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The Turkmen
and
Iraqi Homeland



KERKÜK VAKFI

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FOREWORD

The existence of two million Iraqi Turkmen in Iraq has been virtually ignored since the foundation of the Iraqi state by the international media. The main reasons for this situation are the failure of the main Iraqi political parties to provide information on this sector of the population as well as the apparent inability of the Turkmen themselves to do so.

For several decades, the Iraqi government has pursued a deliberate policy of misinformation concerning the Turkmen. In particular, so-called legitimate 'sources' of information have relied on the Iraqi government's demographic 'reports' which, unfortunately, have been invariably distorted so as to present much-reduced figures for the total population of each distinctly ethnic group within Iraq.

It is now well-documented how Saddam Hussein unleashed the defeated Iraqi army on certain sectors of the population after Iraq's defeat in the Gulf War [give dates], with terrible ferocity. What has not been reported, however, is the fate of the Turkmen in this campaign of vindictiveness in the cities and towns where they constituted the majority of the population. The media consistently referred to these areas as 'Kurdish territory' in total disregard of the Turkmen presence.

This book is a synopsis of the history of the Turkmen in Iraq against a background of the international treaties and covenants governing human rights which, unfortunately, have never been applied to the

Turkmen. It concludes with a brief survey of the actual size of the Turcoman population in Iraq and the political destiny of the Turkmen people. I hope my study will adequately inform western media resources about this people and act as a catalyst for further research.

I must acknowledge a great debt of gratitude to the many friends who contributed to this study by their dedicated involvement, for example, in translation and redaction. In particular, I must single out for special commendation Dr. Shaheen Nakeeb, Dr. Mustafa Nakeeb, Mr. Zain H. Terzi, and Dr. Michael Murphy. Without their invaluable assistance, the final product would never have materialized for the enlightenment of the western reader, or any other for that matter.

Ershad Al-Hirmizi
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Chapter One

THE ORIGIN OF THE TURKMEN

According to the *Encyclopaedia of Islam*, the Turkmen can trace their ethnic origin to Turkic tribes who settled in Central Asia, retaining their worship of idols beyond the Mongol era¹ and up to their first encounter with Islam. The latter, in its moral and social ethics had close affinities with traditional Turkic codes and practices.

The word 'Turkmen' eventually became synonymous with 'Turk' from about the era of Mahmud Kashgari. It is now generally accepted as fact that Kashgari, Bayruni and other writers when referring to 'Turkmen' were, in fact, describing the Oguz, the Karalook and Halach: Turkic tribes who were engaged in agriculture and inhabiting territories already occupied by more advanced civilizations.²

¹ *The Encyclopaedia of Islam*, p. 212 7

² Zeki Velidi Togan, *Umumi Turk Tarihi (General Turkic History)*, Vol. 1, p. 187, Akgun Press, Istanbul, 1946.

Ibn-I Saeed states: “ The Turkmen area large number of people who are the descendants of those Turks who conquered Anatolia during the Seljuk area. They were trained to attack the Kharaits who used to live in the coastal areas and capture the youth to be sold and used as labour for the manufacture of carpets.”³

As far back as the 8th century and, perhaps, even the 5th century, the territories surrounding the Sirderia and the Yedi Su Rivers was described as Turkmen territory. During this period, the Turkmen were inhabiting the region near Saghid an Az in Persia. An eighth century

Chinese Encyclopaedia contains a reference to this area as Turkmen territory.⁴

We can safely conclude from such references as the foregoing, therefore, that the Turkmen are the descendants of those Oguz tribes who originally came from Central Asia. El-Maroozi states that the Oguz were divided into two main branches: one which settled on the plains grasslands and another which settled in the cities.

³ Cf. *Taqueem al-Buldan*, the Sultan El-Malik El-Muayeed Imad El-Deen Ismael, the prince of Hama, died in 732(Hegira) p. 379, The Sultan Printing House, Paris 1840.

⁴ Zeki Velidi Togan, *ibid* p.202-203

The Oguz who converted to Islam were called Turkmen and thereafter frequently fought against those Oguz who had not converted. They then moved to the Pecheneck region near the Black Sea coast, eventually settling in Muslim nations. As time went on, they achieved high position in the governments of the territories in which they had settled and even went on to become rulers, establishing numerous emirates and states.⁵

The Oguz did not leave their ancestral lands in one, massive migration. Rather, they departed in successive waves over a long period. The majority of historians say that the Quayi Khan tribe⁶ migrated with the Seljuks from the east (Sogdiana, now known by its modern name: Transoxiana) to what is today Uzbekistan and Turkmenistan. They remained in the latter territories until they were forced to move, by

⁵ Osman Turan, *Selçuklular Tarihi ve Türk-Islam Medeniyeti* (The Seljuks' History and the Turks' Islamic Civilization), A Publication of the Turkic Cultural Research Institute No. 7, p 72, Ankara, Turkey 1965.

⁶ The Ottomans Turks are descended from this tribe.

order of Sultan Mahmud Al- Ghaznawy, to Khurasan and Mera, eventually settling in Mohan. Ala-u-Deen Al Seljuky, in a letter to Sultan Osman , mentions that both tribes migrated together.⁷

It is obvious that the Turkmen were the descendants of the Oguz Turks who had previously settled in territories which later became Uzbekistan, Turkmenistan and Khurasan, who had converted to Islam and later emigrated to Anatolia, Iraq and other Middle Eastern countries.

The Oguz Turks can boast an ancient history, vividly apparent, for example, in the Orkhoun paintings which proclaim their high status among Turkic peoples at that time.

These historic paintings depict members of the Oguz tribes who lived to the north of the territory of the Gok Turks⁸.

⁷ Namik Kemal, *Osmanli Tarihi (Ottoman History)*, vol. 1 p. 40, Mehmud Bey Press, Istanbul, 1922. The preamble of the letter is as follows: "From long past centuries and along many generations our great forefathers(may God enlighten their paths)and their forefathers (God bless them)have immigrated from Central Asia to Persia and from Akhlat to Greece and have been always together and unified".

⁸ Hüseyin Namık Orkun, *Türk Tarihi (History of Turkey)* Vol. 3, p. 40, Ahmet Saeed Press, Ankara, Turkey 1946.

Having lived in Central Asia for a long time, the Oguz were eventually evicted from their lands by another Turkic tribe: the Kirghiz. Accompanied by the Uygur tribes, they migrated to the Middle East and Anatolia. The Uygur had originally migrated from what is now Mongolia to Eastern Turkistan in the south. Considerable numbers of the Oguz migrated to regions along the banks of the Aral and Sirderya Rivers to the west. The Kuragh tribes separated these two Turkish groups⁹.

Most reliable historical sources suggest that all of the twenty-four Oguz tribes were related in some way to Oguz Khan, a mythical and universally beloved figure in Turkish folklore. It is also a well-known fact among Turkic peoples that 'Oguz Khan' was the official title bestowed on 'Mete,' the founder of the first Turkic Empire in the era preceding the birth of Jesus Christ. Among the tribes descended from the twenty-four tribes of Oguz, historians describe the Ottoman Turks as belonging to the 'Kayi' and the Seljuks to the 'Kinik' tribes.

According to a Hungarian scholar, the word 'Oguz' is derived from the old Turkish word 'Ok' (meaning 'tribe') and the suffix 'Uz,' indicating the plural number. Thus, the combination of the two denotes 'tribes.' Specifically, what the word suggests is a homogeneous union of different tribes¹⁰.

⁹ Yılmaz Oztuna, *Türkiye Tarihi (History of Turkey)*, Vol. 2, p. 6, Istanbul, Turkey 1963.

¹⁰ Hüseyin Namık Orkun, *Türk Tarihi (Turkic History)* Vol. 3, p. 43. Note: This source refers to a Hungarian scholar, but does not mention his name.

If we bear in mind that these tribes were all related in some way to Oguz Khan (as mentioned above) and formed a closely-knit union of old Turkic tribes, it is evident that any theory which suggests the meaning 'tribe,' i.e., a single tribe, for 'Oguz' cannot be accepted. Furthermore, the most reliable and authentic historical sources suggest a meaning for 'Oguz' which supports the connotation of a union of tribes. The latter took their name from Oguz Khan (referred to above), the illustrious Turkish hero.

Details of the life of Oguz Khan and the lore surrounding it can be found in the *Biography of Oguz*. Part of this biography is known as the book of *Dede Korkut*, a collection of twelve stories which describe specific historical events relating to the traditional beliefs and culture of Turkic society. There is also another poetic biography of Oguz Khan which has not yet been fully translated.

However, the original biography of Oguz Khan is regarded as an integral part of the biographical literature dealing with other famous Turkic historical figures.

It should be obvious from the foregoing information that the Oguz represent one of the most important branches of Turkic peoples besides being the most

influential in Turkic history. By way of illustration, there is their impressive achievement in building the two greatest empires in the history of mankind: the Seljuk and Ottoman. History can also testify to the notable achievement of other Turkic tribes: the Pechenegs, the Bayats, the Awshars and the Bayindirs, for example, who succeeded in establishing independent states and played a major role in advancing Turkic civilization.

The Turkmen Settlement in Iraq

The incursion of the Turkmen into Iraq took place in successive stages. As their numbers increased, so too did their stature rise accordingly. The Umayyid and Abbasid rulers recruited Turkmen for their armies in which they reached the highest ranks, especially during the Abbasid era. Eventually they became rulers of Iraq, dividing their territory into numerous, independent emirates and states. During these developments, historical records also indicate that further waves of Turkmen migrants continued to enter Iraq.

The Iraqi historian, Abdul Razzak Al-Hassani, has described the successive migrations of Turkmen tribes into Iraq. He was strongly of the opinion that the term 'Turkmen' applied to those peoples who had settled on lands separating Kurdish territories from those of the Arabs. He defined the limits of Turkmen settlement as stretching from a line running from the north-west at Teleafer, in Mosul Province, to an area in the southeast encompassing Altoon Kopri

and Tuz Khurmato in Kirkuk Province with Kizlerbat and Mandeli in Diyala Province.

Al-Hassani, moreover, believed that the Turkmen were the remnants of the armies brought by the Ottoman Sultan, Murat V, who had recaptured Iraq from its Safawi rulers in 1638 A.D. and who remained in the recaptured territories maintaining a line of communication between the southern and northern Turkic provinces ¹¹.

However, other historians suggest strongly that the Turkmen had already settled these territories many centuries earlier than 1638 A.D. The conflicting views of historians concerning the issue of settlement can be explained by the complex relationships that exist between the present-day Iraqi Turkmen and the Seljuks, Ottomans and various Oguz tribes. It is important in this regard to remember that the settlement of Turcoman territories took place in successive stages with diverse tribes occupying different areas, evidenced today by the slight variations in the Turkic dialects of the Turkmen groups inhabiting various regions in Iraq. Furthermore, the soldiers of the Turkic armies that entered Iraq before Tugrul Bey were not exclusively Seljuk but, instead, were members of various Oguz tribes. The name 'Seljuk', in fact, had been applied to a group of ruling members of the Kinik, a sub-group of the Oguz.

¹¹ Abdul Razzak Al-Hassany, *al-Iraq Qadimen wa Hadithan (Iraq: Past and Present)*, Al-Irfan Press, Sayda, Lebanon, 1956.

After the establishment of the Seljuk state, the rulers decided on the strategy of placing Turkmen in all government posts. However, the plan did not materialize resulting in the migration of the Turkmen to Azerbaijan. Despite the appeals of the king, Tugrul Bey, who wanted the Turkmen to return to Iraq, they declined to respond. At a later date, they eventually returned to northern Iraq where they conquered the Mosul region as the Seljuk army was advancing westward¹². At the same time, the emigration of Turkic peoples to Islamic countries continued with the result that Islam was spread among the Turks.

These migrations caused a great deal of trouble for the Seljuk state as the Oguz tribes gradually extended their settlement until it covered a vast territory¹³.

The *Encyclopaedia of Islam* mentions the possibility of the presence of Turks prior to the establishment of the Ottoman Empire. However, it does not subscribe to the theory of the Turks as the remnant of an army of the Abbasid caliphs in the ninth century nor were there Turkish settlers there during the era of the Seljuk Kingdom or Emirates.

¹² Mehmet Altan Köymen, *Selçuklu Devri Türk Tarihi* ('The Seljuk Era in Turkic History'), p. 160, Ayyıldız Press, Ankara, Turkey 1963.

¹³ Osman Turan, *Selçukular Tarihi ve Türk İslam Medeniyeti* ('The Seljuks' History and the Turks' Islamic Civilization. A Publication of the Turkish Cultural Research Institute No. 7, P. 69, Ankara, 1965.

In addition to the historic evidence for the presence of Turkmen in Iraq, there is also the findings of the *Committee*, appointed by the League of Nations to investigate the Turkic-British dispute over Mosul Province, at the instigation of the Near Eastern political powers after World War I.

The *Committee* concluded that the Turkmen were the descendants of the soldiers of Tugrul Bey's armies and those of the Abbasids, Atabegs and Ottoman sultans. It also stated that the inhabitants of the disputed province were Turks/Turkmen from western Turkic groups.¹⁴

Yet another theory is put forward by the historian, Abbas Al-Azzawi, who contends that there was a Turkic presence in Iraq long before the rise of the Mongolian civilisation though nowhere does he cite the exact date of the first Turkic settlement.¹⁵

¹⁴ Fazil Hussein, *Mushkilet el-Musul (The Mosul Controversy)* p.99, Rabita Press, Baghdad, 1955.

¹⁵ Abbas Al-Azzawi, *Tarikh al-Iraq bayna Ihtilalaeyin (The History of Iraq Between Two Occupations)* Vol 3, p. 367, Al-Tafayudh Public Press, Baghdad, 1939.

The reason why there are misconceptions and conflicting reports in the writings of scholars and historians on the subject of the Iraqi Turks is the tendency of the majority to associate the origin of the Iraqi Turks with a specific migration or settlement in a restricted historical period. There is a further tendency on their part to disregard the successive migrations of Turkic tribes over centuries as well as the historic reasons for these migrations. In this study, I will present a brief description of the three main stages in the historical period of settlement of the Turkmen in Iraq with the salient features of each of those stages.

The first stage was obviously the initial migration leading to the first contacts of the Oguz Turkmen with the indigenous inhabitants of the area. These first immigrants were soldiers recruited to serve in Muslim armies. The second stage was the actual settlement of the Oguz Turkmen tribes during Seljuk rule, a development generally regarded as being the most important with far-reaching effects on the eventual realisation of the Turkic objective of the settlement of Iraq. The third stage is considered as the final reinforcement and support stage when the magnitude of the Turkmen presence increased dramatically as additional waves of Turkmen arrived to settle in northern Iraq during the Ottoman Empire.. What follows is an elaboration of these three stages.

The First Stage

According to the historian, El-Taberi, the Turkmen first entered Iraq in 650 A.D. when the Muslim commander, Ubaydullah Bin Ziyad, leading an attack on Bukhara and Bikend, was faced with a strong defending force: the Turkic army of Queen Kabij Khatoon. Bin Zayid was impressed by the defenders' loyalty and bravery as well as their skills in archery and the use of a variety of weapons. On his return to Iraq, he brought with him 2000 Turkic warriors to serve in the Muslim army. He garrisoned them in Basra, a province in Southern Iraq¹⁶. Turkic soldiers also served in the Umayyid army in which many rose to the highest ranks.¹⁷

The Abbasids, too, recruited large numbers of Turks for their armies because of their reputation for skill in the arts of battle and engagement. Further evidence of their prowess is provided in Caliph Mansoor's alleged employment of Turkic soldiers during the early years of his reign.¹⁸

¹⁶ El-Taberi, *Tarikh el-Omem wal-Mulook (The History of Nations and Kings)*, Vol 4, p. 221, El-Istiqama Press, Cairo, 1939.

¹⁷ Shakir Sabir ez-Zabit, *Mujez Tarih el-Turkman fi-1-Iraq (A Brief History of Turkmen in Iraq)*, p. 38, Baghdad, 1962

¹⁸ Ahmed Hamid Al-Sarraf; *Al-Shebek (The Shebeck)* p. 223, Al Maarif Press, Baghdad, 1954.

.Moreover, Shakir Sabir Ez-Zabit, in his historical study of Turco-Iraqi relations, mentions Ibn Kardathbah's description of the sending of 2000 Turkic warriors to Iraq annually from Turkistan by the Governor of Khurasan, Abdullah Bin Tahir, on the Caliph's orders .¹⁹

These regular arrivals of Turkic soldiers in Iraq over a lengthy period of history and the warm reception they received from their kinsmen already settled there are crucial factors in any investigation of the history of the Turkmen in Iraq. Throughout the period of Abbasid rule, the cycle of Turkic migration and settlement continued unabated. Eventually, the Caliph Mu'attasim came to depend totally on Turkic soldiers for his armies

. During the reign of the Buwayhids, the numbers entering Iraq steadily increased and their area of settlement expanded accordingly.

From the initial contacts between the Turkmen and the land of Iraq in the seventh century A.D., as described above, through the various migrations into the country throughout their history, the Turkmen gradually became familiar with their new home and, along with the original

¹⁹ Shakir Sabir ez-Zabit, *Tarikh el-Sadaqa beynel Iraq wa Turkiye (The History of Friendship Between Iraq and Turkey)*, p. 71, Darul Marifa Press, Baghdad, 1955.

Arab inhabitants (with whom they freely mixed on equal terms), an important sector of the country's population. Nevertheless, it would be erroneous to describe the Turkmen population in present-day Iraq as direct descendants of those Turkic soldiers. Apropos of this issue, the historian, Zeki Velidi Togan, is of the opinion that these Turkic armies and their commanding officers did not actually settle in large numbers in any particular region of Iraq.²⁰

However, the initial arrival of the Turkmen in Iraq had far-reaching important consequences, one of which was the creation of a favourable environment for subsequent migrations of their fellows. The majority of the early settlers, moreover, became assimilated into the Arab population to such an extent they eventually ceased to use their own language, replacing it with Arabic²¹ In short, it is reasonable to conclude that the initial settlement of Turkmen in Iraq, almost fourteen centuries ago, paved the way for subsequent waves of migrants who, in turn, were able to benefit greatly from the experiences and knowledge their predecessors had acquired.

²⁰ Zeki Velidî Togan, *Umumi Türk Tarihi (General Turkic History)*, Vol. 1, p. 170, Akgün Press, İstanbul, 1946.

²¹ Cf. article "Reflections on the Musul Problem" in the bulletin of the Society of Central Asia, Vol. 4, No. 13, pp.350-364, London, 1926. (According to Mehdi Al-Beyati: *Anfänge der prosaliteratur bei den IrakTurkmenen. (The Beginnings of Prose in the Turkmen Literature in Iraq)*, p. 6, Mains, 1970.

The Second Stage

The Turkmen settlement of Iraq during the early Seljuk era is commonly regarded as one of the most important stages in the greater Turkic settlement of the Middle Eastern Countries .Furthermore, according to the historian Mustafa Jawad , the Seljuk era in Iraq had the greatest influence on Iraqi society as a whole. Another important consideration with regard to the settlement is that the thousands of Oguz warriors of Seljuk were not brought into Iraq as slaves, individually or otherwise, but as free men and, in addition, looked upon as conquering warriors.²²

In 1055 A.D., Sultan Tugrul Bey offered to repair the road to the holy City of Mecca as a pretext for the invasion of Iraq at the head of a sizeable army. To forestall this development, the Buwayhids attempted to exploit the influence of Caliph Al-Qasim Billah, a respected religious leader. The situation became even more critical when the Caliph learned of the treachery of his own commander, Basasiri, who had secretly collaborated with the Fatimid rulers in Egypt in a plot against him. His reaction was to relinquish his authority as secular ruler while maintaining it as religious leader. On December 15, 1055 A.D., the Caliph was formally stripped of his political authority.

²² Shakir Sabir Zabit, *Mujez Tarikh al-Turkmen fil-Iraq (A Brief History of the Turkmen in Iraq)*, p. 55, Baghdad, Iraq 1962.

Orders were subsequently issued that the prayer sermon should be read thereafter in the name of the Turkic Sultan Tugrul. Ten days later, the Sultan himself arrived in Baghdad to a rapturous reception by the city's population.

The Seljuk king, Ibrahim Yanal, led a rebellion against the invaders soon afterwards and Sultan Tugrul left Baghdad at the head of his army with the intention of crushing it. The traitor-commander, Basasiri, referred to above, managed to break out of the prison where he had been incarcerated during the Sultan's visit, arrested Caliph Al-Qasim Billah and forced him to sign a decree in which he relinquished power to the Fatamids. However, Sultan Tugrul returned to Baghdad in 1059 A.D. prompting Basasiri to flee the city. He was subsequently caught by the Seljuks and hanged. Sultan Tugrul reentered Baghdad, and again received a jubilant welcome.

The largest number of Turkmen immigrants into Iraq arrived with Sultan Tugrul's army, but further waves continued to come during his reign and thereafter. They settled mainly in northern Iraq but were never isolated from the original inhabitants of the area.

At the time of the principal Turkmen migrations to Iraq as well as other Middle Eastern countries, the latter were only loosely integrated as nation states, so the Turkmen played a leading role in helping their adopted countries, not only to strengthen ties and achieve political stability, but also to take a unified stance against the invading Crusaders.²³

The word 'Seljuk' requires some explanation: it does not refer to one specific tribe or branch of the Oguz. It was, in fact, the name of a ruling clan which took its name from their great ancestor, Seljuk, son of Dakkak. The Seljuk, moreover, were related to the Kinik tribe, one of the twenty-four tribes of the Oguz.

In 956 A.D. (345 H), the Seljuk emigrated from the plains of Turkistan, settling initially in the territory referred to in Arabic texts as that 'beyond the rivers' Transoxiana, where Uzbekistan and Turkmenistan are located today. They converted to Islam and their leader, Seljuk, an ambitious and courageous man, managed to achieve a prominent status for his tribe.²⁴

²³ Mohammed Anis, *Al-Dawla al-Othmaniya wa al-Sharq al-Arabi (The Ottoman Empire and the Arab East)*, p. 10. The Anglo-Egyptian Library, Cairo, Egypt.

²⁴ Dr. Hussein Ameen, *Tarikh Al-Iraq fil-Asr Al-Seljuki (Iraq History in Seljuk era)*, p.45. Al-Irshad press, 1965

The Seljuks led the Oguz, many thousands of whom accompanied Sultan Tugrul's army on his entry into Iraq. The Oguz Turkmen tribes spread throughout the country; their descendants still occupy the lands where they settled. The slight differences noticeable in Turkmen dialects in different parts of Iraq today can be traced back to similar differences among the various Oguz tribes who first entered Iraq so long ago.

The Seljuks of Iraq (1118-1194 A.D.)

The Seljuks succeeded in establishing a state in Iraq which lasted for seventy-six years after the death of Sultan Mohammed Tapar. That state was founded in 1118 A.D. and lasted throughout the rule of nine consecutive sultans: from the first, Sultan Mahmut, eldest son of Sultan Mohammed Tapar, to the last, Sultan Tugrul II, son of Arslan Shah. After the death of Sultan Sanjar in 1157 A.D. [Check for factual accuracy. Ed.], the Seljuks gained their independence. As time went by, however, Seljuk power waned and they succumbed to the rule of the Atabegs.

The Atabegs of Mosul (Zengees)

The title 'Atabeg' was bestowed upon Turkmen teachers in the military of the Seljuk princes. When

the latter had reached the age at which they were ready to learn the arts of battle, they were sent to distant regions as kings in the company of an Atabeg who, in practice, administered the kingdom and trained the prince in the appropriate skills as well. One of the most famous of the territories governed in this way by the Atabegs was Mosul, traditionally known as 'the Zengees' (after Imad Al-Deen Al-Zengee and his son, Nur Al-Deen Al-Zengee, long renowned for their political and military successes against the Crusaders). Their reign lasted from 1127 to 1233 A.D. when the Lulu clan took over and ruled Mosul under the protection of the Zengees until 1262 A.D.

Imad Al-Deen Al-Zengee was the son of Aksungur Beg (Quaseem Al-Dawla), one of the Awshar tribal chieftains of the Oguz Turkmen. His two sons, Ghazi and Qutub Al-Deen Mawdud, succeeded him. His other son, Nur Al-Deen, established a kingdom in the Aleppo region of what is now modern Syria. Later, the Ilkhaneits conquered this Turc-oman emirate of which Mosul was the capital.

The Turkmen Emirate in Arbil

Around the same time, the Turkmen established another emirate – Arbil (Arbil Atabeg) which embraced the territories of Mosul, Arbil, Shahrazur, Hakary, Khuran, Sinjar and Tikreet.

Arbil was established in 1144 A.D. by Zayn Al-Deen Ali Kuchuk, son of Begtekeen, who was succeeded by his sons: Zayn Al-Deen Yusuf and Muzaffar Al-Deen Gokboru. The latter ruled Arbil for 65 years.

The Turkmen Emirate in Kirkuk²⁵

The Aywaky Turkmen (Al-Aywanih) established the Kirkuk Emirate in the territories of Kirkuk and Shahrazur which included present-day Sulaymaniye and the Shahrazur Plain.

One of their kings, Kipchak, son of Arsan-Tash, fought and defeated Imad Al-Deen Al-Zengee; as a result, he annexed this emirate to Mosul Atabeg.

The State of Kara Koyunlu (The Baranians)

The Kara Koyunlu tribe came to power through a chieftainship known as 'Baraniah.'. It is commonly believed that Baran was one of the grandsons of Oguz, and the tribe took its name from his.²⁶

Prince Kara Yusuf captured Baghdad in 1402 A.D. and his son, Shah Muhammad, became king of Baghdad, in accordance with a decree issued by

²⁵ Shakir Sabir az-Zabit, *Mujaz Tarikh al Turkuman fe-l-Iraq (A Brief History of Turkmen in Iraq)*, Baghdad, Iraq. p. 73, 1962.

²⁶ Abbas Al-Azzawi, *Tarikh el Iraq bayne l Ihtilalain (The History of Iraq Between Two Occupations)*, Vol. 3, p. 23, Al-Tafeyudh Public Press, Baghdad, Iraq 1939.

Sultan Ahmet Al- Jalayiri in 1410 A.D. When his father, Kara Yusuf, died, he annexed all his father's territories, but, in 1432 A.D., his brother, Asban, revolted against him and captured Baghdad. After Asban's death, his brother, Jihan Shah, succeeded to the throne.

Finally, the reign of the Kara Koyunlu came to an end in 1466 A.D. when war broke out between Jihan Shah and Hassan Beg Al-Taweel in which the former was defeated.²⁷

The State of the AK Koyunlu (Bayindarian)

The tribe of the AK Koyunlu, one of the 24 that comprised the Oguz, was named after Bayindar, a descendant of Oguz Khan. Two of its most illustrious leaders were the princes Kara Osman and Hassan Beg, the latter more popularly known as 'Prince Hassan Al-Taweel.' ('Taweel' in Arabic means 'tall'). He had defeated Jihan Shah and captured Baghdad.. Upon the death of Uzun Hassan in 1477 A.D., his eldest son, Hussein, succeeded him.

²⁷ *Directory of the Republic of Iraq*, year 1960, p. 211. 23

There was constant internecine warfare between Hussein and his brothers with numerous violent clashes that eventually culminated in the victory of Murat Beg. The reign of the latter was brought to an end and his state conquered (in 1508 A.D.) when a Persian army, under the command of Shah Ismail Al-Safawi, overthrew him forcing him to flee to Karman. This state had lasted forty-four years,²⁸ during which time the Turkmen continued to settle in Iraq. Those Turkmen who adopted Iraq as their homeland and strove to establish an advanced Turkic, Islamic civilization there regarded this period as that in which the initial settlement of Iraq actually took place.

The Third Stage

This stage in the history of the Turkmen settlement in Iraq is generally regarded as that in which the reinforcement and consolidation of those Turkmen who had already settled in Iraq took place. Large numbers of Turkmen from the original Oguz homelands emigrated to Iraq to join those already

²⁸ Abdul Razzak Al-Hassany, *Al-Iraq Qadimen wa Hadithan (Iraq Past and Present)*, Al-Irfan Press, Sayda, Lebanon, 1956.

settled there. Another incentive for the emigrants was the more favourable economic situation in the new homeland which encouraged further waves of emigrants to arrive. In addition to these, many Oguz Turkmen came to Iraq with the various Ottoman armies which made incursions into the Middle Eastern countries.

