



Is Turkey violating the Chemical Weapons Convention?

An independent investigation into possible violations of the Chemical Weapons Convention in Northern Iraq is urgently needed

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Summary

The Turkish Defence Minister Hulusi Akar openly acknowledged in the Turkish parliament the use of tear gas during a military operation against the PKK in Northern Iraq. This is an outright violation of the Chemical Weapons Convention and should be pursued legally by the international community.

To gather further information about this incident and other information about alleged uses of chemical agents during military operations in Northern Iraq, IPPNW Switzerland & Germany conducted a mission from September 20–27, 2022 to Northern Iraq. In the course of this mission, some indirect evidence for possible violations of the Chemical Weapons Convention was found:

Material found near an area abandoned by the Turkish Army included containers for hydrochloric acid and bleach, which could be used to produce chlorine, a classical chemical warfare agent.

At the same site containers for gas masks protecting against chemical weapons were found.

A video shows Turkish soldiers preparing an improvised gas pumping device near a cave used by PKK fighters.

While nothing of this is a definitive proof of chemical weapons use, it warrants further independent investigation. We call for an international fact finding mission – for example by OPCW or the UN Secretary General – into the region to once and for all confirm or dispel the allegations of chemical weapons use in the region.

The mission

Since the Turkish military intensified military activities against the PKK in Northern Iraq in April 2021, it was repeatedly claimed that the Turkish military is using chemical weapons in this fight. Most of these allegations relate to the use of chemicals against fighters, but at least one incident was reported where a civilian farmer family was attacked during their field work with what they thought was a chemical agent.

However, so far very little hard evidence has been produced to support these allegations. During a 7-day trip to Northern Iraq in September 2022, two specialists investigated the allegations on behalf of IPPNW Switzerland & IPPNW Germany. Team members were

- Dr. Josef Savary, President of IPPNW Switzerland and a medical doctor with 40+ years of experience in emergency and rescue medicine.
- Dr. Jan van Aken, member of the scientific advisory board of IPPNW Germany and a former biological weapons inspector for UNMOVIC, the UN body that investigated Saddam Hussein's chemical and biological weapons in Iraq.

Unfortunately, the government of the Kurdish Regional Government (KRG) in Erbil, Iraq, denied access to the region in Northern Iraq where the alleged attacks took place. Therefore, no first-hand observations in the area in question or direct interviews with putative victims of chemical attacks were possible.



PICTURES 1 AND 2: CONTAINERS FOR HYDROCHLORIC ACID (LEFT) AND BLEACH (RIGHT). FOUND AT THE ENTRANCE OF THE WERXELÉ CAVE.

PICTURE 3: A CANISTER FOR A GAS MASK CARTRIDGE TYPE C2A1 WITH PROTECTION AGAINST CHEMICAL AND BIOLOGICAL WEAPONS. FOUND AT THE ENTRANCE OF THE WERXELÉ CAVE.

The team conducted a broad range of interviews with members of parliament, civil society organizations and community activists. In addition, they analyzed a trove of videos and photographs related to the allegations.

Official acknowledgement of tear gas use by the Turkish Minister of Defense

The Turkish Minister of Defense, Hulusi Akar, stated in the Turkish Parliament on February 16, 2021 that the Turkish Military used tear gas in its fight against the PKK.¹ While tear gas is allowed for riot control purposes, e.g. during demonstrations, its use is strictly forbidden by the Chemical Weapons Convention (CWC) in a military environment.

In his speech, Hulusi Akar related to a battle between the Turkish military and the PKK a few days earlier at Mount Gara in Northern Iraq. He said verbatim:

“In addition, in this area, at the entrance to the cave, only tear gas was used as a reaction to grenades and mortar. Besides this, no other weapons or munitions were used.”²

This statement by the Defense Minister amounts to acknowledging a violation of the Chemical Weapons Convention and should be prosecuted under international law, because this use of tear gas clearly happened in a military setting and not as “riot control”, the only exception allowed by the Chemical Weapons Convention.

