

An Endless Suffering

Turkey's Violations of the Principles of International Law in Northeastern Syria

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Introduction

Personal safety of civilians in northeastern Syria has become an unattainable object, owing to the daily threats stemming from violations of human rights and International Humanitarian Law (IHL) by the Turkish government and its armed factions. As such, the international law has acknowledged that the Turkish presence in northeastern Syria represents an occupation power, thereby it is responsible for the well-being of civilians and the maintenance of law and order in the occupied areas¹. On the contrary, local citizens of northern Syria live in fear of enforced arrests and extrajudicial executions, in addition to the confiscation of properties and homes and imposition of royalties. All of this comes in conjunction with the continuous practices of enforced displacements based on ethnic cleansing and demographic engineering. The Turkish-backed armed factions prevent the local residents, who left their homes due to the outbreak of armed conflicts, from returning to their houses, in addition to the settlement of other individuals with the same ideology of such armed factions, basically the families of the armed factions. This in addition to the Turkification of life by raising the Turkish flag in public buildings and the attempt to teach and impose the Turkic language on local residents². Moreover, water is also used as a weapon against civilians in the context of the political conflict between Turkey and its cooperating factions on the one hand and the political parties on the other hand.

In this context, the armed factions of Turkey arrested about 226 people during the period from January to May 2021³. Accordingly, in this report, **the International Law Unit at Maat for Peace, Development and Human Rights** discusses the grave violations by the Turkish-backed groups and their breaches of the International Humanitarian Law (IHL) and the principles of proportionality, necessity and distinction, represented in the targeting of Kurdish civilians in particular as well as the arbitrary arrests, the vast majority of which developed into enforced disappearance of civilians, and the deaths caused by torture in prisons. Moreover, such breaches are also represented in the forced evictions from houses, robbery and seizure of private properties, land dispossessions and the

¹ تركيا "سلطة احتلال" في شمال سوريا وثائق تكشف المستور، أسكاي نيوز العربية، 3 فبراير 2021، <https://bit.ly/2Sx13wK>

² Kurdish Commander Calls on Trump to Prevent 'Ethnic Cleansing'. foreign policy, DECEMBER, 2019 .

<http://bit.ly/2uKA58x>

³ 12 حالة اعتقال في شهر أيار 2021 من قبل فصائل الجيش الوطني المدعومة تركيا ومقتل شخصين تحت التعذيب، مركز توثيق الانتهاكات في شمال شرق سوريا، مايو 2021، <https://bit.ly/3clEDoL>

interruption of water and power supply to civilians and using them as a weapon of war against civilians during the period from January 1, 2021 to May 30, 2021.

Civilian victims of the Turkish operations in Syria

The Turkish intervention in Syria did not only lead to the displacement of hundreds of thousands of helpless people, but it also caused the death of several civilian and non-civilian people. The Syrian civilians were subjected to violations by the Turkish military machines that killed them by the indiscriminate shelling of civilian houses. Moreover, there were some military operations during the period from January 2021 to May of the same year. On April, 29, 2021, an old Kurdish shepherd was shot by armed factions of the Turkish Government while grazing his livestock in the village of “Mayyasah” of Shirawa District in Afrin countryside. Meanwhile, several civilians in areas of the Shahba Canton were subjected to the Turkish shelling, resulting in severe injuries⁴. Three civilians were also severely injured in an alleged Turkish artillery shelling on the village of “Saida” in Ain Issa town. On April, 18, 2021, artillery shells targeted the population centers in “Saida” village and its access roads, resulting in injuries and damages to houses and properties. This shelling also affected a gas station on the western sides of Ain Issa town, resulting in the injury of three individuals and the burning of an oil truck. All this in addition to the indiscriminate attacks by the Turkish forces on similar areas without any mention of injuries⁵.