At this time, also, Iraq had become a battleground for the continuous wars waged between the Ottoman rulers and the Persians. By far the largest number of emigrants were those who accompanied the armies of Sultan Sulayman the Magnificent who succeeded in conquering the whole of Iraq in 1535 A.D.²⁹ Again, in 1638 A.D., when Sultan Murat V advanced on Baghdad at the head of his army to liberate the city from the Safawits, a considerable number of Turkmen accompanied him.

The Iraqi historian, Abdul-Razzak Al Hassany, is of the opinion that the present-day Turkmen are the descendants of those Turkic armies who remained in Iraq to protect the line of communications between the southern and northern Ottoman provinces.³⁰

²⁹ Baki Kurtulush, *Osmanli Padişahleri (Ottoman Sultans)* p. 83, Balkanoğlu Press, Ankara, Turkey, 1962.

³⁰ Abdul Razak Al-Hassany, *Al Iraq Qadiman wa Hadithan (Iraq Past and Present)*, p. 8, Al-Irfan Press, Sayda, Lebanon, 1956.

Other historians support this viewpoint and, furthermore, contend that the Ottoman Sultan Murat V settled these Turkmen along a line extending from Telafer in the northwest to Mandaly in the southeast of Iraq, forming a line of communication and mail line.

Some historians argue for a different objective on the part of Sultan Murat V in settling the Turkmen along the northwest-southeast line: the formation of a buffer zone along the Iranian border to separate the Kurdish inhabitants east of the line and the Arabs to the west, thereby facilitating the defence of the borders of Ottoman territory in the area.

However, the latter theory cannot be adequately substantiated largely because Turkmen were present in large numbers in many parts of Iraq following Sultan Murat V's conquest of the country and, besides, there had been a Turkmen presence in Iraq many centuries prior to the seventeenth . It would have been only natural for those Turkmen who arrived in the country with Sultan Murat V to settle in those regions where their predecessors had settled, i.e., mainly in northern and eastern Iraq.

It is difficult to imagine those new immigrants settling among non-Turkish sectors of the population whose language they neither spoke nor understood. Why the Turkmen had chosen the northern and eastern regions of Iraq as their preferred adopted homeland initially was the attraction of the fertile plains there, far from rugged mountain ranges and deserts.

Even a cursory survey of the lands where the Turkmen settled: from their original homeland in Central Asia to Anatolia, the Near East and Eastern Europe will show clearly they invariably preferred rolling plains with a plentiful supply of water and a temperate climate. For this reason, the earlier Turkmen settlements from the time of the early Caliphs through the Umayyid and Abbasid eras did not retain their original Turkmen character. The regions of Iraq inhabited by the Turkmen today are those which, physically, appeal to their nature, traditions and character.³¹

³¹ İsmet Tümtürk, Fuzuli Magazine, No.5, p. 3, July 1958, Istanbul, Turkey.

Chapter Two

CITIZENSHIP

Section one

Citizenship: the Iraqi Government's Concept

Principles pertaining to citizenship were established by the Iraqi government according to basic laws and regulations at the inception of the first Iraqi constitution on March 21, 1925, when they were amalgamated into the "Fundamental Law" endorsed by Faisal I, the King of Iraq.

However, prior to the proclamation of Iraq as a sovereign country, the first draft of the Fundamental Law was prepared by the (British) colonial authority in 1921. The law adopted the principles of non-discrimination among the Iraqis for reasons of ethnicity, language, religion or beliefs. All the subsequent Iraqi constitutions and related amendments maintained these principles, although they procrastinated on other controversial issues in the constitution. Percy Cox, the British High Commissioner, initiated the organization of a group of experts in the community and chaired the committee responsible for preparing the draft of the constitutional law. The draft was forwarded to the Colonial Office in the United Kingdom for revision before being submitted to the Iraqi government. Input was sought from a second committee that included prominent Iraqi citizens such as Najji As-Sawidi,

Sasson Hyskail and Rustum Hayder, in addition to some British officers. Objections were raised in the second committee to certain points regarding the powers of the parliament and the monitoring of the government by the legislative authorities; the original draft assigned this authority to the King. Permission for amendment was granted by the Colonial Office and the monitoring authority was restored to the legislators in the final draft.

To ensure the broadest possible level of public awareness, the original draft of the suggested constitution was printed in the three main languages of Iraq: Arabic, Kurdish and Turkish, as recalled by those who witnessed events at that time. Following long delays, the final draft of the constitution was presented to the Founding Assembly in June, 1924. A special parliamentary committee deliberated on the draft and revised it. The draft contained 123 articles and consequently it was presented to the parliament and approved on July 10, 1924. Objections of the committee on some thorny issues related to the approval of the Iraqi British pact, borders and petroleum, delayed the announcement of the approval and adoption of the Constitution. The draft had safeguarded these issues by including article 114, which stated that all regulations enforced by the British from 1914, and all subsequent regulations issued by King Faisal I, be adopted and applied up to the date of the Constitution's implementation.

On July 29, 1925 the first constitutional amendments were considered. These related to the absence of the King from the country; allowances for the parliament members and the establishment of a Supreme Court. The second amendment included on October 27, 1943 totaled fifty articles dealing with essential modifications of regulations as well as editing the Constitution's language. After the amendments, the constitution contained 125 articles, and an additional section was added to article 120 relating to procedures for declaring martial law. These amendments considered issues that were beyond the authority of the elected parliament regarding the ordering of a general amnesty. The amendments also considered the principles of constitutional legislation similar to these practiced in other countries, provided that decisions for accepting them would be made in a special meeting of both houses (Lords and Parliament).

Modifications of article 18 that dealt with citizens' rights included and elucidated the granting of equal rights to all Iraqis. Generally speaking this issue was more or less integrated into the previous constitution's wording, and was included in the civil and political rights of the citizens, which stated that citizens would not be subject to discrimination on any basis or in any circumstances.

Eventually, the wording was changed to read:

Iraqis are equal in enjoying the civil and political rights related to duties or accountability. There should be no discrimination for reasons of origin, language and religion. Public jobs and civil or military positions should be granted to them only. Expatriates will not be given these positions unless under exceptional legal exemptions.

Article 6 of the constitution specifically focused on the issue of citizenship in Iraq by stating: "Legally there are no differences between Iraqis' regardless of differences in ethnicity, religion or language". Article 16 finalized the fundamental principle involved and stated: "Various ethnic groups have the right to establish schools which teach in their languages to preserve their ethnicity, provided that the curriculum is legally adopted."

An Iraqi election committee, established in 1920, met for the first time on August 20th and was charged with drafting appropriate legislation for the election of the National General Assembly. This committee met with a total of 18 members and the city of Kirkuk was represented by two members, namely: Izzet Pasha Al-Kirkukli and Khairullah Hassan Effendi. The election of the National General Assembly was postponed by the colonial authorities in order to facilitate the coronation of King Faisal I. Interestingly, article 8 of the "Colonial British Regulations for Iraq" clearly stated that there should

be no discriminatory practices among Iraqis on the basis of nationality, religion and language. It encouraged teaching through the medium of native languages and discouraged the denial of rights to any of the groups. Furthermore, it called for support of private schools where children were taught through their own native languages and safeguards to protect their autonomy. Abiding by these principles, the Iraqi government assured the people on many occasions and especially at the coronation of King Faisal I on August 23, 1923 that every citizen's religion, ethnicity and language would be protected as stated in the 1922 British-Iraqi agreement wherein, in Article 3, it demanded assurance from the King of Iraq that there should be no religious or linguistic discrimination among the peoples of Iraq, and ethnic languages should be granted the right to education in its native language. King Faisal repeatedly emphasized freedom of education through ethnic languages in his speech of June 11, 1935 and also called for the freedom to use ethnic languages in court proceedings. He said "The Kurd will learn in his language as does the Arab and Turk".

Section Two

Iraq's Membership of the League of Nations

One of the most important conditions of ending British colonial power in Iraq was the latter's joining the League of Nations and the guarantee of the establishment of a "State Government". Furthermore, the second article mandated the protection of ethnic minorities' ethnicity, religion and language. After lengthy deliberations and negotiations between the LN and the Permanent Colonial Commission, the General Assembly agreed on the Commission's recommendations that led to the Iraqi government's declaration on January 28, 1932 to debate the issue in both houses (Lords and Parliament). Deliberations ensued to ascertain its conformity with the Constitution in a special joint meeting of both houses on May 5th 1932. At this meeting, the Iraqi government authorized Iraq's the issue of the declaration to join the League of Nations. The latter was presented with a final draft for approval on May 19, 1932. Prime Minister Nuri As Saeed, on May 30, 1932, announced the acceptance of Iraq as a member of the League of Nations.

The declaration of the Iraqi government in articles 9 & 10 assured some of the ethnic rights of the Kurds and the Turkmen in adopting the use of Kurdish and Turkmen languages in addition to Arabic as official language. The articles pointed out the presence of an obvious majority of Turkmen in the cities of Kirkuk and Kifri. Neither the Kurds nor the Turkmen were pleased with or enthusiastic about the proclamation

because the articles, under the pretext of protecting ethnic minorities, actually eventually trivialized their position within Iraq. As an obligation to these assurances the local language law number 74 was issued, stating that the Turkish language would be utilized in schools in regions inhabited by the Turkmen, and furthermore, that the courts would adopt the use of Turkish in their legal court proceedings.

Section Three

Attitudes to Minorities during the Republican Era

A military coup on July 14, 1958 toppled the existing monarchy and government. In the ensuing chaos and due to the lack of direct orders from the leadership, some over enthusiastic officers and supporters killed King Faisal II, the viceroy, and the entire royal family. The vindictive spirit that the Iraqi Army in the thirties and forties flared up once again and culminated in the execution of the Prime Minister, a few cabinet members and prominent businessmen without a fair trial and even without checking their identities. The general populace prematurely rejoiced on hearing promises made in initial proclamations on the radio and television.

Most of the national and ethnic groups provided considerable support and allegiance to the new regime. The leadership exploited this support and called the coup a "Popular Revolution". Large supporting delegations representing multiple ethnic groups in the various provinces proceeded to assemble to show their allegiance and visited the Ministry of Defense in Baghdad which became the Central Command Headquarters. Soon afterwards on July 27, 1958 the new republic issued a new temporary constitution and, for the first time, the equality of all Iraqi citizens was nullified. Article 3 had previously stated: "The Iraqi entity is established on the basis of cooperation among **all** citizens by respecting their rights and sustaining their freedom. The Arabs and the Kurds are considered partners in the country and this constitution recognizes their ethnic rights in a United Iraq". Obviously this article depicts "their ethnic rights" which means the rights of the Arabs and Kurds but, in essence, it does not represent the protection of the rights of the Kurds as a minority. Henceforth, and for the first time, it recognized Arabs and Kurds as the only partner-groups in the country, and therefore it abandoned the principles of equality of rights and non-discrimination among citizens on the grounds of ethnicity, religion and language. Regardless of this issue, the new constitution copied article 9 from the abolished one and stated: "The citizens are legally equal in their rights and general duties and it does not allow discrimination among them because of race, origin, language, religion and beliefs".

A second coup followed on February 8, 1963 in Baghdad where the previous Revolutionary Council had monopolized the hold on power in both the executive and legislative branches of the government. It was mandatory in the new regime to issue a law that would regulate the affairs of the new ruling structure in the country; thus the National Revolutionary Council Law was issued as law # 25 for the year 1963 on April 29th. Unfortunately, this law ignored the citizens' rights and dealt only with authority granted to the National Revolutionary Council and the president. Furthermore, there was no mention of revoking the previous constitution. A counter coup soon toppled the regime that was in power, and on 18 October 1963, a new constitution was issued which nullified the previous one. This new constitution was prepared on April 29th, and issued on May 10, 1963. However, this constitution was amended six times, and the second such occasion, on September 8, 1963 attempted to resolve the Kurdish issue. A generalized deceleration on resolving Kurdish concerns was cancelled on June 29, 1965. Thus the new constitution's amended article 19 stated: "The Iraqis are legally equals in rights and duties and not subject to any discrimination because of race, origin, religion or any other cause. Moreover, this constitution recognizes the ethnic rights of the Kurds within a united brotherly Iraqi nationality" (Article one of the revisions). One might argue that this latest constitution reversed the changes in attitude and returned to the principles of equality of rights and especially recognized the rights of the Kurds under current peculiar circumstances; nevertheless, the

generalized language used in article 19 does not exclude any of Iraq's citizens or ethnic groups.

The last and temporary constitution surfaced after the White Palace Revolution that brought the Arab Baath Socialist Party to the helm of power on July 17, 1968. Surprisingly, those who collaborated with the Baathists on July 30 were soon eliminated. Another constitution was drafted on September 21, 1968 which encompassed new principles that had not previously been incorporated. Its first article declared: "The Iraqi people are a part of the Arab Nation and it is this government's obligation to accomplish the mission of a decisive Arab unity".

With regard to national rights, article 21 reads: "Legally, the Iraqis have equal rights and duties with no discrimination for reasons of sex, race, language and religion, and they cooperate to maintain the status of the country including the Arabs, and Kurds and this constitution recognizes their national rights within Iraq's unity". Once again it stepped forward to recognize the rights of all Iraqis including Arabs and Kurds. Furthermore, it did not exclude other nationalities nor did it openly state so. Obviously, all temporary constitutions that were issued during the republican era retreated from an important principle that was in the first constitution regarding the rights of the ethnic groups to open private schools where pupils were taught through the medium of their own, ethnic languages. The recent constitutions considered education as a legitimate right of all citizens to be funded by the government.

Section Four

The Turkmen Citizen's Concept of Government

Historically the Turkmen citizens of Iraq differentiated between government and the state. They participated in the revolution against the British colonization of Iraq. The Turkmen at Telafar ignited the first spark of the uprising and some historians consider this event as the beginning of the revolution. After the establishment of a national state, the Turkmen of Telafar objected to some organizational aspects and to the system of government. However, they did not resort to any form of disobedience. Kirkuk, the city of the Turkmen, boycotted the referendum appointing Faisal I as the King of Iraq; furthermore, no one from the city attended his coronation ceremonies. Turkmen students at an industrial/vocational high school in Kirkuk also objected and demonstrated against the visit of the sovereign to the city in 1926. In revenge, the government cancelled the school session and subsequently closed the school for many decades. Peaceful and civilized political activities by the Turkmen of Iraq continued; unfortunately, this was not tolerated by later governments and they were subjected to all sorts of harassment and often harmed by officials who had distorted political concepts of the Turkmen.

Chapter Three

International Treaties and Covenants

Section One

International Treaties Governing Human Rights

The entire human race is endowed with an inherent dignity, and human rights are equally shared according to the principles of freedom, justice and peace in the world. This was clearly articulated in the language of the Declaration of Human Rights, generally regarded as the ideal reference and measurable accord that distinguishes the autocratic or dictatorial countries from the democratic ones. The umbrella of the free world protects every human being's rights for a dignified life, without any discrimination on the basis race, sex, language, origin or religion.

All national and international treaties have accepted these principles. Surprisingly, many countries including Iraq had signed these treaties but

the latter, in essence, disregarded its promises and agreements. Signatory countries of these treaties became obliged to abide by the laws and regulations or otherwise become accountable. It is the obligation of international treaties and laws in principle to reform and correct any discrepancy in implementation of these laws; otherwise, their leaders become accountable to international law and many are considered as criminals accused of committing crimes against humanity.

Indeed for centuries the entire world was obsessed with human rights and the preservation of political freedom. Magna Carta, ratified in England in 1215, introduced the provision of providing basic freedoms to all individuals, and their families. Later on came the American experiment of accepting the equality of all human beings and the declaration of Human Rights around the time of the French Revolution on 1789. The same principles were incorporated into the Gulhane Declaration in Istanbul in the final years of the Ottoman Empire.

In practice, the Iraqi regime stripped all Turkmen citizens of their rights to the dignified and free life granted by the International Declaration of Human Rights and by most of the international agreements and treaties which prohibit racial discrimination. Discrimination against the Turkmen was based, not on their rebelliousness or disobedience to the establishment, but solely on the fact of their ethnicity.

Observing the current events, we are obliged to focus on those human rights granted to the entire human race, regardless of ethnicity or geographical location. The Turkmen, together with their brethren from other nationalities, including Arabs, were all deprived of their rights which had been granted special emphasis in the important declarations, treaties and accords issued in this regard.

The attention of the International Community was directed to the dangers to people from the repression unleashed by the totalitarian regimes due to the disastrous consequences of regional wars and disputes. Just a day before the Universal Declaration of Human Rights, the General Assembly reached a vital agreement that became the main support for the protection of human beings, (populations, ethnic, racial and religious communities) from exploitation, injustice, coercion, and forceful subjugation. Therefore, the General Assembly adopted the agreement for the prevention of genocide and mass extermination and decreed them punishable crimes. Subsequently, it was submitted for approval and signature for inclusion in the General Assembly's Resolution Number 260 (D-3) dated December 9th, 1948 which was adopted on January 12th, 1951 according to **Article No. 13**.

Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights was issued according to the resolution of the United Nations General Assembly No. 217 (D-3) on December 10th, 1948 it stressed the importance of Human Rights and stated they should be protected by a lawful system. Ironically, this noble ideal has led to rebellion, tyranny and repression around the world.

Article I of the declaration affirms that all the people are born free and are equal in dignity and rights; they are endowed with mind and the capacity to think rationally; therefore, they are obliged to treat each other with due respect. In article II it elaborated on this point that each individual has the privilege to enjoy all the rights and freedoms of this declaration without discrimination, especially due to race, color, sex, language, religion, politics or, origin of nationality, social and economical status, place of birth, or any other condition. Furthermore, no discrimination would be shown based upon an individual's allegiance to any political, legal, national or regional authority, whether independent or under protection, or not operating under self governance nor in possession of its sovereignty.

Article VII of the Universal Declaration takes account of the fact that all people are equal under the law, and they are equally protected by the law regardless of any discrimination or intimidation to discriminate. Therefore, the Universal Declaration of Human Rights has become the bedrock of all other

international treaties, and its Article 18 heralded the proclamation of human rights and anti-apartheid organizations:

“Every person is entitled to freedom of opinion and speech; this will also include the right to adopt without harassment whatever views, and to seek news and views, and to be able to receive and distribute them to others with whatever means regardless of boundaries”. The Declaration also provided each person with the right to administer the affairs of his country either directly or through freely elected representatives.

Article 18 of the Declaration gave each person the right to enjoy participating in a national and international social system that provides fertile soil for the attainment and growth of those rights and freedoms included in the Declaration.

The thirty articles of the Declaration were issued and became the basic document in defense of freedom of thought, opinion, and cultural and social life without any discrimination whatsoever.

United Nations Declaration on the Elimination of all forms of Racial Discrimination – 1963

The United Nations General Assembly in declaration No.904 (D-18) dated November 20th 1963, supported the elimination of all forms of racial discrimination. It started with the declaration of the principle of human dignity and equality, and called for the promotion of respect for human rights and basic freedom for all people regardless of race, sex,

language, or religion. Furthermore, it declared that people are born free and are equal in dignity and rights, and that every person is entitled to enjoy all the rights and freedoms stated in the declaration without any discrimination, and especially with regard to race, color or nationality.

This declaration stresses that any theory originating in a belief in racial discrimination or racial supremacy is scientifically false, ethically deplorable, unjust and socially hazardous; moreover, there is no theoretical or scientific basis for racial discrimination. In addition, the declaration emphasized the United Nations' opposition to racial discrimination openly practiced in some parts of the world and rejected in others because of the governments' initiatives for legislative and executive efforts or other means to curb such practices. Moreover, one of the prime objectives of the United Nations is the eradication of racial discrimination. It considers any discrimination due to race, colour or ethnic origin to be an insult to the dignity of the person. Moreover, it should be condemned since it is obviously a rejection of the basic principles of the United Nations Charter and is a violation of human rights and basic freedoms as proclaimed by the Universal Declaration of Human Rights.

The verdict of the Declaration was to prohibit governments, institutions, groups, or persons from discrimination in the field of human rights, basic freedoms, or during transactions involving individuals, groups of people or institutions because of race, colour and ethnic origin. Furthermore, it

warned nations against the practices of support, encouragement or tolerance of any sort of discrimination because of race, colour, or ethnic origin instigated by any group, institution or person.

Article 13 of the Declaration calls for the adoption of extraordinary efforts to prohibit racial discrimination because of race, color and ethnic origin especially, in the arenas of civil rights, citizenship, education, religion, labor, vocation and housing. One more important issue that was addressed in article 4 concerns edicts to all the nations to seriously review their governmental, general and other policies, and to abolish remnants of laws, or regulations that allow and maintain discrimination. Regulations to restrict and attack all racial prejudices should be set in place.

Article 5 calls for immediate action by States to carry out procedures to prohibit and eliminate all forms of racial discrimination in their governmental and general policies especially pertaining to racial isolation. While article 6 emphasized the rights of individuals to enjoy political and citizenship rights, in addition it called for the rejection of any discrimination based on race, color, national or ethnic origin.

The Declaration pointed out the right to equal treatment before the tribunals and all other organizations administering justice as well as all other basic rights. All forms of practices, promotions and organizations that are based on doctrines or

theories that call for racial supremacy of a race or group or individual should be forthwith abandoned.

International Convention on the Elimination of all forms of Racial Discrimination (1965)

Adopted and opened for signature and ratification by General Assembly resolution 2106 a (xx) of 21 December 1965 to be enforced on 4 January 1969, in agreement with Article 19.

This declaration, in tandem with previous ones, points out the importance of understanding and respecting the dignity of the human person, and the rights to a free choice of abode and, or, language. Moreover, the Convention warns all governments against resorting to practices that denote racial discrimination among citizens or individuals on the grounds of race, color, beliefs or ethnic origin and urges them to establish mechanisms for monitoring such events, and to encourage all actions that would demolish these racial and social obstacles.

Because of this Convention's acceptance and implementation by the government of Iraq, the Turkmen were granted short-lived cultural privileges that were stripped away within less than a year, thereby providing obvious proof that the Iraqi government vehemently adheres to racial and ethnic discrimination policies.

International Convention on Civil, Political, Economic, Social and Cultural Rights

Two resolutions (2200 & 2200-D-21) dated 16th December 1966 and promulgated on 3rd January, 1976, were issued and submitted for approval and incorporation into the United Nations General Assembly. According to Article 27, they related to the economic, social and cultural rights put in force on 23rd March 1976, and according to Article 49 related to the International Convention on civil and political rights. Both conventions granted all nations the privilege of self-determination and stressed that each country should respect the recognized rights of everyone, and safeguard these rights without discrimination in any form on grounds of race, colour, national, social economic or ethnic origin, personal opinions (whether political or otherwise), cultural heritage or any other (alleged) basis.

Article 19 upholds the right of every individual to freedom opinion and expression, without harassment, in accordance with the Universal Declaration of Human Rights. Moreover, Article 20 warned against ethnic, racial and religious hatred, which could lead to the endorsement of discrimination, hatred or violence.

International Convention on the Suppression and Punishment of the Crime of Apartheid

The Declaration of the ICSPCA was adopted and opened for signature and ratification by general assembly resolution 3068 (xxviii) of 30 November 1973 to be enforced: 18 July 1976, in accordance with article 15. Countries participating in this Convention declared that apartheid was a crime against humanity and that all inhumane actions ensuing from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of the Convention, were crimes defying the principles of international law, in particular the purposes and principles of the Charter of the United Nations and constituted a serious threat to international peace and security. Furthermore, the Convention also declared criminal those organizations, institutions and individuals engaged in practicing apartheid.

The crime of apartheid shall include policies and practices such as refusal to a member or members of a racial group, or groups, of the right to life and liberty of person. In addition there should be prohibition of murder of members of a racial group, or groups, or arbitrary arrest and illegal imprisonment of the members of a racial group or groups. Moreover governments should not prevent a racial group or groups from participation in the political, social, economic and cultural life of the country. This would include the right to work, the right to form recognized

trade unions, the right to education, the right to leave and return to a country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association. Any measures designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups should be prohibited.

Article 6 of the Convention called for the prevention, suppression and punishment of the crime of apartheid, and this Convention, consisting of 19 articles, constituted a further basic demand for the right of people everywhere to enjoy their lawful rights without any form of discrimination.

Declaration on Race and Racial Prejudice

This Declaration was adopted and proclaimed by the general conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session, on 27 November 1978. This declaration affirmed that the purpose of UNESCO "is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for human rights and fundamental freedoms which are affirmed for the people of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations"

Furthermore, the declaration promoted the implementation of the United Nations Charter on Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination and abided by the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. It is noted that racism, racial discrimination, colonialism and *apartheid* continue to afflict the world in ever-changing forms. As a result, the continuation of legislative provisions for government and administrative practices must be put in place towards the implementation of the principles of human rights and also of the continued existence of political and social structures, and of relationships and attitudes, characterized by injustice and contempt for human beings and leading to the exclusion, humiliation and exploitation, or to the forced assimilation, of the members of disadvantaged groups. The Declaration expressed its opposition to these offences against human dignity, disapproving of the obstacles they place in the way of mutual understanding between peoples concerned by the danger of their seriously disturbing international peace and security.

In Article 6, the responsibility for ensuring human rights and fundamental freedoms on an entirely equal footing with the dignity and basic rights of all individuals and groups was primarily laid on the shoulders of the State. It should also take all

appropriate steps to prevent, prohibit and eradicate racism, racist propaganda, racial segregation and apartheid and prevent racial prejudice. It is also incumbent on states to supplement them by utilizing administrative machinery for the systematic investigation of any instances of racial discrimination, and by a comprehensive framework of legal remedies against acts of racial discrimination.

Moreover, Article 9 endorsed the principle of equality, to underline the dignity and rights of all human beings, irrespective of race, color or genetic origin, a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practiced by a state constitutes a violation of international law, and such a state will be held responsible for its actions under that law.

This declaration was issued in 10 articles and secured the endorsement of all of the organizations that support human rights and reject discrimination.

Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief

This declaration was proclaimed by General Assembly as resolution 36/55 on 25 November, 1981. It accepted the dignity and equality inherent in all human beings, and ruled that all Member States must act to promote and encourage universal respect for and observance of human rights and fundamental

freedoms for all. There can be no distinction as to race, sex, language or religion and it proclaimed the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief. Furthermore, the declaration emphasized human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or whatever belief. It declared the right to freedom of thought and religious belief and practice without the slightest discrimination because of race, ethnicity, language, religion, or origin in accordance with the United Nations charter and affirming the Universal Declaration of Human Rights.

Universal Declaration on the Human Genome and Human Rights

This declaration was issued on November 11, 1997 by **UNESCO**, an agency of the United Nations to protect the human genome and called for the banning of research on the genome in any way that would degrade human dignity. Moreover, it outlawed the subjection of any individual to discrimination based on his or her genetic characteristics that would be exploited for denial of legitimate rights, political freedom and dignity.

Universal Islamic Declaration of the Human Rights

The 19th Meeting of the Foreign Ministers of the Islamic World Organization in Cairo, 19 – 22 July, 2001, adopted a Universal Islamic Declaration which condemned all forms of racial discrimination. It subsequently promoted respect for cultural and religious diversity in accordance with the Universal Declaration of Islamic Human Rights of 19 September, 1981.

All human beings are considered equal and none shall enjoy special privilege, or suffer disadvantage or discrimination by reason of race, color, sex, origin or language. Individuals everywhere have a fundamental right to self-government; to be treated with dignity as equals, male or female; to be entitled to personal security; to enjoy freedom of religious beliefs and practice; to avail of family rights and safeguards, and the right to free expression of their views on the government and administration of their countries.

Cairo Declaration against Racism, 2001

The Arab Regional Preparatory Conference for the World Conference against Racism, convened in Cairo, July 19 –22, 2001, condemned all forms of racial discrimination, and called for respect for cultural and religious plurality.

In the second part of the declaration, it was pointed out that Arab governments had failed to solve problems of discrimination against sectional, religious, cultural, linguistic, ethnic, national and racial minorities. Discrimination against minorities has resulted in social, cultural, developmental and economic imbalance between the populations inside the same country. Failure to put an end to this problem gave widespread scope for the violation of human rights on a vast scale, the eruption of internal acts of violence, civil struggles and wars, causing grave damage to the progress of development, disrupting the peace, and strengthening the negative tendencies of animosity and hostility. Therefore the Conference asserts that respect for human rights, the basis of which is the full equality and enjoyment of full citizenship rights and the recognition of religious, racial, cultural and political plurality can be an effective approach in dealing with such issues.

