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“Everything is by the Power of the Weapon”

Abuses and Impunity in Turkish-Occupied Northern Syria



“Everything is by the Power of the Weapon”

Abuses and Impunity in Turkish-Occupied Northern Syria

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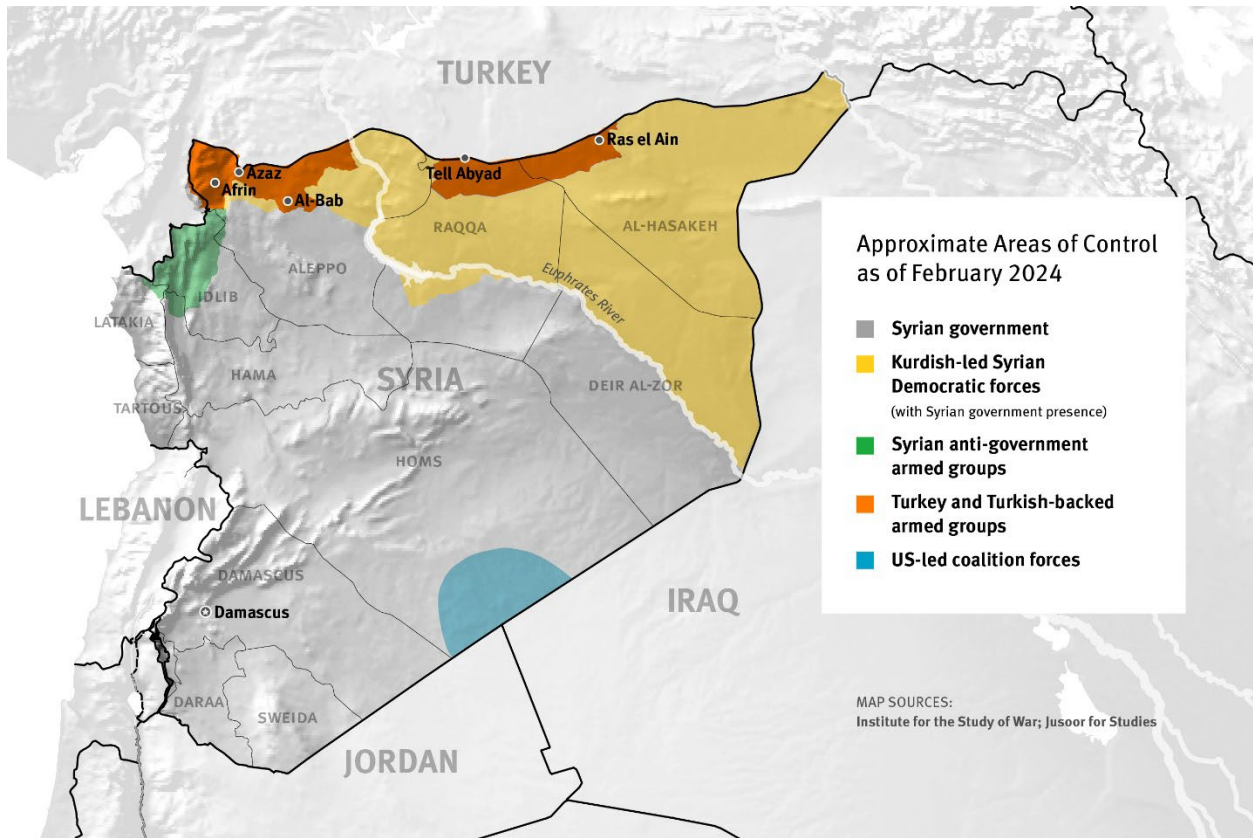
“Everything Is by the Power of the Weapon”

Abuses and Impunity in Turkish-Occupied Northern Syria

Map of Syria	i
Summary	1
Recommendations	6
To the Turkish Government	6
To the Syrian Interim Government and the Syrian National Army	7
To the European Union	8
To UN Member States	8
Methodology	9
I. Background	11
Türkiye's Determination to Weaken Kurdish Presence Along the Border	11
Military Might and Administrative Authority: Türkiye's Occupation	17
The Syrian National Army: Unified Only in Name	19
Infighting, Criminality, and War Profiteering	24
II. Detention-Related Abuses	28
Arbitrary and Incommunicado Detention	32
Torture and Ill-Treatment	33
Deaths in Detention	38
Rape and Sexual Violence	39
Dismal Detention Conditions	40
Sham Trials	42
III. Violations of Housing, Land, and Property Rights	46
Turkish Forces' Engagement in Resettlement of Kurdish Lands	47
Looting and Ransacking	48
Property Seizures and Extortion	49
Ineffective Restitution Efforts	54
IV. Absence of Accountability	62

Escaping Prosecution	64
Ahmad Zakaria Nako, also known as Ahmad Zakour	64
Motaz al-Abdullah	65
Mohammad Hamadeen, also known as Abu Riyad	65
Mohammad Al-Jassem, also known as Abu Amsha	66
Unresolved Deaths in Detention	67
Rezan Khalil – January 2022	67
Abdulrazaq al-Nuaimi – February 2022	68
Luqman Hannan – December 2022	68
Basel Jakish, May 2023	69
Türkiye’s Obligations as An Occupying Force	70
Housing, Land, and Property Rights	71
Treatment of Detainees and Maintenance of Public Order and Safety in Occupied Territories	72
The Transfer of Syrian Nationals to Türkiye for Detention or Prosecution	73
Acknowledgments.....	74
Appendix I: Letter to the Syrian Interim Government	75
Appendix II: Letter to Turkish Ministry of Defence and Ministry of Foreign Affairs	83

Map of Syria



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Summary

In swathes of northern Syria, Türkiye is an occupying power.

It exercises administrative and military control on the Syrian side of its southern border both directly and through a de facto proxy it helped create, the Syrian National Army (SNA), a loose coalition of armed opposition groups that is largely made up of former Free Syrian Army (FSA) fighters.

The Turkish government has stated that it aims to turn the areas it occupies into “safe zones,” both to create a security buffer on its southern border and to accommodate returns of Syrian refugees living in Türkiye. But these areas are not safe; they are rife with human rights abuses primarily perpetrated by factions of the SNA and life for the region’s 1.4 million residents is characterized by lawlessness and insecurity. “Everything is by the power of the weapon,” said one former resident who lived under SNA rule for just under 3 years.

Based on interviews with 58 victims, survivors, relatives, and witnesses of violations, as well as various representatives of non-governmental organizations, journalists, activists, and researchers, this report documents abductions, arbitrary arrests, unlawful detentions, including of children, sexual violence, and torture by the various factions of the SNA, the Military Police, a force established to curb such abuses, and members of the Turkish Armed Forces and Turkish intelligence agencies, including the National Intelligence Organization (Milli İstihbarat Teşkilatı, MİT) and a number of military intelligence directorates. It also documents violations of housing, land, and property rights, including widespread looting and pillaging as well as property seizures and extortion, and exposes the abject failure of most of the accountability measures introduced in recent years to curb abuses or to provide restitution to victims. As long as impunity for grave and systematic human rights abuses and possible war crimes reigns, hopes of return for the hundreds of thousands displaced and dispossessed Syrians who fled their homes during and after Türkiye’s successive military operations into the region continue to diminish. Many live in overstretched and underserved camps and collective shelters across northeast Syria today.



A Syrian girl looks through a window damaged by objects thrown during the evacuation from the town of Dumayr east of the capital Damascus, as her bus arrives in the city of Azaz in the northern countryside of Aleppo on April 20, 2018. © 2018 SAMEER AL-DOUMY/AFP via Getty Images

Since 2016, Türkiye has conducted three military operations into northern Syria aimed at weakening the Kurdish presence along its border. In its first operation in 2016, it occupied the predominantly Arab region north of Aleppo that included Azaz, al-Bab, and Jarablus, which had previously been under the control of the Islamic State (also known as ISIS). In its second incursion in 2018, it captured Afrin, a Kurdish majority enclave just west of Azaz which had been under the control of Kurdish-led forces since 2012. And in its third incursion in 2019, Turkish Armed Forces wrested control of a roughly 150-kilometer-long and 30 km deep narrow strip of land between Tel Abyad and Ras al-Ain (Kurdish name: Serekaniye) in northeast Syria from Kurdish-led forces. It carried out all three operations with the help of various local armed groups, including Turkmen groups, former Free Syrian Army groups, and other Islamist groups that in 2017 became collectively known as the Syrian National Army (SNA). The military incursions led to massive displacement and were fraught with serious abuses of both human rights and humanitarian law, including indiscriminate shelling, summary killings, unlawful arrests, torture and enforced disappearances, and systematic pillaging and unlawful seizure of property.

Today, several years later, Türkiye maintains control over the territories it occupies both through its armed forces and its intelligence agencies, with over 100 military sites, bases, and observation posts across northern Syria, as well as through its direct control over the SNA, which it supplies with weapons, salaries, training, and logistical support. Türkiye also exercises administrative control over occupied regions via local authorities in neighboring districts of Türkiye. The governor's office of the Turkish province Hatay, for example, directly oversees the provision of education, health, financial services, and humanitarian aid in Afrin. In September 2023, Turkish media outlets reported that Türkiye had plans to designate a single governor to oversee all areas under its control, but as of January 2024 no developments of this kind had occurred.

While the SNA officially reports to the Ministry of Defense of the Syrian Interim Government (SIG), a self-declared, internationally recognized governing body representing the Syrian opposition and headquartered in Azaz, its factions ultimately answer to Turkish military forces and intelligence agencies. Military and civilian police forces established under the SIG's supervision to enforce the rule of law following allegations of rampant abuses also answer to Turkish military forces and intelligence agencies, two informed sources with direct knowledge of the inner workings of the SNA told Human Rights Watch. "Nothing takes place without their knowledge," said one of them. Human Rights Watch was not able to find published directives outlining Turkish authorities' role in the command structure in Turkish-occupied territories of Syria.

Because the Turkish authorities equate the People's Protection Unit (Yekineyen Parastina Gel, YPG) and the Women's Protection Unit (Yekineyen Parastina Jin, YPJ), the largest components of the US-backed Kurdish-led Syrian Democratic Forces (SDF), with the Kurdistan Workers' Party (PKK), which they view as a terrorist organization and existential threat to Türkiye, Kurdish residents who lived in their homes and tended their lands under SDF rule, and who were thereby effectively considered loyal to the SDF or to any of its various components, have overwhelmingly borne the brunt of the abuses documented. Arabs and others who were also perceived to have had ties with the SDF and the Autonomous Administration of Northeast Syria (AANES), the civilian governing body in SDF-controlled areas, were also targeted.

This report makes clear that the Turkish authorities are not simply overlooking the miserable reality on the ground in northern Syria, but that they bear direct responsibility

for many of the detention-related abuses and violations of property rights. These abuses and violations are most often directed at Kurdish civilians and anyone else perceived to have ties to Kurdish-led forces, and are very much in line with Türkiye's stated goals of weakening the Kurdish presence in northern Syria and creating an "end-to-end" security belt or buffer zone between its southern border and areas controlled by the SDF in northern Syria. As tens of thousands of people fled to other parts of Syria, and beyond, during Türkiye's incursion into Afrin, Turkish authorities were quick to orchestrate the resettlement of hundreds of Sunni Arab families displaced from Eastern Ghouta in homes of the district's Kurdish inhabitants. Many more displaced families from Ghouta, rural Damascus, northern Hama, and Idlib, including those of the fighters deployed to the area, have arrived in Afrin in the years since. A similar trend has been documented in the strip between Tel Abyad and Ras al-Ain following Türkiye's 2019 military operation.

A second stated objective of Türkiye's military incursions communicated by president Recep Tayyip Erdoğan has been to create so-called "safe zones" in the territories it occupies in order to resettle over a million Syrian refugees currently present in Türkiye, many of whom have lived there for years and who come from other areas of Syria. But as this report lays out, regions under Turkish occupation are far from safe. In addition to the absence of the rule of law, Turkish-occupied regions, like other parts of Syria, also suffer from dire economic and humanitarian conditions. Expelling large numbers of people to regions where they have a credible fear of persecution or torture would breach Türkiye's obligations under international law. Expulsions and resettlement on a mass scale would also drastically change the ethnic composition of northern Syria, a region accustomed to experiencing forced demographic shifts.

Türkiye has already carried out forced returns of Syrian refugees. Since at least 2017, Turkish forces have arrested, detained, and summarily deported thousands of Syrian refugees, often coercing them into signing "voluntary" return forms and forcing them to cross into northern Syria through various border crossings. Indeed, in July 2023 alone, Türkiye sent back over 1,700 Syrians into the Tel Abyad area.

Accountability for human rights abuses and potential war crimes committed by commanders and members of various factions, as well as the Military Police in Turkish-occupied territories, remains elusive. Despite some limited internal prosecutions by the Syrian National Army, the military courts which have jurisdiction over such issues lack

independence and impartiality, trials are rarely open to the public, and little information on proceedings is available. Türkiye has not taken meaningful steps to hold SNA elements or its own officials accountable nor grant access to independent human rights monitors.

In 2023, the United States sanctioned three SNA factions and their leaders for serious human rights abuses against civilians. In January 2024, two human rights organizations filed a criminal complaint with the German Federal Public Prosecutor's Office calling on it to investigate violations of international law by SNA factions in Afrin since 2018. Under the principle of "universal jurisdiction", national judicial officials can pursue cases against individuals credibly implicated in certain grave international crimes even though they were committed elsewhere and neither the alleged perpetrators nor the victims are nationals of the country.