On March, 19, 2021, a 12-year-old child named “Mahmoud Al-Khalil” and three other civilians were killed⁶ and at least 4 other people were injured due to the Turkish missile strike on the village of Hadrayat. On March, 14, 2021, another 8-year-old child named “Yamen Ali Ayntabi” was killed and others were injured, including children, in an alleged Turkish or pro-Turkish militants shelling on Zankil village, east of Manbej in Aleppo. The Turkish shelling also targeted the village’s school, as four mortars landed in the village leading to its total destruction⁷. On February, 10, 2021, a number of civilians

⁴ إصابة راع مسن في ناحية شيرأوا بريف غفرين برصاص الاحتلال التركي ، في ظل تعرض مناطق الشهداء للقصف التركي , efrinnews24, 29 April 2021, <https://bit.ly/358OudP>

⁵ Air wars assessment, Airwars, 19 April 2021, <https://bit.ly/2RHKy0i>

⁶ Child martyred, 4 civilians wounded in Turkish bombardment of Ain Issa countryside ,hawar news, 19 March 2021, <https://bit.ly/3vhjTFg>

⁷ Rocket fire hit southern Turkey , North press agency, 19 March 2021, <https://bit.ly/3vd0A01>

suffered from severe injuries, including a 6-year-old child, in the Turkish or pro-Turkish shelling on the residential areas of “Tell Tamer” town in al-Hasakah Governorate. A mortar landed near the child while he was tending the sheep and then he was taken to Al-Shaab hospital in al-Hasakah with severe injuries in different parts of his body.⁸

Furthermore, on February, 1, 2021, 11 people were killed and 30 other were injured in Azaz town due to a car bombing near a building used by the Turkish-backed fighters as an administrative headquarters.

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On January, 23, 2021, up to five civilians, including a mother and her child, were killed and 11 others were injured as a result of a Turkish or pro-Turkish militants shelling on Tell Rifaat city in northern Aleppo countryside. Such shelling resulted in material damages to the local residents’ houses, private and public properties and the infrastructure¹⁰. On January, 22, a number of civilians were injured as a result of a Turkish drone attack on a house in “Memitê neighborhood in Kobanê”, among those was a 37-year-old man who injured by a shrapnel and moved to a hospital. This drone attack also caused material damages to residential areas¹¹. Moreover, on January, 3, a mother and her child were injured in an alleged Turkish shelling on “the southern neighborhood of Ain Issa”, leading to the displacement of the area’s residents towards the city.¹²

According to the legal customary rules, the parties to the conflict shall at all times distinguish between the civilian population and combatants and accordingly shall direct any of their attacks only against combatants, as the civilian population shall not be the object of any attack as stipulated in Article 48 and Article 51 of the Additional Protocol I as well as Article 13 of Additional Protocol II to the four Geneva Conventions. Moreover, the occupying power is under any circumstances responsible for the protection of civilians in the occupied lands. Article 55 of the Fourth Geneva Convention as well as Article 69 of the Additional Protocol I to the Four Geneva Conventions stipulate that the Occupying

⁸ Arab intelligence, 10 Feb 2021, <https://bit.ly/3pIh9j4>

⁹ Syria: dozens killed in weekend of violence Syria, The Guardian, 1 Feb 2021, <https://bit.ly/3wrlY2M>

¹⁰ Turkish air strikes target Kurdish villages today, RojavaIC/status, 23 Jan 2021, <https://bit.ly/3gnSNHj>

¹¹ Air wars assessment, Air wars, 22 Jan 2021,

<https://bit.ly/2Tovuol>

¹² Air wars assessment, Air wars, 3 Jan 2021, <https://bit.ly/2StKIP>

Power has the duty of ensuring the provision of basic needs: Food, medical supplies, clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory and objects necessary for religious worship.

The targeting of civilian sites in northeastern Syria

Prior to and after their occupation of the area, the Turkish authorities continued to target the original inhabitants in Afrin as well as their public and private properties, as the archeological areas in Afrin were the most affected by the historical annihilation. All the archeological or historical sites in the occupied part of the area were destroyed and dredged by bulldozers and heavy machinery. As a result, the antiquities of such sites were stolen, looted and smuggled through the Turkish territory to the global black market for antiques trade. Sites in the part that is occupied by Turkey were also affected, as villages outside the control of Turkey have been frequently subjected to heavy artillery shelling and rocket launchers that cause damages and vandalism to such archeological villages and their residents.¹³