Moreover, it denounced all acts of oppression and absolutism and the launching of wars against certain minorities in the Arab world, in particular acts of genocide, forced displacement, and slavery, since they constitute crimes against humanity. They condemned all practices and policies which hinge upon exclusion from political participation on the grounds of confession, religion or race, and all forms of propaganda and incitement that are based on fanaticism, (alleged) religious or national superiority or the like. The Conference also pledged support for the struggle of minorities to achieve their rights as stipulated in the United Nations Declaration on the Rights of Minorities.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance 2001

This assembly convened in Durban, South Africa, from 31 August to 8 September, 2001. After lengthy and heated debate on controversial issues such as the Middle East situation and accusations of anti-Semitism against certain parties, two resolutions were ratified by way of compromise. The first related to the promulgation of the first principles. The second was a proposition for a working party to accomplish the complete eradication of racism, which was approved by 160 countries.

Section Two

Protecting the Minorities

Regardless of the opposition of the Turkmen and the Kurds to being classified as minorities, they sincerely believed that they were full, legitimate citizens and an integral part of the Iraqi community. Therefore, they were not enthusiastic about the guarantees that the Iraqi government submitted to the League of Nations in 1932 as part of the preliminary procedure towards joining the League. Unquestionably, the majority ethnic group in Iraq is Arab, hence the popular presumption that the other ethnic groups in the country should be regarded as minorities.

Despite the marginal achievements of the Kurds in gaining inclusion in the temporary constitutions as “partners” in the country, the fact remains that these constitutions clearly opposed discrimination against all citizens of whatever ethnic group, on the grounds of race, language or ethnicity. Eventually, citizenship becomes a basic right regardless of majority or minority status.

Fortunately, the civilized world community has come to realize that majorities tend to exploit or even crush minorities for the political or racist motives of their leaders or dominant ethnic groups. Thus, the appropriate authorities devised safeguards to protect and guarantee the rights of minorities by condemning genocide, racial and ethnic discrimination as crimes of equal magnitude, punishable under international law. The signatory states or nations to such resolutions also consider such practices as criminal, and punishable within their national boundaries under local and specific laws.

Declaration on the Rights of Persons Belonging to National Minorities (1992)

The acceptance by the UN of the basic aims of the Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic and Religious Minorities, General Assembly Resolution 47/135 on 18th of December 1992 had important international implications. The declaration originated in the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic

minorities. This agreement endorsed the belief that promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities would eventually contribute to the political and social stability of the states in which they lived. Article 1 of this declaration emphasizes the responsibility of all states to protect the welfare of all minorities within their respective territories and their national, ethnic, cultural, religious and linguistic identities and to encourage conditions for the promotion of that identity. Furthermore, they shall adopt appropriate legislative and other administrative measures to achieve such objectives.

Article two clearly pointed out that persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion, and the right to use their own language(s), in private and in public, freely and without interference or any form of discrimination. In addition, persons belonging to minorities have the right to partake effectively in cultural, religious, social, economic and public life. It reaffirmed that persons belonging to minorities have the right to practice fully in decisions on the national and, where appropriate, regional levels concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation. Such minority groups also have the right to establish and maintain their own associations. Controversial policies by governments preventing their minorities from establishing links are discouraged and section 5 of this article clearly states: "Persons belonging to minorities have the

right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties”.

Effective Promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The United Nations General Assembly at their seventieth meeting on 12th December, 1997 declaration No. 123/52 reinforced the above mentioned declaration and emphasized on the importance of allowing individuals belonging to minorities full liberty to practice their human rights and basic freedoms without discrimination and with undeniable equality by law according to the Declaration on the Rights of Persons Belonging to National or Ethnic, Linguistic and Religious Minorities. The declaration prompted all States and the world community to reinforce the rights of persons belonging to national minorities along with all the necessary constitutional, administrative and legal acts deemed necessary to enforce them.

Obviously, the declaration realized the possibility of meddling with these rights by legislative or administrative authorities of states, and the possibility of one minority exploiting another. Accordingly, article five of this declaration confirmed the importance of enforcement of human rights and the

strengthening of the bonds of understanding between states and their minorities. These are two crucial safeguards for the protection of the rights of minorities.

General Framework of the Treaty Protecting Ethnic Minorities, 1994

This agreement was reached in November 1994 at the European Council at Strasbourg and mandated the member countries of the European Council and other participating member countries that are signatory to the Vienna Declaration of 9th November, 1993, and adopted by the heads of countries and European governments to conserve the ethnic identity of their resident minorities.

This treaty considered the protection of the basic freedoms and the rights of their ethnic minorities as a fundamental part of human rights under international protection and safeguarded for minorities their unconditional entitlement to all of their social and cultural rights. It held states responsible for fostering equality among all their citizens (including national minorities) and for preventing any form of discrimination because of language or race and encouraged them to promote equality among the members of majority and minority sectors of their populations by participating effectively in cultural social, economic and public life. The treaty firmly upheld the notion that tolerance and mutual respect are paramount importance in any society, applicable to all groups, whether majority or minority, and, ultimately, of benefit to everyone.

Section three

Implementation of Human and Minority Rights: Policies of the Iraqi Government

Since the establishment of the Iraqi Republic, all the successive national governments have engaged in the persistent stonewalling of all such International treaties concerned with ethnic and racial discriminations. Thus, the Turkmen were denied their legitimate rights granted by the Universal Proclamation of Human Rights as well as other international treaties and regulations. A survey of all the recent investigations carried out by Amnesty International as well as various other United Nations organizations and agencies concerned with the surveillance of human rights in Iraq, will confirm that successive Iraqi governments have consistently committed the gravest crimes in violation of the fundamental human rights of Iraqi citizens. The State Department's annual report on human rights for the year 1999 lists the major crimes of the Iraqi government, and specifically singles out the Arabization policies practiced in Kirkuk. Turkmen and Kurd citizens were subjected to arbitrary raids, inspections, intimidation and forced deportations during the ethnic cleansing campaigns of the government. Even children were taken as hostages as part of a deliberate government strategy to force their parents to depart from their places of residence.

The Human Rights Committee and the report of the Special Commission during the years immediately following the Gulf War had warned against grave violations by the Iraqi government of all human rights. In the year 2001, they reported they had requested the Iraqi government to respect the rights of all ethnic and religious groups and to cease the suppression of Iraqi citizens including such practices as the displacement and deportation of Kurds, Assyrians, and the Turkmen. Particular attention was paid to the situation in the cities of Kirkuk and Khanaqeen and the marshes of Southern Iraq. In this latter region, the marshes were dredged and dried up by order of the Iraqi government which subsequently led to a disastrous environmental and health catastrophe for the Shia dwellers of the region.

The report of 2002 cited many additional human rights' violations in Iraq including the often brutal suppression of the Turkmen and other ethnic groups by means of forced displacement, deportations and the compulsory transfer of settled population to newly-established settlements in the region of Tuzkhurmatu and Altoon Kopri resulting in cultural imposition such as the changing of place-names of Turkmen villages and towns to Arabic.

Chapter Four

The Political Struggle of Iraqi Turkmen

Section one The History of the Political Struggle

The ethnic composition of the country was taken into consideration when the first Iraqi national government was established. Izzat Pasha Al-Kirkukli, a prominent Turkmen was given a ministerial post in the first cabinet under the leadership of the chairman of the nobles of Baghdad, Abel Rahman Al-Gailani, on November 25, 1920. He was responsible for both the ministries of Education and Health; he was subsequently appointed Minister of Public Works, also on November 29, 1921. Al-Kirkukli however resigned from his post as a result of his objections to the government's policies of ethnic discrimination and the constant confrontations between the Turkmen and the government. His resignation initiated the political divorce between the Turkmen and the government. Since that time, no Turkmen has ever has been offered or has held a ministerial position in the Iraqi government.

Rising political agitation among the Turkmen in Kirkuk and other regions led to the hostility of the British colonial administration. A plot devised by the

authorities to punish the Turkmen was cunningly executed by the Levi (missionary soldiers) that was under the command of a British officer. A brawl among the soldiers and citizens on May 4, 1924 in the main market place grew in to a full-fledged massacre after the retreat of British officers from the scene. The Levis looted shops, killed and maimed citizens and persued activists to their homes where they shot them in front of their families. The National Police Force took immediate action and declared a curfew to prevent hundreds of Turkmen from neighboring towns and villages from coming to the rescue of their fellows. To placate the enraged citizens, pamphlets written in Turkish were dropped from airplanes hovering over the city, begging them to remain calm and exercise restraint. Under immense public pressure a committee to document and assess the extent of the damage to facilitate the payment of compensation was formed. Despite the generous allocation of such funds by the government, only a few of the aggrieved families were compensated. The government could not silence Turkmen protest, and resorted to the exiling of teachers and activist Turkmen intellectuals by transferring them to the southern provinces of Naseriah and Basrah. This action was calculated to isolate them from Kirkuk as, in those days, travel involving such long journeys caused considerable hardship. After the dust had settled and calm returned to the area, many of the teachers and civil servants returned home and several resigned their positions. Unfortunately, the Iraqi government resorted to some drastic policies in 1936 and 1941 during the Iraqi Army's foray into politics and

especially during the frequent power struggles at the time of Rashid Ali's rebellion. Turkmen teachers and intellectuals were targeted again, especially those activists who had started to demand the implementation of laws relating to the local language.

On July 12, 1946, members of the Iraqi Police Force in Kirkuk opened fire on laborers at the Iraqi Petroleum Company during a protest demonstration. To escape the shooting the protestors sought refuge with their families in Gawer Baghy Park. Casualties were high; many protestors died and many more were wounded as a result of the police attacks, which incensed the citizens. Once more the government assembled a committee to investigate the events and allowed expelled laborers who had been expelled to return to their jobs. Many of the instigators were arrested, but none of the police officers were subsequently punished. All were released after what amounted to mock trials.

In the year 1950 the Directorate of Education in Kirkuk issued an official order banning the use of the Turkish language in schools and ordering them to curtail the use of the native language as a medium of instruction or teaching aid. Consequently, many cultural institutions in the region were subjected to harassment, and a bookstore that distributed Turkish newspapers and books was set on fire in 1954. Government agencies kept up the pressure and harassment of the Turkmen and, in 1957, during the national census, many Turkmen activists were arrested because they objected to the pernicious government policy of carrying out surveys in their

community to elicit “facts” and “information”. Countless Turkmen citizens from Kirkuk, Erbil and other towns were interrogated; cafés frequented by them were closed and kept under close government surveillance to subjugate the people and influence the results of the census.

Hopes were high during the establishment of the Republic of Iraq. Expectations were rife of an Iraq where mutual tolerance among all ethnic groups would be the norm and fair treatment from the government of a republic established on principles of liberty, humanitarianism and equality. Encouraged by these promises of freedom and equality, a group of Turkmen intellectuals published a bilingual Arabic and Turkish weekly newspaper to serve the cultural needs of the Turkmen and enthusiastically named it “Al-Bashir” (“The Bringer of Glad Tidings”). Regrettably, after 26 issues, it succumbed to banning and closure by the government.

Two weeks after the July 14, 1958 coup, the Turkmen organized a massive popular demonstration to show their support for the new regime. Citizens from Kirkuk, Musul, Erbil, Telafar, Tuz Khurmatu and many other towns and villages, despite the existing curfew orders, assembled at night to drive to Baghdad in hundreds of vehicles. Demonstrators convened at a pre-arranged venue north of the city called “Baghdad Al-Jedida” to wait for the end of the curfew and the arrival of Ata Khayrula to lead them to an assembly-point in front of the College of Engineering. Huge crowds of Turkmen holding banners and placards inscribed with nationalistic

slogans, marched towards the Ministry of Defense, which later became the Headquarters of the new prime minister of Iraq, Brigadier Abdul Karim Kassim, the leader of the coup. Kassim received and addressed the delegation in the main hall of the Ministry. In his speech he assured them that all the ethnic groups in Iraq were brethren and the Turkmen would be given every consideration by the new regime to enable them to enjoy full citizens' rights.

In spite of such public assurances, intimidation of the Turkmen soon resurfaced; citizens were molested at cafes where they congregated and the activists among them became targets for harassment and verbal abuse employing provocative and coercive slogans. Kirkuk witnessed its darkest days during the visit of Mulla Mustafa Al-Barzani, a Kurdish chieftain, to the city, despite a warning issued by military commanders in charge of security. As was expected, there were violent reactions to his visit, leading to the death of Major Hedayat Arslan, the commander of the Military Police Force from a sudden heart attack on the evening of October 25, 1958. A massive funeral for this Turkmen officer did not pass off uneventfully: the restless Turkmen were enraged and started a massive demonstration. The military authorities arrested a few student demonstrators and on the fourth day after Arslan's death, on the occasion of the customary memorial service, a massive popular demonstration followed encompassing the entire city.

During this period also, communist political ideologies were disseminated throughout Iraq, including the private and public sectors, except in

Kirkuk, which remained firmly resistant to them. Communists and their sympathizers influenced all aspects of the daily life of Iraq citizens. Government officials were soon alarmed by the first election results from student unions in middle schools and high schools. Turkmen candidates won all the seats in all schools and soon afterwards, in the teachers' union election, the presidents elected to both organizations were Turkmen.

In national elections, only in two provincial cities, Kirkuk and Rumadi, did communist candidates lose. In the former, the Turkmen won union presidential seats, and in the latter, Arab Nationalists gained the presidential seats. Normally conservative Turkmen women courageously played their part in fighting the communist influence sweeping the country. Kirkuk was unique in that the National Union of Iraqi Women was heavily infiltrated and controlled by the communists but did not yield to their pressure. One of the most notable communist women in the government was Dr. Naziha Al-Delaimi, the Minister of Municipalities. She visited Kirkuk to meet the women and drum up support for the communists. At a meeting, during which the women strongly protested, she left in a rage blaming her comrades for their failure to spread communism among Turkmen women and their families. Consequently, rapid increase in the popularity of the Organization of the Republican Women, who opposed the spread of communism, shocked government officials in Kirkuk. This organization provided excellent social and humanitarian services for women and their families in

urban areas as well as students in the surrounding villages.

Vindictive, malicious instigation and efforts from disenfranchised persons failed to influence the views on ethnic issues of the Turkmen who repeatedly appealed to the government to investigate the situation. A governmental committee was dispatched from Baghdad with powers to enter and inspect the private homes of prominent Turkmen citizens on the basis of false accusations of hoarding weapons and publishing material hostile to the state. An inspection team of army officers arrived by air in Kirkuk on December 26, 1958 for the sole purpose of searching some of the homes where this information alleged supposed to be hidden, according to a telegram from Supreme Military Command No.293 of the same date. Apparently, information about the raid was leaked to the public and a group of forty people arrived and assembled in front of the houses before the officers' arrival. These people even trespassed on private property by climbing over fences and forcibly entering houses. Later on, a police officer submitted a list with the names of 42 violators. The homes of prominent citizens who refused to comply with the communists, such as Ibrahim Neftchi, Ata Khyrullah and his brother Major Dr. Ihsan Khayrullah and Colonel Shelaymon Khoshaba were inspected. No substantial items other than some kitchen knives from the Neftchi home and two licensed revolvers from that of the Khayrullah brothers were found. They all were arrested, humiliated and transferred to a prison in Baghdad. Upon becoming acquainted with the true facts of the matter, the Director General

of Security in Baghdad immediately released them and they returned to Kirkuk. The entire city came out to give them a heroes' welcome.

Section Two The Kirkuk Massacre of 1959

Nadhim Al-Tabakchil, the commander of the second division of the army in Kirkuk was arrested consequent to the uprising of Colonel Al-Shawaf in Mosul and, was replaced by Brigadier Dawood Al-Janabi. The latter gave the green light to communist gangs to virtually run the affairs of the city. Initially he ordered the closure of all Turkmen newspapers ("Al-Bashir, Al-Afaq") and Kirkuk's municipality newspaper. Furthermore, most of the journalists working for those newspapers and many political activists opposed to the government were arrested and exiled to the southern provinces. Included among them were many lawyers, physicians, civil servants and businessmen. Some were kept under house arrest while others were sent to prisons in Baghdad. Having achieved these objectives, Al-Janabi was encouraged to issue arrest warrants allowing the trespassing into and searching solely of Turkmen homes and businesses. He also ordered the military police to arrest those to arrest on whose premises a gun was found. This policy aimed at disarming the Turkmen and rendering them helpless to defend themselves, but, mysteriously, soon afterwards, the communists began to relax their pressure on the Turkmen. In June, 1959, discriminatory court orders were cancelled and exiled

Turkmen began to return home unaware of the fate in store for them within just a month of their return.

Clandestine communist pamphlets instigating violence and intimidating the Turkmen and the Arabs were presented to the Security Directorates. Some of those pamphlets were even offered to Abdel Karim Kassim and the Chief Military Commander. Nevertheless, both ignored the consequences and did not take any action to stop them. After a review of the affairs in the city of Kirkuk, Kassim recalled Brigadier Al-Janabi to Baghdad. This angered the communists and the "Party" (the name given to the Kurdish political party) members. Civilian delegations representing both parties went to Baghdad to meet Kassim, the President, and demanded the return of Al-Janabi to Kirkuk. Kassim denied their request and assigned Colonel Mohammed Abdel Razzack to command the second division.

Preparations to celebrate the anniversary of the coup that ousted the royal family were enthusiastically carried out all over the country. On July 14, 1959, representatives of the Turkmen Civil Service, labor unions, bar association, medical society and other guilds and organizations, prepared to take part in a march organized in accordance with the directive of a special government committee. Obviously, the majority of the participants in the procession were Turkmen, representing as it did the ethnic composition of the population in Kirkuk. Those citizens not participating including students, the youth, businessmen and others organized another general procession and arranged to merge

with the official march to show their support for the new government and to add to the celebration. The official marchers arrived at the site of the old bridge at the end of the big market and started to move towards the Qoria district through Atlas Street. Simultaneously, the popular marchers came from Majidiye Street and turned around the police headquarters to merge with the official marchers at the top of Atlas Street. At this juncture, with the arrival of the advance guard of official marchers at the entrance to Atlas Street in the area between the Western Middle School and 14th of July Café, the sound of firearms discharging could suddenly be heard, followed, immediately by firing of automatic firearms. The immediate **reaction was**, understandably chaos and panic among the marchers, terrified by their fear of what might ensue. In fact, unknown to the marchers, interspersed among them were individuals posing as supporters, carrying banners; as if at a pre-arranged signal, they threw down their banners and suddenly produced firearms. One group attacked the 14th of July Café and murdered the proprietor Uthman Khidir who was busy distributing water and soft drinks to the marchers, with no inkling of what was happening. The authorities promptly imposed a curfew while allowing the mob, for three terrible days to go on a rampage while hunting for the political leaders and the activists among the Turkmen. Innocent citizens were taken out from their homes, killed and then their bodies dragged through the streets in the most gruesome manner. Many of the victims had their legs tied to the fenders of cars which were then driven away with the bodies trailing behind them.

This was a re-enactment of the of the previous year's bloody events during the coup in Baghdad. Most Turkmen businesses were looted. Two movie theaters (the "Atlas" and the "Al-Alamain") were shelled by mortars, and meanwhile, all the entrances to the city were cordoned off to prevent anyone escaping or rescuers from neighboring Turkmen or the government. Martyr Abdullah Abdul Rahman was able to from the city, managed to reach Baghdad and informed the President, Abdel Karim Kassim, of the dreadful crimes and atrocities being inflicted on the population of Kirkuk. Some accounts of the incident point out that Colonel Mohammed Abdel Razzack was then under the surveillance of the Communists and members of the "Party". He called Kassim and requested rescue forces. A brigade of infantry was dispatched but regrettably, it arrived only on the third day of the massacre, after the perpetrators had for the most part succeeded in killing and terrorizing the Turkmen and their leadership. Numerous buildings were set on fire by the mobs and the army commander requested help from the Iraqi Petroleum Company. Immediately, available fire engines were dispatched. The mob prevented the engines from reaching the burning building and even some of the engines were set on fire. The Commander of the Army called the local hospital requesting ambulances to come and remove the corpses of citizens that had been dragged in front of the Army Headquarters and left hanging there on posts in the heat of July for three days. Yet again, the mobs prevented the ambulances from arriving and there were even attempts to burn them. With the arrival of military reinforcements from Baghdad in

Kirkuk, the 4th Brigade's forces were disarmed. By this time, it was clear the Kurds had previously planned the massacre and had accomplished their objective: Turkmen citizens of the city were the sole victims with 25 dead and 140 wounded. Many business premises were completely destroyed. The names of the martyr-victims of this appalling atrocity are listed below:

1. Retired major Ata Khyrullah
2. Physician Major Ihsan Khayrullah
3. Kassim Neftchi
4. Salahaddin Awchi
5. Mohammed Awchi
6. Jahed Fakhruldin
7. Uthman Khidir
8. Emel Fouad
9. Jihad Fouad
10. Nihad Fouad
11. Nurradin Aziz
12. Abdullah Bayatli
13. Ibrahim Ramadhan
14. Abdul Khaliq Ismail
15. Hassib Ali
16. Juma Qanber
17. Kadhim Abbas Bektash
18. Shakir Zeynel
19. Haji Nejim Mohammed
20. Anwer Abbas
21. Adi Abdul Hamid
22. Zuhair Izzet
23. Kemal Abdul Samad
24. Fatthula Yunis
25. Seyid Ghani Al-Naqib

A special commission was dispatched from Baghdad to investigate the events, and in a very short time they reported their findings, supported by photos, to Abdel Karim Kassim. In a speech on the occasion of the opening of the Mar Yusif Church on July 19, 1959 he described the atrocities committed in the city of Kirkuk. He threatened to retaliate and to take a tough stand against the perpetrators. He emphasized that Turkmen, Kurds and Arabs were brethren in Iraq, and therefore "we should not do injustice to each other". Later on July 29, 1959, at a press conference, he presented photographs of the mass graves, bulldozers filling the graves as well as corpses hanging from light posts and the archway at the entrance to the Army's Second Division Headquarter in Kirkuk.

Kassim described the crimes perpetrated on the Turkmen as barbaric and comparable to the bloodthirsty crimes committed by Hulaghu Khan, who had sacked Baghdad in 1258. He said "Neither Hulaghu in his time nor the Zionists had committed such atrocities". He asked, "Can this be the action of organizations that claim to be democratic?" He also offered his deepest condolences to the Turkmen people whom he described as "peaceful and traumatized citizens." He also warned that the culprits who had committed those crimes would be held accountable. In another speech, delivered after a few days, on the occasion the opening of a new studio for the Iraqi Radio Station, he suggested naming the studio: "Turkmen Studio," as a gesture of sympathy to the Turkmen for what they had suffered.

Kassim ordered an investigative commission headed by Staff Colonel Abdul Rahim Abdul Sattar, Director of Military Operations to investigate the massacre. Many witnesses were interviewed and comprehensive accounts of the the principle eventss were documented, along with an additional mass of evidence. One of those witnesses, with the courage to testify to the events, was Staff Colonel Esmail Hamdi Al-Janabi, first staff officer of the second division during at the time. He outlined his version of what had actually happened and informed the commission that all the crimes perpetrated against the Turkmen could not be justified on the grounds of any provocation whatsoever from their side. Furthermore, he condemned the negligence of government agencies and responsible authorities who had failed to consider seriously warnings received about of the possibility of such a massacre. This courageous individual, a man of integrity and honesty, was eventually penalised for his stand in defence of the Turkmen, by having his (well-earned) promotion to the rank of brigadier denied. He subsequently resigned from the military and took up the practice of law.

Unfortunately, after surviving an assassination attempt in November, 1959, Kassim reneged on his promises and pardoned those communists and partisans who had formerly been condemned, and in January 1960, during a press conference in Salam Hospital, officially repatriated them, blaming the United Arab Republic (Egypt) and the Baath Party for all that had happened.

The majority of those responsible were court-martialled and, after lengthy deliberations and reviews convincing, incriminating evidence relating to many of them, 28 criminals were sentenced to death. Accomplices and those who had provided them with shelter were sentenced to various terms of imprisonment. However, the death sentences were not implemented until June 23, 1963 during the administration of the First Arab Socialist Baath Party, which ordered the execution of the communists who had been previously sentenced to death. In addition, Brigadier Dawood Al-Janabi was sent to the gallows on February 11, 1963.

Communist influence was on the rise in the University of Baghdad, where opposition forces banded together in an alliance to challenge the communists in the Student Union election. Five political parties participated in the alliance: Arab Socialist Baath party, Nationalist Movement, Muslim Brotherhood, Istiklal (Independence) Party, and the Turkmen Students. Resorting to a unified list on the ballots led them to achieve significant success, and the Turkmen's share was three representatives on the Student Union Board

Section Three

The First Local Turkmen Teachers' Union

The historical convention of the first local Turkmen teachers' union took place on August 28-30, 1960 in the Atlas Theater. Ismail Arif; the Minister of Education addressed the assembly followed by the President of the Teachers Union,

Haki Al-Hurmuzi. Participants came from all Turkmen cities and towns: Kirkuk, Musul, Erbil, Telafar, Altun Kupri, Tuzkhurmatu, Kifri, Kizlerbat, Khanaqin and Bedra. Important papers were presented encompassing general educational concerns and especially the expectation of benefits from the constitutional articles dealing with ethnic rights. Working committees thrashed out limited issues assigned to the following groups: curriculum, books, public and private schools, illiteracy campaign, higher education, universities, writing, translations and publications.

Important recommendations and decisions were considered during this convention. Among the prominent issues discussed were: teaching in primary schools in the Turkmen language; specialized training courses for teachers; school books and materials; special books for adult education and illiteracy eradication; establishment of special education centers in rural areas; obtaining special quotas for the Turkmen students in the universities and helping them obtain scholarships for studying abroad to fill the gaps in the number of teachers in Turkmen regions; the establishment of special printing houses to print books in the Turkmen language and the publication of magazines and journals in both Turkmen and Arabic languages by the Teacher's Union in Kirkuk and reinforcing teaching in Arabic too.

These recommendations were favorably received and laid the foundation for the establishment of Turkmen cultural rights. The entire Turkmen community united to provide assistance and facilitate the success of the convention. Turkmen students from the University of Baghdad and Student Union members in Kirkuk served on the local management committee and assisted representatives from various Turkmen regions.

Section Four

Establishment the Turkmen Brotherhood Club

Among the most important cultural and political events for preserving the autonomy of the Iraqi Turkmen was the establishment of the Turkmen Brotherhood Club in 1960. The entire Turkmen society unanimously supported the club as the sole organization representing them and reflecting their identity and aspirations. A building in the district of Al-Aywadhia in Baghdad was chosen as location for the club and was soon to become the hub of all social and cultural events for the Turkmen population. Initially, the major activities of the club focused on enriching the intellectual and cultural milieu and providing books and reference works for scholarly studies. The prime pursuit of the club was probably publication of a magazine named "Al-Akha'a" (Brotherhood) in both the Turkish and Arabic languages, and its first issue appeared in May, 1961. Soon the magazine achieved considerable prominence in the intellectual arena of Iraq. Prominent Iraqi intellectuals and poets contributed articles and poems for the "Al-Akha'a" magazine.

Contents of the monthly issues were often enriched with significant studies covering history, social issues and intellectual debate as well as literary criticism. The magazine maintained its independent views and was uncensored up to 1977. Unfortunately, the Revolutionary Council then ordered the dismissal of the duly elected executives of the club and replaced them with a group of semi-illiterate individuals selected by the regime to subvert the influence of the club. Branches of the club opened in Erbil and Musul to provide a venue for the Turkmen to revive their cultural and intellectual heritage. Adjacent town and village folk provided considerable support for such clubs, for example, the youth of Telafar gave substantial social and cultural backing to the Musul branch. Higher education among Turkmen youth was encouraged by the club at various locations. It also counseled and directed them to select diverse careers in social, cultural and professional disciplines. A student dormitory was constructed to provide accommodation, and students were helped to adapt to university life. Some of the recipients of these benefits later obtained prominent governmental positions in Iraq.

The vindictive attitude of government officials continually found expression in the subjection the Turkmen citizen to constant persecution and coercion. At the end of 1961, the government then in power emulated their predecessors in the forced exiling of Turkmen civil servants and teachers to the southern provinces. Employees of the Turkmen section of Baghdad Radio were accused of plotting

against the government and hence were subjected to interrogation by a military court. The Turkmen Students Union participated in general demonstrations and boycotted the University of Baghdad. These demonstrations started in the latter part of the year and ended on February 8, 1963. When rebel officers brought Abdel Karim Kassim, the President and Prime Minister of Iraq, to Baghdad Radio station, after a mock trial, he was killed in a studio opposite the Turkmen Studio.

