Bokan was sentenced to 11 years’ imprisonment for a ‘link to Kurdish political oppositions groups’; and in January 2007, Jahandar Mohammadi, an NGO activist from Sanandaj was sentenced to 15 years’ imprisonment on similar grounds.¹¹¹
78. On 7 May 2015, another Kurdish uprising occurred in Mahabad, following the death of a 25-year-old Kurdish hotel chambermaid, who tried to escape a Revolutionary Guard who was raping her. The hotel was set on fire and at least 25 people got injured in the riots. Protests also took place in other Kurdish cities, including Sardasht. The Iranian government responded with force and arrested many Kurds of whom at least 84 were executed. As a result, the KDPI resumed its armed resistance early 2016.¹¹²

Struggles of the Iranian Kurds today

79. The position of the Kurds living in Iran remains volatile in the Islamic Republic of Iran and the Kurdish population has been severely suppressed throughout the years until today. Except for the Iranian Kurds who actively supported the policies of the central government, the Kurdish population in Iran has been subjected to harsh persecutions.¹¹³ This has been confirmed by Amnesty International,¹¹⁴ Human Rights Watch,¹¹⁵ and the UN/Special Rapporteur on Iran¹¹⁶ in reports on human rights violations of the Kurdish population in Iran. Most Kurdish political parties are banned in Iran and their membership is punishable by imprisonment. Many of their important members had to flee Iran as a result of severe persecutions and threats, but even outside Iran they are not completely safe as Iranian security forces have carried out numerous assassinations abroad. In 2006 the Kurdish United Front (KUF) to fight for the rights of the Iranian Kurds in a peaceful way. This is however not an officially

¹¹⁰ Amnesty International (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. Available at: <https://www.amnesty.org/download/Documents/MDE130882008ENGLISH.pdf>.

¹¹¹ *Ibid.*

¹¹² Mahabad Riots, retrieved from https://en.wikipedia.org/wiki/Mahabad_riots.

¹¹³ Nader, A. et al (2016), Turkey’s Reaction to an Independent Kurdistan. In *Regional Implications of an Independent Kurdistan* (pp. 105-107). Santa Monica: RAND Cooperation.

¹¹⁴ Amnesty International (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. Available at: <https://www.amnesty.org/download/Documents/MDE130882008ENGLISH.pdf>.

¹¹⁵ Human Rights Watch (2009). *Iran: Freedom of Expression and Association in the Kurdish Regions*. Available at: <https://www.hrw.org/report/2009/01/09/iran-freedom-expression-and-association-kurdish-regions>.

¹¹⁶ Commission on Human Rights (2006), *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living – mission to the Islamic Republic* (19-31 July 2005), E/CN.4/2006/41Add.2. Available at: <https://undocs.org/E/CN.4/2006/41/Add.2>.

registered party, and whilst tolerated by the government, it cannot operate freely or be too outspoken about the systematic denial of basic human rights of the Kurdish population in Iran.¹¹⁷

80. Accordingly, the violation of the civil and political rights of the Iranian Kurds continues until today. Also, their social, cultural and economic rights get trumped in various ways, for instance by prohibiting parents from registering their babies with certain Kurdish names.¹¹⁸ Most importantly, the use of the Kurdish language has been frustrated in various ways. The Kurdish language has two main dialects: Sorani and Kurmanji. According to the Constitution of Iran, the official language of Iran is Persian, which means all official documents are only printed in the Persian language. Nonetheless, the teaching of literature in non-Persian languages at school is tolerated, but no logistics, funds or other forms of facilitation are made available to teach in any language other than Persian. State schooling is free and compulsory at the primary and middle stages and teaching is carried out in Persian at all levels.¹¹⁹