Moreover, the Turkish air strikes and attacks on northern Syria resulted in the destruction of infrastructure and the population-service structure, leading to interruption of services to civilians. On January, 2021, the Turkish forces shelled the villages of Darara and Umm al-Keif in Tell Tamer, al-Hasakah Governorate, resulting in the enforced displacement of the residents for fear of escalation¹⁴. On March, 21, 2021, the Turkish air forces launched airstrikes on Saida Village near the Kurdish-controlled town of (Ain Issa), north of Raqqqa Governorate, as a Turkish aircraft targeted military sites of the Syrian Democratic Forces (SDF)¹⁵. Furthermore, on April, 21, 2021, a reconnaissance craft of the Turkish occupying army shelled the hill located around the city of Tell Rifaat.¹⁶

On May, 25, 2021, the Turkish forces fired a missile on the deployment areas of the Kurdish forces in northern Aleppo countryside. This shelling affected the village of Bailunia and the surroundings of the

¹³ عام ثالث من الانتهاكات والجرائم يضاف إلى سجل الاحتلال التركي في منطقة عفرين، تركيا الآن ، يناير 2021 ، <https://bit.ly/35HpFpJ>

¹⁴ Turkey bombs northern Syria, The Syrian Observatory For Human Rights, 6 Jan 2021 , <https://bit.ly/3xdYv1Y>

¹⁵ Syria: Turkey launches air strikes on Kurdish-controlled areas for the first time in 17 monthsfrance24, 21 March 2021, <https://bit.ly/2TVnGv3>

¹⁶ طائرة تركية مسيرة تقصف محيط بلدة "تل رفعت" التابعة لمقاطعة الشهباء <https://bit.ly/2RMO0nTT>, Efrin News 24, 21 April 2021,

city of Tell Riffat in which a Russian military base is also located¹⁷. On May, 30, 2021, the pro-Ankara factions targeted the Kurdish forces in Maraanaz axis in northern Aleppo countryside. Moreover, on February, 2, 2021, the Turkish air force launched three airstrikes on a village in Sulaymaniyah Governorate in the border areas with Iran, resulting in the injury of one individual.¹⁸

The crimes and violations by the Turkish authorities and the pro-Turkish factions amount to war crimes as defined in the international laws and charters approved by Turkey such as the Hague Convention of 1954 and its two adopted protocols of (1991-1999), the (1970) and (1972) UNESCO Conventions. Moreover, the 1977 Additional Protocol I to the Geneva Conventions emphasized the protection of cultural objects, which stipulates in Article (53) that it is prohibited to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of people. Article (53) of the Fourth Geneva Convention also stipulated that any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations. Rule No.8 of the customary law stipulates "military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage."

The Interruption of water supply to the Syrian Kurds by the Turkish forces

Turkey and its backed forces took control of the Allouk water station during the Turkish attacks on northeastern Syria in 2019. In the first two weeks of Operation Peace Spring, the Turkish forces repeatedly shelled bakeries, grain silos, hospitals, schools and the Allouk water station which is the only reliable water source in the area. As a result, more than one million civilians in northeastern Syria were

¹⁷ استهدافات متبادلة بين الفصائل الموالية لأنقرة والقوات الكردية على محاور التماسن شمالي حلب ، المرصد السوري لحقوق الإنسان 30 مايو، 2021 ، <https://bit.ly/3fTtaPJ>

¹⁸ Turkish airstrikes target village in Sulaimani province, cause casualty, kurdistan24, 2 Feb 2021 , <https://bit.ly/2Tkua6r>

living with no reliable access to drinking water¹⁹. The Allouk water station, located near Ras al-Ayn (Serê Kaniyê) provide service to 1 million people in al-Hasakah Governorate²⁰, including women and children. The station provides water supply to people who are already in danger, including al-Hol and Areesha camps that are hosting tens of thousands of Syrians, Iraqis, and foreigners who used to live in ISIL-controlled areas.²¹

In addition, and with the beginning of 2021, the residents of al-Hasakah are still suffering, as the Turkish authorities have stopped water pumping several times from around one million people in this Kurdish-controlled area of northeastern Syria after stealing the electricity supplying the station, which resulted in the burning of the whole power station. During the year of 2020, water supplies were interrupted about 20 times in this station. In the meantime, the armed factions of the Turkish Government interrupted water supply to the Allouk water station in al-Hasakah Governorate of northern Syria for up to 16 days straight from the period of 10 to 26 April, 2021. Such matter pose a threat to the water rights of more than one million Syrian people who rely on such station for access to drinking water as well as the impairment of their rights to maintain personal and general hygiene in light of the spread of the Covid-19 pandemic²². Notably, the Turkish Government uses the interruption of water supply to the station as political leverage against the Syrian Democratic Forces (SDF), which violates all the international conventions and customs stipulating that water must not be used in political disputes²³.

