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Iran/Iraq: Iranian Attacks Should Not Target Iraqi Civilians

Villagers Allege Artillery Shelling, Attacks on Livestock Intended to Clear Border Area

July 12, 2010

(New York) - Iran needs to take all feasible precautions to spare civilians at risk of serious harm from artillery bombardment and other military operations in an area that includes dozens of Kurdish villages inside northern Iraq, Human Rights Watch said today.

The Iranian attacks, directed against the Iranian Kurdish armed group Party for Free Life of Kurdistan (PJAK), intensified in late May and have led to the displacement of more than 500 families, wounded an unknown number of villagers, and killed a teenage girl. Iraqi villagers also told Human Rights Watch, which visited the area in late June, that Iranian border guards have targeted their livestock and sometimes fired at the villagers themselves.

"Iran should take all feasible precautions to spare civilians from artillery and other attacks," said Joe Stork, deputy Middle East director at Human Rights Watch. "Firing artillery shells into populated areas, especially where there are no military targets, and targeting livestock are serious violations of the laws of war."

Since June 3, 2010, about 500 families have fled their border villages to crowded tent camps elsewhere in Erbil and Sulaimaniya provinces, joining about 250 families who had fled Iranian shelling in previous months. Aid organizations and local municipalities have struggled to meet the displaced families' basic needs. The recent attacks also led an unknown number of other Kurdish civilians to flee elsewhere throughout the countryside and to surrounding towns.

The affected areas lie in the Qandil Mountains, along the eastern borders of Erbil and Sulaimaniya provinces, in the region administered by the Kurdistan Regional Government (KRG). To the west, along the Iraqi-Turkish border, Turkish forces continue to attack Kurdistan Workers Party (PKK) forces, although these attacks have not yet had the same impact on populated Iraqi Kurdish areas, aid agencies report. PJAK, a group formed in 2004, is affiliated with the PKK.

Human Rights Watch visited the Choman, Soran, Raniya and Pishdar districts between June 18 and June 27 and interviewed more than 50 displaced villagers, local government officials, and Iraqi soldiers. In all of the border areas Human



In the village of Wenza, a man holds pieces of metal shell fragments collected from the site where 14-year-old Basoz Jabar was killed by Iranian cross-border shelling on June 2. His son looks on as he tells the story of her death.

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In June, Iranian artillery shelling displaced an Iraqi Kurdish woman and children now living in makeshift tents in the hills outside the village of Kani Spi. "They think we help PJAK, but we do not even see them," she says of the guerrilla forces.

Rights Watch visited, there were extensive patches of ground with small craters and twisted shrapnel inside villages and close to homes, as well as a pattern of damage to dwellings and crops that was consistent with artillery bombardment. Human Rights Watch also viewed video shot on villagers' mobile phones showing the moments after shelling, with smoke rising from craters alongside damaged tents and dying livestock. Villagers, government officials, and Iraqi security forces who Human Rights Watch interviewed were adamant that PJAK forces had never been in these areas and that there were no other military targets in the vicinity at any point before or during the shelling.

"We know these mountains," a KRG military officer who commands a military outpost in a mountainous area of Choman District told Human Rights Watch. "We don't have PJAK fighters in these villages. We only have government forces here. ... Iran is attacking places that do not have guerrillas."

Karwan Shareef, mayor of the Haji Omaran sub-district, told Human Rights Watch that the people living in the nearby areas being shelled are farmers and shepherds.

"I have seen no guerrilla forces in these areas," Shareef said. "PJAK are very far from the places that Iran has shelled. An artillery shell even hit only 250 meters from my office."

A local freelance journalist from the same area, who often reports on both the armed groups, said, "I interview PJAK all the time. I have to go further up in the mountains to do this. Plus, they are guerrillas - they know how to hide from the Iranians. The farmers do not."

Human Rights Watch did not see any evidence of PJAK activity in and around the communities it visited.

Family members, residents, and local officials told Human Rights Watch that a shell killed 14-year-old Basoz Jabar as she was playing outside in Wenza, a village in Choman district, on June 2. Residents of the village showed Human Rights Watch metal shell fragments collected from the site of the attack.