81. In addition, the Kurds have been subjected to systematic discrimination on religious grounds. Iran's official religion is Shi'a Islam, while most Kurds are Sunni Muslims, and some are Yazidi, Baha'i, Ahl-e Haq or followers of the Qaderi and Naqshbandi schools of Sufism. Only a minority of the Kurds are Shi'a.¹²⁰ This difference in religion has prevented the Kurds and other ethnic minorities in Iran from fully participating in civil life in terms of employment, education and other areas. This is because the Iranian government introduced the "*gozinesh*" law in 1985, which imposes a religious screening of individuals in advance of employing them in public service or allowing them access to public education. Kurds and other ethnic minorities frequently do not pass the "*gozinesh*" test for failing to demonstrate allegiance to the Islamic Republic of Iran and the state religion. They are consequently denied an equal opportunity in employment or political participation. The state is the main employer in Iran and imposes this *gozinesh* system for any job in the public sector, including jobs as teachers, factory workers, shop sellers, or parliamentary candidates. Even in the private sector the *gozinesh* system is frequently used with the result that Kurds have great difficulties in finding work in Iran.¹²¹

82. An additional problem depriving the Iranian Kurds of economic growth is that the Iranian government deliberately kept the Kurdish regions in Iran economically underdeveloped. For instance, de-mining programs in Kurdish

¹¹⁷ Kurdish United Front, retrieved from https://en.wikipedia.org/wiki/Kurdish_United_Front.

¹¹⁸ Sheyholislami, J. (2012). Kurdish in Iran: A case of restricted and controlled tolerance, *International Journal of the Sociology of Language*, 2012(217) (pp. 19-47).

¹¹⁹ Sheyholislami, , J. (2012). Kurdish in Iran: A case of restricted and controlled tolerance, *International Journal of the Sociology of Language*, 2012(217) (pp. 19-47).

¹¹⁹ Malanczuk, P. (1991). The Kurdish crisis and allied intervention in the aftermath of the second gulf war. *European Journal of International Law*, 2(2) (pp. 114–132).

¹²⁰ Amnesty International (2008). *Iran: Human Rights Abuses Against the Kurdish Minority*. Available at: <https://www.amnesty.org/download/Documents/MDE130882008ENGLISH.pdf>.

¹²¹ For further information about discriminatory *gozinesh* procedures, see Amnesty International's concerns relevant to the 91st International Labour Conference (Amnesty International 2003. AI Index: IOR 42/003/2003). *International Labour Organization: 91st Session of the International Labour Conference (3 – 19 June 2003)*, IOR 42/003/2003. Available at: <https://www.amnesty.org/en/documents/IOR42/003/2003/en/>.

areas were delayed in the years following the Iran-Iraq war, which hampered the opportunities for Kurds in agricultural and industrial development. Kurdish regions were also targeted disproportionately for expropriation of rural land for large-scale agricultural plantations or petrochemical plants. Prices paid in return for the confiscated land, if any were paid at all, were significantly lower than market values.¹²² Kurds who were forcefully evicted from their houses as a result could not easily find alternative accommodation. Appeals to the Iranian government to stop forced evictions and expropriations of land, and to allocate adequate resources to impoverished areas for the purpose of improving living conditions in Kurdish areas, went unanswered.¹²³ The position of the Kurds in Iran has not significantly improved over the last ten years. Even today, many Iranian Kurds live in poverty.