On the other hand, a notable and a serious decline in the water level of Euphrates River was detected during the last weeks of May, 2021. Such significant water level decline resulted in the escalation of tensions between Turkey and the Syrian Kurdish forces due to Turkey's deliberate besieging of the river water to punish the SDF-controlled Kurdish areas in northern Syria. Turkey reduced the water flow cross the Euphrates River from 500 to 200 cubic meters per second and maybe even so much more²⁴.

¹⁹ Turkey is blamed for cutting the water supply of over 1 million people living in northeast Syria, yahoo, 20 May 2021, https://yhoo.it/3fTsYzT_1

²⁰ Water supply in Syria's Hasakah cut off by Turkey for week , xinhuanet, 21 Aug 2020, <https://bit.ly/3z4PiOw>
<https://bit.ly/3gl2nvK> ، 21 استخدام المياه كسلاح ضد الأكراد في شمال سوريا؟، قناة دي تيليو نيوز الألمانية ،

²² سوريا تطالب بالضغوط على تركيا لوقف قطع المياه عن الحسكة، جريدة المال ، أبريل 2021 ، <https://bit.ly/3ulsB5G>
²³ تعطيش الحسكة الى متى، قناة العالم ، أبريل 2021 ، <https://bit.ly/3nCUy6v>

²⁴ egypttoday ، Catastrophic decline of Euphrates River water level ، <https://bit.ly/3uTXOMU>

Moreover, Turkey's interruption of the Euphrates water resulted in a serious problem in securing water resources for crop irrigation, particularly in areas near the riverbanks such as the villages of south Kobanî and the surroundings of the cities of Raqqa and Deir ez-Zor, in conjunction with the start of the irrigation season, where the consumed amount of water reaches its peak. As a result, there was another decline in the water levels of lakes in the three dams, as the water level of Tishrin Lake reached 320.7 cubic meters on February 27th, 2021 and the water level of the dam lake reached 301.7 cubic meters. Such amounts are considered very low in comparison with the same period of the previous years.

To reduce the water level of the Euphrates, Turkey builds more giant dams and changes the course of water tributaries, resulting in an electricity crisis for the residents of the Syrian areas. Turkey stores the water in six dams, the largest of which is the Atatürk Dam that is considered the second largest dam in the Middle East with a storage capacity of 48 billion cubic meters. This water interruption crisis may lead to economic and humanitarian consequences on civilians in the Turkish-controlled areas. The possible environmental impacts of this water reduction in the Euphrates River include the increased concentration of industrial pollutants and sanitation and the increased salinity of water, making it unsuitable for irrigation and drinking. Such impacts also include decimation of fish, making it also a reason for organic pollution that poses a health risk to residents, whether by drinking river water or using it for irrigation. Such reduction of water level will also lead to the shutdown of water-pumping stations at the riverbanks and replacing them by irrigation pumps, which may stop a vast number of power stations from functioning. As a result, several economic sectors would shut down. In addition, water pumping and treatment stations for drinking and irrigation are under the threat of shutting down because they depend on electricity. The same thing applies to wastewater treatment stations that may also shut down due to the significant decline in river water level.

Disrupting the river flow to a neighboring state is clear violation of the provisions of the international law. Such disruption violates the international agreement on economic cooperation signed by Turkey with Syria in 1987. This agreement provided that Syria receive its share of water, estimated at 16 billion cubic meters annually from the Euphrates River (500 cubic meters/sec) as minimum. Under the International Humanitarian Law (IHL) and laws of war, all parties to the armed conflict shall protect the

essential objects for the survival of the local residents, including the necessary objects for distribution of water and sanitation. Moreover, the parties to the conflict shall ensure civilians' access to proper water and sanitation. The International Human Rights Law (IHRL) obligates governments and authorities to respect the right to water and guarantee people's enjoyment of clean, available, acceptable and affordable water and sanitation.