The girl's best friend, Shanaz Qadr, 13, described the shelling. The bombardment was deafeningly loud and frightening, she and other neighbors said, sending residents running for cover. The two girls separated and Qadr hid behind a large rock: "I cried because I was afraid as the shelling came closer. But when I heard the crying of my neighbors, I forgot everything. 'Oh my Basoz,' I heard them say. I couldn't stand it anymore. When the shelling died down, we saw the bloody body of Basoz." Since the attack, only a few families have remained in the village, in an effort to save their crops.

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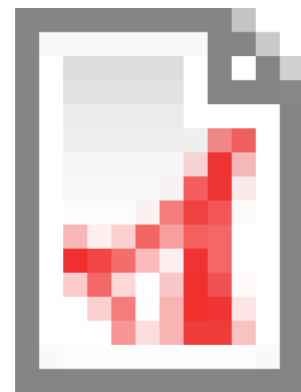


A small outcropping of tents near the Iraqi village of Haji Omaran, close to the Iranian border.

Residents warned of climbing to the top of the 10-meter hill, shown behind the tents, for fear of being fired upon with machine guns by Iranian border guards in the distance.

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Iran should take all feasible precautions to spare civilians from artillery and other attacks. Firing artillery shells into populated areas, especially where there are no

Aid organizations working in the affected areas had no numbers for injured civilians, but more than a dozen villagers told Human Rights Watch of residents who were wounded by the shelling and taken to stay with family members in surrounding areas.

military targets, and targeting livestock are serious violations of the laws of war.

Joe Stork, deputy Middle East director at
Human Rights Watch

The timing of the recent attacks has been particularly devastating for farmers since the attacks coincided with the short planting season. Villagers in several districts said this is the third year in a row in which Iranian shelling forced farmers to leave during crucial times for planting and tending crops.

While Iranian officials have said little about military activity across the border, especially artillery bombardments, they have stated that Iran's military actions are aimed at stopping attacks across the Iranian border carried out by PJAK. Iran's ambassador to Iraq, Hassan Kazemi Qomi, told the Iranian Mehr News Agency on June 9 that Iran was strictly controlling the security of its borders, and he rejected claims that Iranian troops crossed Iraq's border illegally.

Villagers and local officials told Human Rights Watch that in their view Iran intended to force the villagers off the land, effectively creating an area along the Iraqi side of the border without inhabitants. Locals said there was a pattern of shells striking increasingly close to their gardens and homes until they felt they had to leave for fear of being wounded or killed.

"They are doing this so we will leave," said a man in the village of Kani Spi. "We are just families, growing food to make money, but the Iranians do not want us here."

Farmers close to the border reported that since June, soldiers on the Iranian side intentionally killed the villagers' livestock with machine gun fire. In some cases, they said, Iranian troops fired on them as well if they climbed high enough on the hilltops to be seen. The farmers said they did not carry any weapons and were dressed in civilian clothing.

In one farmland area in the Haji Omaran sub-district, about two kilometers from the border, Dishad Baqer, a farmer in his 30s, said that all the residents fled after repeated shelling. He explained that it had been quiet for a few days, so almost 40 of the 60 residents had quietly come back to work to salvage their fields of sunflowers, tomatoes, and cucumbers. Iranian border guards "shot ten horses near here, two days ago," Baqer said. "We stay close, because if you walk up this hill, right now or anytime, they will shoot at you."

On June 22, the day he spoke with Human Rights Watch, Baqer said that they had been lucky for the previous few days because there had been no shelling at all.

"We are ready to run if it starts again," he said.

Villagers repeatedly warned Human Rights Watch to keep away from the tops of hills that were in view of the Iranian border troops on the other side. Another farmer in the same village said, "They will shoot at anything that moves, whether it's a person or an animal ... I think they are sending a message for us to leave our home."

Deliberately attacking civilians and civilian property, such as shooting at farmers who are not actively taking part in the hostilities and targeting livestock, are serious violations of international humanitarian law.