Solution: an independent United States of Kurdistan

83. Having no independent state, it has been difficult for Kurdish fighting forces to defend against constant incursions into Kurdish majority territory by the central governments of the states under which regime they fall. A recurring feature since the 1980s until today have been 'hot pursuit' agreements between Turkey, Iraq (under Saddam) and Iran against Kurdish rebel groups. There have also been significant abuses by Kurds against rival Kurdish parties and dissidents, mainly in Iraq, Iran and Turkey but also in Syria more recently. Such conflicts were exploited or enflamed by the neighbouring states pursuing 'divide and rule'. This still occurs with Turkey being economically allied with the KDP in Iraq; Iran with the PUK in Iraq; and PUK supporting PKK, which has its origins in Turkey, against rival KDP.
84. The masters of World War I and the United Nations did not care for the protection of the basic human rights of the Kurdish nation. They did not even react when Kurds were subjected to instances of systematic persecution by the states of Turkey, Iran, Iraq and Syria. Instead, the United Nations satisfied themselves with issuing human rights reports, commentaries and monitoring systems. Internationally recognized human rights institutions and media organizations have followed the same path.
85. The goal and struggle of the Kurds for independence and freedom has not ceased. Hundreds of thousands of Kurdish citizens have been murdered and millions displaced in the course of this struggle. Today, the struggle and brutal clampdown continues along with the robbery of Kurdish assets by the powers in Turkey, Iran, Iraq and to a lesser extent, Syria, owing to the protracted conflict there. Certain corrupt entities within Kurdish armed and/or political parties collaborate with these states for their own personal interests, putting themselves and their private gains before the needs of the people they claim to represent.
86. The Kurdish people's representatives should not limit themselves to lecturing others but would be better tasked to focus on ways to reach solutions for Kurdistan and the Kurdish nation. The Kurdish representatives have to convince the United Nations and the civilized states to help the Kurdish nation take back their homeland. With the

¹²² Commission on Human Rights (2006), *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living – mission to the Islamic Republic* (19-31 July 2005), E/CN.4/2006/41Add.2 (paras. 43, 51). Available at: <https://undocs.org/E/CN.4/2006/41/Add.2>.

¹²³ *Ibid*, paras. 103-105.

support of the United Nations and of civilized nation states the transition of Kurdish lands being given back to the Kurdish nation can be achieved diplomatically and without bloodshed. The United Nations and civilized states are capable of realizing this.

87. The struggle of the Kurdish nation must be kept in mind as we take the first formal step towards reaching a solution. With the help of civilized nation states and their institutions, the Kurdish people can establish the United States of Kurdistan.
88. Recently, the state of Israel brought the plight of the Kurdish people and their long and painful suffering to the world's attention. Israel has first-hand experience with similar struggles for survival and independence as the Kurds are faced with, a struggle which continues today. Indeed, like the Kurds, the Israeli have had to fight hard for their right to self-determination - a right that is still denied by their neighboring states; and a right that was only respected by the international community following the Holocaust killing millions of Jews. Despite continuing conflict due to ongoing threats from hostile neighboring nation states to its existence, Israel succeeded to establish an independent and civilised nation state with a strong commitment to the rule of law. In establishing an independent sovereign state, the Kurds can learn a lot from Israel.
89. Israel has provided a realistic guideline for reaching a solution for the Kurdish struggle for independence. Israel already expressed support for our project and the vote for independence. When the international community turned its back on the Iraqi Kurds when they had spoken with one voice in favor of independence, Israel was the main and public supporter. The United States of Kurdistan is grateful to Israel for expressing support for this project and the vote for independence. The USKGov intends to build a strong relationship with Israel and align itself with Israel in the struggle against Islamic or other forms of extremism.
90. The USKGov will also be looking for good neighbourhood relations, even with the former occupiers and suppressors of Kurdish people and their territory. The USKGov will make it a priority to protect human rights, animal rights and the environment. The USK constitution will be based on a modern and civilized concept of the Rule of Law. Religion will be a private matter. All religions will be respected, but the state will be separate from religion, and state schools will not teach a particular religion.

Legal Framework

Right to Self-Determination - Definition

91. The notion of 'self-determination' is interpreted as the right of minority groups that qualify as 'peoples' to freely determine their political fate and form a representative government. This can include choices regarding the exercise of sovereignty and independent external relations (external self-determination) or it can refer to the selection of forms of government (internal self-determination).¹²⁴ The former refers to statehood and the latter refers to autonomy within the framework of an existing state. External self-determination is regarded as a more exceptional measure, to be allowed

¹²⁴ Danspeckgruber, W. and Gardner, A., Self-Determination: <https://pesd.princeton.edu/node/656>. See also: Committee on the Elimination of Racial Discrimination (1996). *General Recommendation 21: The right to self-determination*, A/51/18 (para. 4).