Arbitrary arrests are the basic characteristic of the violations of the international humanitarian law and human rights in North Syria

Several Syrian citizens in North-Syria were subjected to a series of random and mass arbitrary arrests by the Turkish-backed armed forces, aimed at silencing their voices calling for freedom and democracy and denouncing the illegal practices that violate all the international customs and charters. In addition, the arrested citizens have reported being subjected to the worst kinds of torture and lengthy interrogation in the detention centers. The number of the persons who were tortured to death in the prisons of the Turkish-backed armed factions raised to 148 arrested. In this context, on 19 May 2021, a Kurdish citizen was tortured to death in one of the Turkish-backed armed factions prisons in Afrin²⁵.

The Turkish army and the factions allied have also arrested many Kurdish activists and individuals in Afrin and Seri Kani, which was described as a consistent and significant pattern of international violations against the Kurdish population. On 3 January 2021, a family from Afrin consisted of 4 persons including a minor, was arrested from their house in al-Mahmoudia neighborhood in Afrin city by Al-Hamza team faction allied to Turkey, and they were handed over to the military police of the Turkish government without knowing the charges against the family members under an unknown fate stalking them.²⁶ In April 2021, the Turkish-backed factions arrested at least 26 persons in the predominantly Kurdish Afrin area. The military police has also arrested eight persons from Afrin, seven of them were

²⁵ مقتل مواطن كردي من مدينة عفرين تحت التعذيب في أحد سجون الاحتلال التركي <https://bit.ly/3vgeUVm>, Efrin News 24, 19 May 2021,

²⁶ انتهاكات فصائل تركيا تتوالى... اعتقال عائلة من عفرين <https://bit.ly/3vbMyLV>, 3 Jun 2021, al arabya ,

released but the fate of the remaining one is still unknown²⁷. In Rago, the military police of the Turkish-backed Syrian National Army has arrested six persons, two were released and the fate of the others remains unknown. In Shaykh Al Hadid neighborhood, the military police arrested seven individuals, two were released and the fate of the five others remains unknown. In Jindires, three persons were arrested by the military police, and all of them were released later²⁸. In May 2021, arrests have dramatically escalated. No less than 46 Syrian persons in Afrin area were arrested. These arbitrary arrests resulted in the death of one person inside the detention center, ten persons were released and the fate of 35 others is still unknown²⁹.

On 1 May 2021, the armed factions of the Turkish government arrested Kurdish citizens from the inhabitants of Badena town of Rago with charge of dealing with the former self-administration³⁰. In March 2021, the armed factions of the Turkish government arrested five Kurdish citizens in Afrin under the charge of communicating with the former administration³¹. In return, the random and arbitrary arrests of the indigenous populations have escalated. They were subjected to severe and systematic torture, insults, and sometimes theft of acquisitions and funds during raids and inspections. In this context, on 31 May 2021, the Hamza Division affiliated to the Turkish government arrested an old Kurdish woman; they transferred her to the notorious al-Rai prison, where she was severely tortured. The Hamza elements also denied her access to the medications of her chronic diseases, which resulted in her death inside the detention center³².

All these arrests represent clear violation of the international laws, as they conflict with the requirements of the Universal Declaration of Human Rights and relevant instruments, which provides for the right of individuals to freedom and the need to protect this right. These

²⁷ Turkish-backed forces arrested 26 in Syria's Afrin in April: Rights group, kurdistan24 , 12 May 2021, <https://bit.ly/3ckX3pM>

²⁸ Afrin: 26 Arrests in April 2021 , Syrians for Truth and Justice, April 2021, <https://bit.ly/2TXpkfQ>

²⁹ 46 People Arrested in Afrin during March 2021 , Syrians for Truth and Justice, March 2021, <https://bit.ly/3cyW0mk>

³⁰ من قبل الاحتلال التركي ومرتقتها , Efrin News 24, 1 May 2021 , <https://bit.ly/2U1gDBa>

³¹ اعتقال خمسة مواطنين كُرد بعفرين خلال شهري مارس ونيسان الجاري في عفرين المحتلة بتهمة التعامل مع الادارة السابقة 2021 , <https://bit.ly/35aCnN4>

³² مسنة كردية من مدينة عفرين المحتلة تفقد حياتها نتيجة التعذيب الشديد في سجون مرتزقة الاحتلال التركي , Efrin News 24, 31 May 2021 , <https://bit.ly/3iyTksB>

violations also contravene numerous articles of the Human Rights Law and the 1966 International Covenant of the civil and political rights, which is considered by self-administration as an integral part of this law. Article (3) of the Universal Declaration of Human Rights stipulates that: “Every person has the right to life, freedom and personal integrity”, while article (9) of the same document stipulates “it is not permitted to arrest or detain or exile anyone arbitrarily.