1 www.youtube.com/watch?app=desktop&v=2j-4BiRuubo&t=155s

2 At 3:38 – 3:50 of the video. The original quote in Turkish: “Ayrıca bölgede el bombası ve haviskalara karşılık olarak mağara girişinde sadece ve sadece göz yasartıcı gazlar kullanılmistır, göz yasartıcı gaz kullanılmistır. Bunun dışında herhangi bir şekilde bir silah mühimmat kullanılması asla söz konusu değildir.”

It is worthwhile to note that Turkey has a history of ignoring the prohibition of tear gas use in armed conflict. In 1999, an analysis in a German laboratory proved that the Turkish military used tear gas in a battle with the PKK. In 2010 it was found that the Turkish military produced military-grade tear gas grenades, a case clearly violating the Chemical Weapons Convention. And in 2004 it became public that Turkish soldiers are training tear gas use in military settings. Please see Annex I for details of these cases.

No hard evidence for the use of classical chemical warfare agents

No indication could be found for the use of military weapons containing classical chemical warfare agents such as sarin or mustard. Apparently, a spokesperson for the PKK has named three agents that were allegedly used by the Turkish military: tabun, chloropicrin and mustard. This was not based on any laboratory analysis, but was deduced from symptoms experienced by exposed individuals. This might or might not be true, but neither in our interviews nor in any photographic material any supporting material was presented.

A definitive proof for the use of one of these classical warfare agents would need a thorough epidemiological investigations including laboratory analysis, either of environmental samples (including weapons remains, soil or clothing) or of medical samples such as blood, urine or hair. Without such an investigation, it is impossible to assess the validity of the allegations of classical chemical weapons agents use.

Indirect evidence for other violations of the Chemical Weapons Convention

Nevertheless, a variety of incidents and indications suggest that the Turkish Military may violate the Chemical Weapons Conven-



PICTURE 4: THE LEFT PICTURE SHOWS AN APPARATUS RESEMBLING A LEAF BLOWER IN THE HAND OF THE SOLDIER ON THE RIGHT. IN THE CENTER, ONE SOLDIER IS CARRYING A COILED-UP HOSE. THE RIGHT PICTURE SHOWS HOW THE UNCOILED HOSE IS BEING MOUNTED ON SAID APPARATUS. ALL PICTURES ARE VIDEO-STILLS.

tion in its fight against the PKK in Northern Iraq through other means:

1. Indications for self-made chlorine for an attack in Werxelê in 2021

Heavy fighting took place between the Turkish military and the PKK in the mountains of Werxelê, north of Siriye. When the Turkish military captured the area in fall 2021, several PKK members died in one cave. A few weeks later, the PKK re-captured the area and made some disturbing finds in the garbage left behind by the Turkish soldiers, at the entrance of that very cave:

1. An empty 30-liter container of hydrochloric acid (probably in a concentration of about 20%, sold as cleaning agent), see “Tuz Ruhû” in picture 1.
2. An empty container for 5 kg of bleach (also sold as a cleaning agent), see “Antres Camasir Suhu” in picture 2.

Those agents can be easily used to produce chlorine, a gas that is notoriously known to have been used for example by the Assad regime in Syria as a chemical weapon.

3. Another find at the same location was an empty container for a cartridge for gas masks (see picture 3). This cartridge was of Type C2A1, a special cartridge for protection from biological and chemical agents. The question arises why Turkish soldiers would have to protect themselves from chemical agents. So far, the Turkish government did not accuse the PKK of using chemical warfare in North Iraq.

To be clear: The presence of these three items does not prove anything. In theory, the liquid in the containers could have been used as cleaning agent, and the gas mask might have just been

used while cleaning the latrine. But the presence of these items in this combination and at exactly this place at least raises questions that warrant further independent investigations.

Another caveat: The pictures (and videos of the same finds) were produced by PKK members, so they cannot be deemed independent or impartial material.