only when a ‘people’ are subject to alien subjugation, domination or exploitation.¹²⁵ When a people are neither colonized nor subject to alien subjugation, domination or exploitation, the commonly held view is that they must usually exercise their right to self-determination within an existing state, unless there is a situation of extreme oppression and almost total denial of meaningful internal self-determination for a people.¹²⁶ Yet, the principle itself refers to the right to choose and should neither privilege nor dismiss certain outcomes from the outset. According to W. Danspeckgruber and A. Gardner, ‘[c]ontemporary understanding of the principle defines self-determination as the right to choose for all peoples, but with flexibility as to the application of that right in the context of particular claims.’¹²⁷

92. The term “people” in the context of self-determination has not been further defined in any of the legal instruments, but the common understanding of this term is that it has a subjective and an objective component. The subjective component entails a common belief by members of a group that they form a common unit by virtue of their shared characteristics and beliefs. The objective component is comprised of an objective commonality, such as a common racial background, culture, ethnicity, religion, language and/or history.¹²⁸

Right to Self-Determination – Historical Development

93. The very first notion of self-determination was born in the course of the American and French revolutions in the eighteenth century, and was understood as freedom from authoritarian rule by oppressive governments. The emphasis was on justice, liberty and freedom, which evolved in the right for communities to choose their own political destiny as the core idea behind the principle of self-determination.¹²⁹
94. After the end of World War I, the notion of self-determination was given further shape when the losing warring powers, Germany, Austria-Hungary, and the Ottoman Empire, were stripped of their colonies, and new states were formed on these territories previously occupied by the losing powers.¹³⁰ The Treaty of Versailles, which was signed by the warring parties, redrew the world’s map of nation states to establish a new order based on more democratic principles.¹³¹ Existing sovereign boundaries were redefined, and new sovereign states were created. The concept of self-determination was given meaning along those lines; that is, communities striving for full independence and sovereignty from their then oppressive rulers (often large multinational colonial empires including the Austro-Hungarian and Ottoman empires¹³²), including the forming of their own government and administration. The

¹²⁵ Reference re Secession of Quebec [1998] 2 SCR 217, par. 126, 132-133.

¹²⁶ International Committee of Jurists (1920), *Report of the International Committee of Jurists entrusted by the Council of the League of Nations with the task of giving an advisory opinion upon the legal aspects of the Åland Islands Question*, p. 5. Available at: <https://www.ilsa.org/Jessup/Jessup10/basicmats/aaland1.pdf>.

¹²⁷ Danspeckgruber, W. and Gardner, A., Self-Determination: <https://pesd.princeton.edu/node/656>.

¹²⁸ Scharf, M.P. (2003), Earned Sovereignty: Judicial Underpinnings, *Denver Journal of International Law 2003(31) & Policy Journal 2004* (373) (pp. 373-79).

¹²⁹ Danspeckgruber, W. and Gardner, A., Self-Determination: <https://pesd.princeton.edu/node/656>.

¹³⁰ Sterio, M. (2013), *The right to self-determination under international law: "selfistans," secession, and the rule of the great powers* (pp. 10, 27). London: Routledge.

¹³¹ History.com Editors. (2009, October 29). Woodrow Wilson. Retrieved from <https://www.history.com/topics/us-presidents/woodrow-wilson>.

¹³² The concept to self-determination as an anti-imperialist measure necessary for world peace was also a drive behind the Bolshevik Revolution, led by Vladimir Lenin (and to a lesser extent by Joseph Stalin), against the

then American President Woodrow Wilson (1856-1924) played an important role in pushing the acknowledgment of the principle self-determination. On Wilson's insistence, the Treaty of Versailles drew upon the right of self-determination for peoples ruled by the Germans and the Habsburgs to build their own independent states (though in reality these peoples were largely incorporated into the existing colonial allied powers).¹³³

95. During WWII, Adolph Hitler used the notion of self-determination as a justification to consolidate the German-speaking territories. When Hitler and his allies were beaten, self-determination was high on the agenda again. Following WWII, self-determination was expressly enshrined in the Charter of the United Nations. Article 1, paragraph 2 defines as one of the purposes of the United Nations:

« To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace. »