Also, it should be noted that the international humanitarian law which is applied on the armed disputes, whether of international or non-international nature, and several articles of the four agreements of Geneva, provide for the commitment of the concerned parties to the rights and the appropriate legal procedures during the arrests implementation and the civilians' detention, in addition to the commitment of the parties to the rights of the civilians in a fair trial. The concerned parties must comply with these provisions not only in peacetime, but during the armed disputes also.

Civilians' abduction by the Turkish-backed factions

The systematic kidnapping carried out by the Turkish-backed factions has escalated in Afrin, Ras al-Ain, and Tal Abyad. Cases of kidnapping by the Turkish Intelligence and its mercenaries are reported everyday under fake arguments for ransom money and deportation of the remaining indigenous populations in Afrin city. On 9 March 2021, civilians from “Komrock” village in Maabatly town in Afrin countryside were kidnapped, and a ransom of 1000 Turkish lira (700 dollars) was claimed for their release³³. On 28 May 2021, Faylaq al-Sham faction of the Turkish government kidnapped two Kurdish citizens in Midan “Akbas” village in Rago in the occupied Afrin countryside without clear reasons, and their fate remains unknown³⁴. On 18 May 2021, the elements of Liwaa al-Waqqas of the Turkish government dominating Hikga village of Shaykh al-Hadid town in Afrin countryside kidnapped two

³³ Why is opposition arresting Kurds in northeast Syria?, Al-Monitor, 9 March 2021, <https://bit.ly/2T3vMRM>

³⁴ اختطاف مواطنين كرديين من قبل فصيل “فيلق الشام” التابع للاحتلال التركي في قرية ميدان أكبس في ناحية راجو بريف عفرين المحتلة , Efrin News 24, 28 May 2021, <https://bit.ly/3zjjsxr>

citizens from the village³⁵. On 3 May 2021, the elements of Faylaq al-Sham of the Turkish government in “Sherawa” kidnapped two Kurdish citizens, they were taken to an unknown location and their fate is still unknown³⁶. Furthermore, on 1 May 2021, Al-Hamza Division allied to the Turkish army kidnapped seven Kurdish citizens in Burj Abdalo village³⁷. On 25 April 2021, the mercenaries of Al-Hamza kidnapped a Kurdish citizen from Rago in the occupied Afrin countryside³⁸.

Under the Statute of the International Criminal Court, the systematic practice of the enforced disappearance is a crime against humanity. The Inter-American Convention on The Forced Disappearance of Persons also bans this practice as being a serious and obnoxious offense against the inherent dignity of humans. The Convention states that the enforced disappearance violates many basic human rights, which cannot be compromised. The United Nations Declaration on the enforced disappearance, which was unanimously approved, provides that the enforced disappearance constitutes a violation of the right to recognition of persons before the law, the right to freedom and personal security, the right to not subjecting them to torture, and the treatment or the other harsh or non-human punishment or the dignity awareness, and that the enforced disappearance violates the right to life or constitutes a serious threat to this right. Under the International Convention for the Protection of All Persons from Enforced Disappearance, “it is not permitted to subject any person to enforced disappearance”.

Demographic changes, settlements and Turkification in Afrin city

Over the past few years, Northern Syria witnessed many processes of deportation and demographic change in the areas under the control of the Turkish army and the factions allied to, especially in Afrin city in Aleppo countryside, as there were international and media reports about the systematic policy of

³⁵ مرتزقة “لواء الوقاص” تختطف مواطنين من قرية هيكجه بناحية شيه/شيخ الحديد بريف عفرين المحتل , Efrin News 24, 18 May 2021 , <https://bit.ly/3pL2Hqw>

³⁶ اختطاف مواطنان كرد من قبل مرتزقة “فيلق الشام” التابع للاحتلال التركي في ناحية شيراوا , Efrin News 24, 3 May 2021 , <https://bit.ly/3izIqmh>