As an occupying power and the de facto government in this area, Türkiye is obliged to ensure its forces strictly observe international human rights and humanitarian law, to restore and maintain public order and safety in territories it controls, protect inhabitants from violence, hold those responsible for abuses accountable, provide reparations for all victims of serious human rights abuses at the hands of its forces and local forces it controls, and guarantee the rights of property owners and returnees, including by compensating them for the unlawful confiscation and use of their property and any damage caused. Türkiye and the Syrian Interim Government should grant independent investigative bodies immediate and unhindered access to territories under their control.

Recommendations

To the Turkish Government

- Take immediate steps to halt human rights violations and potential war crimes committed by its military forces and intelligence personnel, together with affiliated local militias, and ensure that all individuals under its control, including military personnel and armed groups, adhere to international human rights law and humanitarian law;
- Immediately halt all summary pushbacks of asylum seekers from Turkish territory and at Türkiye's borders;
- Conduct a transparent, thorough, and impartial investigation into allegations that Turkish Armed Forces and intelligence agencies operating in the occupied territories are involved in serious human rights violations, including potential war crimes, against civilians, including torture, arbitrary detention, rape, pillaging, and extrajudicial killings;
- Cooperate fully with independent and impartial investigations by international bodies, such as the United Nations Commission of Inquiry and human rights organizations, into alleged human rights violations and war crimes;
- Ensure full and unhindered access for international and independent monitors to Turkish-occupied territories, including the prisons and detention centers run by the Military Police and those of the various factions, as well as the military courts;
- Establish robust oversight mechanisms to monitor the conduct of all Turkish and Turkish-aligned forces and promptly address any reported abuses;
- Hold those responsible for abuses accountable, including through fair and transparent trials;
- Develop and implement, through a transparent and participatory process and, in accordance with international standards, a reparations program for all victims of serious human rights violations committed by Turkish forces and local forces Türkiye controls since it invaded and occupied territories of northern Syria. Reparations should include public acknowledgment of victims' suffering, compensation, psychosocial and physical rehabilitation, and access to and restitution of property;

- Provide reparations for conflict-related sexual violence, including restitution, compensation, rehabilitation, and guarantees of non-repetition. Reparations should also deal urgently with the immediate harm affecting victims of conflict-related sexual violence by providing, for example, access to medical assistance and psychosocial support. The reparation program should not be contingent on successful prosecutions and should provide compensation and other services to individuals who come forward with their experiences of sexual violence. The program should also be designed and implemented in consultation with victims, including victims of sexual assault, and should respect the rights and dignity of victims, and avoid further harming or traumatizing them;
- Provide targeted reparations and government assistance for persons who have acquired a disability, including psychosocial disability, and ensure they have access to free, quality, and rights-respecting health care services, access to assistive devices, and psychosocial and mental health services;
- Guarantee the rights of property owners and returnees, including by compensating them for the unlawful confiscation and use of their property and any damage caused.

To the Syrian Interim Government and the Syrian National Army

- Eliminate all makeshift or unofficial jails and detention centers belonging to various factions;
- Form a non-partisan, independent commission to review the detention of individuals. Release detainees deemed to have been arrested arbitrarily, including those who are being held solely for their nonviolent political activity;
- Allow local and international human rights organizations to inspect detention facilities, including makeshift jails and Military Police detention centers;
- Halt all military trials of civilians and ensure that all legal proceedings adhere to the principles of a fair trial;
- Allow local and international human rights organizations to monitor trials;
- Refrain from locating headquarters, detention centers, and military installations within civilian workplaces or residences;
- Promptly and independently investigate all disappearances and killings.

To the European Union

- Publicly clarify that Türkiye is not a safe third country to which asylum seekers can be returned under the criteria set out in Article 38 of the EU Asylum Procedures Directive;
- Publicly call on Türkiye to halt summary deportations and allow UNHCR to monitor whether detained Syrians wish to remain in Türkiye or voluntarily return to Syria;
- Suspend funding of migration detention and border controls until forced deportations cease.

To UN Member States

- Under the principle of universal jurisdiction and in accordance with national laws, investigate and prosecute those credibly implicated in serious crimes under international law committed in Turkish-occupied northern Syria.

Methodology

Human Rights Watch conducted research for this report between November 2022 and September 2023. The research included 58 interviews with victims, survivors, relatives, and witnesses of violations, 19 of which were with former detainees, and 21 with relatives of former and current detainees. Thirty-six people, some of whom also suffered detention-related abuses, suffered violations of their housing, land, and property rights. Researchers also spoke to representatives of non-governmental organizations, journalists, and researchers. At the time of the research, 10 of those interviewed resided in Turkish-occupied Afrin and Ras al-Ain, 27 in Kurdish-governed areas of northern Syria, and 15 in the Kurdistan Region of Iraq, two in Europe, one in Lebanon, and one in Türkiye.

Researchers spoke to an informed source in Afrin who directly engages with the Military Police, and a Syrian source previously close to Turkish intelligence officials who had access and oversight over various factions' conduct in Afrin between July 2019 and June 2020, and who has since left Syria.

Interviews were conducted in Arabic and Kurdish over secure messaging applications, as well as in person in the Kurdistan Region of Iraq and in Amuda, al-Hasakeh, and Qamishli in northeast Syria. In-person interviews took place in locations deemed private and secure by researchers and interviewees. Researchers explained to each interviewee the purpose of the interview, its voluntary nature, the way in which the information would be used, and that no compensation would be provided.

Human Rights Watch has chosen to anonymize all interviewees and remove identifying details from their accounts to protect them and others with relatives in Afrin and Ras al-Ain from retaliation. Human Rights Watch also reviewed videos, images, social media posts, and documents online as well as documents provided by former detainees, activists, and relatives that corroborate these abuses.

Human Rights Watch wrote to the Turkish Foreign and Defense Ministries and the Syrian Interim Government's Defense and Justice Ministries on November 21, as well as four current and former high-ranking faction commanders, security officials, and members of

the Military Police mentioned in the report on January 8 and 15, 2024. Human Rights Watch has not received any responses as of the time of publication.

I. Background

The city lost its colors.

— A man displaced from his hometown, Ras al-Ain, when referring to the exodus of its Kurdish and other minorities.

Türkiye's Determination to Weaken Kurdish Presence Along the Border

Over the course of three military operations into northern Syria since August 2016, Turkish Armed Forces and local Syrian factions they back seized two pockets of territory along Türkiye's southern border in a bid to weaken the Kurdish presence in those border areas.

In the first operation, known as Euphrates Shield, Turkish forces and their local allies between April 2016 and March 2017 captured Jarabulus on the Euphrates river extending west to Azaz and south to al-Bab. During this operation, Türkiye removed forces of the Islamic State (also known as ISIS) from the region and prevented the Syrian Democratic Forces (SDF), a United States-backed Kurdish-led armed group militarily in control of most of northeast Syria, from further advancing along its southern border. Turkish forces' advance in this predominantly Sunni Arab region saw less violence than successive operations into northern Syria, but Türkiye has since deported tens of thousands of Syrians from Türkiye into the occupied region.¹

The Turkish government considers the People's Protection Unit (YPG) and the Women's Protection Unit (YPJ), the largest elements of the SDF, to be terrorist groups linked to the armed Kurdistan Workers' Party (PKK) with which Türkiye has been in a decades' long conflict. It considers the Kurdish experiment at self-rule inside Syria a direct threat to its national security.²

¹ Hurriyet Daily News, "More than 19,000 Syrians deported since 2016, says minister", April 14, 2022, <https://www.hurriyetdailynews.com/more-than-19-000-syrians-deported-since-2016-says-minister-172996> (accessed December 20, 2023).

² "Turkey Determined to Destroy 'Terror Corridor' in Syria," *VOA News*, July 26, 2019, https://www.voanews.com/a/europe_turkey-determined-destroy-terror-corridor-syria/6172719.html (accessed January 11, 2024); Sinan Ülgen, Can Kasapoğlu, "Operation Euphrates Shield: Aims and Gains," *Carnegie*, January 19, 2017, <https://carnegieeurope.eu/2017/01/19/operation-euphrates-shield-aims-and-gains-pub-67754> (accessed January 11, 2024).



Syrian civilians drive their cars through Ain Dara in Syria's northern Afrin region as they flee Afrin city on March 12, 2018 amid battles between Turkish-backed forces and Kurdish fighters. © 2018 STRINGER/AFP via Getty Images

In January 2018, Türkiye launched Operation Olive Branch to take control of the majority-Kurdish Afrin district northwest of Aleppo from the SDF, starting with an intense air campaign, then advancing through rural areas of northern Afrin, and finally seizing the city of Afrin in March 2018. Its military offensive resulted in the deaths of dozens of civilians and displaced tens of thousands, according to the United Nations.³ The SDF also violated international humanitarian law by obstructing civilian evacuations, while Syrian government forces prevented fleeing civilians from entering government-held areas.⁴

In the years that followed, Turkish forces and factions of the Türkiye-backed SNA conducted arbitrary arrests, incommunicado detentions, abductions, and torture, primarily targeting Kurdish residents of Afrin. Afrin residents found their homes, their businesses,

³ OCHA, "Turkey | Syria: Latest Developments in Afrin District (as of 19 Mar 2018)," March 19, 2018, <https://reliefweb.int/report/syrian-arab-republic/turkey-syria-latest-developments-afrin-district-19-mar-2018> (accessed January 11, 2024).

⁴ "Syria: Afrin Residents Blocked from Fleeing, Aid," Human Rights Watch news release, April 8, 2018, <https://www.hrw.org/news/2018/04/08/syria-afrin-residents-blocked-fleeing-aid>

their lands, and their crops pillaged and seized by SNA fighters and their families – acts, which under the laws of war, are prohibited and can constitute war crimes.⁵ They also saw their cultural, religious, and historic sites destroyed.⁶ Eventually, they found that Türkiye was selling Afrin’s famed olive products, made with stolen olives, in its markets and internationally, an act that the Turkish minister of agriculture at the time, Bekir Pakdemirli, defended by arguing that revenues would otherwise fall into the hands of the PKK.⁷

Abu Salem, a 63-year-old Kurdish man born and raised in Afrin who refused to leave the district even during the military operation’s fiercest days, described the conduct of the various factions of the SNA soon after they and Turkish forces finally captured the city of Afrin:

I had never seen anything like it. First, they came for money, cars, gold and jewelry, taking everything they could. Then they emptied the shops, then the homes. They wrote on the walls of our homes which faction owned which house. They divided the region into areas of control street by street, building by building. They took everything.⁸

Just over half of Afrin’s original inhabitants, the majority of whom are Kurds, and other families who had been displaced to the area in earlier years, fled during Türkiye’s incursion, most to the besieged Shahba region in the northern Aleppo countryside, just 20 kilometers away, where they now live in desperate conditions.⁹ The region of Shahba, which is under the control of the Kurdish-led Autonomous Administration of North and East

⁵ UN COI, 16th report of the Commission of Inquiry on the Syria Arab Republic - A/HRC/39/65, 12 September 2018

⁶ Alexander McKeever, “Afrin: Incidents Of Desecration And Destruction Of Cultural Sites,” *Bellingcat*, January 11, 2024, <https://www.bellingcat.com/news/mena/2019/07/11/afrin-incidents-of-desecration-and-destruction-of-cultural-sites/> (accessed January 11, 2024); The American Society of Overseas Research, “Incident Report Feature: Intentional Destruction Of Religious Sites In Afrin,” <https://www.asor.org/chi/reports/incident-report-feature/Intentional-Destruction-of-Religious-Sites-in-Afrin> (accessed January 11, 2024).

⁷ Matthew Petti, “The Olive Oil in Your Local Store May Be Funding Syrian Warlords,” *The Daily Beast*, November 23, 2020, <https://www.thedailybeast.com/the-olive-oil-in-your-local-store-may-be-funding-syrian-warlords> (accessed January 11, 2024); “Turkey in a pickle over Syrian olives,” *BBC*, January 31, 2019, <https://www.bbc.com/news/blogs-news-from-elsewhere-47069403> (accessed January 11, 2024)

⁸ Human Rights Watch interview with Abu Salem, via WhatsApp, March 30, 2023.