96. At the 6th meeting of Committee 1 of Commission I of the San Francisco Conference, held on 15 May 1945, members of the Committee made the following observation about the right to self-determination : « [t]his principle corresponded closely to the will and desires of peoples everywhere and should be clearly enunciated in the Charter » ; and « the principle conformed to the purposes of the Charter only insofar as it implied the right of self-government of peoples and not the right of secession ».¹³⁴

97. The principles of equal rights of people and that of self-determination were described as 'two component elements or one norm'. Respect for this norm was said to be 'a basis for the development of friendly relations, and is in effect, one of the appropriate measures to strengthen universal peace'. There was agreement that an essential element of this norm was 'a free and genuine expression of the will of the people, which avoids cases of the alleged expression of the popular will, such as those used for their own ends by Germany and Italy in later years.'¹³⁵

98. This ensured that the principle of self-determination transformed from a general political principle into a legal right under international law. One of the purported objectives of the United Nation was the promotion of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" (UN Charter, Article 1.2). In practice, this objective combined with the principle of self-determination served as the justification for the decolonisation process that commenced after WWII.

99. Many UN resolutions and declarations were adopted which highlighted the importance of self-determination and described this principle as a minimum condition for the enjoyment of human rights. An important declaration in this process was the 1960

Czarist Russian empire. Cassese, A. (1995). *Self-determination of Peoples: A Legal Reappraisal* (pp. 14-19). Cambridge: Cambridge University Press.

¹³³ History.com Editors. (2009, October 29). Woodrow Wilson. Retrieved from <https://www.history.com/topics/us-presidents/woodrow-wilson>.

¹³⁴ Documents of the United Nations Conference on International Organization. G/29 I/I/16 (vol. VI, p. 296).

¹³⁵ Documents of the United Nations Conference on International Organization. Report of the Rapporteur of the Sub-Committee (I/1/A) to Committee I/1 (1 June 1945), I/I/A/19 (vol. VI, pp. 703-704); I/1/34(1), p. 455.

Declaration on the Granting of Independence to Colonial Countries and Peoples (UN General Assembly Resolution 1514, 14 December 1960),¹³⁶ which translated the right to self-determination into a right to statehood under colonial rule. It stated: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic social and cultural development."

100. Subsequent UN documents – most importantly the 1966 International Covenants on Civil and Political Rights and Social and Economic Rights¹³⁷ and the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States¹³⁸ – continued to stress the importance of this emerging legal right. Common Article 1.1 of the two 1966 Covenants reiterates the above language of the 1960 Declaration above and calls upon States Parties to promote the realization of this right.

101. The 1970 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States is most elaborate about the right to self-determination:

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

*Considering that the progressive development and codification of the following principles: (e) The principle of equal rights and self-determination of peoples, ...*¹³⁹

102. The principle of equal rights and self-determination of peoples has been described as the right of all peoples to freely determine, "without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter."¹⁴⁰

103. According to this Declaration:

¹³⁶ GA Res. 1514 (XV) Declaration of the Granting of Independence to Colonial Countries and Peoples (14 December 1960), UN Doc. A/RES/1514(XV).

¹³⁷ Adopted on 16 December 1966 and entered into force on 23rd March 1976, 999 UNTS 171 (ICCPR) and on 3 January 1976, 993 UNTS 3 (ICESCR) respectively.

¹³⁸ General Assembly Resolution 2625 (XXV) (1970). *Declaration concerning Friendly Relations* (24 October 1970), UN Doc. A/25/2625.

¹³⁹ Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, Preamble. Available at:

[http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2625\(XXV\)](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/2625(XXV)).