³⁷ مرتزقة “فرقة الحمزات” تختطف “7” مواطنين كرد في قرية برج عبدالو <https://bit.ly/3pLjk5q> , Efrin News 24, 1 May 2021 ,

³⁸ مرتزقة “الحمزات” يختطفون مواطنة كردية من ناحية راجو بريف عفرين المحتل <https://bit.ly/3gst4NV> , Efrin News 24, 25 April 2021 ,

Turkey which is based on evacuating these areas of their indigenous population by arbitrary arrests, killings and torture and replacing them by families from other Syrian governorates that belong to the Ankara-backed factions. The Turkish government also wished to change the demography of Afrin, stripping it of its Turkish identity and entering Arab and Turkoman in the city, as Turkey destroyed all the monuments of the area. On 15 May 2021, in an attempt by the Turkish forces and the armed factions loyal to it to make a demographic change in Afrin, and wipe out its cultural monuments, Kurdish identity, and privacy, they laid the foundation stone in the Yazidi Shadira village to build a mosque and a center for teaching Qur'an, despite the religious privacy of Shadira village, the village which its population and family belong to Yazidi religion.³⁹

On 25 April 2021, the Turkish Organization of Red Crescent cooperated with Hatay governor to establish a project for the establishment of 400 residential units, which are prefabricated of cement, in Jabal Al-Sabil which is known to the local residents as "Sabila". The project depends on portable prefabricated houses, in addition to establishing a mosque and clinic in Qaziqli Mountain, which is dominated by the mercenaries of Al-Waqqas faction of the Turkish government⁴⁰. On 18 April 2021, the Turkish authorities revealed the construction of a new settlement village in the vicinity of "Khalidiya" village of Sherawa in the Eastern Afrin countryside for housing the settlers there to devote settlement and demographic change in the Kurdish region⁴¹.

Under the provisions of article (49) of the fourth Geneva Convention/ 1949 AD which stipulates that "the occupation authority is not entitled to transfer its citizens to the territory which it occupied, or taking any action leads to demographic change there", the practices of the Turkish Occupation Authorities constitutes a clear breach of the international humanitarian law texts.

³⁹تعريب وتتركب وأسلمة القرى الأليزيديّة في مدينة عفرين المحتلّة <https://bit.ly/3czDREV>, efrinnews24, 15 May 2021, ⁴⁰التغيير الديمغرافي عبر مشاريع الاستيطان في مدينة عفرين المحتلّة <https://bit.ly/3zkGEvr>, efrinnews24, 25 April 2021, ⁴¹الاحتلال التركي يبني مجمّعاً استيطانياً جديداً في ناحية شيرأوا بريف عفرين المحتل <https://bit.ly/3gdIGXS>, Efrin News 24, 18 April 2021,

Seizure & confiscation of properties

The Turkish government seized large areas of the agricultural lands in Afrin; it also offered these lands for rent and investment by public auction. As these forfeited lands were originally owned by civilians who were obliged to leave their farms and houses to escape from the military operations launched by the Turkish forces and their allies. On 30 May 2021, Faylaq al-Sham faction, which was ordered by a direct order from the Turkish Intelligence, seized agricultural lands arbitrarily which were owned by the families of the seven villages of Medana which are adjacent to the border strip with Turkey in Rago of Afrin province, and planted the anesthetic weed there⁴². On 20 May 2021, Samarkand faction of Turkey, which is led by the so-called Thaer Maarouf, seized the property of the Kurdish civilians in Kafr Safra village of Jindresa in Afrin countryside. The number of the seized trees reached about 15 thousand olive trees, they are owned by citizens who are deported arbitrarily and others who are located in the village, the faction also imposed cash royalties on some citizens⁴³. On 19 May 2021, Faylaq al-Sham of Turkey imposed a monthly cash royalty on the population of several villages in Bilbil in the occupied Afrin countryside, for permitting them to administrate the property of their relatives under seizing them and canceling all the agencies issued by the local board of Turkey.⁴⁴

The factions allied to Turkey continued seizing the property of the Kurdish citizens who are deported arbitrarily in Afrin city. On 18 May 2021, the armed men of Faylaq al-Waqqas faction allied to Turkey seized a vertical water pump in Marwan Tahtani village of Shia with a Ford engine to operate the same pump and selling them later, which were owned by a Kurdish citizen who is deported arbitrarily to Shohaba area⁴⁵. On 31 March 2021, Samarkand faction of Turkey expelled an old Kurdish citizen from

⁴² مرتزقة تركيا يستولون قسراً على أراضي قرى ميدانا في عفرين ويزرعونها بالحشيش <https://bit.ly/3vh4Kno>, efrinnews24, 30 May 2021.