⁹ United Nations Office for the Coordination of Humanitarian Affairs, “Turkey | Syria: Latest Developments in Afrin District (as of 19 Mar 2018),” March 19, 2018, <https://reliefweb.int/report/syrian-arab-republic/turkey-syria-latest-developments-afrin-district-19-mar-2018> (accessed January 11, 2024); Tessa Fox, “Syria’s Forgotten Displaced Aren’t Equipped to Fight the Pandemic,” September 28, 2020, <https://foreignpolicy.com/2020/09/28/syria-forgotten-displaced-not-equipped-fight-coronavirus-pandemic-assad-regime-afrin-shahba/> (accessed January 11, 2024)

Syria (AANES), has been under a blockade by Syrian government forces since August 2022, severely limiting residents' access to fuel and other essential supplies.¹⁰

Seizing on the opportunity, Türkiye quickly orchestrated the resettlement of hundreds of displaced Sunni Arab families from Eastern Ghouta in the homes of Afrin's Kurdish inhabitants who had fled.¹¹ This was a clear example of Türkiye's effort to change the demographics of the region in order to weaken the Kurdish presence there. Later, more displaced families from Eastern Ghouta, rural Damascus, northern Hama, and Idlib, including fighters deployed to the area, came to Afrin. Overall, there were 13,000 arrivals in December 2020 alone.¹² An ACAPS estimate from the same month put the population of Afrin district at more than 442,000, with 157,278 residents and returnees, the majority of whom are Kurdish, and 285,550 internally displaced Syrians, the majority of whom are Sunni Arabs.¹³

Türkiye's third incursion was in October 2019. In just 10 days, in an operation known as Operation Peace Spring, Turkish forces and the SNA moved into territory in northeast Syria bordering Türkiye between the town of Tel Abyad and the city of Ras al-Ain, pushing Kurdish forces out of an area roughly 120 kilometers long and 32 kilometers deep. The United States had announced the withdrawal of its troops from the area ahead of Türkiye's invasion.¹⁴ Over 200,000 of the area's residents fled as a result.¹⁵ Prior to the Turkish

¹⁰ Amnesty International, "Syria: Government forces must lift siege on civilians in predominantly Kurdish areas in Aleppo," January 24, 2023, <https://www.amnesty.org/en/latest/news/2023/01/syria-government-forces-must-lift-siege-on-civilians-in-predominantly-kurdish-areas-in-aleppo/> (accessed January 11, 2024).

¹¹ The siege and recapture of Eastern Ghouta by the Syrian government in April 2018 marked the end of a more than five-year-long military operation aimed at regaining control of a rebel-held enclave near Damascus. The government, with the support of Russia and Iran, imposed a protracted siege on the area, leading to severe humanitarian crises. As the conflict escalated, evacuation agreements were struck with rebel groups, eventually allowing government forces to retake the entire enclave. The operation resulted in significant civilian casualties and a dire humanitarian situation, drawing international condemnation and highlighting the brutal nature of the Syrian Civil War; "UN Commission of Inquiry on Syria: The siege and recapture of eastern Ghouta marked by war crimes, crimes against humanity," United Nations press release, June 20, 2018, <https://www.ohchr.org/en/press-releases/2018/06/un-commission-inquiry-syria-siege-and-recapture-eastern-ghouta-marked-war> (accessed January 11, 2024).

¹² ACAPS, "Syria: Humanitarian Needs in Afrin," March 3, 2021, <https://reliefweb.int/report/syrian-arab-republic/acaps-short-note-syria-humanitarian-needs-afrin-03-march-2021> (accessed on July 1, 2023).

¹³ Ibid

¹⁴ "US troops start pullout in Syria as Turkey prepares operation," *Al Jazeera English*, October 7, 2019, <https://www.aljazeera.com/news/2019/10/7/us-troops-start-pullout-in-syria-as-turkey-prepares-operation>, (accessed January 15, 2024).

¹⁵ Relief International, "Displacement and Despair: The Turkish Invasion of Northeast Syria," November 12, 2019, <https://reliefweb.int/report/syrian-arab-republic/displacement-and-despair-turkish-invasion-northeast-syria> (accessed January 11, 2024).

incursion, the region was home to an Arab majority, a notable Kurdish minority, and small communities of Yezidis, Armenian and Syriac Christians, and other ethnic and religious minorities.¹⁶ During and in the aftermath of the incursion, as was the case with Operation Olive Branch, Turkish soldiers and the factions they support indiscriminately shelled civilian areas, carried out summary killings, and unlawfully occupied private civilian homes and shops and looted the owners' properties.¹⁷

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the ethnically diverse region that encompasses Tel Abyad and Ras al-Ain has, since October 2019, experienced “significant demographic changes” with most of its original residents displaced to other locations in northeast Syria or compelled to depart the country.¹⁸ They include almost the entire Kurdish population of the area, some Yezidis and Armenian Christians, and Arabs with perceived ties to the Kurdish-led Autonomous Administration or the Syrian government, according to IMMAP, a data-focused non-profit organization.¹⁹ “The city lost its colors,” said one displaced activist and researcher about Ras al-Ain, his hometown, when referring to the exodus of its Kurdish and other minorities.²⁰ Following this operation, Türkiye allowed SNA fighters who were deployed to the area to resettle their families there.²¹

Since May 2022, Turkish president Recep Tayyip Erdoğan has been threatening yet another military incursion into northeast Syria, this time targeting the cities of Tel Rifaat and Manbij

¹⁶ IMMAP, “Thematic Report 6: Operation Peace Spring and Potential Turkish Intervention Scenarios,” October 2021, https://web.archive.org/web/20220602131258/http://https://immap.org/wp-content/uploads/2022/01/RCM-Thematic-Report-6-Operation-Peace-Spring-and-Potential-Turkish-Intervention-Scenarios_2-2.pdf (accessed January 21, 2024)

¹⁷ UN Human Rights Council, 19th Report of the Commission of Inquiry on the Syrian Arab Republic, A/HRC/43/57, March 2, 2020, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> (accessed January 11, 2024)

¹⁸ UN Office for the Coordination of Humanitarian Affairs (OCHA), Syrian Arab Republic: Thematic Humanitarian Access Snapshot (Ras Al Ain-Tell Abiad Area) November 2022, December 18, 2022, <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-thematic-humanitarian-access-snapshot-ras-al-ain-tell-abiad-area-november-2022> (accessed January 18, 2024).

¹⁹ IMMAP, “Thematic Report 6: Operation Peace Spring and Potential Turkish Intervention Scenarios,” October 2021, https://web.archive.org/web/20220602131258/http://https://immap.org/wp-content/uploads/2022/01/RCM-Thematic-Report-6-Operation-Peace-Spring-and-Potential-Turkish-Intervention-Scenarios_2-2.pdf (accessed January 21, 2024).

²⁰ Human Rights Watch interview with Izzadin Saleh, Executive Director of Hevdesti-Synergy Association for Victims, May 4, 2023, Qamishli.

²¹ UN HRC, 19th Report Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/43/57, March 2, 2020, Paragraphs B41, C57.

in Aleppo governorate, west of the Euphrates river, also currently under SDF control.²² The incursion had not taken place at the time of writing, but Turkish drone attacks and shelling by Turkish-backed Syrian forces on northeast Syrian cities and towns held by Syrian Kurdish forces continue unabated, killing and injuring civilians, inflicting damage on densely populated areas and critical infrastructure, and prompting more displacement.²³

While Türkiye has taken in about 3.7 million Syrians, more than any other country, since the beginning of the Syrian conflict, it has also pushed back Syrians trying to enter its territories and unlawfully deported thousands of Syrians to northern Syria, forcing many of them to sign “voluntary” return forms.²⁴ Since 2019, Erdoğan has made known his intention to resettle one million refugees in northern Syria, in areas not controlled by the government, even though Syria remains unsafe for returning refugees, and returnees are often not originally from those areas.²⁵ In July 2023 alone, Türkiye sent back over 1,700 Syrians.²⁶ Türkiye maintains that all returns are voluntary, and provides varying numbers to

²² “Erdoğan threatens Syria ground operation ‘as soon as possible’,” *Al Jazeera English*, November 22, 2022, <https://www.aljazeera.com/news/2022/11/22/russia-respects-turkeys-concerns-in-syria-calls-for-restraint> (accessed January 11, 2024).

²³ “Northeast Syria: Turkish Strikes Exacerbate Humanitarian Crisis,” Human Rights Watch news release, December 7, 2022, <https://www.hrw.org/news/2022/12/07/northeast-syria-turkish-strikes-exacerbate-humanitarian-crisis>; “Turkey/Syria: Civilians at Risk in Northern Syria,” Human Rights Watch news release, August 17, 2022, <https://www.hrw.org/news/2022/08/17/turkey/syria-civilians-risk-northern-syria>

²⁴ “Turkey: Hundreds of Refugees Deported to Syria,” Human Rights Watch news release, October 24, 2022, <https://www.hrw.org/news/2022/10/24/turkey-hundreds-refugees-deported-syria>; “Turkey: Syrians Being Deported to Danger,” Human Rights Watch news release, October 24, 2019, <https://www.hrw.org/news/2019/10/24/turkey-syrians-being-deported-danger>; “Turkey Forcibly Returning Syrians to Danger,” Human Rights Watch news release, July 26, 2019, <https://www.hrw.org/news/2019/07/26/turkey-forcibly-returning-syrians-danger>; “Turkey: Mass Deportations of Syrians,” Human Rights Watch news release, March 22, 2018, <https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>.

²⁵ In 2019: “Recep Tayyip Erdoğan proposes ‘safe zone’ for refugees in Syria,” *The Guardian*, September 24, 2019, <https://www.theguardian.com/world/2019/sep/24/erdogan-proposes-plan-for-refugee-safe-zone-in-syria> (accessed January 11, 2024); In 2022: “Turkey’s Plan to Draw Refugees Back to Syria: Homes for 1 Million,” *The New York Times*, May 4, 2022, <https://www.nytimes.com/2022/05/04/world/middleeast/turkey-syria-million-homes.html> (accessed January 11, 2024); and in 2023: Türkiye creating infrastructure for voluntary return of Syrian refugees: President Erdoğan,” *Anadolu Agency*, May 25, 2023, <https://www.aa.com.tr/en/middle-east/turkiye-creating-infrastructure-for-voluntary-return-of-syrian-refugees-president-erdogan/2906013> (accessed January 11, 2024).

²⁶ Tel Abyad Official Border Crossing Page says 1838 “voluntary returns” in July: Tel Abyad border crossing معبر تل أبيض الحدودي الرسمية Facebook page, <https://web.facebook.com/TelAbyadBC/posts/pfbidowvKx39BwjVe4y4uZuMaTgaTRWmaP3F1RcwHv5CvB52bYMg1y2AyzD3P5e9K1zKFEI> (accessed January 11, 2024); In a Facebook post, Taha Elgazi, a prominent Turkey-based Syrian activist said that 170 refugees were deported in several waves on two days in July: Taha Elgazi Facebook page, https://web.facebook.com/savas.das.9/posts/pfbidoAgrX2NNjsAPk2SrGsHdyxrxmyEMUrAWdKmkj3PzsEaMmguZh5ARbUmRHqVXhiQT7l?_rdc=1&_rdr (accessed January 11, 2024); Mahmoud Abo Ras, Melissa Pawson, “Hundreds of Syrians left in limbo after being deported from Turkey,” August 12, 2024, *Middle East Eye*, <https://www.middleeasteye.net/news/turkey-syria-hundreds-limbo-after-deported> (accessed January 11, 2024); Syrian for Truth and Justice, “Voluntary Return by

support that assertion. In May 2023, Erdoğan stated that 600,000 had already returned to Syria voluntarily.²⁷

Military Might and Administrative Authority: Türkiye's Occupation

Militarily, Türkiye exerts control over Syrian territories it occupies through its armed forces and intelligence agencies.

Türkiye has over 100 military sites, including bases and observation posts, across areas in northern Syria that it occupies as well as in Idlib, where Hay'et Tahrir al-Sham (HTS), the largest coalition of armed opposition groups formerly known as Jabhat al-Nusra, maintains control and where Türkiye's presence has so far prevented a military intervention by the Syrian government and its Russian allies.²⁸

Turkish military and intelligence agencies oversee the factions' conduct in these areas, maintaining operations rooms in al-Bab, Jarablus, Ras al-Ain, and Afrin which direct the SNA factions, according to a December 2022 New Lines Institute intelligence briefing. "The Turkish military and intelligence officers heading these centers coordinate the distribution of ongoing military responsibilities, make all decisions, and inform the Syrian commanders, who then carry out the orders," the briefing stated.²⁹ Turkish authorities and the SNA often arrest and illegally transfer Syrian nationals to Türkiye to face trial, an act that is prohibited under the law of occupation "regardless of its motive."³⁰ As stated by the United Nations Commission of Inquiry on Syria (COI) in its September 2020 report, "such

Coercion": Turkish Authorities Forcibly Deport Thousands of Syrians to Unsafety," September 18, 2024, <https://stj-sy.org/en/he-looks-syrian-get-off-and-ask-for-his-kimlik/> (accessed January 11, 2024).

²⁷ "Turkey's Erdogan faces struggle to meet Syrian refugee promise," Reuters, May 31, 2023, <https://www.reuters.com/world/middle-east/turkeys-erdogan-faces-struggle-meet-syrian-refugee-promise-2023-05-31/> (accessed January 11, 2024).

²⁸ Jusoor Studies, "Map of the military bases and posts of foreign forces in Syria," January 12, 2021, <https://jusoor.co/en/details/map-of-the-military-bases-and-posts-of-foreign-forces-in-syria> (accessed January 11, 2024); Orwa Ajjoub, "HTS, Turkey, and the future of Syria's north," Middle East Institute, October 26, 2022 <https://www.mei.edu/publications/hts-turkey-and-future-syrias-north> (accessed January 11, 2024).

²⁹ Elizabeth Tsurkov, "The Gangs of Northern Syria: Life Under Turkey's Proxies," Newlines Institute for Strategy and Policy, December 7, 2022, <https://newlinesinstitute.org/syria/the-gangs-of-northern-syria-life-under-turkeys-proxies/> (accessed January 11, 2024).