¹⁴⁰ *Ibid.*

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

- (a) To promote friendly relations and co-operation among States; and*
- (b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;*

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the existence of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

104. The notion of self-determination really started to take effect as a fundamental principle of international law in the decolonisation process following the Second World War.¹⁴¹ In this decolonisation process, a significant number of former colonies relied on the right to self-determination and successfully acquired independent status. Many of the non-self-governing territories mentioned explicitly in the UN Charter, the 1960 Declaration, and other legal instruments, have become independent states. The principle of self-determination, which had increasingly been recognised - through the various instruments mentioned above – as a legal right, has provided the justification for decolonisation, and freedom from oppression or authoritarianism. From this development it is apparent that the essence of self-determination as the right of peoples to shape their own political destiny, has been increasingly widely accepted. In the East Timor case, the International Court of Justice ('ICJ') held that the right to self-determination is an essential principle of international law and has an *erga omnes* character.¹⁴² Also national courts have referred to the right to self-determination as a core legal norm.¹⁴³

¹⁴¹ Craven, M. (2014). Statehood, Self-Determination, and Recognition. In Malcolm D. Evans (ed), *International Law* (4th ed.) (pp. 226-227). Oxford: Oxford University Press.

¹⁴² Case Concerning East Timor (Portugal v. Australia) [1995] ICJ Rep 90, para. 29.

¹⁴³ See, *inter alia*, Reference re Secession of Quebec [1998] 2 SCR 217, para. 114.

105. Claims of secession are less likely accepted by the international community. Yet, some significant scholars, including Antonio Cassese, advocate for a remedial right to self-determination resulting in secession when serious human rights abuses are being carried out against a people within a state over the course of a significant amount of time, or when “the central authorities of a sovereign state persistently refuse to grant participatory rights” to a “religious or racial group”.¹⁴⁴ Only a legitimate government which adheres to international norms of human rights and emerging standards of democratic governance deserves the respect and recognition of the international community. Failure to abide by such standards can justify a self-determination claim in terms of secession, in particular where the interests of a people are not legitimately represented within the sovereign boundaries of a state; or such a people is being subjected to extreme oppression or targeted for violations of human rights.¹⁴⁵

106. That secession in such a situation would be justified is also the position under international law. As early as 1920, a committee of jurists within the League of Nations pronounced judgment in respect of the wish expressed by the Swedish-speaking people of the Aaland Islands to separate from Finland - a newly created State in which they had been incorporated - and unite with Sweden. Whilst the committee of jurists held that, in this case, the Aalanders did not have the right to separate from Finland, it recognised such right as a measure of last resort “when the State lacks either the will or the power to enact and apply just and effective guarantees”.¹⁴⁶ The above Declarations adopt the same approach, allowing colonized or oppressed peoples to exercise the right to external self-determination through secession from their mother state. In 1998, that approach to self-determination was taken by the Canadian Supreme Court in its opinion with respect to the proposed secession of Quebec from Canada, recognising the right to external self-determination for a people being “blocked from the meaningful exercise of its right to self-determination internally”, which was not found to be the case for Quebec.¹⁴⁷

107. This was different with regard to the secession claims following the break-up of the Socialist Federal Republic of Yugoslavia. The international community readily acknowledged the new nation states that evolved from this break-up as independent states. Also, the declaration of Kosovar independence from Serbia by a newly established Assembly of Kosovo in February 2008 led to the acknowledgment of Kosovo as an independent, sovereign entity. In its advisory opinion on the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of*

¹⁴⁴ See, e.g. Cassese, A. (1995). *Self-determination of Peoples: A Legal Reappraisal* (pp. 119). Cambridge: Cambridge University Press (arguing that a group may have the right to separate from its mother state “[w]hen the central authorities of a sovereign state persistently refuse to grant participatory rights” to a “religious or racial group”).

¹⁴⁵ See for instance, Deng, F. M. et. al., eds. (1996), *Sovereignty as Responsibility: Conflict Management in Africa*. Washington, D.C.: Brookings Institution Press; Fowler, M.R. and Bunck, J.M. (1995), *Law, Power and the Sovereign State: The Evolution and Application of the Concept of Sovereignty*. Pennsylvania: Pennsylvania State University Press; The International Commission on Intervention and State Sovereignty (2002), *The Responsibility to Protect*. Ottawa: International Development Research Center; Buchanan, A. (1992), Self-Determination and the Right to Secede. *Journal of International Affairs* 1992 (45:2), 347-365; and McQuorodale, R (1994). Self-determination: A Human Rights Approach. *International and Comparative Law Quarterly* 1994 (43:4), 857-885.