Section Five Events Following the Coup of 1963

For the second time in their history the Turkmen citizens felt optimistic again and rejoiced that the cloud which had hung over Iraq for so long had dissipated. The second coup had put an end to Kassim's chaotic regime. A massive march in support of the new government was organized the following month of the coup in March, 1963, the largest ever in the history of Turkmen political demonstration, and participants numbered 50,000. The true face of the new regime soon started to shine. The Revolutionary Council in their headquarters in the Old Royal Palace in Waziriah district of Baghdad received a delegation of Turkmen who had come to present their legitimate requests to exercise their ethnic and social rights, as well as participate in all aspects of citizenship. One of the delegate members raised the issue of why Turkmen had not been considered by the previous governments for a ministerial post in the cabinets.

Were there not capable Turkmen commanders in the Iraqi Army such as Mohammed Rafik Arif, Mustafa Raghib, Omer Ali or numerous prominent lawyers, professors, physicians and other professionals and intellectuals who could qualify for a cabinet position? Other delegates asked for a Turkmen cabinet member in the new government. One delegate facetiously added, "Even a minister of sewers and hygiene would do."

Turkmen students at the University of Baghdad initiated a brave move in calling for unified action to enable students to work together in the National Student Union without excluding any national group. The Baathists and Arab Nationalists disagreed and refused to draw up an inclusive national list. Subsequently, the members of the Turkmen Students' Union met with the President of the Iraqi Student Union, Mr. Meqdad Al-Ani, and informed him that they would boycott the elections if there were no general consensus for a coalition of political groups as a united front. Eventually, the Turkmen students boycotted the elections of 1963 in Baghdad and throughout the provinces.

Section Six **Abdul Salam Arif's Reign Era**

A relatively tranquil state of affairs ensued during Abdul Salam Arif's hold on power, and even more so during that of his brother, Abdul Rahman Arif. The Baathists, however, formulated a plot to oust the President. A group of officers in charge of

the Presidential Guard was enlisted into the conspiracy and they were promised substantial rewards if they would overthrow the president. In due course, the officers were all deceived, and soon, they and their co-conspirators were dismissed or disappeared, leaving the political arena to the harsh regime of the Baathists.

Shakir Sabir Al-Dhabit, in May, 1966, launched a new weekly newspaper: "Al-Iraq". It was supported by the members of the Al-Akha'a Al-Turkmani Club. Soon afterwards, in the fall of 1967 the paper was removed from circulation.

The continuity of social organizations and social services was maintained through motivation and a spirit of cooperation. In Kirkuk, the Red Crescent organization played the most prominent role in providing social services in cooperation with the Society for the Support of Needy Students, which assisted many needy students in obtaining their university education in Iraq or abroad. While in the sports sector, the 'Thawra ("Revolution") Athletic Club' attracted large numbers of youth where they were encouraged and trained to develop their athletic potential and contribute to the general advancement of sports in the country.

An eminent group of intellectuals from Kirkuk, among them lawyers, physicians, engineers, teachers, poets and writers applied to the Ministry of Interior in 1968 for permission to establish a club similar to the Turkmen Brotherhood Club in Baghdad under the name "Kirkuk's Cultural Club". The club's

principle function was to enrich cultural development by publishing newspapers, cultural magazines, and recruiting agricultural and health care specialists to provide health care and to improve agriculture in rural areas around Kirkuk. Furthermore, the Club sought to improve social activities within the Turkmen family circle and to organize music and theatrical groups. Faced by stonewalling by government officials, and after considerable wrangling with the authorities over petty issues such as complying with numerous government regulations, all the legal requirements were eventually met. Then suddenly, the Baath Socialist Party seized power in Baghdad, resulting in the founding members of the club receiving a letter from the Minister of the Interior; Salih Amash, denying approval on the grounds that the law did not allow clubs or organizations to pursue "covert" aims detrimental to authority of the regime. The Kirkuk petitioners refused to accept the ruling of the minister, and confident in their cultural and intellectual integrity, took their case to the Supreme Court, requesting that the ministerial decision be overruled. Unfortunately, the Supreme Court upheld the dubious governmental decision and resorted to procedural subterfuge to prevent the club's obtaining the ruling it sought.

Events Following July 1968

A massive wave of arrests of individuals from among the dignitaries and business community in the city of Kirkuk was initiated on **January 6, 1969**. This was a strong warning to Turkmen citizens that such a fate would await anyone who dared to criticize the

regime or demand legitimate human rights. A group of professionals and youths were arrested in 1971, roughly interrogated and charged with promoting Turkish publications containing articles criticizing the regime's treatment of the Turkmen section of the population. The authorities in Iraq have a long tradition of inventing grounds for the arrest, intimidation and interrogation of members of that sector.

Section Seven Adoption of the Cultural Rights for the Iraqi Turkmen

The Revolutionary Council of Iraq formally decreed the cultural rights of the Turkmen to be enforced in their traditional territory under decree No. 89, 1970 that states:

This decree issued by the Revolutionary Council of July 17 Revolution believes that the best means for increasing the citizens' support and service to this nation, preservation of its unity and enhancement of the struggle comes through providing all citizens with their legitimate rights. Henceforth, the Revolutionary Council believes that the Turkmen minority has the right to enjoy their cultural rights in the region in which they reside. The Revolutionary Council on the meeting of July 24, 1970 decreed the following:

1. The Turkmen language will be used as a medium of instruction in primary schools.

2. The Turkmen language will be used in for all audiovisual media in all regions where it is spoken.

3. The establishment of Directorate for Turkmenic Studies in the Ministry of Education

4. Permission for writers to establish their own unions and the provision of assistance to publish their literary work, the opportunity to develop their linguistic abilities and affiliate them to the Iraqi Literary Union.

5. The establishment of a Directorate of Turkmen Culture within the Ministry of Culture and Information.

6. Publication of a weekly newspaper and a monthly magazine in the Turkmen language.

7. Increasing the number of Turkmen programs on Kirkuk Television.

The Revolutionary Council

Newspapers published reports of the “granting” of cultural rights to the Turkmen while the latter continued to agitate for “recognition” of their cultural rights as constitutional rights. The real motives behind the Iraqi government’s recognition of Turkmen’s cultural rights at this time are not commonly known. By way of clarification, they should

be considered in the context of the United Nations' General Assembly decree condemning all forms of ethnic discrimination, issued on 21 December 1965. Relevant legal documentation was prepared for signature by member nations. However, this law was not enforced until February 4, 1969, pending the adoption of the articles of the law by member government's legislative authorities.

The Revolutionary Council in Iraq at this period represented the legislative authority and its decisions according to the temporary constitution then in force, were legal and binding. Therefore the Council on December 14, 1970, gave its approval to the principle terms of the decree but subject to two stipulations: firstly, that signing this document did not imply recognition of Israel and, secondly, that Iraq did not accept it should abide by article 22 of the document, which states that violators will be judged by the International Court.

A week after signing the declaration, the Iraqi Revolutionary Council issued the aforementioned decree granting the cultural rights of the Turkmen and a copy of the document was filed with the United Nations. In doing so, the Iraqi government rejected the accusations of persecution and denial of the constitutional rights of the Turkmen. Moreover, the Iraqi government issued a further declaration recognizing the legitimacy of the Aserianians language and then to the Kurds on March 11, 1970.

The Directorate General for Education conducted a poll among the parents of students to determine the number that would be enrolled for studies using the Turkmen language. 104 schools, from a total of 124 in Kirkuk, chose the Turkmen language and with the majority of the schools in Tuzkhumatu, Kifri, Altoon Kupri and other Turkmen regions. A committee was established to rename the selected schools with Turkmen names. Another committee composed of distinguished educators and prominent writers was established to select text books and an appropriate curriculum.

Before the year of the proclamation of Turkmen cultural rights was over, however, the Iraqi government had reversed its policy and removed the principle clause in the Proclamation. The Directorate General of Education was instructed to put pressure on and coerce parents into applying for permission to withdraw their children from Turk-manic studies and revert to the Arabic curriculum. Other aspects of the Turkmen people's rights such as the establishment of Directorates of Turkmenic Studies and Turkmenic Culture were largely negated by the appointment of semiliterate government partisans to run these programs. Furthermore, the order that was issued establishing the Literary Guild was replaced by an offer to their agents, thus preventing genuine, established Turkmen writer/intellectuals from exercising their rights.

A number of Turkmen citizens immediately protested and called for the return of their legitimate, constitutional rights. Similar demands were made at every student union meeting and general assemblies, but when protestors appeared on the streets of Kirkuk carrying banners and placards proclaiming those demands, the security forces intervened and forcibly removed the publicity material.

On 24 January, 1971, the Turkmen Brotherhood Club organized a fund-raising event at Salahuddin Theatre, Kirkuk, to support the Society for Supporting Needy Students, and to celebrate the anniversary of the Proclamation of the Turkmen's Cultural Rights. The gala night attracted prominent government figures and partisans. During the events various speakers demanded the reinstatement of fundamental cultural rights for the Turkmen people.

Predictably, the government retaliated by imposing a crackdown on all activities relating to the educational and cultural rights of the Turkmen. Schools which taught in the Turkmen language were closed. This led to Turkmen students calling for a general boycott in November, 1971 which paralyzed education to a standstill. The teachers' union issued a statement supporting the students' boycott, infuriating government officials who ordered the arrest of most of the organizers and the entire Executive Committee of the Teacher's Union. The individuals arrested were mercilessly humiliated and even subjected to torture. Government security officers assassinated a prominent artist in the city

and fabricated a charge that he died while preparing to carry out a terrorist act.

The final, inevitable outcome of the Iraqi government's callous and brutal disregard for Turkmen aspirations was their irrevocable forfeiture of any hope of regaining the trust of the Turkmen people, but worse was to follow. Only a few months after these events, the government moved a selected group of intellectuals and students to a concentration camp in Baghdad, there to be subject for more than a month, to the most degrading forms of physical and psychological torture.

Ironically, and some what hypocritically, the Iraqi Revolutionary Council issued law number 35 for the year 2001, upholding the amendments to article eight of the International Agreement on the banning racial discrimination of any form adopted by all countries participating in the agreement at its 14th meeting in January 1992 and later adopted by the General Assembly of the United Nations (resolution 111-47) in December 1992!

Ongoing Policy of Widespread Arrests

A number of young intellectual student activists were rearrested in 1973 on pretexts previously concocted. Among them were some professionals and young persons who had been previously arrested in 1971. They were acquitted and released, however the authorities had confiscated a licensed pistol from one of them; this individual requested its return and immediately disturbed a hornets' nest. The

government reopened the case and promptly rearrested the principle parties involved ordering them to be court marshalled. They were subsequently sentenced to seven years' incarceration at the notorious Abu Ghuraib prison near Baghdad. They were eventually released after two years as result of a government amnesty.

The government continued to subject numerous citizens, among them the youth, students and teachers, to arbitrary arrests, their sentences, handed down by the Revolutionary Court (never noticed for its impartiality) extending even to capital punishment.

Section Eight Execution of Turkmen Leaders

On March 25, 1979, a group of Turkmen leaders was arrested. Among them were Dr. Najdet Nuraddin Kochak and (retired) Brigadier Abdullah Abdulrahman. This was just a few days after the arrests of Dr. Redha Demirchi and a businessman, Adel Sharif. For nine months, right up to the day before their execution, their exact location and legal charges against them were unknown. Their families were notified they had been granted permission to visit them for a farewell meeting only on the eve on their execution. They had been sentenced to death on January 6, 1980, by the notorious Revelutionary Court that had denied them a fair trial or professional, legal defence. Hence, the Baath government, for the first time, demonstrated their willingness to carry out the execution and assassination of Turkmen

activities. This was the demise of Dr. Demirchi who was believed to succumb to horrible punishment in the prison. Obviously, to obtain confessions, the bodies of the others revealed horrifying marks as a result of punishments during interrogation.

The barbarism and inhumane policies of the ruling party permanently estranged the Turkmen people who reacted by boycotting all official positions and even serving on public societies or organizations that is controlled by the unjust rule. Inevitably, numerous intellectuals, youth and professionals were forced to immigrate rather than cooperate in any way with such a regime.

During the war with Iran during 1980 through 1988 the the authorities carried out even further persecution against the Turkmen, specifically young religious enthusiasts from the Shi'at sect of Islam. They were accused of collaborating with the outlawed Islamic Dawa Party and hundreds were killed or disappeared. Those innocent martyr-victims should be forever remembered for their heroic patriotism and bravery in the face of a monstrous tyranny.

Section Nine

The Second Gulf War

The Baathist regime yet again propelled Iraq into war by invading its neighbour, Kuwait in 1990. As a result many Turkmen youth were needlessly killed not only in the invasion but also in the subsequent liberation of Kuwait by Americans. The shameful retreat of the Iraqi army was a pathetic repeat of the unjustified war with Iran when thousands of young men from the Turkmen community had been forcibly drafted in to reserve army units.

One of the most notable casualties of the invasion of Kuwait (executed by Saddam Hussein personally) was the outstanding and courageous officer, Staff General Ismet Sabir. In an angry confrontation with the dictator over military strategy, the latter had called the general a 'traitor' when, in actual fact, the retreat of the Iraqi army from Kuwait, which he had organised, saved the lives of thousands of Iraqi soldiers. The incompetent and desperate command then resorted to the retiring from active duty or transferring to menial positions large numbers of Turkmen officers and fighter-pilots, thus depriving the army of some of its highest calibre (according to reliable evidence) personnel .

The ignominious defeat of the Iraqi army and the uprising which followed shortly afterwards, in the northern and southern regions of the country, resulted in violent reprisals against the inhabitants: Kurdish divisions of the Iraqi army invaded Kirkuk and embarked on a campaign of pillage and wanton

destruction though Turkmen fighters managed to hold certain districts. The city itself and the towns of Alton Kupri (45 Kilometres north-west, on the main highway to Erbil), Tuz Khurmatu and Taza Khurmatu temporarily came under siege following the collapse of the uprising on March 27, 1991. The horrific aftermath was an orgy of revenge by the invaders who slaughtered indiscriminately on the streets and in people's homes as well as vandalizing and wrecking property, public and private. As the terrified inhabitants tried to flee Kirkuk and head for Alton Kupri, they came under relentless fire from helicopters and heavy artillery. Soldiers fired on anything that moved and smashed into homes in total disregard of the sanctity of the holy month of Ramadan.

On 28 March, 1991, the military forces arrested large numbers of people who were then sent to unknown destinations. Their families were given no details of their whereabouts or their ultimate fate. Then, about three weeks later, mass graves were discovered and, when they were opened, were found to contain piles of dead bodies among them those of children, the elderly and even the handicapped. The total number was 102 which included the bodies of citizens who had tried to escape from Altun Kupri, Taza and Kirkuk. Their ages ranged from ten to sixty-six years old. Their names are as follows:

Citizens of Kirkuk:

Ahmed Anwar Abdullah	Attila Nasih Bazirgan
Turan Ahmed Anwar	Shaheen Nasih Bazirgan
Attila Ahmed Anwar	
Tariq Bayez Khurshid	
Adnan Bayez Khurshid	<u>Uhman Jameel</u>
Adil Bayez Khurshid	Zainelabdeen Fazil
Shihab Ahmed Farraj	Hassib Musheer Redha
Jamal Ahmed Farraj	Abdulrahman Musheer Redha
Ayoub Salah Said	Salam Rasheed
Abbas Salah Said	Nizzam Rasheed
Nawzad Kadir Abdulrahman	Mahmood Rsheed
Ayad Kadir Abdulrahman	Junaid Sayed Bahjet
Mohammed Rashid Walee	Jameel suliman Abbas
Imad Mohammed Rasheed	Kamal Sabir Ahmed
Issam Usman Jamil	Sizer Juma Yasin
Salah Said Salih	Shamil Abdulrahim
Fazil Jihad Fattah	Qabil Juma Yasin
Nihad Abdelkarim Ali	Rushdi Khalil
Jabar Siddiq	Nazar Mehdi
Khalil Fathi Mohammed	Erjumend Gailan Mohammed
Jalil Fathi Mohammed	Abdulmajeed

		Abdulkarim
Shukr Muhammed	Hamdi	Uguz Samie Ameen
Nizamuddin Hamdi	Shukr	Jalil Fathi Mohammed
Mustafa Eskender	Suliman	Yildrim Karim
Hussein Ali Ahmed		Eskender Ali
Mahmood Attar		Orhan Hameed Abdulrahman
Muazzam Uthman Ali		Yashar Hameed Abdulrahman

Citizens of Taza Khurmatu:

Haider Gheidan		Jamal Shukir Saki
Aki Akber Sulaiman		Abdullah Kahya
Hussein Aki Akber Sulaiman		Ali Abdullah Kahya
Zainelabdeen Ibrahim		Smail Shuker Silaow
Aziz Tajeel		Zainelabdeen Akber Najar
Hameed Gharib		Hisham Hayder Bahram
Ali Hussein Abbas Mali		Jawdet Hayder Bahram
Najat Teki		

Citizens of Alton Kupri:

Cheteen Bahjet	Ahmed	Hashim Redha	Ali	Ihsan
Mansour Nuri	Mazloom	Omar Salih	Khursheed	
Jangiz Nuri	Mazloom Nuri	Amir Omar	Khursheed	
Mohammed Mandan	Khalid	Sabah	Ahmed	Hamdi
Adnan Malik	Khalid Faisal	Aziz	Ali	Said
Shalan Faisal	Suliman	Ershad Rasheed	Khursheed	
Abdelsalam Hasan	Rashhe	Settar	Abdulrahman	Aziz
Qassim Tafiq	Muhammed	Saeeb	Tatar	Qadir
Saddam Hasan	Rasheed	Najeeb	Said	Salih
Ihsan Erdal	Mahmood Wali	Hazim Abdullah	Anwar	
Ihsan Ali	Faidullah	Zaeim	Ismael	Hasan
Ali Ihsan	Redha	Saud	Khatab	Uthman
		Amir	Midhat	Izzet
		Issam	Midhat	Izzet
		Hani	Midhat	Izzet

Another town in which a considerable number of citizens was arrested was Daqooq. The pretext for the arrests was a military roundup of 'subversives.' Many young people from the town were sent to concentration camps at unknown locations in the country.

The Iraqi government continued its policy of ethnic cleansing in the Turkmen and Kurdish regions during this period with the objective of displacing large numbers of the inhabitants. They were replaced by Iraqi Arabs who were given financial inducements to buy land and property formerly belonging to the Kurds and Turkmen. The latter, in turn, were prohibited by the authorities from selling real estate to anyone other than Arabs. The Turkmen were also prevented from buying or even renting real estate which was government property, or from purchasing commercial property. In the national census returns also, the Turkmen were not allowed to enter their true ethnic identity while those who owned agricultural holdings or farms had them confiscated and given to Arabs who had migrated from the south. For all sorts of concocted reasons, entire residential areas were demolished and the properties handed over to these migrants. The Turkmen language was banned outright. Turkmen citizens were barred from Government posts and those Turkmen already holding such posts were transferred to the southern provinces resulting in further cruel shattering of family ties. Those who had escaped the brutal excesses of the regime by fleeing to neighbouring countries were subjected to harsh treatment besides having their property confiscated.

The Iraqi authorities have in no way been deterred by the establishment of a 'Safe Zone' (north of

parallel 36) by the coalition powers following the liberation of Kuwait. Moreover, they actually enlisted the help of the Kurdish National Party to expel the forces of the rival Patriotic Union of Kurdistan, occupying Erbil and surrounding territories. In doing so they deliberately deprived the KNP of any benefits relating to trade or customs revenues normally available at international border areas. Having invaded Kurdish territory and routed the PUK, the Iraqi army then installed the KNP and retreated to their bases. Leaders of Turkmen activists fighting in Kurdish territory against the Iraqi invaders were arrested and shipped out of the Safe Zone. Among those captured were young students and intellectuals as well as prominent members of Turkmen political parties and organizations based in Erbil. In accordance with their usual practice, the military authorities refused to provide the families of those apprehended with details of their whereabouts, thus preventing them from visiting them. To date, the fate of these unfortunates is still a mystery. The following is a list of the names of the victims of the crimes perpetrated by the Iraqi army in the (so-called) 'Safe Zone':

- 1- Aydın Şakir Iraklı
- 2- Mehmet Reşit Mehdi Tuzlu
- 3- Ferhat Kasım Kerküklü
- 4- Eyad Vahit sadullah
- 5- Ali Hasan Hüseyin
- 6- Abdurrahman Ömer kadir Bakkal
- 7- Ali Efsal Abdullah Yayçılı
- 8- Ahmet Nurettin Kayacı
- 9- Mikail Şehbaz Samat

- 10- Tarık Fait Nurettin
- 11- Sirvan Ahmet Abdulkadir
- 12- Munim Mehmet Emin
- 13- Halit İbrahim Ahmet
- 14- İbrahim Abdurrahman
- 15- Mazin Faruk
- 16- Necmettin Nurettin
- 17- Şakir Şükür Zenelabidin
- 18- Neşet Faysal Abdullah
- 19- Şirzad Yusuf Aziz
- 20- Şahin Yunus Mahmut
- 21- Hacir Abdulgani Şehap
- 22- Abdurrahman Kadir Mahmut
- 23- Halit Abdullah
- 24- Nusret Halit Abdullah
- 25- Yılmaz Halit Muhiddin
- 26- Ayad Ahmet
- 27- Abdurrahman Kaleli

Most of them are citizens of Kirkuk and Erbil.

Plaque of Honor

Large numbers of the Turkmen people have been murdered and the lives of their families blighted by the ferocity and inhumane practices of the Iraqi regime, many dying from the most barbaric forms of torture after being 'tried' by arbitrarily-convened tribunals with no legal standing such as the infamous 'Revolutionary Court.' Below is a roll of honour of the names of those martyred Turkmen. Sadly, others

have died whose names are still unknown or whose names are remembered only in an incomplete form.

1- İbrahim İsmail Ashur	2- İbrahim Ahmet Hurşit
3- İbrahim Ekber Necef	4- İbrahim Choban Bakır
5- İbrahim Hamza	6- İbrahim Shukur
7- İbrahim Shukur Tevfik	8- İbrahim Ali Merdan
9- İhsan Hilmi Hamid	10- İhsan Abdurrahman
11- İhsan Kemal Mehdi	12- İhsan Mehmet Ali Haydar
13- İhsan Hashiim Aziz	14- Ahmet Hasan Mehmet
15- Ahmet Nurrettin Kayacı	16- Ercan Yavuz Mehmet
17- İsmail İbrahim Mehmet	18- İsmail Beyati
19- İsmail Hasan Sabir	20- İsmail Ali Fazıl
21- İsmail Fazıl Sherif	22- İsmail Mustafa Ahmet
23- Ekrem Hurshit	24- Ekrem Sultan Mehdi
25- Ekrem Kerim Kasap	26- Ekrem Mahmut Shuca
27- Emir Ahmet Efendi	28- Emir Kerim Ali
29- Enver Abdulkirim Abdulsamat	30- Enver Mehmet Ali Saki
31- Enver Mahmut	32- Aydın Mustafa

Nefteci			
33-	Aynur	Hamit	34- Ayhan Ahmet
Mustafa			
35-	İbrahim	Ekber	36- İbrahim Piryadi
37-	Atilla	Ahmet	38- İhsan Asgar
Nimet			Zeynel
39-	İhsan	Hilmi	40- İhsan Fazil
41-	İhsan	Kemal	42- İhsan Mehmet Ali
43-	Ahmet	Asgar	44- Ahmet Beshirli
Finish			
45-	Ahmet	Beyati	46- Ahmet Hasan Ekber
47-	Ahmet	Reshit	48- Ahmet Reshit Ali
Beyatli			
49-	Ahmet	Suleyman	50- Ahmet Shahkulu
Kasap			
51-	Ahmet	Arab	52- Ahmet Aziz Cemil
53-	Ahmet	Ali Iryan	54- Ahmet Kanber
55-	Ahmet	Mehmet	56- Ahmet Mehmet Ali
Ahmet			Ali
57-	Ahmet	Mehmet	58- Ahmet Mustafa Ahmet
Ali Kahya			
59-	Ahmet	Veli	60- Esat Faruk Kayacı
Bektash			
61-	İsmail	İbrahim	62- İsmail Ahmet
63-	İsmail	Ali	64- Asgar Hamit Hurshit
65-	Asgar	Abit	66- Ekber Zeynelabidin
Mehmet			
67-	Ekber	Abit	68- Ekber Alladdin
69-	Ekber	Ali	70- Ekber Ali Behram
71-	Ekber	Ali Merdan	72- Ekrem Omer Taha
73-	Enver	Mehmet Ali	74- Aydın İbrahim Ali

75- Adyın Shengul	76- Bakır Cuma Kazım
77- Burhan Ekber Ali	78- Burhan Tefvik Ali
79- Burhan Suphi Tevfik	80- Burhan İzzettin Nimet
81- Belkis Hamit Abdullah	82- Behattin Eshref Suleyman
83- Behattin Kocava	84- Tahsin Ahmet
85- Tahsin Asgar	86- Tahsin Beshirli
87- Tahsin Korkmaz	88- Casım Ahmet Shahkulu
89- Casım Cuma Kara Ali Beyati	90- Casım Dara
91- Casım Mehmet Ali Haydar	92- Casım Mehmet Ferhan
93- Casım Nurettin	94- Cercis Mehmet Nurettin
95- Cafer Ahmet	96- Cafer Beyati
97- Cafer Cevat Kazım	98- Cafer Riza Arafat
99- Cafer Kazım Musa	100- Celil İbrahim Kanber
101- Celil İbrahim	102- Celil Demirci
103- Celil Omer Kumbetli	104- Celil Fatih
105- Celil Mehdi Kazancı	106- Cemal Ahmet Farac
107- Cemal Ekber	108- Cemal Cebbar Kuyucu
109- Cemal Mehmet Sadık	110- Cemal Mehemt Kerim
111- Cemal Nalbent	112- Cuma Pamukchu
113- Cuma Hasan	114- Cuma Hasan

115- Cuma Saki	Hayri
117- Cuma Kazım Selman	116- Cuma Shenin
119- Cengiz Pashaoglu	118- Cuma Kemal Beyatlı
121- Cengiz Mehmet	120- Cengiz Kahraman Veli
123- Cihat Fahrettin Mehmet	122- Cihat Fazıl Tavuklu
125- Cevad Kanber	124- Cevat Zeynelabidin Musa
127- Cevdet Avcı	126- Cevat Hadi Ali
129- Hacı Mehdi Boyacı	128- Cevdet Kemal Dayı Ali
131- Habib Mubarek Fetah	130- Habip Kerem Nuri
133- Hasan Huseyin	132- Hasan Baki
135- Hasan Shakir	134- Hasan Zekeriya Mirza
137- Hasan Abbas	136- Hasan Shukur Mustafa
139- Hasan Arap	138- Hasan Abbas Beahlul
141- Hasan Ali Uryan	140- Hasan Ali Bahlül
143- Hasan Ali Kenit	142- Hasan Ali Kurevi
145- Hasan Mehmet Yunus	144- Hasan Gurap
147- Hasan Neccar	146- Hasan Mustafa Dulfikar
149- Hasan Veheb Elmulla	148- Hasan Nasrattin Kerim
151- Huseyin Beyati	150- Huseyin Ahmet Pasha
153- Huseyin Hasan	152- Huseyin Hasan
	154- Huseyin Hasan

Suleyman	Sabır
155- Huseyin Haydar	156- Huseyin Haydar
	Halil
157- Huseyin Haydar	158- Huseyin Hurshit
Abbas	Kahya
159- Huseyin	160- Huseyin Safi
Zeynelabidin	Sultan
161- Huseyin Tavuklu	162- Huseyin Ashur
163- Huseyin Asker	164- Huseyin Ali
Gani	Ahmet
165- Huseyin Ali	166- Huseyin Ali
Davut	Demerci
167- Huseyin Ali Riza	168- Huseyin Ali
	Shakir
169- Huseyin Ali	170- Huseyin Ali
Abbas	Merdan
171- Huseyin Ali	172- Huseyin Ali Hadi
Maruf	Rauf
173- Huseyin Fazıl	174- Huseyin Fazıl
	Sadık
175- Huseyin Fazıl	176- Huseyin Kasım
Abbas	
177- Huseyin	178- Huseyin Koryali
Kalender	
179- Huseyin	180- Huseyin Mertazi
Mehmet Ali	
181- Huseyin Yunus	182- Hakkı Mehdi Ali
183- Hilmi Hurshit	184- Hamdi Hurshit
	Abbas
185- Hamdi Hurshit	186- Hamza Ahmet
Mehmet Ali	
187- Hamza Ahmet	188- Hamza Abbas
Beyati	
189- Hamza Kumbetli	190- Haydar Ahmet