³⁰ "Illegal Transfers of Syrians to Turkey," Human Rights Watch news release, February 3, 2021, <https://www.hrw.org/news/2021/02/03/illegal-transfers-syrians-turkey>.

transfers provide further indication of collaboration and joint operations between Türkiye and the Syrian National Army for the purpose of detention and intelligence-gathering.”³¹

Under international law, territory is considered “occupied” when it comes under the effective control or authority of foreign armed forces, whether partially or entirely, without the consent of the domestic government. This is a factual determination and once territory comes under the effective control of the foreign armed forces international law on occupation is applicable.

In administrative terms, Türkiye treats the areas it occupies as part of Türkiye, with the provincial authorities of Kilis, Gaziantep, Hatay, and Şanlıurfa directly overseeing the provision of education, health, financial and banking services, and humanitarian aid in adjacent territories of Syria under Turkish control alongside local councils established by Türkiye and whose representatives are often approved or appointed by Türkiye.

The Turkish lira has replaced Syrian currency in these areas.³² Financial services are exclusively provided by Turkish banks and the Turkish post office. Electricity is provided by Turkish companies and through Türkiye’s power grid and healthcare facilities are overseen by Turkish health directorates.³³ Turkish is now taught as a second language in schools, and Turkish appears alongside Arabic on street signs and landmarks.³⁴ In Afrin, landmarks with Kurdish names were renamed, sometimes replaced with names often linked to Türkiye. For example, the Newroz roundabout in Afrin city has since become known as the

³¹ 21st Report of the Commission of Inquiry on the Syrian Arab Republic, A/HRC/45/31, September 15, 2020, <https://undocs.org/en/A/HRC/45/31> (accessed February 13, 2023).

³² Isabel Coles, David Gauthier-Villars, “Turkey Uses Its Currency to Tighten Grip on Northern Syria,” *The Wall Street Journal*, June 24, 2020, <https://www.wsj.com/articles/turkey-uses-its-currency-to-tighten-grip-on-northern-syria-11593019438> (accessed January 11, 2024); Hadia Al Mansour, “The devastating domino effect of Turkey’s currency crisis on northwest Syria,” *The New Arab*, May 26, 2023 <https://www.newarab.com/features/turkeys-currency-crisis-having-domino-effect-nw-syria> (accessed January 11, 2024).

³³ EPDK, “Türkiye- Suriye Arasında Mevcut Uluslararası Enterkonneksiyon Hat Kapasitesi Tahsisine İlişkin Duyuru,” August 2, 2018, <https://archive.md/cMblW#selection-1973.0-1973.101> (accessed January 22, 2024).

Mohammed Hardan, “Turkey to supply electricity to opposition-held areas in Syria,” *Al-Monitor*, March 4, 2021, <https://www.al-monitor.com/originals/2021/03/syria-opposition-turkey-electricity-regime-sdf-cuts.html> (accessed January 11, 2024).

³⁴ “Syrians to learn Turkish in Afrin’s renovated schools”, *Daily Sabah*, February 7, 2019 <https://www.dailysabah.com/war-on-terror/2019/02/07/syrians-to-learn-turkish-in-afrins-renovated-schools> (accessed January 11, 2024); “In schools and hospitals, Turkey carves north Syria role,” *Reuters*, October 17, 2017, <https://www.reuters.com/article/idUSKBN1CH2A4/> (accessed January 11, 2024). Syrians for Truth and Justice, “Curricula in Afrin: Between “Turkification” and Restrictions on the Kurdish Language”, March 16, 2023 <https://stj-sy.org/en/curricula-in-afrin-between-turkification-and-restrictions-on-the-kurdish-language/> (accessed January 16, 2024).

Salah ad-Din al-Ayoubi roundabout, and the Kawa al-Haddad roundabout as Olive Branch. One square was renamed to Recep Tayyip Erdoğan square.³⁵

Syrian government-issued identity cards are also no longer accepted in territories under Turkish occupation. Instead, original inhabitants and resettled displaced communities alike are required to obtain local council-issued ID cards with information presented in Turkish and Arabic.³⁶

In Turkish-occupied areas, as in other parts of Syria, residents, returnees and the internally displaced are facing declining economic conditions and continue to rely heavily on humanitarian assistance.³⁷ In the last two years, widespread protests took place with residents demanding better living conditions and services, particularly due to increased electricity prices and the cost of basic living materials, and following allegations of corruption in local councils and electricity companies.³⁸

The Syrian National Army: Unified Only in Name

On multiple occasions since 2019, Turkish president Recep Tayyip Erdoğan has expressed his desire to resettle in northern Syria over a million Syrian refugees currently living in Türkiye³⁹, and Turkish NGOs and development agencies have built tens of thousands of cinder block houses in Idlib, Afrin, and Jarablus to serve this purpose.⁴⁰ A secondary stated

³⁵ Regions whose names have been changed: The village of *Kastal Mekdad* (located in Bulbul town in the countryside of Afrin) has become known as *Souuldjouk Obasi*. The village of *Kotan* (located in Bulbul town in the countryside of Afrin) has become known as *Zafer Obasi*. The village of *Karzila* (located in Bulbul town in the countryside of Afrin) has become known as *Saghir Obasi*;

“From Afrin to Jarablus: A small replica of Turkey in the north,” Enab Baladi, 29 August, 2018, <https://english.enabbaladi.net/archives/2018/08/from-afrin-to-jarablus-a-small-replica-of-turkey-in-the-north/> (accessed January 11, 2024).

³⁶ Syrians for Truth and Justice, “Syria: Turkish Identification Cards Obliterate Identity of Natives and Displaced populations Alike,” October 21, 2019 <https://stj-sy.org/en/syria-turkish-identification-cards-obliterate-identity-of-natives-and-displaced-populations-alike/> (accessed January 16, 2024)

³⁷ OCHA, “Situation Report – Northwest Syria,” December 21, 2023, <https://reports.unocha.org/en/country/syria/> (accessed January 11, 2024).

³⁸ Syrian Observatory for Human Rights, “Amid increase in electricity price | Protests against energy company expands in north Aleppo,” January 12, 2022, <https://www.syriahr.com/en/234208/> (accessed January 11, 2024).

³⁹ Patrick Wintour, “Recep Tayyip Erdoğan proposes ‘safe zone’ for refugees in Syria,” *The Guardian*, September 24, 2019, <https://www.theguardian.com/world/2019/sep/24/erdogan-proposes-plan-for-refugee-safe-zone-in-syria> (accessed January 11, 2024).

⁴⁰ In June 2022, Turkish Interior Minister Suleyman Soylu inspected a project in Tar Abyad, stating that Turkey will build 240,000 houses in 13 areas of Syria to pave the way for a voluntary and safe return of Syrian refugees. Similarly,

objective of both Operation Olive Branch and Operation Peace Spring was to find other possible locations for such housing projects, and Turkish authorities continue to unveil plans to build additional housing units in al-Bab, Tel Abyad, and Ras al-Ain.⁴¹ When undertaking both operations, Türkiye said that its military ventures would establish “safe zones” that would diminish the need for Syrians to flee across the border and to which that Syrian refugees in Türkiye would want to return. The reality today could not be further from the truth.⁴²

The SNA, which consists of Turkmen armed groups, former Free Syrian Army groups, and other Islamist groups, is the second largest coalition of armed opposition groups in the region after Hay’et Tahrir al Sham. The SNA maintains control over most of Idlib governorate. It is comprised of numerous armed factions from Latakia, Idlib, Hama, Ghouta, Damascus, Deir Ezzor, and other governorates across Syria, but lacks a unified command structure. Under Turkish supervision, the factions haphazardly exercise control over Turkish-occupied territories, with individual villages, towns, and even neighborhoods divided up between them. The various factions often merge into legions, blocs, and divisions only to split or defect and merge into different structures⁴³. Estimates have put the total number of SNA fighters at somewhere between 70,000 and 90,000.⁴⁴ Yet, each of the more than 35 factions that make up the SNA has its own commander, its own emblem and flag, and despite

Erdogan stated that Turkey plans to build 250,000 “additional” units. In May 2023, Erdogan said that Turkey has “prepared projects” to build residences in Syria that would allow about 1,000,000 refugees to return. This is part of the plan to build 240,000 residential units in Syria; Asharq News Syria X (formerly Twitter) page, June 19, 2022, <https://twitter.com/AsharqNewsSYR/status/1538461593930973184?s=20> (accessed January 11, 2024); Al Khabour X (formerly Twitter) page, July 25, 2022, <https://twitter.com/alkhabour21/status/1551672682130952194?s=20> (accessed January 11, 2024).

“تركيا: لن نسحب قواتنا من سوريا ونعد وحدات سكنية لعودة مليون لاجئ,” SY24, May 20, 2023, <https://www.sy-24.com/110835/> (accessed January 11, 2024).

⁴¹ Lyse Mauvais, “Turkey’s Housing Projects in Northwestern Syria: An Expanding Contested Policy,” *Syria Direct*, 15 February 2021, <https://syriadirect.org/turkeys-housing-projects-in-northwestern-syria-an-expanding-contested-policy/> (accessed July 1, 2023).

⁴² In a Facebook post, Taha Elgazi, a prominent Turkey-based Syrian lawyer said that the 170 refugees were deported in several waves in two days in July: Taha Elgazi Facebook page, July 26, 2023, https://web.facebook.com/savas.das.9/posts/pfbidoAgrX2NNjsAPk2SrGsHdyrxmyEMUrAWdKmkj3PzsEaMmguZh5ARbUmRHqVXhiQT7l?_rdc=1&_rdr (accessed January 11, 2024); Mahmoud Abo Ras, Melissa Pawson, “Hundreds of Syrians left in limbo after being deported from Turkey,” *Middle East Eye*, August 12, 2023, <https://www.middleeasteye.net/news/turkey-syria-hundreds-limbo-after-deported> (accessed January 11, 2024).

⁴³ Walid Al Nofal, “Mergers and Tensions Within the Syrian National Army: A Struggle for Existence,” *Syria Direct*, March 20, 2018, <https://syriadirect.org/mergers-and-tensions-within-the-syrian-national-army-a-struggle-for-existence/> (accessed July 3, 2023).

⁴⁴ Ömer Özkizilcik, SETA Foundation, The Syrian National Army (SNA): Structure, Functions, and Three Scenarios for its Relationship with Damascus, Geneva Centre for Security Police, October 2020, <https://dam.gcsp.ch/files/doc/sna-structure-function-damascus> (accessed January 11, 2024).

attempts at integrating them into a cohesive coalition, many still operate as distinct units, vying amongst each other for control over villages, neighborhoods, agricultural lands, checkpoints, and trade routes. As a result, violent infighting is a common occurrence.⁴⁵

In exchange for their participation as proxy groups in Turkish military operations across northern Syria and as mercenaries in its international military forays, Türkiye supplies the factions of the SNA with weapons, salaries, training, and logistical support.⁴⁶

Officially, the SNA answers to the Ministry of Defense of the Syrian Interim Government (SIG), a self-declared, internationally recognized governing body representing the Syrian opposition. The SIG consists of eight ministries including the ministries of interior, justice, defense, finance, health, and education.⁴⁷ Each ministry closely coordinates with its counterpart in the Turkish government. In 2018, under the supervision of the SIG and Turkish authorities, as serious human rights abuses at the hands of the various factions peaked following the invasion of Afrin, the SIG established a new Military Police force aimed at preventing and investigating crimes committed by the SNA groups.⁴⁸ It too answers directly to Turkish military and intelligence officials, according to an informed source with direct engagement with elements of the military police force.⁴⁹

⁴⁵ The Carter Center, “The State of the Syrian National Army,” March 2022 https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/2022/state-of-the-syrian-national-army-march-2022.pdf (access January 11, 2024).

⁴⁶ Libya: Violations related to mercenary activities must be investigated – UN experts,” United Nations press release, 17 June, 2020, <https://www.ohchr.org/en/news/2020/06/libya-violations-related-mercenary-activities-must-be-investigated-un-experts?LangID=E&NewsID=25970> (accessed January 11, 2024); European Parliament, Resolution 2021/2576(RSP), 11 March, 2021, https://www.europarl.europa.eu/doceo/document/TA-9-2021-0088_EN.html?fbclid=IwARoKEtN_mcxSOG6vQWmZodgXwj15NZKpaFCb5OcAWCDZThi9ARoQM7-y17w (accessed January 11, 2024); Syrians for Truth and Justice, Turkey’s Recruitment of Syrian Mercenaries to Fight in Libya: Process and Legal Consequences,” May 11, 2020, <https://stj-sy.org/wp-content/uploads/2020/05/Public-version-Turkey%E2%80%99s-Recruitment-of-Syrian-Mercenaries-to-Fight-in-Libya-Process-and-Legal-Consequences.pdf> (accessed January 11, 2024); “National Army’: Our salaries and weapons when necessary come from Turkey,” Euronews (Turkish), August 12, 2018, <https://tr.euronews.com/2018/08/12/-suriye-milli-ordusu-maasimiz-ve-gerektiginde-silahimiz-turkiye-den> (accessed January 11, 2024).

⁴⁷ Syrian Interim Government, Homepage, <https://www.syriaig.net/ar/home> (accessed January 11, 2024).

⁴⁸ Syrian Interim Government Facebook page announcement, February 20, 2018, <https://www.facebook.com/syriaig/posts/1546877558722928> (accessed January 11, 2024).