¹⁴⁶ League of Nations (1921), *The Aaland Islands Question: Report Submitted to the Council of the League of Nations by the Commission of Rapporteurs*, League of Nations Doc. B7/21/68/106 (1921).

¹⁴⁷ Reference re Secession of Quebec, [1998] 2 S.C.R. 217.

Kosovo in 2010, the ICJ noted that international law did not preclude Kosovo from issuing a declaration of independence.¹⁴⁸

108. Similarly, there should be nothing precluding the United States of Kurdistan from issuing a declaration of independence. It meets all the requirements to establish an independent sovereign entity and is fully entitled to do so, given the ongoing suppression of the rights of the Kurds in states where they currently reside.

Statehood – what is required to establish a sovereign entity

109. According to Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States, which contains the most authoritative and accepted criteria of statehood, a State must possess the following features:

- (a) a permanent population;
- (b) a defined territory;
- (c) a government; and
- (d) a capacity to enter into relations with other states.

110. According to these criteria, statehood is defined by its effectiveness – does the entity meet a number of predetermined conditions? - rather than its recognition by other states. Recognition by other states will nonetheless help the establishment and duration of statehood.

111. A permanent population requires that a population, regardless of its size, has made a territory their home. A defined territory does not require that its boundaries are precisely demarcated and settled.¹⁴⁹ For instance, the lack of a definite territorial delineation of parts of Israel did not prevent its recognition as a state by the majority of states, nor has the lack of demarcation of the exact borders of the Palestinian territories prevented the majority of states to acknowledge Palestinian statehood.

112. For any defined territory occupied by a permanent population to be recognised as a state, it must have a governing entity which ‘can exercise control over the territory and ensure its compliance with international obligations’; which is ‘in charge of running affairs and able to answer to the outside world’.¹⁵⁰ There is no need for a government to exercise control over the entire territory, but it must have some effectiveness – though this criteria is not as stringently applied in occupied territories, which tend to be ruled (by force) by the occupying entity.

113. The last condition is that the entity must have the capacity to enter into relations with other states, requiring the legal independence of having the ability to act without legal interference from other states.¹⁵¹

¹⁴⁸ *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo*, Advisory Opinion [2010] ICJ Rep 403.

¹⁴⁹ Monastery of Saint-Naoum, Advisory Opinion, 1924, PCIJ, Series B, No. 9 and North Sea Continental Shelf (Germany v. Denmark and Netherlands), Judgment [1969] ICJ Report 3, para. 46.

¹⁵⁰ Hendriksen, A. (2019). The Actors in the International Legal System. In *International Law* (p. 66). Oxford: Oxford University Press.

¹⁵¹ Customs Regime Between Germany and Austria, Individual Opinion by M. Anzilotti, 1931, PCIJ Series A/B, No. 41, 58.

114. An important principle in international law is the *ex injuria jus non oritur* principle according to which no legal rights can arise from wrongful acts. According to this principle, states that are being created in flagrant violation of international legal principles should not be recognised. When, for instance, a white minority government issued a declaration of independence in the former British colony of South Rhodesia (now Zimbabwe), on 11 November 1965, its claim to statehood was rejected by the majority of states and several departments within the UN, including the UN General Assembly and the UN Security Council. In a number of resolutions, the Security Council called upon all states to refrain from recognizing the ‘illegal racist minority regime’, which it called an ‘illegal authority’.¹⁵² The Turkish Republic of Northern Cyprus (TRNC), established in 1974 by Turkish forces in the northern part of Cyprus by ousting the president of Cyprus, has to date not been recognised by a single country other than Turkey because it was created by the unlawful use of force. Similarly, the Iraqi attempt to annex Kuwait following its invasion of that state in 1990 was unanimously rejected by the international community as having no legal validity.¹⁵³

115. The United States of Kurdistan meets those criteria. The areas it intends to cover have been populated by Kurds since centuries. The Kurdish population in the Kurdish areas in Turkey, Syria, Iraq and Iran have not migrated there from other parts of the world, but have been here for a very long time. Before the states of Turkey, Iraq, Syria and Iran were created and usurped these Kurdish territories, the Kurds lived here in relative autonomy. In Syria and Iraq, the Kurds have a much greater level of autonomy than in Turkey and Iran, but there can be no dispute in any of these countries what the borders are of the Kurdish territory.