		Shahkulu
191- Haydar Abdurrahman		192- Haydar Kadir Hidir
193- Haydar Kasim Beşiri		194- Haydar Kamber
195- Haydar Kanber Kahya		196- Haydar Kerim Beshiri
197- Halit Sait Akkoyunlu		198- Halit Shengul
199- Halit Osman		200- Hatice Muhsin Elvehap
201- Kazgel Huseyin		202- Hidir Besharli
203- Hıdır Ali Merdan		204- Halef Hasan Sabır
205- Halil İbrahim Abbas		206- Halil İbrahim Laz
207- Halil Al Muhammed Yunus Telaferi		208- Halil İhsan Taki
209- Halil Hasan Taki		210- Halil Shukur Anbaki
211- Halil Fatih		212- Halil Fahri Ali
213- Hurshit Veli Besheri		214- Dulfukar Haydar Besheri
215- Rushdi Reshat Muhtar		216- Riza Hasan Ashur
217- Riza Raşid Mehmet		218- Riza Kasım Hamu Beyati
219- Riza Murtaza		220- Raad Abbas Mecit
221- Remzi Mehmet		222- Ramazan Cemil Kerim
223- Zeki Mehmet Ali		224- Zaman Mehdi Mevlut

225- Zehra Bektash	226- Halil Telaferi 's wife
227- Zeynelabidin Hayrullah	228- Zeynelabidin Shukur
229- Zeynelabidin Sabır	230- Zeynelabidin Sabır Ahmet
231- Zeynep Tisinli	232- Sakine Kamber
233- Salim İbrahim	234- Salim Hasan Taki
235- Sami Abdullvehap Beyati	236- Settar Beyraktar
237- Sedat Ali Nasih	238- Sertip Huseyin
239- Sercan Shakir Chaycı	240- Sefil Gaip Mehdi
241- Sefil Mehdi Gaip	242- Sekran Fazıl Cafer
243- Selman Reshit	244- Selman Reshit İbrahim
245- Selim Hasan Taki	246- Selim Hamdi Baki
247- Semin Ahmet İsmail	248- Semin Hayrullah
249- Semin Didar Veli	250- Semin Abdurrahman Beyati
251- Sinan Mehmet	252- Seyit Cafer
253- Seyit Huseyin	254- Seyit Ashur
255- Seyit Mehmet	256- Seyit Mehmet Salihi
257- Sirvan Celal	258- Seyfettin Ali Haşim
259- Shahin Tazali	260- Sheref Hasan Aga
261- Shukur Hasan Asker	262- Shukur Halil Cuma

263- Shukur Mahmut Shevket	264- Shukru Mehmet
265- Shukru Mahmut Shukur	266- Shukur Mahmut Beyati
267- Shehap Ahmet	268- Shehap Mehmet Huseyin
269- Shehit Muharrem	270- Shirzat Ahmet Sait
271- Shirvan Suleyman Sait	272- Sabır Mehdi Musa
273- Salih Yunus Ali	274- Sabah Beshiri
275- Sabah Mehemt Emin	276- Sabah Mehmet Ceddu
277- Sabah Mevlid Mehmet	278- Suphi Bakir
279- Suphi Baki	280- Suphi Fazıl
281- Suphi Yahya Kazım	282- Sefa Hasan
283- Sefa Hasan Ali	284- Sefa Saki Veli
285- Salahaddin Abdusha	286- Salahattin Necim Hattat
287- Salah Terzi	288- Salah Hasan
289- Salah Hasan Salih	290- Salah Kayacı
291- Salah Mehmet Cudu	292- Salah Nurettin
293- Ziya Kasım Ali	294- Ziya Kasap Oglu
295- Tarık Mehmet Abdullah	296- Tarık Musa Tevfik
297- Talip Cuma	298- Talip Mulla Hadi
299- Talip Mulla Hadi Chaycı	300- Tahir Shakir Sheyhlerzade
301- Tahir Shakir Kasap	302- Taha Numan Muslim

303- Adil Ahmet Demirci	304- Adil Kasım
305- Adil Kasım Aga	306- Adil Kumbetli
307- Ashur Hasan Henesh	308- Ashur Mehdi
309- Ashur Nazim Tazeli	310- Asi Abbas Hasan
311- Abbas Ekber Kanber	312- Abbas Tevfik Choban
313- Abbas Celal	314- Abbas Cemal
315- Abbas Reshit Ortay	316- Abbas Riza
317- Abbas Saki Hıdır	318- Abbas Semin
319- Abbas Shukur Safer Beyati	320- Abbas Suphi Tevfik
321- Abbas Ali Ekber	322- Abbas Ali Shukur
323- Abbas Ali Naccar	324- Abbas Fazıl
325- Abbas Fazıl Sadık	326- Abbas Mehmet
327- Abbas Mustafa	328- Abbas Mehdi Riza Bender
329- Abbas Nazlı	330- Abbas Vehap
331- Abdülemir Abbas Mustafa	332- Abdülemir Ali Hadi Ruuf
333- Abdülemir Fazıl Sadık	334- Abdülemir Kazım Tevfik
335- Abdülemir Mehmet Mevlut	336- Abdülemir Hasan Aga
337- Abdülemir Huseyin	338- Abdülemir Abbas
339- Abdullhasan	340- Abdülhüseyin

Hacı Hüseyin	Aziz Shevket
341- Abdulhüseyin	342- Abdulhüseyin
Kalendir Shehbaz	Mela İbrahim
343- Abdulhuseyin	344- Abdullhamit
Mehdi Mevlit	Andurrahman
345- Abdullhalik	346- Abdullhalak
Ahmet Kevter	Huseyin
347- Abdullhalik Aziz	348- Abdurrahman
Haydar	Mehmet
349- Abdurrazak	350- Abdurrazak
Ahmet Shahkulu	Abbas Ali
351- Abdussevad	352- Abdussamet
Mehmet Ali	Tisinli
353- Abdulemir Ali	354- Abdullazim
Hadi	Ekber
355- Abdullazim	356- Abdullazim
Hacigalip	Zaman
357- Abdullgafur	358- Abdullgafur
Muhsin Abbas	Abdullhalik
359- Abdullkerim	360- Abdullkerim
Allah Verdi	Haci Aziz
361- Abdullkerim	362- Abdullkerim
Zeynelabidin	Sefer
363- Abdullkerim Aziz	364- Abdullkerim
Haydar	Kasım
365- Abdullkerim	366- Abdullatif Ahmet
Mustafa Mehmet	Kevser
367- Abdullah Ahmet	368- Abdullah Agme
369- Abdullah Tahsin	370- Abdullah Tahsin
	Beshirli
371- Abdullah Arap	372- Abdullah Aziz
	Beg
373- Abdullah Ali	374- Abdullah Ali
İbrahim	Shukur

375- Abdullah Mumin İbrahim	376- Abdulmecid Huseyin Tisinli
377- Abdulnasır Refik Kazım	378- Abdulhadi Kerim Kasım
379- Abdulvehap Haydar İmamlı	380- Abdulvehap Mehmet Huseyin
381- Abdullah Mehmet	382- Adnan Halil İbrahim
383- Adnan Sabır Mehdi	384- Adnan Saygın Hasan
385- Adnan Adil Merdan	386- Adnan Kemal Kanber
387- Adnan Muhsin Al Vehap	388- İrfan Halil
389- İzzettin Celil Abdullhamit	390- İzzettin İsmail Tuzlu
391- İzzet Saki	392- Aziz Haydar
393- Aziz Reshit Riza	394- Aziz Adil Sherif
395- Asker Ahmet Shahkulu	396- Asker Taki Bekir
397- Asker Hasan Ali	398- İsam Omer Celil Sarıkahya
399- Alattin Huseyin	400- Allattin Abdulsamad
401- Ali Ekber Rauf	402- Ali Asgar Hasan Taki
403- Ali Asgar Shukur	404- Ali Asgar Musevi
405- Ali Asgar Musa Kazım	406- Ali Ekber Tisinli
407- Ali Ekber Hidir Beyati	408- Ali Ekber Rauf
409- Ali Ekber Zeynelabidin	410- Ali Ekber Kencav

411- Ali Ekber Kevser	412- Ali Ekber Yusuf
413- Ali İlyas	414- Ali Bakır
415- Ali Bakır Kazım	416- Ali Beshirli
417- Ali Taki	418- Ali Hasan Huseyin
419- Ali Huseyin	420- Ali Huseyin Beshirli
421- Ali Huseyin Mamasi	422- Ali Huseyin Mehmet
423- Ali Hilmi	424- Ali Hilmi Hamit
425- Ali Reshit	426- Ali Riza Muhtar
427- Ali Semin Ahmet	428- Ali Seyit Muhsin
429- Ali Sadik	430- Ali Tuzlu
431- Ali Abbas Saatchi	432- Ali Abdullah Hidir
433- Ali Abdullvehap	434- Ali Asker
435- Ali Fazıl Beyati	436- Ali Fazıl Musa
437- Ali Kasım Tazeli	438- Ali Kanber Halil
439- Ali Kazım	440- Ali Kazım Tisinli
441- Ali Kazım Hurmatulu	442- Ali Kerim Sefer Beyatli
443- Ali Kemal	444- Ali Kemal Hasan
445- Ali mehmet Veli	446- Ali Murat Huseyin
447- Ali Merdan Huseyin Tisinli	448- Ali Merdan Reshit
449- Ali Merdan Shukur	450- Ali Musa
451- Ali hadi Chardaklı	452- Ali Hadi Rauf
453- Ali Vehap ahmet	454- Ali Yaychılı
455- İmat Mehmet Merdan	456- Omer Esat
457- Ömer Mulla	458- İmran Hidir Ali

Shakir	Merdan
459- İmran Asi Musa	460- Avnettin
	Huseyin Sabir
461- İsa Riza Ekber	462- İsa Musa
463- Gaip Ahmet	464- Gaaip amehmet
Havi	Ali Beshirli
465- Gazi Naccar	466- Fuat Ramazan
	Kerim
467- Fuat İzzet Celil	468- Fuat Kazım
	Nedim
469- Faik Tazeli	470- Faik Fuat İsmail
471- Faik Musa	472- Fatih Shakir
Tevfik	Kazım
473- Faruk Namık	474- Fazıl Allah Verdi
	Sefer
475- Fazıl Suleyman	476- Fazıl Shukur
	Anbeki
477- Fazıl Abbas	478- Fazıl Asker
Mustafa	Mehmet
479- Fazıl Ali	480- Fazıl Kamber
481- Fazıl Mehmet	482- Fettah Gaip
Rahim	Suleyman
483- Ferhat Nasrettin	484- Felah Cuma
Ali	Suleyman
485- Felah Shukur	486- Faysal Beyatlı
Abdullah	
487- Faysal Mehmet	488- Kasım Ahmet
Hüseyin	Şahkulu
489- Kasım Hasan	490- Kasım Hasan
Aga	Tazeli
491- Kasım Hasan	492- Kasım Hamdi
Kenid	
493- Kasım Abbas	494- Kasım Fazil
Veli	

495- Kasım Kanber Ali	496- Kasım Kanber Vahit
497- Kasım Kazım Suleyman	498- Kasım Mehmet
499- Kasım Mehmet İbrahim	500- Kasım Mahmut Kanber
501- Kasım Mehdi Mecit	502- Kasım Necef Huseyin
503- Kazım Abbas	504- Kazım Abbas Yusuf
505- Kazım Yusuf	506- Kerim Zeynelabidin
507- Kerim Zeynelabidin Mehdi	508- Kerim Sefer Beyatlı
509- Kemal Terzi	510- Kemal Cuma Behram
511- Kemal Cuma Yasin	512- Kemal Abdulsamat Tisinli
513- kemal Kanber	514- Kemal Kanber Chayırlı
515- Kemal Mustafa	516- Lebup Salih Nurettin
517- Mumin Hacı Vahit	518- Mueyyet hamzalı
519- Malik Hamit	520- Mahir Oktay
521- Mecit Semin kuravi	522- Muhsin Hasan
523- Muhsin Hüseyin Ferhan	524- Muhsin Suleyman
525- Muhsin Ali	526- Muhsin Ali Hadi Rauf
527- Muhsin Fazil	528- Muhsin Fazil Culhaci
529- Muhsin Ferhan	530- Muhsin Maksut

531- Muhsin Maksut Ali	532- Mehmet Emin Cevat Kazım
533- Mehmet Ahmet Demirci	534- Mehmet Ahmet Shahkulu
535- Mehmet Uzun Shukur	536- Mehmet Taki Ahmet
537- Mehmet Taki Ahmet Muhammet	538- Mehmet Cafer Terzi
539- Mehmet Cafer sadık Hayyat	540- Mehmet hasan Taki
541- Mehmet Huseyin	542- Mehmet Huseyin Beshirli
543- Mehmet Huseyin Mehmet Selim	544- Mehmet Hammu
545- Mehmet Reşit Mehmet	546- Mehmet Riza Mehmet
547- Mehmet Zuhtu İbrahim	548- Mehmet Semin
549- Mehmet Seyit Hüseyin	550- Mehmet Sivid Bezirgan
551- Mehmet Shakir	552- Mehmet Shevket Kanber
553- Mehmet Abbas	554- Mehmet Abdullah Ali
555- Mehmet Abdullah	556- Mehmet Ali Cuma
557- Mehmet Ali Hurshit Abbas	558- Mehmet Ali Abbas
559- Mehmet Gani Mübarek	560- Mehmet Fatih Saatchi
561- Mehmet Fazıl Hurshit	562- Mehmet fazıl abbas
563- Mehmet Kasım	564- Mehmet

salih		Korkmaz	
565-	Mehmet	566-	Mehmet
Mahmut Ahmet		Murtaza	
567-	Mehmet	568-	Mehmet Nuri
Murtaza Davut		Hamit Shellal	
569-	Mehmet veli	570-	Mehmet Veli
		Bektaş	
571-	Mahmut Allah	572-	Mahmut Beyatlı
Verdi sefer			
573-	Mahmut Cafer	574-	Mahmut Reşit
Terzi			
575-	Mahmut Saki	576-	Mahmut Tavuklu
577-	Mithat Huseyin	578-	Murat salih
Kanber		Mehmet	
579-	Muslim Hamdi	580-	Mustafa Ahmet
		Beyatlı	
581-	Mustafa Hacı	582-	Mustafa Hüseyin
Pasha			
583-	Mustafa Ali	584-	Mustafa Ali
		Mehdi Ağa	
585-	Mustafa Kazım	586-	Mustafa Kazım
Ahmet		selman	
587-	Mustafa	588-	Muzaffer Beşirli
Mehmet Abbas			
589-	Muzaffer	590-	Muzaffer Fatih
Zeynelabidin			
591-	Miktat Cebbar	592-	Mulla Hamat
Kuyucu			
593-	Mumtaz Ekrem	594-	Mümtaz Ekrem
ali		Abbas	
595-	Münir Cuma	596-	Mehdi İbrahim
Şenin		Ali	
597-	Mehdi Boyagcı	598-	Mehdi hamit
		Hurşit	

599- Mehdi Sheyh İbrahim	600- Mehdi Merdan Derman
601- Mehdi Musa	602- Musa Tisinli
603- Musa Cuma Behram	604- Musa Riza Mehmet
605- Musa Kazım	606- Musa Kazım selman
607- Musa Mirza	608- Mutlu abbas
609- Muvaffak hacı Shukur	610- nasih Abbas
611- Nazım İbrahim Semin	612- Nazım Mehmet Ali
613- Nazım Mendelavi	614- Nafi yasin Doğramacı
615- Necat İsmail Hasan	616- Necat Ahmet Semin
617- Necat İsmail	618- Necat Celil Paşa
619- Necat Hasan	620- Necat Shukru
621- Necat Kasim	622- Necat Mehmet Koryalı
623- Necat Musa Kazım	624- Necati İsmail
625- Necah mehmet Emin	626- Necdet İbrahim kerim
627- Necdet Shehbaz	628- Necdet Shehbaz Abbas
629- Necdet Asker Mahmut	630- Necef Tisinli
631- Necef Tuzlu	632- Necmettin Chayırılı
633- Necmettin Halaf	634- Necmettin Halaf Mehdi
635- Necmettin Tahir	636- Nezar Resul cafer

637- Neshet Mithat	638- Neshet Mithat Altuncu
639- Nasrullah hadi Mehmet	640- Nidal Huseyin Ali
641- Nizam Abdulhuseyin	642- Nizam Abdulhuseyin Mehmet
643- Nihat fazıl Tavuklu	644- Nihat Mehmet
645- Nurettin Süleyman Aga	646- Nurettin Siddik
647- Nuri Kerim Kasim	648- Nevzat İbrahim Cuma
649- Niyzi Siddik kasap	650- Haşim İsmail Kanit
651- Hashim Beshirli	652- Haim hamdi Baki
653- Hashim Riza	654- Hashim Zeynelabidin
655- Hashim Abbas	656- Hashim Ali Kara
657- haşim Gaip Mehdi	658- Hashim Kadir Hıdır
659- Hashim Mehmet Beyatlı	660- Hicran ali Kemal Mehmet
661- Vefi Naki Hayyat	662- Velit Aziz
663- Vehap Mehdi Asker	664- Yasin Mehmet Sıddık
665- Yahya Zekeriya	666- Yashar halil İbrahim
667- Yashar Halil Kanber	668- Yashar İzzettin Tuzlu
669- Yashar Mehdi Tuzlu	670- Yashar Namık Huseyin
671- Yucel Musa İsmail	
672- Yusuf Refik	

673-Yusuf Sherif Kazım 674- Yusuf Mehmet Beyati
675- Yüksel Veli Ali

Similarity or reparations of names of martyrs may be questioned. In fact the complete information and records about martyrs' identities, ages, occupations and other personal information are kept and archived in the offices of various Turkmen organizations and political parties. In addition, the Office of the Registry of Turkmen Martyrs is being maintained by The Islamic Turkmen Union.

Chapter Five

The Turkmen Population of Iraq

The controversy over the actual, total population of Iraq has generated considerable debate and has captured the attention of various interest groups as well as that of individuals and organisations primarily interested, not in demography, but simply the natural resources and attractions of the Turkmen regions. The policy of successive Iraqi governments, however, has been to consistently propagate the fallacy that the Turkmen constitute no more than an insignificant minority in the country. This insidious claim, on the other hand, has been steadfastly refuted by the many reports and surveys of official agencies and authorities pointing to the enormous contribution of the Turkmen people to the general cultural enrichment and social development of the country as a whole, not only in the arts and sciences but also in such endeavours as sport and athletics. In addition, in the military field, high-ranking Turkmen officers, in all divisions, have proved their worth as loyal and patriotic citizens in serving the country valiantly. Therefore, the claim that the Turkmen component of the Iraqi population is of little consequence, has no basis in reality.

According to the results of the national government census of 1957, the total Turkmen population of Iraq was 136,800. This figure is clearly erroneous and can easily be refuted by the findings of official government surveys as well as the testimony of researchers and historians. A striking example of the type of officially condoned manipulation of the figures for the Turkmen population is provided by recent history. During the negotiations between Britain and Turkey in the period immediately preceding the Luzan Treaty, Lord Curzon cited a total figure of 66,000. He claimed, moreover, that an accurate and valid census had been carried out and supervised by British government authorities throughout the entire province of Mosul in 1920. It is now generally accepted that Curzon falsified the records by deliberately devising the lowest number possible. His figure was, in fact, challenged by Ismet Innonu Pasha, head of the Turkish delegation, who submitted documentary evidence confirming a total Turkmen population of 146, 960 for the region.

Perhaps a little mathematics can clarify the picture. Assuming an addition of 10% to Curzon's figure [approximately 6,000 people] for Turkmen inhabitants of regions other than Mosul, i.e., the provincial counties of Deyala and Baghdad (being the administrative capital, many Turkmen had taken up residence there) plus an additional 3-4% to allow for the scientifically accepted average population growth rate up to 1950 and 3.2% thereafter, the total Turkmen population of Iraq (on the basis of Lord Curzon's 1920 figure quoted above) in 1957, should

have amounted to approximately 254, 676. How, then, in all honesty, can the Iraqi government justify their claim that the figure was actually 136,800, even allowing for the duplicity of the British authorities?

If the figure (questionably) arrived at by Lord Curzon is accepted as a valid standard of measurement, the Turkmen population of Iraq should have reached 884,710 by 2002. For the authorities to disseminate via the media, therefore, a figure of 250,000 for that year can only lead to the conclusion that they have sinister, ulterior motives in distorting the facts. Are we to believe the entire Turkmen population was subjected to a form of genocide on such a massive scale that hundreds of thousands were slaughtered? The official figure of 250,000 appears all the more ludicrous when it is generally accepted the total Turkmen population of the city of Talafar (in Mosul Province) alone is 250,000. Add an additional 50,000 to include the inhabitants of the neighbouring rural villages and the result speaks for itself. How even more patently absurd will the official figure appear if the total number of Turkmen inhabitants of Kirkuk, Erbil, Altoon Kupri, Kifri, Tuzkhurmatu, Daqooq, Karatepe, Khanakin and Mandeli are included?

Those historians, sociologists and the like who like to perpetrate the idea that Kirkuk has no valid claim to being designated a Turkmen city have seized on erroneous government population figures to bolster their claim. The truth is, however, that they have never investigated the accuracy of these figures nor have they ever taken account of the revised figure (567,000) issued by the Iraqi government after the

1958 revolution. Moreover, this 1958 figure can only be an absolute minimum estimation of the entire Turkmen population of Iraq. In the absence of official, reliable government records, therefore, a more realistic figure can be calculated by the application of scientific, statistical, demographic processes which clearly indicate that, by the end of the year 2002, the Turkmen population was in the region of 2,038,662.

The latter figure is based on Iraqi population growth rates which were approximately 3.2% throughout the 50s, 60s and 70s; 2.6% in the 80s; 2.4% from 1990-92, and 2.3% in 1993. These figures were quoted in the 1993 Unified Economic Report published by the Arab Fund for Economics and Social Development; the Arab Monetary Fund, and the Arab Organisation of Petroleum Exporting Countries.

It is a well-established socio-economic fact that the rate of population growth among the inhabitants of a given area is inversely proportional to the level of development in that area. Therefore, if this principle be applied to the situation of the Turkmen in Iraq, who, in addition, had generally a higher level of education than the rest of the population, it would be reasonable to infer a slightly lower population growth rate among them than the norm: slightly less than 10%. A final, accurate figure, therefore, should not be less than 2 million.

Chapter Six

The Ethnic Composition of the Turkmen Regions of Iraq

Researchers of constitutional law have long recognized that, to govern a society effectively, lawmakers must accept the hierarchy of social power already in existence. As a matter of fact, the constitution itself has always been described as an extension of society's traditional regulations, assuring the continuity of the social system and underlining the importance of the acceptability of a transition from a traditional, tribal social and administrative system to a new political order.

The Iraqi leadership first made this transition while the British colonial era in the country was drawing to a close. The new constitution which resulted was drafted and ratified on March 21, 1925. The old, traditional, tribal legal system was nullified to be replaced by a modern, more humanitarian code. The latter ideal is reflected in Article 6 which declares Iraq an independent, indivisible state and all Iraqi citizens

equal regardless of race, religion, or language¹. There was no attempt, therefore, on the part of those Iraqis who helped draft the constitution, to discriminate against their fellow-citizens on any grounds whatsoever. Their collective aim was, on the contrary, a ratification and consolidation of the constitutional and legislative human rights (previously denied) to which everyone is entitled and which, furthermore, have been withheld in some capacity from certain ethnic groups by successive Iraqi governments since that time.

The Turkmen and Kurds who inhabit Kirkuk, one of the most strategically vital regions in the country, have traditionally accepted each other's ethnic identity and right of settlement. Disputes which have arisen between the two groups over the years have invariably originated in the spurious claims of certain Kurdish politicians that the population of the region is

¹ Abdulgani Al-Mallah, The history of the democratic movement in Iraq. Arabic establishment for researchers and publication. Beirut, 2nd edition, 1980, page 57.

Dr. Kadhem Nima "King Faisal the First, British and the Independence" Arabic publication for Encyclopaedia, Beirut, 2nd Edition, 1988 page 125. * Abdulrazzak Al-Hasani: "Iraqi Cabinets History" General Educational Affairs Print house, Baghdad, Volume 1, 7th Edition, 1988, page 339.

not, in fact, predominantly Turkmen, in the hope that Kirkuk would be officially designated as an integral part of Kurdish territory.

One issue of paramount importance in the context of the controversy has been consistently ignored by the Kurds and even by some Turkmen intellectuals (who go so far as to suggest its converse): the natural rights of any individual in any community, are totally independent of the latter's size or strength, in accordance with the principles laid down by the International Declaration of Human rights (and, in addition, upheld by the terms of the aforementioned Iraqi constitution and in the temporary constitution which succeeded it).

Even if the testimony of Kurdish writers is accepted as valid, though they have generally tended to grossly underestimate the numbers of Turkmen in the Kirkuk region, the fact has to be recognized that the Turkmen population actually exceeds that of several entire independent, internationally recognized nations, for instance in The Arabian gulf, Europe and Africa.

Before any figure for an approximate total of the Turkmen population of Iraq can be determined, those figures submitted by successive Iraqi governments must be discarded as invalid, concocted by the authorities to ensure that the Turkmen presence in the country would be made to appear much smaller than it is in reality. Certain Iraqi writers, adding to the distortion, have also quoted the government figures as based on fact though well aware of the government's duplicity.

Both the Turkmen and Kurdish peoples have refused to be designated 'minorities' in the Iraqi population. The Iraqi state has also ostensibly committed itself to a policy which regards all Iraqis without exception as equal in the eyes of the law, regardless of ethnicity, religion or language, while the principle referred to above – that the total number of members of any ethnic group should not be an influential factor in its demand for rights – is accepted by all².

Turkmen and Kurdish intellectuals ignored the Iraqi government's resolution of March 30, 1932, designating all non-Arab ethnic groups in the country as 'minorities' officially under the 'protection' of the government. This controversial piece of legislation had actually been drafted by the League of Nations in a resolution of March 19, 1932, as part of a stipulation requiring the Iraqi government to sanction it before Iraq could be accepted as a member-state of the League. It is of great importance to note that the League of Nations declaration designated the Turkmen people as a 'majority' in the Kirkuk and Kifri regions³.

² Abdulrazzak Al-Hasani: above referred reference, Volume 3, page 196.

³ United Nations Certificates: 660 U.N. T.S. 195

In January, 1970, the Revolutionary command council of Iraq issued a Resolution 'granting' the Turkmen their cultural rights, but the people themselves insisted on 'recognition' of those rights as opposed to their being 'granted.' Under the terms of the new legislation, the Turkmen were permitted to use the Turkmen language as a teaching medium in primary schools; newspapers and magazines could be published in the Turkmen language, and foundations for the promotion of Turkmen culture as well as directorates of education could be established. Unfortunately, soon afterwards, the Iraqi government nullified the legislation. Turkmen schools were closed and the control of educational and cultural affairs handed over to unqualified personnel. The Turkmen reacted against this new wave of governmental despotism by refusing all participation in the educational system. The government responded to their protest by prosecuting and imprisoning a number of middle and high school students involved.

What exactly were the motives of the Iraqi government in passing the resolution of January, 1970, in the first place? Certainly, they were inexplicable to the majority of Iraqis not to mention the Turkmen themselves. The following considerations must be taken into account in any analysis of the situation. In the first place, the Iraqi government passed the relevant legislation soon

after signing the United Nations resolution to prohibit all forms of discrimination. An international agreement to that effect was proposed on December 21, 1965, and had gained the requisite number of member-state signatories on January 4, 1969. The Iraqi government signed the draft-resolution on February 18, 1969. At this time, the Iraqi constitution in force was only temporary, the House of Parliament in the process of being replaced by the Revolutionary Command Council of Iraq. The latter formally authenticated the legislation on January 14, 1970, but with two codicils: the first, the adoption of a resolution stating Iraq's refusal to recognize the state of Israel; the second, that Iraq would not be bound by the terms of Article 22 and, therefore, not subject to judgement by the international tribunal. The aforesaid legislation was passed within one week of authentication. As proof of its compliance with the resolution, the council then passed a bill relating to the cultural rights of the Assyrian community and, later, on March 11, 1970, a similar resolution for the Kurds. However, in less than a year, the Iraqi government reversed these decisions and, yet again, embarked on a campaign of discrimination against the Turkmen people: schools were closed and cultural rights rejected. The government managed to escape detection for these flagrant violations largely as a result of the U.N.'s reluctance to interfere in the internal affairs of member-states⁴.