⁴⁹ Human Rights Watch interview (name withheld), Afrin, February 5, 2023.



Türkiye's President Recep Tayyip Erdogan holds up a map showing his plans to create a 30 kilometers deep and 480 kilometers wide safe zone along Türkiye's border with Syria as he addresses the 74th session of the United Nations General Assembly at U.N. headquarters in New York City, New York, U.S., September 24, 2019. © 2019 REUTERS/Brendan Mcdermid

The Military Police force is made up of former members and commanders of various factions, and its success at curbing abuses has been limited.⁵⁰ Indeed the force has itself been implicated in human rights abuses.⁵¹ Its responsibilities also include maintaining law and order, including by pursuing ISIS cells and Kurdish armed groups, often in close coordination with the various factions.⁵²

⁵⁰ A/HRC/46/55, "23rd Report of the Commission of Inquiry of the Syrian Arab Republic - A decade of arbitrary detention and imprisonment," March 11, 2023 <https://www.ohchr.org/en/documents/country-reports/ahrc4655-report-independent-international-commission-inquiry-syrian-arab> (accessed January 16, 2024); Military Police Directorate statement on file with Human Rights Watch.

⁵¹ UN HRC, Report of the Commission of Inquiry on Syrian Arab Republic to the 52nd regular session of the Human Rights Council, March 13, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/report-coi-syria-march2023> (accessed January 11, 2024).

⁵² Videos on file with Human Rights Watch showing factions and military police conducting joint security operations.

The Military Police force is considered the executive branch of the military courts, which are used to try members of the SNA factions and perceived insurgents alike. The Military Police division is comprised of a main headquarters, branches across regions, and sub-branches in the various cities under SNA control.⁵³ It operates prisons, including in the cities of al-Bab, Afrin, and Ras al-Ain, and dozens of detention centers throughout Turkish-occupied territories. Many SNA factions also run their own unofficial detention centers in smaller towns and villages under their control, despite attempts by the Syrian Interim Government to stop this practice.⁵⁴

The SIG also operates a civilian police force affiliated with its Interior Ministry and tasked with ensuring the security and safety of the local population. But this force has not been able to end the impunity with which SNA factions operate across Turkish-occupied territories. For example, in September 2021 the civilian police division of Ras al-Ain with all its departments announced a general strike in response to “repeated transgressions” including assaults and home raids by elements of the SNA, including against its own members.⁵⁵ The civilian police force has also been implicated in human rights abuses, according to Hevdesti-Synergy Association for Victims, a Syrian nongovernmental organization that documents human rights abuses across northern Syria.⁵⁶

⁵³ “Syrian National Army establishes military courts in Northern Syria,” *Zaman Al Wasl*, November 5, 2019, <https://en.zamanalwsl.net/news/article/49119> (accessed January 11, 2024).

⁵⁴ “The Ministry of Defense calls on the National Army factions to hand over prisons to the military police,” *Baladi News*, March 15, 2023, <https://baladinews.com/ar/articles/91753/%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9-%D8%AA%D8%B7%D8%A7%D9%84%D8%A8-%D9%81%D8%B5%D8%A7%D8%A6%D9%84-%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A-%D8%A8%D8%AA%D8%B3%D9%84%D9%8A%D9%85-%D8%A7%D9%84%D8%B3%D8%AC%D9%88%D9%86-%D9%84%D9%84%D8%B4%D8%B1%D8%B7%D8%A9-%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9> (accessed January 11, 2024).

⁵⁵ “شرطة رأس العين تواصل تعليق عملها... ما علاقة الجيش الوطني؟” Syria TV, September 28, 2021, <https://www.syria.tv/%D8%B4%D8%B1%D8%B7%D8%A9-%D8%B1%D8%A3%D8%B3-%D8%A7%D9%84%D8%B9%D9%8A%D9%86-%D8%AA%D9%88%D8%A7%D8%B5%D9%84-%D8%AA%D8%B9%D9%84%D9%8A%D9%82%D8%B9%D9%85%D9%84%D9%87%D8%A7-%D9%85%D8%A7-%D8%B9%D9%84%D8%A7%D9%82%D8%A9-%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A%D8%9F> (accessed January 12, 2024); “شرطة رأس العين المدنية تعلق عملها لهذه الأسباب,” Orient News, video clip, YouTube, September 28, 2021, <https://www.youtube.com/watch?v=71WdUmxG1Bs> (accessed January 12, 2024).

⁵⁶ Synergy Hevdesti, “Peace Spring Strip: The Documentation of 228 Arrest Cases During 2022,” February 1, 2023, <https://hevdesti.org/en/documentation-arrests-in-peace-spring-2022/> (accessed January 12, 2024);

“الحسكة.. عدلية رأس العين تعلق عملها بسبب انتهاكات قائد الشرطة” *Baladi News*, June 9, 2021, <https://baladinews.com/ar/articles/74541/%D8%A7%D9%84%D8%AD%D8%B3%D9%83%D8%A9-%D8%B9%D8%AF%D9%84%D9%8A%D8%A9-%D8%B1%D8%A3%D8%B3-%D8%A7%D9%84%D8%B9%D9%8A%D9%86-%D8%AA%D8%B9%D9%84%D9%82-%D8%B9%D9%85%D9%84%D9%87%D8%A7-%D8%A8%D8%B3%D8%A8%D8%A8-%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA-%D9%82%D8%A7%D8%A6%D8%AF-%D8%A7%D9%84%D8%B4%D8%B1%D8%B7%D8%A9> (accessed January 12, 2024).

Infighting, Criminality, and War Profiteering

Clashes between SNA factions, and sometimes even fighters within the same faction, are often armed and violent, and many take place in populated cities and villages where the factions have set up headquarters or makeshift detention centers in abandoned or seized homes. Civilians are often caught up in the violence, and members of the Military Police, tasked with maintaining discipline within the factions, often become embroiled in the fighting, taking sides and exacerbating the situation. Between March 2020 and December 2021, a Carter Center report recorded 184 documented clashes between SNA factions across Turkish-occupied territories.⁵⁷

In 2022, in the strip between Ras al-Ain and Tel Abyad alone, the Hevdesti-Synergy Association for Victims recorded 33 incidents of inter-factional fighting that killed 22 fighters and 2 civilians and injured 20 others.⁵⁸ In mid-October 2022, in Turkish occupied areas of Aleppo governorate, including al-Bab and Afrin, intense military clashes erupted among factions of the SNA, with Hay'at Tahrir al-Sham entering the fray, leading to instability and territorial shifts that required Turkish intervention.⁵⁹

Many clashes between different factions appear to stem from competition over economic resources and profit-generating activities in areas they control.⁶⁰ These include controlling checkpoints and imposing unauthorized taxes, engaging in protection racketeering and extortion, carrying out kidnappings for ransom, controlling smuggling routes within Syria and across the border into Türkiye, as well as seizing and profiting from the civilian

⁵⁷ The Carter Center, “The State of the Syrian National Army,” March 2022.

⁵⁸ Synergy Hevdesti, ““Peace Spring” Strip Not as Safe as Turkey Publicizes,” February 26, 2023 <https://hevdesti.org/en/peace-spring-strip-not-as-safe-as-turkey-publicizes/> (accessed January 16, 2024).

⁵⁹ Orwa Ajjoub, “HTS, Turkey, and the future of Syria’s north,” Middle East Institute, October 26, 2022.

⁶⁰ Turkey intervened in two ways: ordering the “Thaeroun Front for Liberation,” an SNA military umbrella group that maintained its neutrality during the infighting, to deploy as peacekeepers, and some time later through the army which began to erect concrete barriers separating HTS areas in Idlib from SNA areas in Afrin.

See “الجيش التركي يعزُرُ الحواجز الفاصلة بين مناطق هيئة تحرير الشام وغصن الزيتون,” *Al Moharrar Media*, September 21, 2022, <https://almoharramedia.net/%d8%a7%d9%84%d8%ac%d9%8a%d8%b4%d9%8f-%d8%a7%d9%84%d8%aa%d8%b1%d9%83%d9%8a%d9%8f%d9%91-%d9%8a%d8%b9%d8%b2%d9%91%d8%b2%d9%8f-%d8%a7%d9%84%d8%ad%d9%88%d8%a7%d8%ac%d8%b2%d9%8e-%d8%a7%d9%84%d9%81%d8%a7/> (accessed January 12, 2024);

Syrian for Truth and Justice, “Syria: Continued Violations and Opposition Intra-Factional Clashes in “Safe Areas”” August 1, 2022, <https://stj-sy.org/en/syria-continued-violations-and-opposition-intra-factional-clashes-in-safe-areas/> (accessed January 15, 2024)

populations' properties, agricultural lands, and businesses.⁶¹ “Whether it’s a vegetable seller, a barber, or a bank teller, everyone is required to have a partner who belongs to the SNA factions, or else he has no protection from other factions,” said Abu Salem, a Kurdish resident of Afrin on the prevalent practice of protection racketeering.⁶²

Human rights organizations, including Human Rights Watch, media outlets, research institutes, and the United Nations Commission of Inquiry (COI) have, since 2018, documented serious human rights abuses in Turkish-occupied territories.

The motivations for such abuses appear to be driven both by the aim to weaken the Kurdish influence in parts of northern Syria bordering Türkiye, which Türkiye views as a national security threat, and the pursuit of profit, which the commanders and fighters of various SNA factions rely on to supplement the meagre salaries they reportedly receive during a time of economic hardship across the region and country.⁶³

In July 2023, the United States sanctioned one SNA faction, Ahrar al Sharqiya, and two of its leaders, for abuses against civilians, particularly Syrian Kurds, including unlawful killings, abductions, torture, and seizures of private property.⁶⁴ In August 2023, it sanctioned two other SNA groups, the Hamzat division and the Suleiman Shah brigade, as well as their commanders, for serious human rights abuses committed against civilians in Afrin.⁶⁵ In 2021, the US also added Türkiye to its list of countries implicated in the use of child soldiers on the basis of its support to factions of the Syrian National Army that the UN and human rights organizations have reported as recruiting children into their armed forces.⁶⁶ The US

⁶¹ Elizabeth Tsurkov, “The Gangs of Northern Syria: Life Under Turkey’s Proxies,” Newlines Institute for Strategy and Policy, December 7, 2022.

⁶² Human Rights Watch interview with Abu Salem, via WhatsApp, March 30, 2023.

⁶³ See statement by the Syrian Interim Government’s Ministry of Defense announcing a raise in fighters’ salaries and that wages are to be granted monthly: Syrian Interim Government Facebook page, November 9, 2022, <https://www.facebook.com/100078009729646/posts/pfbidodEPfbZ4jHi1PuKmJnoVZWnauB1JurXfUk1ZhWSpqeLkv39zwqHJ53SdNbdqe3ValI/?mibextid=cr9uo3> (accessed January 11, 2024).

⁶⁴ US Department of Treasury, “Treasury Sanctions Syrian Regime Prisons, Officials, and Syrian Armed Group,” July 28, 2021, <https://home.treasury.gov/news/press-releases/jy0292> (accessed January 11, 2024).

⁶⁵ US Department of Treasury, “Treasury Sanctions Two Syria-Based Militias Responsible for Serious Human Rights Abuses in Northern Syria,” August 17, 2023, <https://home.treasury.gov/news/press-releases/jy1699> (accessed January 11, 2024).

⁶⁶ Humeyra Pamuk, “U.S. adds Turkey to list of countries implicated in use of child soldiers,” *Reuters*, July 2, 2021, <https://www.reuters.com/world/middle-east/us-adds-turkey-list-countries-implicated-use-child-soldiers-2021-07-01/> (accessed January 12, 2024); See Annual Reports, UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, <https://childrenandarmedconflict.un.org/document-type/annual-reports/> (accessed January 12, 2024).

added Türkiye to the list again in 2023, after a year-long absence.⁶⁷ The US withholds certain types of military assistance from governments that are listed for using children in their forces or supporting militias that recruit children. However, the US government issued partial waivers on restrictions on military aid to Türkiye, citing national security.⁶⁸

The Syrian government, the SDF, and other parties to the conflict have also engaged in similar practices, particularly those related to detention, forced displacement, housing, land and property rights, and demographic manipulation, in territories under their respective control.⁶⁹ Seven of those Human Rights Watch interviewed for this report mentioned suffering abuses by the SDF or its components during the period that they controlled their cities and towns.

In response to increasing international criticism of the abuses and criminality in areas under its control, Turkish authorities oversaw a number of attempted reforms over the past few years that largely failed to curb the rampant abuses by faction members. These measures included the establishment of a civilian police force intended to keep the fighters out of populated centers, a Military Police force intended to police their conduct, and local grievance committees intended to help the dispossessed individuals get their properties back, including in Afrin. But both forces, and especially the Military Police force, have been implicated in the abuses, fighting factions continue to operate out of populated centers where much of their illicit profits are generated, and the grievance committees have proved ineffective at deterring and addressing abuses in the face of powerful faction commanders.⁷⁰

⁶⁷ US Department of State, “2023 Trafficking in Persons Report,” 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/> (accessed January 12, 2024). <https://www.state.gov/reports/2023-trafficking-in-persons-report/>

⁶⁸ Michael A. Weber, “Child Soldiers Prevention Act: Security Assistance Restrictions,” Congressional Research Service, October 11, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF10901> (accessed January 12, 2024).