⁴³ مرتزقة "سمرقند" تستولي على 15 ألف شجرة زيتون في قرية كفرصفرة <https://bit.ly/3gvr1sv>, efrinnews24, 20 May 2021.

⁴⁴ مرتزقة "فيلق الشام" تفرض إتاوة شهرية على أهالي ناحية بلبل.. لقاء السماح لهم بإدارة ممتلكات أقربتهم <https://bit.ly/3wjMqve>, efrinnews24, 19 May 2021.

⁴⁵ تواصل عملية الاستيلاء على أملاك المواطنين الكرد المهجرين قسراً في مدينة عفرين المحتلة

her house in which she was staying alone, moreover, they prevented her from returning to her house and seized the olive fields owned by her which include more than 2000 olive trees⁴⁶.

Seizure of property represents a clear violation of the laws and international charters, including the basic right of a human to property. denying citizens this right deprives them from leading a safe and decent life. Article (17) of the Universal Declaration of Human Rights provides that “every individual has the right to own property alone or association with others, it is not permitted to deprive anyone of his property arbitrarily”

In addition, article (5) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 “The States Parties undertake to ban and eliminate all the forms of racial discrimination and ensure the right of each individual to equality before the law, without discrimination based on race and color, or national or ethnic origin, particularly enjoyment of the following rights”, including” the right to own property alone or association with others”. It should be noted that Syria and Turkey signed this agreement, so seizures of real estate practiced by the armed groups of the Syrian National Army which are supported by Turkey, which led to the forced deportation of their population, especially the original Kurds, constitute a clear violation of the international charters and covenants, including the instruments and covenants to which Turkey and Syria are parties. Given that these violations were committed on a wide and systemic range and with the knowledge of the national army leaders and the Turkish government, they fall under article (8) of Rome Statute of the International Criminal Court of 1998 – which came into force in 2001 – which provides: “The court has jurisdiction, regarding the war crimes particularly, when they are committed as a part of a plan or policy or as a part of committing such crimes on a wide range”.

⁴⁶ طرد “مسنة” والاستيلاء على أملكها في مدينة عفرين المحتلة <https://bit.ly/2RM5OSN> , efrinnews24, 31 March 2021 ,

Recommendations:

Finally, it is concluded that the Turkish-backed factions, since their first entrance to North-East Syria in 2016, have carried out several human violations that contravene all the international charters and treaties related to the armed disputes like the four agreements of Geneva, in addition to the danger of demographic and cultural changes processes carried out by the Turkish government in North-East Syria. in light of the foregoing violations, the International Humanitarian Law Unit at Maat for Peace, Development and Human Rights makes some recommendations, which may limit somehow the violations to which the Syrian civilians are subjected during armed disputes, these recommendations help to operationalize the principle of international protection as follows:

- 1) Inclusion of the United Nations sanctions, imposed by the Security Council on the violation of the civilians' protection from the Turkish army, in the regulations of sanctions of each area individually.
- 2) The parties of the armed conflict must ensure suitable documentation, including recording the kinds and locations of the used explosive weapons, drawing the maps of the areas that may be contaminated by the non-explosive devices, and recording the victims systematically.
- 3) The need to open an investigation into all the extra-judicial killings, which were committed by the Turkish-backed factions in North-East Syria, while bringing the perpetrators of these violations to fair trials to limit the prevalence of impunity.
- 4) Commitment to the rules and standards of the international humanitarian law related to the protection of the civilians and not targeting them during the armed disputes, and the importance of conducting fair investigations in all the breaches caused by the factions allied to the Turkish government in respect of the Syrian civilians, and holding the violators accountable before the International Criminal Court.
- 5) The importance of ending the practices of Turkification and enforced deportation carried out by the armed militias in North-East Syria.
- 6) The importance of investigation of the violations committed by the factions allied to the Turkish army, documenting them, and holding their perpetrators accountable.