⁴ United Nations Certificates: 660 U.N. T.S. 195

Any serious attempt to calculate accurately the size of the Turkmen population of Iraq, must start with the figure recorded by the Iraqi government in its 1957 national census: 136,800⁵. If we adopt this figure and apply standard, widely-accepted population growth rates, then the total Turkmen population of Iraq at the beginning of the year 2001 should have been approximately 505,000. However, this figure cannot be regarded as valid. In Telafar County alone, apart from a tiny minority, the population, 250,000, is virtually entirely Turkmen. If the figures for Musul, Erbil, Altun Kopri, Taza Khurmato, Daqooq, Tuz Kurmato, Kifri, Kara Teppe, Khaneqeen, Mendeli and the city of Kirkuk are added, then the 1957 census figure is manifestly wide of the mark.

Those historians, sociologists and the like who like to perpetrate the idea that Kirkuk has no valid claim to being designated a Turkmen city have seized on erroneous government population figures to bolster their claim. The truth is, however, that they have never investigated the accuracy of these figures nor have they ever taken account of the revised figure (567,000) issued by the Iraqi government after the 1958 revolution⁶. Moreover, this 1958 figure can

⁵ Laith Abdulhasan Al-Zubaidi: "14 July 1958 Revolution in Iraq" Arab Library Baghdad, 2nd Edition 1981, page 28.

only be an absolute minimum estimation of the entire Turkmen population of Iraq. In the absence of official, reliable government records, therefore, a more realistic figure can be calculated by the application of scientific, statistical, demographic processes which clearly indicate that, by the end of the year 2003, the Turkmen population was in the region of 2,087,000.

The latter figure is based on Iraqi population growth rates which were approximately 3.2% throughout the 50s, 60s and 70s; 2.6% in the 80s; 2.4% from 1990-92, and 2.3% in 1993. These figures were quoted in the 1993 Unified Economic Report published by the Arab Fund for Economics and Social Development; the Arab Monetary Fund, and the Arab Organisation of Petroleum Exporting Countries.⁷

It is a well-established socio-economic fact that the rate of population growth among the inhabitants

⁶ Zubaida Omar: British Inquiry Magazine. February 1987, page 37.

⁷ Dr. Kadhem Habib: "The Tragedy and Comedy in Today's Iraq" Kunuz Print house, 1st Edition, 1999, page 68.

of a given area is inversely proportional to the level of development in that area. Therefore, if this principle be applied to the situation of the Turkmen in Iraq, who, in addition, had generally a higher level of education than the rest of the population, it would be reasonable to infer a slightly lower population growth rate among them than the norm: A final, accurate figure, therefore, should be approximately 2,000,000.

The only way an accurate estimation of the Turkmen population can be determined is via a census carried out according to scientific measurement and procedures under the direction of a legitimate, democratically-elected Iraqi government. The Turkmen people hope this ideal can become a reality in the future.

The question of the ethnic composition of the Kirkuk region is a controversial issue often leading to unfortunate repercussions in the past. For example, Kurdish politicians and intellectuals have consistently sought to 'prove' that the Turkmen population there has never actually been in the majority. Their spurious claim is largely based on fabricated 'evidence' which appeared in British publications relating to negotiations for the city of Musul at the end of the First World War or in Kurdish publications of this period.

It is, moreover, no coincidence that the majority of the authors of these publications, determined to deny the extent of the historical Turkmen presence in Kirkuk, refer to Shemseddin Sami's *Kamus al Alam*

(Dictionary of the Individuals) as a factual and reputable authority. It is, in fact, an Ottoman encyclopaedia of history and geography which makes the highly-dubious claim that three quarters of Kirkuk's population are Kurds, the remainder being made up of Turkmen, Arabs and other ethnic groups.

In Dr. Nuri Talabani's *Kirkuk Zone and the Attempts of Changing of its Ethnic Reality*, he refers to what he regards as the most authoritative and reliable sources for Turkmen population figures whether Turkish, Arab or Western. Among those he cites is Shamseddin Sami's work already referred to, an author he describes as a Turkish historian and traveller holding no particular allegiance to the Kurds, who had visited the Kirkuk and written, according to Talabani an accurate account of the area and its inhabitants⁸.

As a matter of fact, Shamseddin Sami was not Turkish. He was born in Albania in 1266 (AH) where he received his early education in the Greek school at Yanya, and learned Turkish, Persian and Arabic from a private tutor. He later moved to Istanbul where he launched a newspaper: 'Sabah.' He then turned to the writing of fiction among his early stories being 'The Love Story of Talat and Fitnat,' which openly questioned Ottoman marriage traditions and ethics.

⁸ Dr. Nuri Talabani: "Kirkuk Zone and the Attempts of Changing its ethnic position" 2nd Edition 1999, page 14.

He followed this with 'The Revolution of Kawa, the Blacksmith,' which concerned the hero's struggle against the dictator, Dhahhak. The reaction of the Turkish authorities was to exile him to Tripoli, but he eventually returned to Istanbul where he devoted his time to writing language texts and works of non-fiction.⁹

Ironically, Sami was not a traveler at all, never visiting Kirkuk or Baghdad despite writing knowledgeably and authoritatively about both cities. The reference to his major work, referred to above, in the Islamic Encyclopedia clearly states that he compiled it from information he obtained in Bouillet's *Dictionaries et de Geographie Universal d'Histoire* various Arab and Persian sources and the largely inaccurate reports and records of government officials¹⁰. His credibility is also seriously undermined by his references to Baghdad as a

⁹ Mohammed Jameel Al-Ruzbayani, Baghdad, the developed paradise, translation and clarifications, Science Counsel, Baghdad, 1988 page 117.

¹⁰ Encyclopaedia of Islam, volume 11, Turkish edition, Istanbul, National Education print house, 1979, page 417-418.

'Turkish' city where, he claimed, mainly Turkish was spoken, Arabic being relegated to second place ¹¹.

Most trustworthy sources describe the population of the Kirkuk region as predominantly Turkmen. These will be referred to again below in my investigation of the ethnic groups that make up the population of the territory, but Turkish and Turkmen sources will not be consulted.

The Iraqi government eventually had to accept the reality of a Turkmen presence in Kirkuk and other regions when the League of Nations declared, Article 9, Kifri and Kirkuk as predominantly Turkmen, on May 5, 1932, a declaration adopted by the House of Representatives. The final form of the declaration was based on a previous document drafted by the League which called for the terms of an earlier declaration dated January 28, 1932, to be incorporated. Moreover, Turkish, Kurdish and Arabic were cited as official languages of the region. The Iraqi government's supportive stance on the issue of Turkmen ethnic identity came as a great surprise to everyone concerned as it had been traditionally openly hostile to any form of recognition of the Turkish language in Turkmen territory besides

¹¹ Mohammed Jameel Al- Ruzbayani, above referred reference, page 118

regarding the people themselves as an insignificant minority¹².

The first draft of the 1921 constitution was printed in Arabic, Kurdish, Turkish and English. The British commissioner at that time arranged for a copy to be published in Kirkuk but printed only in Turkish following the Teyarien massacre by Levantine soldiers on May 4, 1924. According to historian, Abdulrazzak Al-Hasany, the copy released for publication in Kirkuk was issued only in Turkish because that was the language of the inhabitants of that region at that time¹³.

The Iraqi constitution adopted in 1925 and regarded as permanent was printed in Turkish as well as Arabic and English. Legislation officially ratified in 1931 and known as 'Local Law Number 74' acknowledged the need for judicial procedures to be published in Turkish in all Turkmen regions (mainly Erbil and Kirkuk). Furthermore, Turkmen school-

¹² Abdulrazzak Al-Hasani, a.s. Source, Also Sati Al-Hisri "Memories in Iraq" 2nd Edition, 1927-1941, Talia House, Beirut, 1st Edition 1968, page 550. Dr. Waleed Hamdi "The Kurds and Kurdistan in British Documents", Arab Archive print house, 1992, page 234, Dr. Aziz Al-Hadj " The Kurdish subject in Twentieth" , Arab establishment for researches and publication, First edition, 1984, page 208, Awni Farsakh " The minorities in Arab History", Riyadh al-Rayyes for books and publication, first edition, 1994, page 397.

¹³ Abdulrazzak Al-Hasani , Ibid, First volume, page 206.

children were permitted to be taught through the medium of their native language, and the only official newspaper in the area, published and circulated by the municipal authority, was printed in both Turkish and Arabic, a practice which continued into recent years.

Scholar Sati Al-Hisry, in his book *My Memories in Iraq*, also confirms that Kirkuk is a Turkish region while explaining his conflict with British Captain N. Varel who acted as a consultant to the Ministry of Education. Al-Hussary explains that when he rejected the post of deputy Education Advisor. Varel suggested that he goes to Kirkuk and take the post of education director there because he spoke Turkish and Kirkuk is a Turkish town. Varel later repeats his suggestion to the chief of the Royal Court, Rustam Haidar, saying that the people in Kirkuk speak Turkish ¹⁴

Khayree Ameen Al-Omari, a prolific writer of recent Iraqi history, also mentions during his statements about the clashes around the Iraqi crown, that Kirkuk is inhabited by a Turkmen majority ¹⁵.

¹⁴ Sati Al- Hisry, *Ibid*, volume 1, 1921-1927, pages 140,141,142.

¹⁵ Khayri Ameen Al-Omary, "Political cases from the Modern Iraq History", *Afak Arabiya* for publication and distribution, Baghdad, page 66.

One of the leaders of the 1920 uprising, Fareeq Mizhar Al-Firoun, also wrote in his book that non-Arab minorities in Iraq are mainly in the north: he places the Kurds in Sulaimaniya and Erbil, the Turkmen in Kirkuk, and some Armenians, Assyrians and Nestorians in Musul ¹⁶.

Abdulmajeed Al-Qaysi, who in his article published in Al-Hayat newspaper June 1, 2000 described himself as an historian, researched the political history of Iraq for a period exceeding fifty years mentions in his book *Te Assyrians* that Kirkuk is a Turkmen city inhabited by the people of Turkish origin while very strong Kurdish tribes live nearby ¹⁷.

In Munther Al-Mousuly's *Political Parties and Life in Kurdistan*, he cites a study by the American journalist, William Egilton Jr.: *The Republic of Mahabad – 1946 Kurdish Republic* which mentions a

¹⁶ Fareeq Mizhar Al-Firoun, "The clear facts of 1920 Iraqi Revolution and its results", Al-Balagh Establishment, Al-Najah print house, Baghdad, second edition, 1995, page 12.

¹⁷ Abdul Majeed Haseeb Al-Qaysi, "Footnotes of Modern Iraqi political History- The Assyrians", Intl. Encyclopaedias Centre, London, 1st. edition, 1999, page 41.

conflict in one particular zone, the city of Kirkuk. Egilton describes the population as being equally divided between Turkmen and Kurds. The population of the western and north-western regions, in which oil had been found, he describes as being a mixture of Arab and Turkmen, each ethnic group inhabiting its own villages¹⁸.

A British historian Stephen Hemsly Longrigg also mentions in his well known book "Four Centuries of Modern Iraq" the settlements of the Turkmen as follows: The remainder of the old Turkmen migrations are divided in Talafar and a long line of villages on Musul road from Deli Abbas to the Large Zab River. They mainly inhabited Kirkuk. He adds that the beautiful Kirkuk city did not change much within the last two centuries, neither the Turkmen village's line on the Grand Road or the several villages, which depend on the irrigation. The Turkish influence is strong in the places where Turkish blood is predominant and where the Turkish language and

¹⁸ Munther Al- Mosuly, "Political parties and life in Kurdistan- Arab view to the Kurdish issue", Riyadh Al-Rayes for books and publication, London, 1991, page 38. Al-Mosuly refers while describing Egilton as a friend of the Kurds to the translation of Jarjees Fathullah to the book, page 75.

Turkish ideas are valid. Longrigg describes Kirkuk in this book saying that its language is Turkish ¹⁹.

In another book, Longrigg describes the Turkmen people as mainly farmers living according to a non-feudal system and inhabiting the regions of Kirkuk, Altun Kopri, Erbil, Kifri, and the villages of Kara Tepe, Tuz Khurmatu and Dakuk situated at intervals along the road from Baghdad to Musul. He also mentions a Turkmen community in Telafar between Musul and Sinjar. The author referred to the harmony existing between the Turkmen and other ethnic groups in Iraq after the Mosul issue had been settled. He went on to say the Turkmen inhabitants of Kirkuk, Kifri and the villages surrounding them actually regarded their isolation as an advantage especially after the resolution of the Mosul issue ²⁰.

¹⁹ Stephen Hemsley Longrigg, "Four centuries of modern Iraq history", Translated by Jafar Al- Khayyat, 4th. Edition, 1968, Al-Shareef Al-Radhi publication, Qum, Persia, page 21,122,361.

²⁰ Stephen Hemsley Longrigg, " Modern Iraq from 1900 to 1950", translated and commented by Saleem Taha Al-Tikriti, Al-Fajr publication, Baghdad, 1st. edition, 1988, page 30& 315. Al-Tikriti mentions that the Author being the British political commissioner in Kirkuk for a long period was familiar with the situation and the behavior of the Turkmen

According to yet another British author, Sarah Graham Brown, attempts to Arabise the Kirkuk region by the government through a process of forced resettlement of the Turkmen and Kurdish inhabitants from their traditional habitation, date back to a time before the second Gulf War ²¹, Her compatriot, author David McDowell, writing of the city of Musul, referred to its Arab majority, but, he added, the towns and villages bordering the road between Musul and Baghdad, were inhabited by Turkish-speaking Turkmen ²².

In a relevant article, 'The Disputed Zone,' Vladimir Minorsky cited the Musul issue, referring to the Turkmen people as the majority of the population who lived along the route of the ancient, famous 'Silk Road.' The latter runs from South Musul, bordered along the way by the cities of Talafar, Erbil, Altun

citizens in Kirkuk and nearby villages. He states that the Author's judgment is based on extensive knowledge and experience.

²¹ Sarah Graham Brown, "Sanctioning Saddam, The Politics of Intervention in Iraq", 1999, New York, I.B.Tauris publication.

²² David McDowell, " A Modern History Of The Kurds", I.B. Tauris, 1996, New York.

Kopri, Kirkuk, Taze Khurmatu, Dakuk, Tuz Kharmato, Kifri and Kara Tepe²³.

By way of illustration of the opinion of the political administrators, there is Nadhem Al Tabakchaly's report to the General Military Commissioner (Al Tabakchaly was commander of the second army in Kirkuk at this time). The commander, describing an ethnic dispute in the Kirkuk region, regarded it as a conflict between the Turkmen majority and the Kurds²⁴. He also referred in another report to the resolutions passed by the first Teachers' Conference (February 2-5, 1959) in which it was emphasised that the Kurds had never been anything but a minority in the region²⁵.

²³ Vladimir F. Minorsky, "The Musul Issue", Translated by Salem Shaheen, Kurdish Researches Centre publication, Istanbul, 1998, page 22.

²⁴ Advocate Jasem Mukhles, "The memories of Nadhem Al- Tabakchaly and the notes of Advocate Jasem Mukhles", Asriya bookshop, Saydah- Beirut, 1969, page 420, Tabakchaly's report to the General Military Commissioner AS/56/363 dated 14-15 February 1959.

²⁵ Advocate Jasem Mukhles, Ibid, page 423.

In the third of a series of three books on Iraq, Hanna Batato observed: 'Kirkuk, a petroleum center, lies 180 miles (280 Km) to the north of Baghdad. It was a predominantly Turkish city until recent years. Then the Kurds gradually moved in, for political or economic reasons, from the neighbouring villages, especially after the development of the oil industry, changing the ethnic character of the area. In 1959, the Kurdish population had reached one third of the total while that of the Turkmen had decreased to just over half. Other Turkmen cities (such as Erbil) experienced a similar transition. In Erbil, what can only be described as the Kurdization of the area, was actually accomplished harmoniously. In Kirkuk, on the other hand, the Turkmen inhabitants resisted the process by resiliently maintaining their strong cultural links with Turkey and thus preserving their ethnic identity²⁶.

Encyclopaedia Britannica describes Kirkuk as a primarily Turkmen city with some Arabic and Kurdish-speaking populations²⁷. The most recent edited

²⁶ Hanna Batatou, "Iraq, the 3rd. book, Communists, Bathists and the Free Officers, Arab researches est., 1st. Arabic edition, Beirut, 1992, page 224.

²⁷ *Encyclopaedia Britannica*, volume 13, printed in U.S.A, 1965, page 389.

versions refer to the ethnicity of Kirkuk as primarily Turkmen²⁸.

We have mentioned the facts, which are agreed upon by all who lived and presently live in Kirkuk. There are those who have tried in various ways to prove the contrary for political, economic, or individual interests. We emphasize the theory that the Turkmen of Iraq defend and so properly demand a unified Iraq where everyone is equal and where opportunities and justice are not dependent on one's ethnicity, but on their actions and abilities.

²⁸ Britannica.com.inc. 1999-2000

Chapter Seven

The Political Path of the Iraqi Turkmen

The Turkmen people of Iraq constitute an important and integral element of the Iraqi population. They have contributed loyally throughout their history to the orderly administration of government under the principles of justice and law which they value highly. They have always existed in close harmony with those other ethnic groups who have chosen Iraq as their motherland. They have always avoided as far as possible becoming entangled in the ethnic and religious conflicts which have plagued other communities. Up to the era of the new republic, they have consistently avoided sectarian, ethnic or religious disputes with Arab, Kurdish, Assyrian, Armenian or even Yazidic communities except in the context of minor incidents invariably instigated by foreigners. Even throughout such periods as the 1950s, when the entire Middle Eastern region was embroiled in political and ethnic turmoil, the Turkmen pursued a prudent course, carefully and wisely eschewing involvement. In fact, in every instance of territorial disputes and those involving related issues, they have studiously

avoided confrontation even where partisanship might have resulted in material reward in the form of land or increased political influence in local government.

The current socio-political situation of the Turkmen community has to a great extent been decided by their geographical location. They have never suffered from lack of political influence, being the descendants of nations and empires with long-established political and social systems based on firm principles of justice, faith and humanitarian ideals.

Powerfully influenced by the movement towards political maturity throughout the twentieth century, the Turkmen organized and directed their political objectives, especially during the second half of the century. They formulated their political ideology, taking care to exclude extreme, radical (and irrational) ideas. Thus, regardless of the personal sectarian or social affiliations of individuals in their community, Turkmen leaders adopted a pragmatic, cohesive plan of action which would be acceptable to, and would receive the support of, all.

Accordingly, the various political and social Turkmen organizations (student unions, clubs, societies) that were established over the years maintained the continuity of the group's ideology by the regular enlisting of youth into its ranks to learn, practice and develop that ideology and to bear it forward to the next generation. Undoubtedly, the enterprise was guided by the earnest and honest efforts of those individuals within the group who faithfully adhered to the fundamental principles of the

ideology. There were, inevitably, those few who abandoned their allegiance to them for motives of material gain or opportunism, but they were invariably rejected by Turkmen society as a whole.

The Turkmen of Iraq have tirelessly and persistently called for the creation of an Iraqi state administered by a government which would respect their ethnic identity as well as their entitlement to a life of dignity and freedom. In addition, they ask for the right to practice openly their national, cultural and political pursuits inspired by a noble vision not only for their own people but for the entire Iraqi nation.

1. The Political Future of the Iraqi Turkmen

In pursuit of their political objectives, the Turkmen policy has never veered from the path of peace. Armed struggle is not on the agenda for resolving conflict. Their ethical and philosophical traditions have always rejected violence with the result that, with the exception of a few, isolated events in their history where reason was overruled by emotion, the use of physical force in the achievement of objectives, has not been adopted. Even as successive waves of radical and extreme political ideologies swept over the Middle East, the Turkmen reaction was to remain aloof. Later, as government-sanctioned political and cultural organizations began to appear, Turkmen everywhere in the country rushed to join them, notably the "Turkmen Brotherhood Club," especially in Baghdad, Musul and Erbil, thereby advancing the cause of the

people's political aspirations generally. Ironically, the challenges, risks and dangers the members of this movement had to face outweighed any that an underground, activist movement might have to contend with. Nevertheless, there was no shortage of supporters who contributed imaginatively, positively and progressively to the Brotherhood.

As political movements stabilize over time, an interesting phenomenon occurs: those which have never resorted to the taking up of arms are seen to be more successful in the achievement of their political objectives than those which do. A few random examples will illustrate the validity of this contention: the Palestinian Resistance Movement; the Irish Republican Army; the Bader Meinhof Organisation; the Red Banner of Japan; the Victorious Uprising; the Khmer Rouge; ETA (the Basque Independence Organisation); the uprising of the Iraqi Kurds (even the Barzani-Talabani conflict), and the PKK movement have all opted for armed struggle to achieve their objectives. None, however, has achieved them. In contrast, the examples of the ANC in Africa; the Indian non-violent Independence Movement; Ayatollah Khomeini's revolution; the fall of the Eastern European communist bloc, and the Oslo treaty indicate the effectiveness of non-violent methods in achieving political objectives. Though the latter may be delayed, history provides ample testimony they are eventually attained by legitimate and acceptable methods.

Turkmen organizations seeking political aims must now exploit the manpower available to achieve them, while fostering the ideals of integrity in political strategy; honesty and sincerity in motivation; firm faith in a just cause, and non-violent methods in the wider, national context. They must shoulder the burden of a legitimate struggle based on principles of justice and humanitarian ideals.

2. Resources of the Political Movement

The moral and material aspects of a nationalistic political movement and its vital foundation must originate from within the political purpose. The foundations of any political strive have to originate from and be representative of the chosen political path, without any interference or vital support from others.

With the dynamic evolution of world affairs, it is natural for political movements to seek external support to sustain their existence. Unfortunately, they will be dragged into their supporters' vicious cycles of interests and influences and, if for any reason that support is taken from them, they will wake up disappointed to realize the bitterness of reality.

Therefore, as far as possible, all movements for socio-political reform must be rooted in the native soil. Adherents to a cause will naturally believe in it more ardently when it is part and parcel of their experience. External support, though desirable, should be given unconditionally in a spirit of genuine

sympathy. It is difficult for the leaders of a particular nationalist movement to prevent outside, supportive agencies from exerting their influence and adversely interfering in the pursuit of the organization's goals and even assuming control of its administration. Clearly, such forms of support are fraught with risk, so, unless they are offered without attendant obligations, they should be rejected.

3. Iraqi Turkmen Relations with the State of Turkey and Various Turkish Political Movements

Iraqi Turkmen relations with the State of Turkey and various political organizations within that country is an issue that has generated considerable debate among the Turkmen themselves as well as other interested parties who have, on occasion, questioned the nature of these relations. In fact, doubts have also been raised within Turkish society on the same theme. The Turkmen people must accept, when these doubts are aired, that it is perfectly acceptable for them to maintain good relations with Turkey and Turkish political organizations. This relationship should be defended and clarified for all Iraqi citizens; had this been done in the past, then the Turkmen might not have to cope with the misunderstanding to which the relationship gives rise today.

In today's multi-cultural, multi-racial world, various ethnic groups can live in close harmony with each other undeterred by political boundaries. Accordingly, the Turkmen-Turkey relationship (and the Turkmen's

relations with other Turkic groups) is not in any way unusual and, in fact, is deeply rooted in shared ethnic, cultural and educational traditions. Both communities have preserved a rich cultural and common heritage over many centuries, a factor which undoubtedly influences relations between them.

In the same way, Arabs of various nationalities share in a common heritage, culture, language, religion and mindset as, indeed, do the Iranians, Kurds, Serbs, Russians and French, to cite a few random examples. As a result, the Turkmen people cannot be faulted for maintaining their strong, time-honored ethnic, cultural and intellectual links with the Turks.

It cannot be denied that the Turkmen people constitute an integral part of the larger Iraqi society. Like any other people, they are deserving of their legitimate rights which they can only attain under an enlightened Iraqi government motivated by a genuine concern for social and political reform and which also abides by the rule of law while protecting the welfare of all its citizens. In addition, the Turkmen people would obviously recognize and respect the ethnic identity of other groups in Iraqi society while continuing to foster its Turkish heritage, historically and culturally. In this way, all ethnic groups within Iraq's political boundaries could make a valuable contribution to the overall cultural and intellectual fabric of the nation.

It is essential for the Turkmen to propagate this ideology to their brethren in Turkey to encourage the latter's participation in cultural and social exchange but accepting, too, the Turkmen's unique relations with other ethnic groups in Iraq which must, of necessity, imply mutual treatment on an equal footing.

4. A Glance at the Future of Iraq

The Turkmen people are of one mind with the majority of Iraqis in supporting the concept and underlying principles of a fair, free, democratic, parliamentary and multi-party system for the country. It desires a government which respects fundamental human rights and cherishes all its citizens equally, regardless of race, political affiliation, religion or ethnic origin. Comprising the third largest ethnic group in the country, it is in its best interests to adopt a proactive role in seeking the establishment of a government deserving of international standing and respect.

Iraqi society is a tightly-woven tapestry of races, ethnic groups and religious adherents. The long-term objective of the Turkmen people in such a multifaceted society can only be the strengthening of the links that bind these different social components. This can only be achieved through earnest endeavor which aims to revitalize local government thereby leading to the latter's recognition of and support for the ethno-cultural character of each region in which adequate social services and amenities will be provided for all. It is only at this local level that the

foundations for a policy of fairness and equal treatment for everyone without prejudice can be securely laid.

Ultimately, of course, the final arbitrator in any debate concerning the Turkmen's aspirations and (legitimate) demands will be the Iraqi people themselves. It is they who must select the type of government they want: autonomy for every individual ethnic group or a federation of these groups. The Turkmen will abide by the people's choice and continue to preserve their unique ethnic character regardless. It goes without saying they would never accept annexation of any part of their (or any other group's) traditional territory or any policy devised to marginalize them or any other group. Their stand on these issues is unyielding and they want all Iraqis to take note.

All ethnic groups in Iraq must be fully aware of the Turkmen position outlined above. Moreover, all those governments and political leaders who claim to be influential in mapping out the political future of Iraq should also have a clear idea of where the Turkmen people stand. Responsibility for dissemination of the latter via the media is the responsibility of Turkmen leaders.

5. Organization of Ethnic Groups within the Territory of Iraq

The origins, characteristics and development of the Turkmen national struggle can be firmly located in the state of Iraq itself. While those from all ethnic backgrounds aspire towards the creation of a united Iraq, each nationalist movement, including that of the Turkmen people, must seek its origins and direction within the country. If the unification of the population is ever to be a reality, the starting-point for the achievement of that noble ideal is here.

Within a free, democratic Iraq, the Turkmen people can play an active role in the social organization of their people and by participation in all political, social and educational activities. Their representation at all levels of government will ensure the safeguarding and implementation of their fundamental rights within the relevant political and cultural parameters.

The Turkmen people of Iraq and other ethnic groups have suffered in the past from the harsh repression and discrimination of successive Iraqi regimes resulting in the loss of their fundamental rights as citizens of the state. The latter banned all forms of opposition; consequently, political organizations seeking reform were forced to go into exile and continue their campaigns from outside Iraq's borders.

Under the tyranny of the now-defunct regime of Saddam Hussein, all intellectual, cultural and political activity was proscribed. Clearly, this was certainly not the most opportune time for the assertion of Turkmen political aspirations. The only hope left to them was to keep alive their aims and ideals and to promote solidarity among the people. A new dawn has now appeared on the horizon with the final collapse of the old order. Once again, the Turkmen nation has renewed its cherished ideal of a democratic, free and fair Iraq that will cherish all its children equally and with compassion.

Throughout the dark days of recent Turkmen history, it was essential for the people to cling to the ideology which had always sustained them. They did so by encouraging all forms of intellectual activity which advanced their nationalist aspirations while keeping political activism to a minimum. In this way they hoped to assert their presence

There is now a mood of optimism among the Turkmen people in the current changing circumstances in Iraq. Turkmen youth are now motivated towards educational achievement and participation in cultural activities. Morale is high and the outlook for the future is positive.

Those Turkmen organizations outside Iraq which had borne the heavy responsibility of motivating their people towards attainment of their rights and keeping the fires of hope alive in the midst of destitution and hardship were not always successful in furthering those aims. Despite setbacks, promotion of the

spiritual and cultural ties which bound the Turkmen people together continued even in the face of adversity and were considered of paramount importance in maintaining the unity, solidarity and, above all, the unique identity of the people.

The people themselves were fully aware of their plight but never succumbed to despair. Nor did they ever contemplate an uprising against the government. Their level of political awareness, moreover, enabled them to distinguish between the repressive institutions of the Iraqi government and the legitimate principles of statehood. Furthermore, never, under any circumstances, would they even consider the abandonment their land.