⁶⁹ UN Human Rights Council, “No End in Sight: Torture and ill-treatment in the Syrian Arab Republic 2020-2023,” July 10, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/no-end-in-sight> (accessed January 12, 2024); Human Rights Watch, *Under Kurdish Rule: Abuses in PYD-run Enclaves of Syria*, June 19, 2014, <https://www.hrw.org/report/2014/06/19/under-kurdish-rule/abuses-pyd-run-enclaves-syria#9523>; “Syria: Government Stealing Opponents’ Land,” Human Rights Watch news release, April 8, 2021, <https://www.hrw.org/news/2021/04/08/syria-government-stealing-opponents-land>; Friedrich Naumann Foundation, *Demographic Engineering in the Course of Syria’s War*, May 8, 2023, <https://www.freiheit.org/lebanon/demographic-engineering-course-syrias-war> (accessed January 12, 2024).

⁷⁰ Elizabeth Tsurkov, “The Gangs of Northern Syria: Life Under Turkey’s Proxies,” Newlines Institute for Strategy and Policy, December 7, 2022.

An informed source with direct access to a prison run by the military police force told Human Rights Watch in February 2023 that he saw some improvement in detention conditions and a modest reduction in the number of informal detention centers or black sites run by various factions. “Up until a year ago, prisoners [in the Military Police-run prison] would sleep on the floor, their living situation was horrid,” he said. “Now, they have beds, the cells were also expanded a little bit.”⁷¹ On faction-run makeshift prisons, he said: “There are less now, sure, but they remain, and extrajudicial killings and enforced disappearances still take place in them.”⁷²

While Türkiye has, on at least one occasion, fully denied allegations of human rights violations by its forces and the local groups it backs, it has not launched any impartial, transparent, and independent investigations into reported incidents, nor has it granted access to occupied territories to independent, international human rights monitors.⁷³ In fact, rarely any international humanitarian organization have free and regular access to Turkish-occupied territories.

The first-ever UN humanitarian mission to the strip between Ras al-Ain and Tel Abyad since Türkiye invaded the area in October 2019 took place just over two years later, in October 2022.⁷⁴ The one-day mission saw the delivery of medical supplies across the border from Qamishli to Ras al-Ain National Hospital. There have been two more visits since, with the latest taking place in May 2023.⁷⁵

⁷¹ Human Rights Watch interview (name withheld) via WhatsApp, February 5, 2023.

⁷² Ibid.

⁷³ UN Commission of Inquiry on Syria, 21st report of the Commission of Inquiry on the Syrian Arab Republic - A/HRC/45/31 15 September 2020; “Turkey rejects U.N human rights violation claims in Syria,” *Reuters*, September 19, 2020, <https://www.reuters.com/article/syria-security-turkey-report-int-idUSKBN2692YX> (accessed January 12, 2024).

⁷⁴ UN Office for the Coordination of Humanitarian Affairs, “Syrian Arab Republic: Thematic Humanitarian Access Snapshot - Ras al-Ain / Tell Abiad Area, November 2022,” December 18, 2022, <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-thematic-humanitarian-access-snapshot-ras-al-ain-tell-abiad-area-november-2022> (accessed January 12, 2024).

⁷⁵ UN Secretary General, “Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015), 2332 (2016), 2393 (2017), 2401 (2018), 2449 (2018), 2504 (2020), 2533 (2020) 2585 (2021), 2642 (2022) and 2672 (2023) : report of the Secretary-General,” S/2023/621, August 23, 2024, <https://digitallibrary.un.org/record/4020549?ln=en> (accessed January 12, 2024).

II. Detention-Related Abuses

Under the supervision of Turkish military and intelligence forces, who not only tolerate such practices, but give tacit approval or are directly involved, factions of the Türkiye-back Syrian National Army and the Military Police division established to curb their abuses have, since taking over Afrin in 2018 and Ras al-Ain in October 2019, arbitrarily arrested and detained, forcibly disappeared, tortured and otherwise ill-treated, and subjected to unfair military trials scores of people with impunity.⁷⁶ Kurdish women detainees reported being subjected to sexual violence, including rape. Children as young as six-month old have been detained alongside their mothers.⁷⁷

In cases documented by Human Rights Watch, the UN Commission of Inquiry (COI), and other human rights organizations, Kurds have overwhelmingly borne the brunt of these abuses, often on suspicion of links with the Syrian Democratic Forces (SDF), Autonomous Administration of North and East Syria (AANES), or the Kurdistan Workers' Party (PKK). Arabs and others under SDF rule perceived to have had close ties with the SDF and AANES have also been targeted. Fourteen former detainees and relatives of former and current detainees said interrogators questioned them about their alleged links to various Kurdish armed groups.

Human Rights Watch spoke to 40 former detainees and relatives of former and current detainees in Afrin and Ras al-Ain following the Turkish incursions. All detention cases Human Rights Watch documented occurred between January 2018 and August 2023, with two people who remain in detention and another missing as of the time of writing. Four former detainees said that members of SNA factions or the Military Police had also detained one or more of their family members alongside them.

⁷⁶ Syrians for Truth and Justice, "Torture in the Peace Spring Strip: A Tool for Persecution and the Perpetuation of Forced Displacement", June 26, 2023, <https://stj-sy.org/en/torture-in-the-peace-spring-strip-a-tool-for-persecution-and-the-perpetuation-of-forced-displacement/> (accessed January 15, 2024)

⁷⁷ In Afrin, one woman who herself was detained alongside her mother and six-month-old child and six other detainees said they saw children detained alongside their mothers. In February 2023, an informed source with direct engagement with the Military Police told researchers that in Afrin central prison, there were 459 prisoners, 17 of whom were women and children.

While most abuses documented were committed by factions of the SNA and the Military Police and took place at their detention centers, former detainees reported that Turkish military and intelligence officials were sometimes present during their arrests and interrogations and in some cases were directly involved in the torture and ill-treatment to which they were subjected. Some said they saw Turkish military or intelligence officials regularly visit detention centers where they were held, but that they had no personal interactions with them. Two informed sources with direct knowledge of the inner workings of the SNA confirmed that the factions and the Military Police answer directly to Türkiye's intelligence agencies. "Nothing takes place without their knowledge," said one of them.⁷⁸

One former detainee said that during his 45-day detention at the Military Police department in Ras al-Ain, a Turkish military official frequented the detention center several times during his detention. "He'd ask questions about our conditions," he said. "He'd ask if we needed anything. It was the same guy every time and he always had an interpreter with him."⁷⁹

Among the factions interviewees accused of committing grave abuses were al-Hamzat division, al-Waqqas brigade, Sultan Sleiman Shah division, Sultan Murad division, and Ahrar al-Sharqiya faction, as well as the Military Police departments in Afrin and Ras al-Ain. The UN Commission of Inquiry's (COI) successive human rights reports on Syria have identified abuses by Faylaq al-Sham and Ahrar al-Sham.⁸⁰ Specifically in its February 2022 report, the COI stated that many of the allegations they documented involved accusations against al-Hamzat and Sultan Murad divisions.⁸¹

One informed source who has close relations with the military police told Human Rights Watch that merely having lived in an SDF-controlled area at some point could lead to accusations of being an accomplice or informant.⁸² Current and former residents said communicating with family members displaced to SDF-controlled areas could also be

⁷⁸ Human Rights Watch interviews (names withheld) via WhatsApp and Signal, February 5, 2023, and July 14, 2023.

⁷⁹ Human Rights Watch interview with a former detainee, Qamishli, Syria, May 6, 2023.

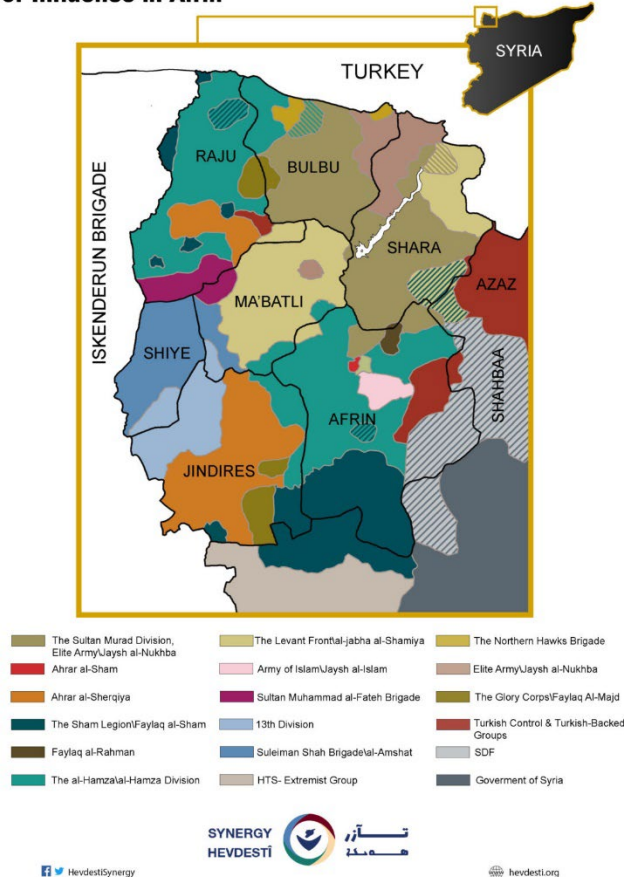
⁸⁰ Successive reports by the UN Commission of Inquiry on Syria: <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission>

⁸¹ UN Commission of Inquiry on Syria, Report of the Commission of Inquiry on Syrian Arab Republic to the 49th regular session of the Human Rights Council - A/HRC/49/77, February 8, 2022, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-17>, (accessed January 21, 2024).

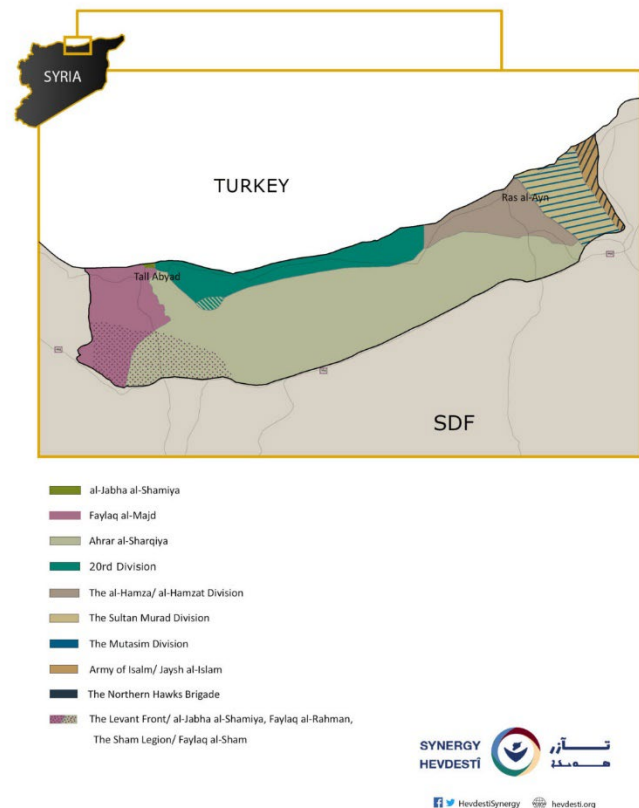
⁸² Human Rights Watch interview (name withheld), via WhatsApp, February 5, 2023.

grounds for arrest. “People on both sides [of the border between SDF and SNA-controlled areas] are afraid to communicate with their families on the other side,” said one woman currently living in a camp for the displaced in SDF-controlled al-Hasakeh city. “If I communicate with my relatives there, I fear they would accuse us of spying for the [SNA] factions.”⁸³

The Opposition Syrian National Army's Areas of Influence in Afrin



The Opposition Syrian National Army's Areas of Influence In Ras al-Ayn and Tall Abyad



A recent map delineating the territorial control of different Syrian National Army (SNA) factions within the Afrin district. Produced by the Hevdesti-Synergy Association for Victims, a Syrian NGO dedicated to documenting human rights abuses in northern Syria, the map, published in August 2022, remains current according to the organization. © 2022 Hevdesti-Synergy Association for Victims

A recent map delineating the territorial control of different Syrian National Army (SNA) factions within the Ras Al Ain-Tel Abyad district. Produced by the Hevdesti-Synergy Association for Victims, a Syrian NGO dedicated to documenting human rights abuses in northern Syria, the map, published in August 2022, remains current according to the organization. © 2022 Hevdesti-Synergy Association for Victims

⁸³ Human Rights Watch interview with a displaced woman in school-turned-collective shelter near Washokani camp in al-Hasakeh city, Syria, May 7, 2023.