2. Preparation of an improvised gas-pumping device

Another video that was supposedly recorded in July 2022 in the region of Werxelê show Turkish soldiers mounting a long tube of significant diameter (estimated >10cm) onto a device resembling a leaf blower or a similar device capable of compressing and distributing gaseous material. Then the hose was lowered towards a cave used by PKK fighters. The purpose of this operation remains unclear, but there is very little use for such an instrument other than disseminating some kind of gaseous material.³

3 <https://anfenglish.com/kurdistan/turkish-army-preparations-to-use-chemical-weapons-captured-on-video-61230>



Explaining the high number of alleged CW attacks: Use of smoke as a weapon

PKK-affiliated organizations recently claimed that a total of 1.300 chemical attacks were performed by the Turkish military since April 2021.⁴ One explanation for this outlandishly high number is a tactic used by the Turkish military that could be described as “smoking out” enemy fighters from caves.

Videos that were taped by PKK members show Turkish soldiers generating a profound plume of thick black smoke in the entrance to a cave used by PKK members.⁵ The nature of the burning material and the composition of the smoke remains unclear. It appears that the Turkish military is attempting to fill the caves with smoke or even toxic fumes to force the enemy fighters out into the open. Our understanding is that the PKK-affiliated organizations count these incidents as chemical weapons uses.

It could be argued that a strategy to harm enemies through smoke would also be prohibited by the Chemical Weapons Convention. The key question here is how the “weapon” acts: if it is through fire or heat, it is not a chemical weapon – this is why the use of white phosphorus, for example, is not prohibited by the Chemical Weapons Convention, because the mode of action of white phosphorus is fire. But in cases where not the heat or the fire is the intended effect, but rather the (toxic) smoke, the mode of action would be chemical harm and thus may be in violation of the Chemical Weapons Convention. This is regardless of the nature of the fire, so even if it is fueled by simple means and everyday material such as mere rubber tires or used oil. Even though we are of the opinion that such uses are banned under international law, we

⁴ The number was apparently provided by the PKK-affiliated HPG and was quoted in the August 2022 report “Turkey’s Use of Chemical Weapons in South Kurdistan Continues”.

⁵ <https://anfenglish.com/kurdistan/cameras-record-use-of-chemical-weapons-in-gire-martyr-pirdoxan-62560>

suggest to distinguish analytically between more classical chemical weapons uses (from sarin and self-made chlorine to tear gas, see the putative cases above) and the use of (toxic) smoke.

The case for an independent international fact finding mission

Currently, hardly any independent non-governmental access to the relevant zone in Northern Iraq is possible. The security forces of the autonomous Kurdistan Regional Government in Erbil are denying access of international experts and journalists to the region.

On September 26, 2022, we tried to visit the village of Hirure in the Northern Part of Northern Iraq. The aim was to interview the family of Abdullah Hirure who was allegedly attacked with a chemical weapon while tending his fields. Also interviews with doctors that treated him were planned. However, in a personal meeting with the governor of Amediye he denied us access to the region and made very clear that we must not explore this issue any further.

We therefore urgently appeal to the international community to facilitate an independent international fact finding mission. This could be conducted:

- by the OPCW, if a Member State of the CWC requests such an investigation;
- by the UN Secretary General using his special mechanism to investigate alleged uses of biological or chemical weapons, if a UN Member State requests such an investigation;
- by any Third Party or group of governments if they are invited to do so by the Iraqi government.

We also urge the WHO and specifically its office in Bagdad to closely monitor the situation and offer medical, epidemiological



FIG. I-1: TURKISH CS GRENADE OF 120 MM CALIBRE AT THE AAD DEFENCE TRADE FAIR IN CAPE TOWN IN 2010 (PHOTO: ROBIN BALLANTYNE, OMEGA RESEARCH FOUNDATION)



and laboratory analysis if a new case of chemical weapons use is claimed in the region.

We call on all governments to support such a fact finding mission. A fact finding mission is not about “proving” the use of chemical weapons, but it is about establishing facts, to uncover the truth, in either direction. This is undeniably a key foundation to uphold the strong international norm against chemical weapons.