International recognition of the situation of the Turkmen people in Iraq came, finally, in 1991 when 25% of the Iraqi Kurdish population would voluntarily seek refuge in Turkey and Iran in revolt against the Iraqi government. The inevitable result was further, brutal suppression of the Turkmen in Kirkuk, Erbil and Alton Kupri through various forms of injustice and humiliation despite the fact that the number of refugees in those regions amounted to less than 1% of the population.

Here was conclusive proof of the allegiance of the Turkmen of Iraq to their country. It was also clear evidence that repression and intimidation, even in their most brutal forms, would never succeed in forcing them to abandon their homelands as long as their traditional unity and solidarity held firm.

6. The Turkmen Social and Political Organizations outside Iraq and a New Vision to the Future for those inside Iraq.

The whole concept of organization-in-exile underwent dramatic changes as various Iraqi opposition groups were forced to seek bases of operation outside the country or in territories not under the control of the central government. These organizations played a vital role in maintaining the momentum of opposition.

Accordingly, it was now a matter of the utmost urgency for the Turkmen leaders in exile not only to organize the people in the face of government intimidation, but also to proclaim the plight of the people to the outside world. It was only to be expected, moreover, that many of the Turkmen who fled Iraq would seek refuge in neighboring Turkey to which they were bound by historical and cultural ties. There, they had freedom of movement with the opportunity also of obtaining education. However, for the Turkmen, emigration was never the solution as they saw it as merely an escape route that would inevitably lead to neglect of their objectives and the failure of the emigrants to muster the support of political and intellectual organizations within and outside Iraq and beyond the boundaries of the Arab world. Unfortunately, this factor has been seriously underestimated by the Turkmen political organizations.

It is now vital for all Turkmen organizations to focus on their objectives and for the people to become actively involved in those organizations at social and political levels for the ultimate benefit of all. It is fortunate for Iraqis generally that various organizations-in-exile, representing a wide ethno-political spectrum, had managed to promote social, political and cultural activities during their sojourn outside Iraq. In addition, numerous forums and institutions contributed valuable moral support through various channels for intellectual stimulation and the cultivation of an awareness of Turkmen history among the people.

For an organization to achieve its objectives and to win the support of the majority of the people, especially the intellectuals, it is imperative that it devote all its energy and resources to one central cause. While various organizations will, unquestionably, pursue different objectives, these differences are ultimately of benefit to the entire population as they encourage intellectual debate and their collective aims proceed in the same direction. Therefore, a consensus must be reached involving all these groups which will unite them under the same standard. After the liberation of Iraq has been accomplished, Iraqi groups-in-exile, of whatever persuasion, and wherever they may be located, must collectively formulate a central, credible policy centered around the single, most important unifying factor governing each: ethnic identity.

It has been suggested that the 'Turkmen Brotherhood Club' be re-established, perhaps temporarily. Previously, it had been ruthlessly suppressed by the authorities and forced to deviate from its objectives within the Iraqi state. If this organization is to be revived, then its legal status must be ratified and its leadership committed to a full-scale campaign for the support of the Turkmen people on the basis of the Brotherhood's ideology, regardless of personal affiliations or preferences. Following the liberation of Iraq, the TBC will have an opportunity of convening a general assembly and formally declaring its transition to a legitimate political party. Other organizations and groups can follow suit.

At this juncture in the history of Iraq, the major political and intellectual organizations are finally at liberty to work together, united under one ideology. It is of vital importance for all that no action should be taken by any group that would ultimately be detrimental to all. There should be no conflict as long as all parties abide by the principles of consensus and a common ideology.

In conclusion, the destiny of the Turkmen people now depends on the formulation of a carefully-considered, definite, credible political policy. Any elements of the latter revealing prejudice or ignorance must be eliminated and no course of action pursued that would reflect negatively and damagingly on the image of Turkmen identity the new political outlook seeks to promulgate. In a new, independent and democratic Iraq, ideally the 'Turkmen Brotherhood Movement,' secure in its

traditional homeland, will enjoy all the resources at its disposal with the support of the majority of the Iraqi people. It will have the potential also to become the 'Turkmen Brotherhood Party' with a clear vision of a better future for the people it represents. Nor would this development simply mean the addition of just another minority-interest party. On the contrary, the achievement of its worthy objectives, in a democratic context, with the resultant benefits for the Turkmen people, would have profound repercussions for all ethnic groups within the country.

Chapter Eight

Current Proposals for Federalism in Iraq and the Question of Iraqi Citizenship for the Turkmen People

It is generally accepted in all societies that the essential functions of government are based on its duty to provide protection, security and justice for all its citizens. Any assessment of the efficacy of a particular government must, therefore, take this consideration into account especially in relation to its achievements. Besides providing protection for its citizens, the role of government now demands that it effectively regulate relations between them in a manner that will ensure the welfare of all and the ultimate betterment of society. Adherents of this belief see government as a means, not an end; in contrast, an alternative viewpoint would regard government as the ultimate, autonomous expression of the power of the state¹.

Democracy has come to be regarded throughout the world as the ideal system of government for the regulation of social relations within a particular state. Since the Greeks first devised the system, democracy has been seen to possess certain

¹ Nedham Barakat, Uthman Al-Rawaf, and Muhamme Al-Heilwa, "Fundamentals of Political Science" p 175, Obeikan Publishers, Riyadh 2001

attractive features, notably the idea that rulers are representatives of the masses, their position dependent on the collective will. In addition, the electorate should be composed of responsible citizens concerned for the welfare of the state; they are not indifferent to the question of who shall rule. Those who give little or no thought to the issue were traditionally identified as the sort of people who placed considerations of family, community, sect or territory before that of government. To such people, furthermore, the idea of the *election* of leaders was largely meaningless. Finally, democracy carries with it certain restrictions on authority through electoral regulations and state legislation and not through the agency of military or civil power, traditional institutions, family status or tribal custom.²

Without the integration of all groups, ethnic or otherwise, within the state, there can be no democracy. All citizens must willingly accept the legitimacy of their rulers, but if the latter resort to intrigue or enlist the agency of foreign powers to impose their authority, they lose credibility and the support of the majority. The people's trust may be permanently jeopardized and all talk of representative rule will be in vain.

² Alin Touraine, "Qu'est ce que la de'mocratie", Librairie Artheme Fayard, Paris, 1994

In short, the citizens of a genuinely democratic state must feel in their hearts a sense of loyalty to the government of that state which will not be superseded by conflicting loyalties of an ethnic, tribal or territorial nature. Needless to say, a state in which these conflicts prevail cannot honestly describe itself as democratic.

Clearly if governments genuinely wish to apply the principles of democracy to their states, then they must establish institutions which will ensure the prevalence of law and order and not a system based on self-interest, power-politics or preferment. Thus, if ethnic groups within the state feel their aspirations are being met by the rulers of that state, their demands for attention will invariably subside.

The rulers of a nation must come from the people of that nation which is the community of individuals who have traditionally inhabited a particular territory, linked by language, culture, traditions and (perhaps) religion. Those who assume the mantle of government, therefore, must be prepared to maintain law and order and to arbitrate fairly in disputes, motivated by a sympathetic understanding of a community's historical background and aspirations. Only those who abide by these principles can be safely entrusted with sovereign power.

Unitary or Federal State?

The countries of the world are roughly divided into unitary or federal states. The former is characterized

by unity of authority, laws and territory in which a central government regulates foreign policy while maintaining also control over regional territories and their inhabitants.³ There are variations, of course: some systems may be highly centralized; a number may adhere to democratic principles while others may be closer to authoritarian systems such as dictatorship. Monarchies still wield power in certain parts of the world; others regard themselves as republics. Not surprisingly, forms of local/regional government vary considerably from state to state: some central powers delegating a high degree of autonomy and others imposing restrictive controls.

Confederations and Federal states are usually composed of the union of two or more states/nations with variations in accordance with particular circumstances. Internationally, these differences have led to the emergence of a variety of federal systems dependent on the relationships between the nations that form them as well as those between the ethnic groups within the confines of each, individual nation/political unit.⁴

³ N. Barakat, U. Al-Rawaf, and M. Al-Heilwa, *ibid* page

⁴ *ibid* page 168

The Nature of Confederation

A confederate union is the result of the signing of an agreement between sovereign countries that jointly agree to regulate their economic, cultural and military relations in accordance with the particular advantages for, and aspirations of, each signatory state. The confederation does not represent a new state/country but rather makes provision for each signatory state to retain its own political system and sovereignty while also allowing the citizens of each to retain their nationality. In practice also, each member-state is free to enter into bilateral treaties or agreements with other countries outside the confederation without the necessity for additional obligations to be imposed on the other member-states.

The Federal System

The federal system is a centralized merger which forms a federal state/country. In this context, countries (or 'units') combine under a previously-agreed constitution which becomes the basis of the federal government's legislative and governmental jurisdiction. According to the provisions of the system, each member-state abandons its national identity/autonomy and, instead, becomes part of a new, internationally-recognized union with its own,

autonomous foreign policy, flag and national symbol together with a new nationality for all its citizens.⁵

There are several important distinctions to be made between the confederate and federal systems. For example, in the former, member-states retain their national identity which finds expression through the national flag, army, anthem and culture. They may also pass legislation particular to their societies and generally enjoy a high level of sovereignty. Moreover, they don't necessarily have to adopt or adhere to every resolution of the confederation's ruling assembly: each member-state decides accordingly. A state may withdraw its membership without fear of repercussions. In a federation, however, unity is mandatory: a member state cannot simply decide to withdraw. In the event of the latter occurrence, the federal government would be obliged to take the necessary steps to preserve unity, even resorting to force if required.⁶

Methodologies Used in Political Systems

There are two generally-accepted examples of countries which illustrate the federal and confederate systems of government in practice: the United States of America and France.

⁵ *ibid* page 171 and Andre Horeue, "Constitutional law and political organizations" Vol I, translated by Li Mukklad, Sahfiq Hadad and Abdulhassan Sa'ad, Aliye Publications, Beirut 1977.

⁶ *ibid* page 172

The former is a federation of states under a central federal government which extends a considerable degree of autonomy to its member-states.

Each has authority to pass legislation and raise taxes with extensive controls also over education and state security. The Federal government's policy operates via a controlled delegation of authority to each state assembly, thus ensuring harmonious relations all round. In contrast, France is a confederation governed by a central authority which allows local municipalities throughout the state a high degree of autonomy in the administration of their local districts. While both systems have much to recommend them, they are not without defects either. One strong tendency in federations is for the central ruling authority to increase its jurisdiction as time goes by while, on the other hand, confederations seem to favour extending greater authority to local governing bodies. Political analysts have observed that many countries have now begun to modify their own systems of government by adopting and adapting the best features of federal or confederate systems. Italy is a case in point. Its government is certainly centralized, but beyond that, it does not comfortably belong to either camp. According to the provisions of its 1947 constitution, the country is divided into a number of regions each of which is administered by a local authority with some degree of

autonomy, even legislative.⁷ In Iraq, too, successive governments experimented with a range of local government systems allowing some degree of regional autonomy for various ethnic groups throughout the 1970s.

Academic debate on the subject of human rights is protracted and intense everywhere ranging from the enforcement of international treaties to the extent of the state's jurisdiction over its citizens within its borders. It is, therefore, a matter of supreme importance to review the rights of minorities and their legitimate aspirations frequently according to the terms of existing agreements. By doing so, governments can ascertain whether such minorities opt to administer their territories autonomously or otherwise.

At a Minorities' Rights conference in Vienna (June 14-25), the implications of the issue were identified and debated. Articles 2 and 19 of the subsequent declaration pointed to conflicts arising from minorities and the sovereignty of the states in which they lived. In the concluding section of Article 2, issues relating to a nation's right to self-determination were highlighted and clarified in accordance with the principles of international law. The latter was interpreted also in the light of the United Nations' declaration on the fostering of cordial relations among all nations and not as an incitement to action calculated to threaten the security or lead to the disintegration of any sovereign state (or part thereof).

⁷ *ibid* page 174

The Minorities' Rights Declaration recognised and respected the security of any country in which the principles of justice and equality for all were implemented, the right to self-determination of nations upheld and whose government was genuinely representative of the entire population without discrimination.⁸

In the modern world, there is a strong tendency towards unity among peoples and a global desire to end permanently the divisions between different ethnic groups. Yugoslavia provides an example: following the disintegration of the post-war state, bloody, internecine conflicts arose between the peoples who had formerly lived side by side in harmony within the country. Besides the carnage that ensued, human rights were trampled underfoot and the traditional homelands of those peoples ravaged to satisfy the ruthless ambitions of power-hungry warlords and self-proclaimed leaders. The economic gains and social developments of half a century were thus squandered. By way of contrast, and on a more positive note, Cyprus provides an example of a situation wherein the UN has made unceasing efforts to unite the disputants.

⁸ Baseel Joseph Baseel, "The Politics Of Statesin The Light Of International Protection Of Human Rights" , page 142, Emirates Center for Studies and Strategic Research, Abu Dhabi, 2001

A certain amount of confusion exists in the layman's mind over the state's implementation of its citizens' rights and, paradoxically, in certain cases, its disregard for the rights of the citizens of a fellow-state, a situation that can have serious repercussions internationally. The source of the problem can usually be located in the fanaticism of over-zealous nationalists, leading to territorial infringements and conflict.”⁹

Temporary solutions may be effective in certain cases, but they are the exceptions as what is required, ideally, in ethnic conflict, is a permanent cessation of hostilities. Any form of short-term agreement imposed under duress will inevitably give way in the long run to the depressing pattern of ethnic, political and sectarian confrontations of which the world is all too aware. Worse still, the latter are a serious impediment to development at all levels in the territories involved, the bulk of the population therein expending their energies and the country's resources on violence and destruction instead of the welfare of its inhabitants and the preparation of its future leaders. Experience has shown, especially in recent times, that even if ethnic groups within a certain state temporarily accept the supremacy of another which has achieved it by force of arms, the situation is like a time-bomb ticking away until, inevitably, it is detonated.¹⁰

⁹ Abdulkarim Bakkar, “The Citizenship as Conceptual Value”, page 167, Al-Marifa Books, Riyadh 2001

¹⁰ Saddadedin Ibrahim “Contemplations in Minorities Issue”, page 196, Suad Al-Sabah Publications, Cairo 1992

Proposed solutions: an Overview

Many proposals have been put forward by politicians and other interested parties in Iraq for lasting changes to the constitution which would ensure a democratic system and eliminate once and for all any tendency towards totalitarianism. Ideally, they envisage a state in which government will comprise a number of political parties and a parliamentary system, a development which would undoubtedly have wide-ranging repercussions for all the peoples who make up the population.

The Kurds, in particular, have advocated a federal state, thereby unleashing intensive debate and controversy among all parties concerned. Moreover, though the Kurds have gone so far as to claim the support of the Iraqi majority for their proposal, the truth is that it has never been offered for serious consideration to the Iraqi people who must, ultimately, decide whether such a federation is viable.

The Kurdish proposal entitled 'The Constitution of an Iraqi Republic' comprises, in fact, a series of superficial propositions which were compiled without reference to the greater Iraqi society and the population as a whole. It describes an Iraq divided into two principal territories and a Kurdish province demarcated geographically and demographically but with total disregard for the inhabitants, besides Kurds, of the region which includes the cities of Kirkuk, Erbil, Talafar, Khanakin, Mandali, Dehouk, Baeshiqa et alia.

The Iraqi population, according to this document, is divided into, not several, but only two main groups: Arabs and Kurds. Other ethnic groups are marginalised as minorities of no importance. Obviously, there is a flagrant distortion here of the facts. Even if ethnicity were the only factor determining the status of ethnic groups in Iraq, they are still entitled to the rights and privileges enjoyed by all citizens, regardless of numerical considerations. The denial of those rights, therefore, would be regarded as a serious infringement of the terms of numerous international treaties, not to mention the United Nations Charter. If numbers were the yardstick, then clearly Arabs could claim supremacy as they easily outnumber the Kurds. However, much of this debate is pointless as the numerical strength of any ethnic group has long been rejected as the principal factor determining its political status. Europe provides a perfect example of small (even 'tiny') states, some of which have populations numbering only a few hundred thousand, competing (and interacting) on an equal footing with world powers such as Germany, France and Britain.

The most important prerequisite for a new government constitution in Iraq is a national referendum on the issue. In addition, a national assembly should be convened to prepare the relevant drafts. All proposals should be carefully thought-out and formulated, with careful attention to their implications if the approval of the majority of Iraq's citizens is to be gained. The Kurd's proposal referred to above and submitted to the Kurdish

National Assembly in Erbil under the title 'The Project for the Constitution of a Federal Kurdistan Province,' was, in fact, debated and adopted by that body but cannot be acceptable to the majority of Iraqis for reasons which will be outlined below.

A federal union, as explained above, usually begins as an agreement between two or more states which is endorsed by their respective legislatures and accepted as a new political entity. Alternatively, the federation may be that of provinces or regions the inhabitants of which feel they are not adequately represented in the government of a unitary state. The Kurdish proposal is based on this consideration, but its acceptance must come from an Iraqi majority. It cannot be imposed. Its first proposition calls for a territorial constitution and the establishment of an Iraqi republic -- a glaring contradiction. In a unitary state (such as a republic), an individual region/province cannot choose an autonomous political system exclusively for its territory, but all regions/provinces unite under the umbrella of a central system. Furthermore, Article 5 of the Kurdish 'constitution' (so-called) nominates Kirkuk as 'capital' of their province without any prior consultation with the inhabitants. It is apparent that those who drafted this 'constitution' failed to consider the will of the people in the matter, taking it upon themselves to decide (unilaterally) on their behalf.

Articles 6 and 7 actually describe the formation of a confederate union rather a federal state. They also propose a 'national' flag, symbol and anthem, to be confirmed by special legislation. Other proposals

recommend the formation of special defense and security forces on lines, however, which do not conform to the federal model.

Chapter three of this proposal relates to the authority of the proposed province. While section one deals with the legislative branch and calls it the “National Assembly for the Province” and article 34 states that the parliament has the privileges of approving the agreements that were established through the cabinet with other provinces within the Federal Republic of Iraq, “Foreign Sources” and “Provinces of Federal Countries” in the economic, developmental, cultural, educational, humanitarian, administrative affairs, frontier security and “neighbourhood affairs” arenas. Moreover, article 44 states that the president of the province has the authority of:

- Enforce Marshall Law enforcement, which is in fact with the jurisdiction of the federal state.
- Mobilize the provinces armed and security forces in accordance with the relevant ruling of the provincial cabinet (rather than by agreement with the federal authorities.)

The foregoing proposals and provisions in the Kurdish ‘Constitution’ clearly contravene the constitutional principles of either a unitary or federal state. In fact, the document is no more than a series of arbitrary propositions more on the lines of a ‘declaration of independence’ than a serious attempt to draft a federal constitution. Furthermore, the ‘assembly’ to be established according to the Kurdish

proposal is to be empowered to levy taxes and tariffs within the territory of its jurisdiction, i.e., the Kurdish province, again a refutation of valid, federal, constitutional principles. For example, Kurdish politicians claim the income generated from oil revenues in the province would go to the central, federal treasury. However, the truth of the matter is that if the provincial authority is empowered to levy taxes and tariffs, oil revenues would certainly not find their way to that treasury, a fact which could hardly escape the notice of any assessors of the validity of the Kurdish 'Constitution.'

The Turkmen's View of the Iraqi Issue.

The Turkmen people of Iraq, who have lived for centuries in their homeland there, in harmony with other ethnic groups, have never denied their unique relationship with the country and its peoples. While preserving tenaciously their own identity, culture and traditions, they have also interacted freely with the Arab people in Iraq and their culture. They fully realize such contacts have enriched their own culture and affirmed their own identity. In turn, the Turkmen people have a long tradition of contributing to the augmentation of Arab culture in all its manifestations. The same can be said of the Kurds. As a result of the successful blending of these ingredients, Iraq has flourished on all fronts: in the arts, educationally, scientifically and technologically.

Thus, for the Turkmen, in pursuit of their aspirations as a nation-within-a-nation, the objective is an independent, democratic, parliamentary and pluralist system of government for Iraq, in which all citizens can exercise their democratic rights freely with no fear of discrimination on grounds of ethnic origins, religious persuasion or political affiliation. If this ideal becomes a reality, with the full endorsement of all Iraqis, it will receive the overwhelming support of the Turkmen people. Otherwise, in the event of the unanimous acceptance of a federal state by Iraq's citizens, then the Turkmen, Arabs, Kurds and Assyrians should rightfully be regarded as distinct ethnic communities with similar rights, privileges and aspirations not forgetting, of course, responsibilities. Iraqis must now realize that the Turkmen people will never submit to any authority which has been imposed upon them, regardless of their having had to acquiesce in such imposition in the past simply because they had no alternative. Their position in this regard should be abundantly clear and unassailable to all.

Appendix No.1

Constitution of the Kingdom of Iraq 1925

Constitution of the Kingdom of Iraq

March 21, 1925, as amended July 29, 1925.

[Translation] [\(1\)](#)

In the name of God, the Merciful, the
Compassionate!

We, King of Iraq,

As a result of the decision of the Constituent
Assembly, have confirmed our constitution and have
ordered its promulgation.

Introduction

Art. 1. This law shall be known as «The Iraq
constitution»; its provisions shall be in force in all
parts of the Kingdom of Iraq.

Art. 2. Iraq is a sovereign State, independent and free. Her territories are indivisible and no portion thereof may be given up. Iraq is a constitutional hereditary monarchy with a representative Government.

Art. 3. The city of Baghdad shall be the capital of Iraq. In case of necessity, another place may be selected as capital, in accordance with the provisions of a law.

Art. 4. The flag of Iraq shall be of the following shape and dimensions: - The length of the flag shall be double its breadth. It shall be divided horizontally into three colours of equal size and parallel to each other, the upper section being black, the others white and green respectively. On the side of the staff there shall be a red trapezoid, the greater base of which shall be equal to the breadth of the flag and the lesser base equal to the breadth of the white section, the height being equal to one quarter of the length of the flag. In the centre there shall be two white stars of seven points each, in a perpendicular position, parallel to the staff.

The position of the flag, and the arms, insignia and decorations of the State shall be determined in accordance with special laws.

Part I. The Rights of the People

Art. 5. Iraq nationality shall be defined by a special law and will be acquired or lost in accordance with the terms thereof.

Art. 6. There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the courts, nor be obliged to have recourse to a court other than the court competent to deal with his case, except in accordance with law.

Art. 10. All rights of ownership shall be safeguarded. No forced loans may be imposed, nor may any real or personal property be sequestered, nor any prohibited article confiscated, except in conformity with law. All unpaid forced labor and general confiscation of movable or immovable property are absolutely forbidden. There shall be no expropriation of the property of any person except in the public interest, and in such circumstances and in

such manner as may be prescribed by law, and on condition that just compensation be paid.

Art. 11. No tax may be imposed except in accordance with law, the provisions of which shall apply to all classes of the people.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis within such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practice the rites; of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. All Iraqis shall have the right of presenting petitions and memorials to the King, Parliament and the public authorities, setting forth complaints, whether relating to matters where they are personally concerned or to matters of public interest, in such circumstances and in such manner as may be prescribed by law.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such

circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall be the official language, except as may be prescribed by a special law.

Art. 18. Iraqis shall be equal in status, as regards the enjoyment of their rights and the discharge of their obligations. Government appointments shall be bestowed upon them alone, to each one without discrimination, in accordance with his capacity and fitness. No persons other than Iraqis shall be employed in Government appointments, except in such exceptional circumstances as may be prescribed by a special law. Foreigners who must or may be employed in accordance with treaties and agreements shall not come within the scope of this article.

Part II. The Prerogatives of the Crown

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It is a trust confided by them to King Faisal, son of Hussein, and to his heirs after him.

Art. 20. The Heir Apparent shall be the eldest son of the King, in direct line, in accordance with the provisions of the law of succession.

Art. 21. On accession to the throne, the King shall swear an oath before a joint meeting of the Chamber of Deputies and the Senate, which shall be presided over by the president of the Senate, that he will observe the terms of the constitution, preserve the independence of the country and strive faithfully to further the interests of both country and people.

Art. 22. The King shall attain his majority on completion of the 18th year. In the event of the throne passing to a person below that age, the King's prerogatives shall be exercised by a Regent chosen by the former King, until such time as the King attains his majority. The Regent, however, may not assume this dignity, nor carry out the functions thereof, unless Parliament approves of his appointment. Should Parliament not approve, or should the former King fail to appoint a Regent, the Regent shall be appointed by Parliament. The Regent shall swear an oath before Parliament, as prescribed in the preceding article. Until such time as the Regent has been appointed and has taken the oath, the constitutional prerogatives of the King shall be exercised by the Council of Ministers on behalf of the people of Iraq, the council being responsible therefore. No modification may be introduced into the constitution during the regency concerning the King's prerogatives and succession to the throne.

Whenever the necessity for the appointment of a Regent arises, Parliament shall be convoked immediately. Should the Chamber of Deputies be dissolved, and the election of the new chamber is not yet completed, the former chamber shall be convoked for this purpose.

Art. 23. The King may absent himself from Iraq in case of need, subject to the passing and publication of a resolution of the Council of Ministers to that effect. Before his departure from Iraq, the King shall with the approval of the Council of Ministers appoint a Regent or Council of Regency, and define the prerogatives which he confers upon him or them.

Neither the Regent nor any member of the Council of Regency shall exercise any of the royal prerogatives, until he has taken the oath prescribed in article 21 of the constitution.

The oath shall be sworn before Parliament, if in session, in the manner prescribed by article 21 above. Otherwise it shall be sworn before the Council of Ministers, in the presence of both the presidents of the Senate and of the Chamber of Deputies, or persons acting on their behalf.

No Minister may act as Regent or member of the Council of Regency. If a Member of Parliament is appointed Regent or member of the, Council of Regency, he may not carry out his parliamentary duties while acting in that capacity. Should the King's absence extend over a period exceeding 4 months

and Parliament not is in session, it shall be convoked forthwith, in order to deal with the matter.

The Regent or member of the Council of Regency must be of Iraq nationality and must not be less than 30 years of age, but, a male relative of the King who has completed his 18th year may also, be appointed.

Art. 24. The King may not ascend a throne outside Iraq, except with the consent of Parliament.

Art. 25. The King is safeguarded and is not responsible.

Art. 26.

1. The King is the supreme head of the State. He confirms laws, orders their promulgation and supervises their execution. By his order regulations are drawn up for the purpose of giving effect to the terms of laws, in so far as such laws contain provisions therefore.

2. The King issues orders for the holding of general elections to the Chamber of Deputies and for the convocation of Parliament. He opens Parliament, adjourns, prorogues or dissolves it, in accordance with the provisions of this law.

3. Should necessity arise, when Parliament is not sitting, for taking urgent measures for the maintenance of order and

public security, or to ward off a public, danger, or for the urgent expenditure of public moneys not authorised by the budget or by special law, or for the fulfilment of treaty obligations the King shall have the right of issuing ordinances, with the concurrence of the Council of Ministers, having the force of law, directing that the necessary steps shall be taken according to circumstances, provided that they are not contrary to the provisions of this constitution Such ordinances must all be laid before Parliament at its first session, with the exception of those issued for the purpose of fulfilling treaty obligations approved by Parliament or the Constituent Assembly. Should Parliament not approve these ordinances, the Government must declare them to be no longer operative and they shall be considered to be abrogated as from the date of such declaration. Such ordinances shall be signed by all Ministers.

The word «law» shall include ordinances issued in accordance with the provisions of this article, unless the text contains anything to the contrary.

4. The King concludes treaties. He may not ratify them, however, until they have been approved by Parliament.

5. The King select. The Prime Minister, and upon the recommendation of the latter

appoints Ministers and accepts their resignation from office.

6. The King appoints the members of the Senate and accepts their resignation from office.

7. The King, upon the proposal of the responsible Minister, appoints and dismisses all diplomatic representatives, civil officials, qadhis and civil judges, and bestows military rank, unless, in accordance with special regulation, he delegates that power to some other authority. He also has the right of conferring honours and titles and similar marks of distinction.

8. The King is Commander-in-chief of all the armed forces. He declares war subject to the consent of the Council of Ministers. He concludes treaties of peace, provided that, he shall not definitely ratify them until approved by Parliament. He may also proclaim martial law to be in force, subject to the provisions of this law.

9. The coinage shall be struck in the King's name.

10. The death sentence shall not be carried out until confirmed by the King. The King may reduce sentences or remit them by special pardon. He may also pronounce a

general amnesty subject to the consent, of both assemblies.