SNA factions and the Military Police have also engaged in abductions and detentions whose only purpose was to extort money from people they perceived to be wealthy. “This is how they operate,” said the informed source. “They ask, this man we've arrested, who does he have abroad and what assets does he have? It's like a profession for them, another way to make money.”⁸⁴

In the majority of cases documented, although factions and the Military Police accused those they detained of committing serious crimes at the behest of Kurdish armed groups, they released them in exchange for money. In 23 cases documented, people said that they or their detained relatives paid between US\$100 and \$30,000 to various factions and members of the Military Police to secure their or their family members' release. In late 2021, one faction, in coordination with the Military Police, only released a Kurdish man and his mother from detention in Afrin after a relative abroad paid them the equivalent of US\$70,000. “Eleven months into my detention, they told me they'd release me if I pay, they said to me, your family has lots of property around Afrin, you have apartments, buildings, farmland, you can afford it.”⁸⁵

One displaced Kurd told Human Rights Watch that his 70-year-old father who refused to leave Afrin after the invasion was detained on four separate occasions between June 2018 and January 2020 by members of the Sultan Suleiman Shah division, also known as “al-Amshat”, spending between 14 and 22 days in detention and paying between US\$2,000 and \$3,500 each time in exchange for release.⁸⁶ In April 2023, one woman told researchers that her brother and two of his friends were detained by a faction manning one of the checkpoints in the Rajo district of Afrin, transferred to the Military Police division in the area, and only released the following day after they each paid US\$250. “It's not the first time they've taken people from the village into custody and released them only after they paid,” she said.⁸⁷ In May 2023, a resident of one of Afrin's villages reported to Human Rights Watch researchers that the village's Military Police division arrested six Kurdish men and one Kurdish woman only to release them the next day after they each paid the equivalent of around US\$200.⁸⁸

⁸⁴ Human Rights Watch interview (name withheld), via WhatsApp, February 5, 2023.

⁸⁵ Human Rights Watch interview with a displaced man, via WhatsApp, May 13, 2023.

⁸⁶ Human Rights Watch interview with a displaced man in Derik, Kurdistan Region of Iraq, June 26, 2023.

⁸⁷ Human Rights Watch interview with a woman in Afrin, via WhatsApp, April 12, 2023.

⁸⁸ Human Rights Watch interview with woman in Afrin, via WhatsApp, May 26, 2023.

In the SNA-controlled stretch of the border between Ras al-Ain and Tel Abyad, human smuggling from SDF areas into Türkiye largely occurs with the involvement of various SNA factions.⁸⁹ Researchers documented cases where Kurds from SDF-controlled areas who paid smugglers to join groups of people attempting to irregularly cross into Türkiye were singled out by factions facilitating the journey and detained on accusations of belonging to Kurdish armed groups. Here too, payment led to release.

Except when such accounts of abuse go public and gain ample media attention, Turkish intelligence agencies who exercise control over occupied territories appear to ignore the factions' extortionary practices.

Arbitrary and Incommunicado Detention

All former detainees reported that SNA forces detained and held them incommunicado and without charge either in makeshift detention facilities belonging to various factions or in Military Police detention centers across Afrin and Ras al-Ain – or in many cases both – for periods ranging from three weeks to over two years.

“I was not allowed visitors,” said Alin, a 60-year-old Kurdish woman who spent just over a year arbitrarily detained at the military police division in the Rajo district of Afrin. “I learned later that my brother tried to visit me many times, but they always told him that I was not there. They told him to forget about me.”⁹⁰

Interviewees said that only after interrogators obtained coerced confessions were detainees transferred to central prisons, also operated by the Military Police, in Afrin, al-Bab, Azaz, and Tel Abyad and in some cases presented before military courts. Only there were they finally allowed contact with their families. “For 24 days, no one knew if we were dead or alive,” said Judi, a 20-year-old student who, alongside his cousin, a third Kurdish man, and a Syrian military defector, was singled out and arrested by members of al-Hamzat Division in July 2022 as they and a group of 18 others attempted to irregularly

⁸⁹ Elizabeth Tsurkov, “The Gangs of Northern Syria: Life Under Turkey’s Proxies,” Newlines Institute for Strategy and Policy, December 7, 2022.

⁹⁰ Human Rights Watch interview with Alin, via Whatsapp, March 29, 2023.

cross into Türkiye through SNA-controlled territory. “The others with us, they charged them each \$100 and let them pass,” he said.⁹¹

One young man, who fled Türkiye in August 2022 back to his hometown of Ras al-Ain after Turkish authorities detained three of his brothers on suspicion of belonging to the PKK, said that a month later, members of Military Police raided his house looking for him and that when they did not find him they arrested his younger brother, and later his father, for inquiring about his detention. He said they were only released seven months later and that his mother was only allowed to visit them once. “I’m still afraid for my younger brother and I wish he’d get out,” he said.⁹²

Especially in Afrin in the months following the invasion, Kurdish detainees reported spending years in incommunicado detention. “My parents only found out where I was about two to three months before I was released,” said a 26-year-old woman who was detained for just under two and half years in total.⁹³ “I didn’t recognize my siblings when I saw them, they were teenagers when I was first arrested,” said another detainee who was only allowed to call her parents two years into her almost 3-year detention and whose family were only allowed to visit her in the central prison also around two and half years after her arrest.⁹⁴

Torture and Ill-Treatment

Human Rights Watch interviewed 16 former detainees who reported witnessing and being subjected to torture and other cruel, inhuman, or degrading treatment in the detention centers of both the Military Police and various factions of the SNA in Afrin and Ras al-Ain.

The types of torture they described included severe and prolonged beatings – often using cables, electric wires, and metal pipes – teeth and nail pulling, being tied up to the ceiling or to tires with ropes, and being burned with cigarettes. During interrogations, former detainees often reported being blindfolded and handcuffed.

⁹¹ Human Rights Watch interview with Judi in al-Hasakeh, Syria, May 6, 2023.

⁹² Human Rights Watch interview with a displaced man in al-Hasakeh, Syria, May 6, 2023.

⁹³ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

⁹⁴ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

A 30-year-old Kurdish man from al-Hasakeh city said that he was intercepted by men dressed in military uniform while trying to cross irregularly into Türkiye alongside a group of 15 other Syrians with the help of smugglers in August 2022. They were taken to an unmarked building, confined in a room for hours, and later, the captors identified him and two others as Kurds, segregating them from the group. They then sent them to the Military Police division in Ras al-Ain, where they remained for 45 days, and where he said interrogators with the Military Police department repeatedly interrogated him about alleged links to Kurdish armed groups using torture methods.

Throughout our interrogations, I was always blindfolded and handcuffed. The head of the place, his name was Abu Saddam, he beat us, with his hands, he beat us on our face, stomach, bodies, to force us to confess. While I was there, I was hung from the ceiling four times. I was placed inside a tire in extremely uncomfortable positions five or six times. I kept saying, I swear I'm not a soldier, but the interrogators kept pushing me to confess. Finally, I said OK just write whatever you want, what else was I to do? Keep getting beaten?⁹⁵

Authorities eventually moved him to a civilian police detention center for 15 days, and later transferred him to the central prison in Ras al-Ain, where he spent another two months before finally being acquitted by a military court in Tel Abyad.

In his bid to irregularly cross into Türkiye in July 2022 in pursuit of a safer life outside Syria, Alaa, a 34-year-old Kurdish man from an SDF-controlled border town, lost a leg. After he broke his ankle while attempting to scale the three-meter-high border wall separating Syria and Türkiye and was arrested by Turkish border guards, Alaa suffered beatings by Turkish border guards in Türkiye, who slapped him, stepped on his head, and forced him to stand and walk on his broken leg for long hours. After his removal back to Syria, he suffered further torture by Turkish intelligence officials and members of the SNA's military police division in Ras al-Ain.

⁹⁵ Human Rights Watch interview with a displaced man in al-Hasakeh, Syria, May 6, 2023.

The military police blindfolded me [and] handcuffed me. He [the Turkish interrogator] questioned and beat me ruthlessly. He asked me if I was Arab or Kurd, I said I was Syrian. He told me that Türkiye is going to cut my leg off. There was an interpreter present. He kept hitting me on my broken leg. I was still blindfolded, and he kept beating me for about an hour and a half. I used to be an employee with the [AANES], a teacher, I told him I was the only male among my siblings and that military conscription was not mandatory for me. But he didn't stop. With a copper cable he beat me, across my face and on my head.⁹⁶

Alaa said he spent eight days at the Military Police division, facing charges of illegal border crossing in the Ras al-Ain military court before police ordered his release. He then endured six more days in the central prison without any medical attention for his broken ankle, which became infected. Upon returning to his SDF-controlled town through smuggling routes, he consulted a doctor who advised amputation. Alaa, a former athlete, said the decision caused him anguish. "I used to play football, I used to lift weights. Now I'm an amputee," he said.⁹⁷ Denial of medical assistance and willfully causing serious injury, which in Alaa's case led to a disability, can constitute a crime under international law.

One 30-year-old Kurdish woman who spent over two years in arbitrary detention between 2018 and 2020 in four different detention locations before her transfer to a central prison, said that the bulk of the torture to which interrogators subjected her took place at a prison in Afrin. She said that one of her interrogators, who spoke Turkish and classical Arabic (rather than local dialect), told her that Turkish intelligence officials operated the prison. "They slapped me across my face often," she said. "They beat me on my back and choked me. They kicked me in the stomach while I was lying on the floor. They pulled me from my hair and dragged me across the floor. I often didn't know where the beating was coming from. I lost consciousness several times. One time they electrocuted me. Another time they hung me from poles."⁹⁸

⁹⁶ Human Rights Watch interview with Alaa, in Amuda, Syria, May 6, 2023.

⁹⁷ Ibid.

⁹⁸ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

One man, 48, said he spent four months in detention in Afrin in early 2018 during which Turkish officials repeatedly interrogated him in the presence of a Syrian interpreter. “One Turkish interrogator used a plier to pull out more than 11 of my teeth, I almost passed out from the pain,” he said. “He then poured water over my face to wake me up, kicked me in the chest and poured petrol over my body. He wanted me to confess to working with the PKK, so he held a lighter to my legs and lit it.”⁹⁹

Another woman, 26, whom military police personnel lured to a detention center in Afrin city in August 2018 by telling her that her detained husband requested to see her, was then arbitrarily detained for over two and a half years in at least four prisons and detention centers. She described being hung from poles, beaten with cables, and burned with cigarettes. “I was handcuffed and feet cuffed for an entire week except for when they got me food,” she said. “I once puked blood from all the beating I got. My face was all bruised up.”¹⁰⁰

In one instance, a Kurdish man in Afrin suffered prolonged arbitrary detention and severe torture at the hands of one faction of the SNA in direct violation of orders by Turkish officials to release him. Farouq said he left Afrin for Aleppo prior to the 2018 Turkish invasion fearing arrest by SDF forces for openly supporting opposition Kurdish groups, returned in 2020 to help his family take back the homes and land they lost to SNA factions in the wake of the invasion. The SNA faction in control of his family’s olive grove responded to his demands for its return by accusing him of having ties to the SDF. “I was not wanted until I asked for our properties back,” he said. Days after his return, he said members of the faction arrested him and for more than a year, he was detained in various detention centers belonging to the Military Police, the SNA faction in question, and the civilian police across Afrin. Farouq said that Turkish officials interrogated him early on after his arrest and then ordered his release, an order the SNA faction in possession of his properties defied.

Farouq described the torture he suffered by members of the faction and the military police:

⁹⁹ Human Rights Watch interview with a former detainee, via WhatsApp, January 22, 2023.

¹⁰⁰ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

To get me to confess they waterboarded me, electrocuted me, beat me with cables, and removed all my fingernails, then injected them with needles, I'm surprised I'm still alive. In the winter, they would strip me naked, pour freezing cold water on me and then beat me with cables.¹⁰¹

In two makeshift detention facilities in Ras al-Ain that he said belonged to al-Hamzat division, one Kurdish man, 20, described the torture and ill-treatment to which members of the faction subjected him and four others:

They brought an electricity cable, one man coiled up around five times and then he started beating us on our bodies with it. Wherever the hit landed it landed, it didn't matter if it was our face, our heads, or our bodies. [During interrogations], they made me kneel and blindfolded me with a pair of pants tied so tight around my head I felt like my eyes were going to pop out.¹⁰²

Beyond physical torture and ill-treatment, many victims described having been subjected to psychological abuse such as prolonged periods in solitary confinement, threats of mistreatment, torture, and death, and being forced to watch the torture of other prisoners, often their own relatives.

Fifteen former detainees said they witnessed or heard others who were being tortured by interrogators. Four said that interrogators, both Turkish and Syrian, directly forced them to watch while they tortured members of their family or their community and vice versa.

"It hurt more hearing others being beaten than when I was being tortured myself," one woman said who described how her interrogators brought other prisoners and tortured them in front of her, including her own father. She also described being forced to witness torture of other detainees. "One time they brought me to the interrogation room, and it was covered in blood. They brought in the man they had tortured before me, they slit his back open and poured salt and lemon on his wounds."¹⁰³

¹⁰¹ Human Rights Watch interview with Farooq, via WhatsApp, March 13, 2023.

¹⁰² Human Rights Watch interview with a former detainee in al-Hasakeh, Syria, May 6, 2023.

¹⁰³ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

“The worst was when they would bring my mother in to witness my torture,” said one man who was detained alongside his mother.¹⁰⁴ “One time I heard her voice approaching, I was blindfolded and handcuffed and blood was dripping from my face, I was in so much pain but I kept trying to hurriedly wipe away the blood before she could see me that way.”