Human Rights Watch also called on Iraqi authorities to ensure that essential aid promised by the government reaches those displaced from their homes. The United Nations High Commissioner for Refugees (UNHCR) and other aid agencies

told Human Rights Watch that more than 750 families (about 4,740 people) have been displaced by Iranian shelling, including about 250 from before the current campaign that began in late May.

The largest of the camps is Doli Shahidan, nine kilometers north of Sangasar. More than 2,000 people fled there from 21 villages, according to the UN refugee agency office in Sulaimaniya. While the local district government has started to provide potable water to the camp, displaced villagers rely on the refugee agency, the International Committee of the Red Cross, the Iraqi Red Crescent, and the International Organization for Migration for tents, plastic sheets, food items, first aid kits, cooking stoves, blankets, water filters, and other items.

According to aid agencies and local farmers, since early 2008, civilians by the thousands have been intermittently displaced in the region by the Iranian shelling - returning and leaving as the shelling stops and starts and making it difficult to assess numbers of displaced.

Iraqi government officials said that the central government's Ministry of Displacement and Immigration has in the past month compensated some of those displaced with a lump sum payment of 1 million Iraqi dinars (about US\$850) per family. The KRG, which is distributing the payments, has not announced clear eligibility guidelines. While a few people told Human Rights Watch that they had received the compensation, most said they had not.

At the Jarawa refugee camp, in Raniya district, a village elder, Bapir Haji, said none of the families in the camp ever received compensation because of what he characterized as nepotism within the KRG.

"We haven't received anything because we aren't in the right families," he said.

According to locals, neither of the armed groups being hunted by Iran and Turkey receive assistance from the civilians in the shelled areas, although the locals say that segments of the local Kurdish population may sympathize with the rebel fighters.

The umbrella organization that includes both PJAK and the PKK, known as the Kurdistan Democratic Confederation (KCK), acknowledged to Human Rights Watch that fighters are based in parts of the Qandil mountains of northern Iraq and move across the border to conduct attacks inside Iran and Turkey. Regarding the areas being shelled by Iran inside Iraq, a spokesman, Ahmed Deniz, told Human Rights Watch, "PJAK forces are just not there.... our forces do not operate in these civilian areas."

South of the Haji Omaran border crossing, Human Rights Watch observed what an officer of the KRG's security forces, the peshmerga, identified as an Iranian military outpost. The officer said that the outpost had been constructed two weeks earlier by Iranian forces, and was three kilometers inside Iraq. Local officials later confirmed that the outpost was in Iraqi territory. About the shelling, the officer shook his head and remarked, "We can only just watch it."

What is known as the principle of distinction, which requires parties to an armed conflict to distinguish at all times between combatants and civilians, is central to international humanitarian law, which regulates the conduct of hostilities. Customary international law requires that operations may be directed only against combatants and other military objectives; civilians and civilian objects may not be the target of attack. Deliberate, indiscriminate, or disproportionate attacks against civilians and civilian objects are prohibited.

Attacks are indiscriminate when they are not directed at a specific military objective or employ a method or means of

warfare that cannot be directed at a military objective or whose effects cannot be limited. A disproportionate attack is one in which the expected incidental loss of civilian life and damage to civilian objects would be excessive in relation to the concrete and direct military advantage anticipated.

Until recently, Iranian shelling elicited little comment from either the Iraqi central government or the regional government. In a June 22 news conference, Prime Minister Nuri al-Maliki accused Iran and Turkey of violating Iraq's territory and said that the Iraqi government had sent letters of protest to both ambassadors. Deputy Foreign Minister Labeed Abbawi delivered those letters.

"We have expressed to the Iranians that we are against the actions of any [armed] groups operating near the borders, but these problems will not be solved by unilateral military actions in our borders by another country," Abbawi told Human Rights Watch. "We are asking Iran and Turkey to stop the shelling and bombing immediately. There have been no direct responses from Iran, except that we were told that our concerns were exaggerated. This is the traditional response."

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