Part III. The Legislature

Art. 27. The King shall exercise his powers by means of Royal Iradas [Decrees]. They shall issue upon the proposal of the responsible Minister or Ministers with the concurrence of the Prime Minister, and shall be, signed by them.

Art. 28. Legislative power is vested in Parliament and the King. Parliament is composed of the Senate and the Chamber of Deputies.

The legislature has the right of making laws and of amending and repealing them in conformity with the provision, of this law.

Art. 29. The King shall open Parliament in person or depute the Prime Minister or one of the Ministers for that purpose to perform the opening ceremony and deliver the speech from the throne.

Art. 30. No person may become a member of the Senate or Chamber of Deputies :

1. Who is not a national of Iraq.
2. Who claims foreign nationality or protection.
3. Who is less than 30 years of age in the case of deputies and less than 40 years of age in the case of senators.
4. Who has been adjudicated bankrupt and has not been legally rehabilitated.
5. Who has been interdicted, such interdiction being still in force.
6. Who has lost his civil rights.
7. Who has been sentenced to a term of imprisonment, for a period not less than 1 year in respect of any offence not of a political nature, or has been sentenced to any imprisonment for theft, bribery, breach of trust, forgery, fraud or any other crime incompatible with personal honour.
8. Who has a material interest direct or indirect in any contract with a public department of Iraq, unless such interest arises from his being a shareholder in a company composed of more than 25 persons. Farmers of land tax and lessees of Government «mulk» [\(2\)](#) and «miri» [\(3\)](#) lands shall be exempted from the operation of this clause.

9. Who is a lunatic or an idiot.

10. Who is related to the King in such degree as may be prescribed by special law:

Provided always that no person may be a member of both assemblies at the same time.

Art. 31. The Senate shall be composed of not more than 20 members, appointed by the King, from among persons whose conduct has secured the confidence and esteem of the public and those who have served the State and nation with distinction in the past.

Art. 32. The term of membership of the Senate shall be 8 years, half the Senators retiring every 4 years, such retiring Senators being eligible for re-appointment. On the occasion of the first change being made, the first half shall be selected by lot.

Art. 33. The president and vice-president shall be elected by the assembly from among their number for a period of 1 year subject to confirmation by the King. They shall be eligible for re-election.

Art. 34. The Senate shall assemble and disperse at the same time as the Chamber of Deputies.

Art. 35. A member of the Senate, in addition to traveling expenses, shall receive an annual allowance of 5,000 rupees for each ordinary session only, and a sum of 1,250 rupees for every mouth in

prolongation of such session or for every month of an extraordinary session.

Art. 36. The Chamber of Deputies shall be constituted by election on the basis of 1 deputy for every 20,000 males.

Art. 37. The method of election to the Chamber of Deputies shall be prescribed by a special law based on the principle of the secret ballot and the necessity for the representation of non-Islamic minorities.

Art. 38. The term of the Chamber of Deputies shall be for 4 ordinary sessions, each year 1 session beginning on the 1st Day of November following the elections. If the 1st of that month falls on an official holiday, then from the day following, subject to the terms of paragraph (2) of article 26, dealing with the dissolution of the chamber.

Art. 39. The King shall convoke the chamber for its ordinary sittings in the capital on the 1st day of November of each year, in accordance with the terms of article 38.

Should the chamber not be so convoked on that day, it shall meet of its own accord.

Thereupon it shall commence its ordinary session, which shall extend for 4 months, unless the King has dissolved the chamber before the expiration of that period, or has extended the duration of the session to facilitate the completion of urgent business. Should

the duration of the session be so extended, such session may not exceed a total period of 6 months.

The chamber may adjourn from time to time according to the internal regulations of the chamber. It shall also adjourn its sittings if the King shall so order not more than 3 times in any session, for periods which shall not exceed a total period of 2 months. In computing the period of the session the time covered by the said adjournments shall not be counted.

Art. 40.

1. In the event of dissolution of the chamber, fresh elections must be held. The new chamber shall be convoked in extraordinary session within a period not exceeding 4 months from the date of dissolution. This session shall be held in accordance with the terms of article 39 of this law relating to adjournment and extension. Such session must be prorogued on the 31st October in any event, in order that the first ordinary session of the period mentioned above may begin at the beginning of November. If the extraordinary session occurs in the months of November and December, such session shall be considered the first ordinary session of that period. If the Chamber of Deputies is dissolved for any special reason, the new chamber may not be dissolved for the same reason.

2. When not in ordinary session, the King may convoke Parliament for an extraordinary session to deal with matters referred to in the order of convocation. Such session shall be prorogued by Royal Irada.

Art. 41. A former deputy is eligible for re-election.

Art. 42. Every male Iraqi who has completed his 30th year and is not under any of the disqualifications set out in article 30, is eligible for membership of the Chamber of Deputies. He may represent only one of the constituencies to be prescribed by the electoral law. In the event of a person being elected for more than one constituency, he must choose the constituency which he desires to represent, within a period of 8 days from the date on which he is informed. Officials who are elected have the right of deciding whether they will accept membership or not. With the exception of Ministers, those who decide to become members must give up their Government appointments during the period of membership.

Art. 43. The Chamber of Deputies shall settle any question connected with the qualifications requisite for the election of deputies, including objections raised against their election. It shall also deal with matters relating to vacancies and resignations.

Art. 44. The Chamber of Deputies shall elect a president, two vice-presidents and two secretaries from among their number each year, during the first sitting of the chamber. The result of this election shall be made known to the King and shall be confirmed by him. When necessary, one of the vice-presidents shall act for the president.

Art. 45. Every member of the Chamber of Deputies has the right to propose the enactment of a draft law, except in what concerns; the financial matters referred to hereinafter, provided that he has the support of ten of his colleagues. If such proposal is accepted by the chamber, it shall be sent to the Council of Ministers, in order that a draft law may be prepared. Any proposal which is rejected by the chamber may not be re-introduced during the same session.

Art. 46. A member may resign his seat as deputy by forwarding his resignation in writing to the president. Such resignation shall not become effective unless accepted by the Chamber of Deputies.

Art. 47. In the event of a vacancy occurring in the Chamber of Deputies caused by the death, resignation, loss of requisite qualifications, or absence from the chamber of any member, a by-election shall be held immediately, in compliance with a notification by the president.

Art. 48. A member in the Chamber of Deputies is regarded as being a representative of the whole of Iraq and not of his constituency alone.

Art. 49. A member absent from the chamber without leave or without just cause for a period of 1 month is considered to have resigned, subject to the terms of article 46.

Art. 50. In addition to traveling expenses, a member of the Chamber of Deputies shall receive an annual allowance amounting to 4,000 rupees for an ordinary session and 1,000 rupees for every additional month beyond that period, or for every month of an extraordinary session.

Art. 51. Before entering upon their labors, deputies and senators shall take an oath before their respective assemblies that they will be loyal to the King, observe the constitution, serve the nation and the country, and faithfully perform the duties for which they have been elected.

Art. 52. Neither assembly shall enter upon its labors unless the sitting is attended by at least one more than half of its members.

Art. 53. Decisions shall be taken by a majority of votes of the members present, unless otherwise provided by this law. If the voting is equal, the president shall have a casting vote. No majority shall be obtained unless half the members present cast their vote. Each member shall vote in person. The

method of voting shall be prescribed in the internal regulations of the assembly.

Art. 54. Every Member of Parliament has the right to put questions and demand explanations from Ministers. Discussions arising there from and from answers given in reply thereto shall be carried on in the manner prescribed by the internal regulations of each assembly, provided that such discussion shall not take place until 8 days at least have elapsed from the day on which such questions or demands for explanations were put. This procedure may be departed from in urgent cases or by consent of the Minister.

Art. 55. The assemblies shall pass draft laws article by article separately, and then again as a whole.

Art. 56. No armed force may enter the assembly or remain near its precincts, unless requested to do so by the president.

Art. 57. The meetings of both assemblies shall be open to the public. At the request, however, of one of the Ministers, or four of the senators, or ten of the deputies, the debate on the question under discussion shall be conducted *in camera*.

Art. 58. No person may enter either assembly and speak therein, except members, Ministers or high officials deputed by Ministers during their absence, or a person invited so to do by the assembly.

Art. 59. The Senate and the Chamber of Deputies shall have the right of issuing rules and regulations concerning the following matters:

1. The manner of exercising and maintaining the powers, privileges and safeguards conferred upon the assembly by this law.

2. The transaction of the business of both assemblies and the conduct of debates, whether sitting separately or jointly.

Art. 60. No member of Parliament shall be arrested or brought to trial while Parliament is in session, unless the assembly of which he is a member shall pass a resolution by a majority of votes that sufficient reasons exist for his being charged, or unless he is arrested while in the act of committing a crime. Every member shall have the right of absolute freedom of speech, subject to the regulations of the assembly of which he is a member. No legal proceedings shall be taken against him on account of a vote given, or opinion expressed, or speech made during the debates and discussions of the assembly. Should a representative be arrested for any reason when Parliament is not sitting, the Government must inform the assembly thereof when it re-assembles, furnishing explanations and reasons therefore.

Art. 61. A Minister who is a member of either the Senate or Chamber of Deputies shall have the right of voting in the assembly of which he is a member and the right of speaking in both assemblies.

Ministers who are not members of either assembly shall have the right of speaking in both, but not of voting. Ministers, or persons representing them in their absence, shall have the right of precedence over other members in addressing the assemblies.

Art. 62.

1. All draft laws must be submitted to one of the two assemblies. If passed; they shall be submitted to the other assembly. They shall not become law unless passed by both assemblies and confirmed by the King.

2. Both assemblies shall deal with draft laws presented to them by the Government. After they have been passed, they shall be submitted to the King, who shall either confirm them or return them, stating his reasons for so doing, within a period of 3 months. Should one of the assemblies decide that any draft law is of an urgent nature; such draft law must be confirmed, or returned within a period of 15 days for reconsideration, together with a statement of the reasons for so doing.

3. Any draft laws rejected by both assemblies shall not be re-introduced during the same session.

Art. 63. In the event of one of the assemblies rejecting a draft law twice, and the other assembly insisting upon its acceptance, a joint meeting of the members of the Senate and Chamber of Deputies shall be held, presided over by the president of the Senate, with the object of discussing the articles regarding which a divergence of opinion exists. If the draft law is accepted, with or without amendment, by a majority composed of two-thirds of the members of the joint assembly, such draft law shall be considered to have been passed by both assemblies, but shall not become law until it has been confirmed by the King. If not passed in this manner, such draft law shall not be re-introduced into either assembly during the current session.

Part IV. The Council of Ministers

Art. 64. The number of the Ministers of State shall not exceed 9 nor be less than 6. No person may be a Minister who is under any of the disqualifications mentioned in article 30. A Minister who is not a member of either assembly shall not remain in office for more than 6 months, unless appointed member of the Senate or elected to the Chamber of Deputies before the expiration of that period. A Minister who is receiving a salary as a Minister shall not at the same time be entitled to his allowances as member of one of the assemblies. A Minister shall not be allowed to buy or lease any of the property or possessions of the State.

Art. 65. The Council of Ministers will undertake the conduct of affairs of State. It shall assemble under the chairmanship of the Prime Minister, in order to decide what steps shall be taken with regard to affairs concerning more than one Ministry; and in order to deal with important matters in which the various Ministries are concerned. The Prime Minister shall submit the recommendations of the council to the King for the purpose of obtaining his orders.

Art. 66. Ministers of State shall be jointly responsible to the Chamber of Deputies for affairs dealing by the various Ministries and responsible severally for acts relating to each of the Ministries and departments attached thereto. Should the Chamber of Deputies pass a vote of no confidence in the Cabinet by a majority of members present, the Cabinet must resign. If the resolution in question relates to one Minister only, such Minister must resign.

At the request of the Prime Minister or of the Minister concerned, the Chamber shall, once only, postpone a vote of no confidence for a period not exceeding 8 days. The Chamber shall not be dissolved during the period.

Art. 67. A Minister shall dispatch all business relating to his Ministry and departments attached thereto in manner prescribed by law.

Part V. The Judicature

Art. 68. Judges shall be appointed by Royal Irada and may only be removed in the circumstances mentioned in the special law dealing with the conditions governing their qualifications, appointment, grades and method of dismissal.

Art. 69. The Courts shall be divided into three classes:

1. Civil courts.
2. Religious courts.
3. Special courts.

Art. 70. The manner of instituting the courts, the places where they are to be established, the grades, divisions, jurisdiction and supervision thereof, and the execution of judgments shall be determined by special laws, subject to the provisions of this law.

Art. 71. The courts shall be free from all interference in the conduct of their affairs.

Art. 72. All sittings of the courts shall be open to the public, unless some legal justification exists for holding sittings *in camerâ*. Judgments of the courts, as well as the proceedings thereof, may be published, except those relating to sittings held *in*

camerâ. All judgments shall issue in the name of the King.

Art. 73. The civil courts shall have jurisdiction over all persons in Iraq, in all actions and civil and criminal matters, and those brought by or against the Iraq Government, with the exception of actions and matters coming within the jurisdiction of the religious or special courts, as stated hereinafter in this law, or in any other law in force.

Art. 74. The jurisdiction of the civil courts includes civil, commercial and criminal matters, in accordance with the laws in force, provided that in matters relating to the personal status of foreigners and in other civil and commercial matters in which by international custom the terms of the law of a foreign country are to be applied, such law shall be applied in manner to be prescribed by special law.

Art. 75. The religious courts shall be divided into

1. Shara courts.
2. The spiritual councils of the communities.

Art. 76. The Shara courts alone shall be competent to deal with actions relating to the personal status of Moslems and actions relating to the administration of Waqf foundations.

Art. 77. Justice shall be administered in the Shara courts in accordance with the terms of the Shara

doctrine peculiar to each of the Islamic sects, in conformity with the terms of a special law. The Qadhi shall be a member of the sect to which the majority of the inhabitants of the place to which he is appointed belong, maintaining the appointment of both Sunni and J'aferi Qadhis in the cities of Baghdad and Basra.

Art. 78. The spiritual councils of the communities include the Jewish spiritual councils and the Christian spiritual councils. Such councils shall be established, and powers of jurisdiction conferred upon them, by a special law.

Art. 79. The spiritual councils shall be competent to deal with the following matters:

1. Matters relating to marriage, dowry, divorce, separation, alimony, attestations of wills other than those attested by a notary public (with the exception of those matters coming within the jurisdiction of the civil courts relating to members of the community), but excluding foreigners who are members of such community.

2. Any other matter of personal status relating to members of the communities, if the parties so agree.

Art. 80. The procedure to be followed and the fees to be levied in the spiritual councils of the communities shall be prescribed by special law. Succession, freedom of testamentary disposition and

similar matters relating to personal status not coming within the jurisdiction of the spiritual councils of the communities, shall be regulated by a law.

Art. 81. A High Court shall be established for the trial of Ministers and members of Parliament accused of political offences relating to their public duties; and for the trial of judges of the Court of Cassation for offences arising out of the performance of their duties; and for examining matters, connected with the interpretation of laws, and their conformity with the constitution.

Art. 82. Should it be necessary to hold a trial as stated in the preceding article, the High Court shall be convened by means of a Royal Irada to be issued in pursuance of a resolution charging the person concerned, which shall have been passed separately in each case by a two-thirds majority of the members present in the Chamber of Deputies. The court shall be composed of 8 members, not including the president, to be selected by the Senate in the ratio of four from their own numbers and four from among the senior judges. 16 shall assemble under the chairmanship of the President of the Senate. If he is unable to attend, the court shall be presided over by the vice-president.

Art. 83. Should it be necessary to investigate any matter relating to the interpretation of the provisions of this or to ascertain whether any of the laws or regulations in force contravenes the provisions of the constitution, the High Court shall be convoked by Royal Irada, to be issued with the concurrence of the

Council of Ministers. The court shall be constituted and set up in accordance with the terms of the preceding article. Should Parliament not be in session, the members referred to in the preceding article shall be appointed in conformity with the terms of the Royal Irada, issued for the convocation of the court.

Art. 84. Should it be necessary to interpret laws or regulations in circumstances other than those laid down in the preceding article, a Diwan Khas [special bench] shall be constituted at the request of the Minister concerned, presided over by the president of the Civil Court of Cassation, three members of the court being selected from among the judges of the Court of Cassation, and three others from among senior administrative officials, in accordance with a special law.

Art. 85. Cases dealt with by the High Court must be settled in accordance with law and by a two-thirds majority of the court. The decisions of the court shall not be subject to appeal or cassation. Persons accused by the Chamber of Deputies must relinquish their functions forthwith. If they resign, the legal proceedings instituted against them shall continue.

Art. 86. Every decision taken by the High Court to the effect that any law, or any article of any law, contravenes the terms of the constitution must be taken by a two-thirds majority of the court. If a decision of this nature is taken, the law, or portion of the law in question, contravening the constitution, shall be deemed to be repealed *ab initio*.

Art. 87. Decisions taken by the High Court regarding matters referred to in article 83 (with the exception of those matters referred to in article 86) and taken by the Diwan Khas regarding matters referred to in article 84 shall be taken by a majority of the court or Diwan Khas. Such decisions shall apply to all courts and Government departments.

Art. 88. Special courts or committees shall be set up when necessity for dealing with the following matters:

1. For the trial of members of the Iraq military forces for offences mentioned in the Military Penal Code.
2. For settling criminal and civil cases relating to the tribe, in accordance with tribal custom as provided for by special law.
3. For the settlement of disputes arising between the Government and Government servants concerning their duties.
4. For investigating disputes relating to the possession or boundaries of lands.

Art. 89. The procedure to be followed in the special courts, the fees to be levied, the method of appeal from the judgments of such courts, and the manner in which such judgments may be set aside or confirmed, shall all be prescribed by special law.

Part VI. Financial Matters

Art. 90. All taxes and excise dues shall remain unaltered as from the coming into force of this law, until changed by law.

Art. 91. No taxes shall be imposed except in accordance with a law confirmed by the King after approval by Parliament: provided that this shall not apply to sums of money received by Government departments in return for public services rendered, or for the enjoyment of Government property.

Art. 92. Taxes shall be collected from the various classes of taxpayers, without distinction, and no person may be exempted from payment thereof, except in accordance with law.

Art. 93. No property of the State may be sold, granted, leased or otherwise disposed of except in accordance with law.

Art. 94. No monopoly or concession shall be granted for dealing with or using any of the natural resources of the land, nor for any public service, nor shall the State revenues be farmed out, except in accordance with law, provided that where the period relating to them exceeds 8 years, they must in each case be the subject of a special law.

Art. 95. The Government may not contract any loan, nor undertake anything involving payment out of public moneys, except in accordance with a

special law, unless the budget law makes provision therefor.

Art. 96. All money received by Government officials must be paid into the State Treasury and accounted for in accordance with such procedure as is prescribed by law.

Art. 97. No salary may be allotted, nor remuneration paid, nor any moneys belonging to the State Treasury expended for any reason whatsoever, except in accordance with law. No item in the budget estimates shall be expended except in such manner as is prescribed by law.

Art. 98. The budget estimates shall be sanctioned by an annual law known as «the budget law». The budget law must contain an estimate of the income and expenditure for the year in question.

Art. 99. Parliament must approve the budget in the session preceding the commencement of the financial year to which the law in question relates.

Art. 100. The Minister of Finance must in the first place submit to the Chamber of Deputies all draft laws for the appropriation of moneys or for increasing, decreasing or cancelling the approved budget estimates. Similarly, the budget law and all draft laws relating to loans to be contracted by the Government must be submitted to the Chamber of Deputies.

Art. 101. The debate on the budget law and voting thereon shall take place article by article separately. It shall then be voted upon as a whole. The budget shall be voted upon vote by vote.

Art. 102. Should it be found necessary to expend sums of money urgently while Parliament is not sitting, the expenditure of which has not been sanctioned by the budget or by a special law, the King may, with the concurrence of the Council of Ministers, issue royal ordinances directing that financial measures shall be taken as provided by paragraph (3) of article 26.

Art. 103. Parliament may pass a law for the appropriation of specified sums of money, to be expended over a period of years.

Art. 104. A law shall be passed providing for the setting up of a department for the purpose of examining all expenditure and for the drawing up of a report for presentation to Parliament, at least once in each year, as to whether such expenditure is in conformity with the appropriations as approved by Parliament and has been expended in accordance with the procedure laid down by law.

Art. 105. No draft law may be introduced, nor any proposal put forward in either assembly, involving the expenditure of any portion of the public revenues, except by a Minister.

Art. 106. The Chamber of Deputies may not take any decision, nor propose any amendment to a draft

law, involving the reduction of expenditure arising out of treaties approved by Parliament, or the Constituent Assembly, unless approved by the King.

Art. 107. Should the new financial year have begun before the promulgation of the budget law relating thereto, and should Parliament have assembled, the Minister of Finance shall submit a draft law containing provisional budget estimates for a period not exceeding 2 months. On the expiration of the period covered by such estimates, the Minister of Finance may submit a fresh draft law of a similar nature. This procedure may be repeated on such occasions as may be necessary. Should Parliament not be sitting, the budget of the preceding year shall be followed without prejudice to the right of issuing the ordinances referred to in article 102.

Art. 108. The currency system of the State shall be established by law.

Part VII. Administration of the Provinces

Art. 109. The administrative districts of Iraq, their classes, names, manner of institution, the powers of the officials and their titles shall be prescribed by a special law.

Art. 110. The law referred to in the preceding article shall provide that steps shall be taken in certain of the administrative divisions to ensure the performance of any obligations relating thereto, arising out of treaties concluded by the King and approved by Parliament or the Constituent Assembly.

Art. 111. Municipal affairs in Iraq shall be administered by means of municipal councils in accordance with a special law. In the administrative divisions, administrative councils shall perform such duties as may be prescribed for them by law.

Art. 112. Each community shall have the right of establishing councils in important administrative districts, competent to administer buildings and properties dedicated to Waqfs [pious foundations] and bequests for charitable purposes. They shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof, in accordance with the wishes of the donor or with the custom in use among the community. Such communities shall also undertake the supervision of the property of orphans in accordance with law. The councils referred to above shall be under the supervision of the Government.

Part VIII. Confirmations of Laws and Judgments

Art. 113. Ottoman laws published before the 5th November, 1914, and laws, published on or after that date which have remained in force in Iraq up to the time of the publication of this law, shall remain in force in Iraq so far as circumstances permit, subject to any modification or repeal in conformity with the proclamations, regulations and laws referred to in the following article, and until they are altered or repealed by the legislative power, or the High Court issues a decision rendering them null and void in accordance with the provisions of article 86.

Art. 114. All proclamations, regulations and laws issued by the Commander-in-chief of His Britannic Majesty's forces in Iraq, the Civil Commissioner, and the High Commissioner. and those issued by the Government of His Majesty King Faisal during the period between the 5th November, 1914, and the date of the coming into force of this constitution, shall be considered to be valid as from the date on which they came into force. Any portion thereof still unrepealed by that date shall remain in force until changed or repealed by the legislative power, or until the High Court issues a decision rendering them null and void, in accordance with the provisions of article 86.

Art. 115. Every person shall be considered to be released and exempt from all claims relating to any acts performed by him in good faith in conformity with instructions issued by the Commander-in-chief of His Britannic Majesty's forces in Iraq, the Civil Commissioner, the High Commissioner, the Government of His Majesty King Faisal or by any official duly authorized thereunto, whether in a military or civil capacity, with a view to the suppression of hostilities, the establishment and consolidation of order and public security, or the carrying out of orders issued in accordance with martial law between the 5th November, 1914, and the date of the coming into force of the constitution. Every act referred to in this article shall be considered to have been done in good faith, unless the complainant can furnish proof to the contrary. Any action or judicial proceeding with regard to any such act shall not. be entertained and shall be

considered null and void in the absence of such proof brought forward by the complainant.

Art. 116. All judgments passed in civil and Shara actions by the Ottoman courts before the occupation by His Britannic Majesty's forces, and likewise judgments passed in civil and Shara actions by the courts set up after the said occupation, or by Political and Assistant Political Officers, in matters which come within their jurisdiction, shall be considered to have been given by the regularly constituted courts of Iraq.

Art. 117. All judgments and decisions in criminal matters given by the courts set up after the occupation by His Britannic Majesty's forces or by courts-martial, military courts or by any Military Governor or Political or Assistant Political Officer or other officials authorized to try criminal offences and also the penalties imposed upon those persons tried in the courts referred to above, or by the persons referred to, shall all be considered to have been passed by the regularly constituted courts of Iraq.

Part IX. Constitutional Amendments

Art. 118. Parliament may, within 1 year from the coming into force of this law, amend any of the subsidiary matters contained therein or add to them, in order that the objects of this law may be given effect, provided that Parliament shall agree by a two-thirds majority of votes in both chambers.

Art. 119. Subject to the provisions of the preceding article, no amendment whatsoever may be made in the constitution for a period of 5 years from the date of the coming into force thereof, nor after the expiration of that period, except in the following manner.

Every amendment must be approved by a two-thirds majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new chamber elected. An amendment which has been approved by the former chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds majority of each assembly the amendment shall be submitted to the King for confirmation and promulgation.

Part X. General Provisions

Art. 120. Should disturbances occur, or should anything happen indicating the likelihood of the occurrence of events of such a character in any part whatsoever of Iraq, or should there be a menace of hostile attack upon any part whatsoever of Iraq, the King shall have power, subject to the approval of the Council of Ministers, to proclaim martial law provisionally in those districts of Iraq exposed to the danger of disturbances or attacks. The application of the existing laws and regulations may be suspended by the proclamation declaring martial law in force, in

such places and to such extent as may be prescribed in such proclamation, provided that those charged with the execution of the proclamation shall be subject to any legal consequences of their acts, until a special law has been passed by Parliament exempting them there from. The method of administration of the places in which martial law has been declared to be in force shall be prescribed by Royal Irada.

Art. 121. Should it be necessary to interpret any provision of law:

1. Should the interpretation relate to the provisions of this constitution, it shall appertain to the High Court, as stated in part V of this law.

2. Should the interpretation relate to any law connected with the administration of public affairs, it shall appertain to the Diwan Khas, as stated in Part V of this law.

3. Any other matters requiring interpretation shall appertain to the courts of justice having jurisdiction in the cases in which need for interpretation arises.

Art. 122. The Department of Islamic Waqfs shall be considered to be an official Government department, its affairs being administered and its finances regulated in accordance with a special law.

Art. 123. This law shall come into force from the date of which it is confirmed by the King.

Made at Baghdad on the 21st day of March, 1925,
and the 25th day of Sha'ban, 1343.

Faisal.

[Signatures of Ministers.]

(1) Approved by the Minister of Justice and published in the Iraq Government Gazette», No. 31, August 12, 1928.

(2) «Mulk» means owned property as declared by a deed. Therefore government «mulk» means government owned property. Land under that category was leased or sold to people interested in cultivating them or whatever they were zoned for. (Explanation given by Mr. Shalan Kadri, webmaster of [The Constitutional Monarchy Movement](#).)

(3) «Miri» means any land which is not registered as a government or state property, or as an endowment, and not privately owned to individual(s). Thus «miri» land belonged (but not owned) by default to the state of Iraq. The government encouraged individual(s) to cultivate the land but not to built fixed establishments in it. Explanation given by Mr. Shalan Kadri, webmaster of [The Constitutional Monarchy Movement](#).)

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Source

British and Foreign State Papers, 1926, Part I,
Vol. CXXIII, London 1931, pp. 383-402.

Appendix No. 2

Universal Declaration of Human Rights

*Adopted and proclaimed by General Assembly
resolution 217 A (III) of 10 December 1948*

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech

and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-

self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this

Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under

national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance

with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote

understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Appendix No.3

UNITED NATIONS

Declaration

**on the Rights of Persons Belonging to National
or Ethnic, Linguistic and Religious Minorities**

(1992)

General Assembly Resolution 47/135

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the

equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Sub commission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the

minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may

exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favorable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the

legitimate interests of persons belonging to minorities.

2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8

1. Nothing in the present Declaration shall prevent the fulfillment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.

4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.

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For several decades, the Iraqi government has pursued a deliberate policy of misinformation concerning the Turkmen. In particular, so-called legitimate 'sources' of information have relied on the Iraqi government's demographic 'reports' which, unfortunately, have been invariably distorted so as to present much-reduced figures for the total population of each distinctly ethnic group within Iraq.

This book is a synopsis of the history of the Turkmen in Iraq against a background of the international treaties and covenants governing human rights which, unfortunately, have never been applied to the Turkmen. It concludes with a brief survey of the actual size of the Turcoman population in Iraq and the political destiny of the Turkmen people. We hope this study will adequately inform western media resources about this people and act as a catalyst for further research.

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