116. There are already governing bodies in place in these countries, particularly in Iraq and Syria, which have managed to run the Kurdish territories in an organised manner. Turkey and Iran have prevented the Kurdish territories within their states from developing in a similar way and continue to suppress any call for independence. Nonetheless, even in these countries, there is some level of organisation among the Kurds. The capacity to enter into relations with other states already exists, at least in Iraqi Kurdistan, and to some extent in the Syrian Kurdish region as well. All governing bodies that are ruling Kurdish territories in these four nation states will be able to continue to govern their territories with a level of autonomy, provided they respect the will of the people and the constitution of the United States of Kurdistan. The USKGov will be the interim government for the entire region, until proper democratic elections can be organised. Kurdistan will be governed as a federal state similar to the United States. The USKGov already adopted a constitution, which is annexed to this submission and can be amended in accordance with the procedure described therein. The USKGov also created identity cards, passports and currency, the ‘dirav’. The Kurdish national flag and national anthem already exist. Accordingly, the envisaged USK has all elements required to establish a sovereign state.

Conclusion

117. In light of the continuing struggle for acknowledgment of Kurds as dignified human beings, and respect for their basic human rights, the USK now calls with a

¹⁵² Security Council Resolution 216 (12 November 1965), UN Doc. S/RES/216 and SC Res. 217 (20 November 1965), UN Doc. S/RES/217.

¹⁵³ Security Council Resolution 662 (9 August 1990), UN Doc. S/RES/662.

loud, clear and unified voice, upon the United Nations and the international community to acknowledge an independent Kurdistan in the Kurdish areas from Turkey to Iran, through the Kurdish areas in Syria and Iraq. Only through independence of abusive governments can the Kurds take care of themselves in full respect of the rights of all citizens. The governments which now rule upon the Kurds have shown they are not worthy of keeping control over the Kurdish regions, which they have discriminated against throughout the years. The Kurdish existence continues to be under threat as long as the Kurds cannot govern themselves.

118. While in 2017, the Secretary General stated that it was not the right time to call for a referendum for independence of the Kurdish region in Iraq, the Secretary General cannot maintain that position today. The violent response of the Iraqi and Iranian governments to this referendum, makes it abundantly clear that independence of the Kurdish territories, not only in Iraq, but also in Syria, Turkey and Iran, is necessary and urgent. As long as the Kurds are governed by non-Kurdish governments which perceive them as a threat, the Kurds will continue to be suppressed and their call for independence will not be recognised if it depends on those governments. That is why, today, the Kurds take control over their own fate and request the international community to respect their vote for independence. In addition, the USKGov will make all efforts to ensure that the Kurdish people will get back all items which have been stolen from them, from their Kurdish homeland. The USKGov will take all necessary legal action before UN entities and other international institutions with jurisdiction to receive such action, to regain Kurdish looted property.

119. The Kurds in autonomous regions in Northern Syria and Iraq have largely demonstrated their ability and willpower to rule in a democratic fashion with full respect for the rights of the minorities. The USK intends to govern Kurdistan in a demonstrable manner, not only by upholding human rights and democratic values, but also by protecting the environment, religious freedom and empowering women and minorities to hold important posts in the government in Kurdistan. The USK also intends to establish peaceful relationship with all neighbouring countries without exception, and establish trade exchanges with them. The USK will have no tolerance for extreme violence and will continue to fight religious terrorist groups if and when necessary. The USK therefore strongly believes that the acknowledgment of an independent Kurdistan will contribute to a more peaceful and secure environment in the Middle East and the entire world.