Annex I: History of tear gas use by the Turkish Military 1999–2010

1. Use of CS gas in 1999

During an armed skirmish with the Turkish military on May 11, 1999, 20 PKK fighters were killed in a cave near Balikaya, to the south-east of Şırnak. The Red Crescent handed a German television journalist the remains of a grenade that had been found on site. An analysis at the University of Munich’s Institute of Forensic Medicine conclusively established traces of CS gas on the remains of the grenade. According to the German television news magazine “Kennzeichen D”, the RP707 grenade was produced by German company Buck & Depyfab and is a type that had been delivered to Turkey since 1995.

This incident of gas deployment was also recorded on video.⁶ In the video a soldier can be heard speaking over the radio: “Because of the gas grenade used inside there is a risk of poisoning for our soldiers.” He continues: “Although we have waited for one day the gas is still effective.”⁷ In the video the soldiers can be seen

entering the cave and the area in front of it after the attack. They are not wearing protective clothing. This would indicate that the gas used was tear gas and not a more toxic nerve gas.

CS gas is tear gas. In high concentrations, particularly in enclosed spaces, it can be fatal. Under the Chemical Weapons Convention (CWC), tear gas can be used at protest demonstrations but not in armed conflicts. The case in question is thus a forensically proven breach of the Chemical Weapons Convention, which Turkey ratified in 1997.

2. Production of CS munitions for military use in Turkey

In 2010 Bradford University in the UK published a report claiming that the Turkish state-owned arms manufacturer Makina ve Kimya Endustrisi Kurumu (MKEK) was producing CS grenades of 120 mm calibre and selling them to other countries (see Fig. I-1).⁸ These “MKE MOD 251” grenades weigh more than 17 kg and have a range of over 8 km, making them entirely inappropriate for use against demonstrators and only suitable for military purposes. However, weapons of this kind are banned under the Chemical Weapons Convention.

According to Bradford University,⁹ Uğur Doğan, Turkey’s Permanent Representative to the Organisation for the Prohibition of Chemical Weapons (OPCW), stated in a letter dated February 25, 2011 that Turkey considered these grenades as banned under the CWC and that it was therefore destroying them at a facility near Ankara. It is still unclear whether they were actually destroyed,

6 See https://www.youtube.com/watch?v=sDR_6YcUC_E. A version with German subtitles is available at <https://www.youtube.com/watch?v=oansyFqx3e8>.

7 In the original Turkish: “...askerlerimiz su anda zehirlenme tehlikesiyle karsi karsiyalar. Ama yine de canavarca, kahramanca giriyorlar...” (5:28 in the Turkish video, 5:36 in the German video) and “Bir gün ara vermenize ragmen gaz hala etkisini sürdürüyor.” (5:22 in the Turkish video, 6:12 in the German video).

8 The Production and Promotion of 120mm Munitions Containing CS: A Briefing Note for CWC States Parties Attending CSP-15, 29th November 2010, published by the University of Bradford, the Institute for Security Studies and the Omega Research Foundation.

9 In a subsequent briefing note issued by the three organisations (cf. footnote 4) in September 2011 with the title “Destruction by Turkey of all remaining 120mm mortar munitions containing CS. A briefing note for CWC States Parties, 12th September 2011”



FIG. I-2: STILLS FROM A TELEVISION PROGRAMME ON TRT 1 IN MAY 2004. THE YELLOW SMOKE VISIBLE IN THE RIGHT-HAND IMAGE IS PROBABLY A TRAINING CHEMICAL.

although the articles of the CWC expressly state that there must be international monitoring of weapons destruction. Given years of previous infringements against the CWC, international investigation is urgently required in this case.

3. Use of tear-gas grenades for training purposes

In 2004 the Turkish television channel TRT 1 broadcast a documentary about a Turkish anti-terrorist unit.¹⁰ It showed soldiers

practising using tear gas in army combat missions. In one scenario, following the deployment of explosive grenades, tear-gas grenades were thrown into a cave in order to incapacitate any survivors (see Fig. I-2). In another exercise, when capturing a village, soldiers blew up a house and then used tear gas to force possible survivors out of a well.

Although the CWC permits the use of tear gas for domestic police use, the exercises shown here are clearly of a military nature. This kind of use is prohibited under the terms of the CWC.

¹⁰ Broadcast by TRT 1 on 8 May 2004 in the programme TSK Saati

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