One woman said that her son who lives abroad told her that members of the SNA would video call him every time they tortured his detained brother. “They were blackmailing him, telling him to send them money if he wanted them to stop torturing his brother.”¹⁰⁵

Deaths in Detention

Six detainees told Human Rights Watch that they knew of or witnessed the death of men and women in detention. “One corpse they kept in the cell for days,” said one 26-year-old woman detained in 2018 for two years without charge. “He started to smell.”¹⁰⁶

In one notable case involving Turkish officials, the family of prominent Kurdish lawyer Lugman Hannan, who remained in Afrin following the 2018 Turkish invasion, received a call from the military hospital in Afrin on December 22, 2022 informing them that Hannan had died only five days after the civilian police as well as Turkish military and intelligence officials arrested him near his house in the presence of his 9-year-old daughter, a relative abroad told Human Rights Watch. “When my relatives went to receive his dead body at the hospital, they found torture marks on his face, legs, abdomen, and his back,” the relative said.¹⁰⁷

In its March 2023 report, the UN Commission of Inquiry on Syria stated that SNA factions continued to detain civilians arbitrarily and subjected some to torture, in some cases leading to their deaths. It also said that the commission continues to document “the presence of Turkish officials during interrogations, some involving torture or ill treatment of detainees.”

¹⁰⁴ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

¹⁰⁵ Human Rights Watch interview with a former detainee, via WhatsApp, June 3, 2023.

¹⁰⁶ Human Rights Watch interview with a 26-year-old former detainee via WhatsApp, March 5, 2023.

¹⁰⁷ Images of torture marks provided by relative on file with Human Rights Watch.

Rape and Sexual Violence

Four women told Human Rights Watch they and other women detained with them experienced sexual violence both in the detention sites of SNA factions and in the Military Police division in the city of Afrin. Two women said that, while they themselves were not subjected to it, they either witnessed it happen to others or were informed about it by other detainees. One man said his jailers forced him to witness a gang rape of two Kurdish women. All documented cases took place in Afrin between January 2018 and July 2022 and were perpetrated against Kurds.

The women described how their interrogators would ask them sexual questions and touch them inappropriately, and how their jailers would watch them when they used the restroom or showered. One woman, whose husband was missing and whose mother the Military Police division arrested alongside her, said there was no one to take care of her six-month-old daughter and so her mother begged them to allow her to remain with them during her 11-month detention. “They [my jailers] would strip me and take pictures of me,” she said. “One of them kept asking me to breastfeed my daughter in front of him, and during the investigations they kept threatening to take her away from me.”¹⁰⁸

Two women said that one man who spoke Turkish and formal Arabic, and who introduced himself to one of them as an officer in Türkiye’s military intelligence agency, sexually harassed them, both physically and verbally, multiple times, and separately promised both women that he would release them if they agreed to marry him. Both women also received offers of marriage from other jailers during their detention.

One woman described how the head of a prison operated by the military police division and the Turkish military intelligence repeatedly raped her:

One night at 2 a.m., the [Syrian] man who oversaw the prison at the time blindfolded me, handcuffed me, and took me to another room. I didn't know where I was, it was very dark in the prison, even without blindfolds. He touched my breasts, other parts of my body, I had no strength to fight back. He uncovered the lower part of my body and raped

¹⁰⁸ Human Rights Watch interview with a former detainee, via WhatsApp, April 2, 2023.

me. After that he started coming twice or three times a week at night. One time he filmed me while he was raping me. I never cried out loud because I didn't want my father in a cell nearby to hear me cry.¹⁰⁹

The woman said other men in that prison also raped her and that the head of the prison once raped another 19-year-old woman in front of her. Another former woman detainee said she too was raped by a prison guard unknown to her during her detention. “I felt so much shame and disgust I once tried to kill myself in prison,” she said.¹¹⁰

One man detained for fourth months in 2018 said that Turkish interrogators brought two young Kurdish women and told him that if he did not confess to working with the PKK they would rape them in front of him. “And they did, I didn’t know the women, but I knew they were Kurdish because they started screaming out for help in Kurdish. I was handcuffed and one of the officials held my head up to force me to watch,” he said. The man said he knew they were Turkish because he recognized the Turkish flag on their military uniform and because they spoke Turkish to each other and had an interpreter with them.¹¹¹

Since at least January 2020, and as recently as December 2022, the UN Commission of Inquiry on Syria has documented rape and sexual violence against female Kurdish detainees by various elements of the Syrian National Army, which suggests that armed factions of the SNA are using sexual violence as a weapon of war. The commission also documented sexual violence against Kurdish children and men and Yezidi women. In at least one case, the commission documented the rape of a Kurdish woman at the hands of “individuals wearing Turkish uniforms and speaking in Turkish.”¹¹²

Dismal Detention Conditions

Especially in the detention centers of the Military Police and the make-shift detention facilities of various SNA factions, former detainees described horrid detention conditions,

¹⁰⁹ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

¹¹⁰ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

¹¹¹ Human Rights Watch interview with a former detainee, via WhatsApp, January 22, 2023.

¹¹² UN Human Rights Council, “Report of the Commission of Inquiry on Syrian Arab Republic to the 52nd regular session of the Human Rights Council,” March 13, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/report-coi-syria-march2023> (accessed January 12, 2024); UN Human Rights Council, “Report of the Commission of Inquiry on Syrian Arab Republic to the 51th regular session of the Human Rights Council,” September 14, 2022, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/report-coi-syria-september2022> (accessed January 12, 2024).

often spending months in tiny solitary cells infested with insects, or in overcrowded rooms with no space to lie down and without proper mattresses or blankets. Some prisons, which former detainees described accessing by going underground, were often in total darkness. Some former detainees said they were at times held in homes turned into detention centers. “It was just a house that they had divided up into cells,” said one man, describing a place of detention he said belonged to al-Hamzat division in Ras al-Ain city.¹¹³

“We were treated like dogs,” said one former detainee.¹¹⁴ “It was dark, humid and dirty, with lots of insects, I remember breaking out in painful pimples. When some of us women were finally released, we all had lice in our hair,” said another. “In the seven months of detention [that I spent in one of the makeshift prisons], I showered only once or twice, in cold water.”¹¹⁵ Two former detainees said they spent their entire detention wearing the same clothes they were wearing when arrested, and when they were finally released, they walked out barefoot.

All former detainees described being starved or given food that had gone bad. “I was being fed a loaf of bread and a couple of olives every day, that was it,” said one former detainee. “In a prison belonging to the Hamzat division that I was held in for over a year, we were always hungry. They once brought us cheese that seemed to have gone bad, three of the women with me fell badly ill from food poisoning,” said another.¹¹⁶ “They would empty canned food into a plastic bag and it was on us if we ate or not and how we distributed the food,” said a third.¹¹⁷

Despite the torture they were subjected to, none of the detainees mentioned receiving any sort of adequate medical care. One woman said one of her jailers once dealt a blow to her head so heavy that the head of the prison admitted she was exhibiting symptoms consistent with a concussion. “They never brought a doctor in to see me, they brought

¹¹³ Human Rights Watch interview with a former detainee, al-Hasakeh, Syria, May 6, 2023.

¹¹⁴ Human Rights Watch interview with a former detainee, via WhatsApp, June 3, 2023.

¹¹⁵ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

¹¹⁶ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

¹¹⁷ Human Rights Watch interview with a former detainee, via WhatsApp, May 24, 2023.

other prisoners and told them to keep me awake.”¹¹⁸ Another woman said prison officials would only bring a nurse in when someone was about to die.¹¹⁹

All the former detainees who were eventually transferred to central prisons ahead of their trials at military courts agreed that detention conditions were slightly better there. While overcrowding, inadequate food and water provision, and unhygienic living conditions were still an issue in central prisons, none of the detainees reported being beaten or tortured there, and all said that prison officials finally allowed them to contact their families. “Here they reassured me, the other prisoners, that at least death was not coming for me,” said one former detainee.¹²⁰

Sham Trials

In February 2018, the Syrian Interim Government’s Ministry of Defense established a military justice system. The principal aim was to investigate violations committed by members of the various factions of the SNA and to adjudicate the often-violent disputes that occur between them. The initiative comprised of establishing military courts and the Military Police force in areas occupied by Türkiye during Operation Euphrates Shield. The jurisdiction of this apparatus was expanded to Afrin, Ras al-Ain, and Tel Abyad as Türkiye captured more ground.¹²¹ The entire military justice apparatus is itself comprised in large part of former SNA officials, with judges appointed in coordination with Turkish intelligence agencies, according to informed sources. It operates under the supervision of Türkiye as the occupying power. While civilian courts have also been established, it is often the military courts that try detainees arbitrarily arrested and detained by the various factions, in coordination with the Military Police, on accusations of belonging to or having ties with Kurdish armed groups, the Syrian government, or ISIS.

¹¹⁸ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

¹¹⁹ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

¹²⁰ Human Rights Watch interview with a former detainee in Amuda, Syria on May 6, 2023.

¹²¹ حلب, بريف عسكرية ومحكمة شرطة تشكل الموقفة السورية الحكومة” *Al Araby*, February 20, 2018, <https://www.alaraby.co.uk/%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%A4%D9%82%D8%AA%D8%A9-%D8%AA%D8%B4%D9%83%D9%91%D9%84-%D8%B4%D8%B1%D8%B7%D8%A9-%D9%88%D9%85%D8%AD%D9%83%D9%85%D8%A9-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9-%D8%A8%D8%B1%D9%8A%D9%81-%D8%AD%D9%84%D8%A8> (accessed January 12, 2024); Khaled Al Khatib, “المعارضة تعلن عن تشكيل الشرطة العسكرية في منطقة درع الفرات,” *Al Monitor*, March 22, 2018, <https://www.al-monitor.com/ar/contents/articles/originals/2018/03/syria-opposition-military-police-euphrates-national-army.html> (accessed January 12, 2024).

These military courts lack independence, impartiality, and adherence to due process, with judges subject to military command and superior orders. Detainees are denied legal counsel throughout their detention, and coerced confessions are used as evidence, often the sole piece of evidence. Through the payment of bribes to faction members or members of the Military Police, families could often secure the release of their relatives outside the judicial system.¹²²

Of the former detainees whose cases Human Rights Watch documented, 9 were taken before a military judge, between 3 weeks and 2 years after their initial arrest, and none had access to a lawyer throughout their detention. Eight said they were forced to confess to crimes they denied committing, while two said they were made to memorize and read statements in front of a camera in which they confessed to crimes and said they had been treated fairly throughout their detention.

“One day they brought a paper with several accusations on it and asked me to sign it. They said I belong to the PKK, that I worked for the PKK's intelligence unit ... in Qamishlo [Qamishli], but I had never been to Qamishlo. They also wanted me to confess to these accusations on camera. I memorized it and said it on camera. I had to repeat several times to get it right; they would scream at me and threaten me with torture every time I made a mistake,” one former detainee said.¹²³

Four former detainees said that when they finally appeared in front of judges at the military court, they told them that they were subjected to torture, but that the judges did nothing about it.

One woman, who said she told the military judge that SNA members raped her in one of the detention centers where she was held, told Human Rights Watch that he responded by telling her it is a shame for her to be talking of such things and that, to preserve her reputation, she should remain silent about it.¹²⁴

¹²² Successive reports by the UN Commission of Inquiry on Syria, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>. See also: “سيطرة الفصائل فوق القضاء العسكري شمالي حلب,” *Enab Baladi*, June 5, 2022, <https://www.enabbaladi.net/archives/578888> (January 12, 2024).

¹²³ Human Rights Watch interview with a former detainee, via WhatsApp, March 26, 2023.

¹²⁴ Human Rights Watch interview with a 26-year-old former detainee, via WhatsApp, March 5, 2023.

Another former detainee said, “I showed the judge the bruises on my body, he said I could jail the man who did it but if I do, then they’ll retaliate against me too.”¹²⁵

One former detainee said he was only acquitted by the military court in Tel Abyad after his family paid around US\$5,000 in bribes.

A lawyer came to us at some point, he said if you want to be released you must pay. My family agreed to pay him 1,500 US dollars. [On the day of my release], he took us [another detainee and myself] to a separate room and said as soon as the transfer is complete and I have received my money, you will be released.”¹²⁶

In only two of the cases Human Rights Watch documented did detainees actually serve prison sentences on the basis of the serious crimes they were accused of committing, and in neither case, did they receive a fair trial.

In one case, an Arab woman returned to Ras al-Ain from SDF-controlled al-Hasakeh city with her older mother 15 days after the 2019 Turkish military operation ended to protect their house from looting or confiscation. Her displaced brother told Human Rights Watch that Turkish military intelligence officers arrested her in April 2020 in coordination with the SNA’s Military Police.¹²⁷ He said that their aunt, who had remained in Ras al-Ain and managed to visit her, saw torture marks on her face and body and that his sister told her that the Turkish interrogators had beaten and ill-treated her.

Her brother revealed that they had retained a lawyer for approximately US\$1,000 who confirmed her status as a prisoner of Turkish intelligence and her coerced confession to planting a bomb and espionage. He recounted, “My sister, she told my aunt that she would say anything after all the beating, that she would even say she killed her own mother.” Desperate, they contacted acquaintances who suggested that financial transactions could resolve such cases. They paid two million Syrian pounds (about US\$1,400¹²⁸) to an

¹²⁵ Human Rights Watch interview with a former detainee, via WhatsApp, March 13, 2023.

¹²⁶ Human Rights Watch interview with a former detainee, al-Hasakeh, Syria, May 7, 2023.

¹²⁷ Human Rights Watch interview with the detainee’s relative, via WhatsApp, June 9, 2023.

¹²⁸ Based on the June 2021 USD/SYP exchange rate of 1 to 1360.

intermediary but without results. The lawyer managed to get the charges dropped, yet she was ultimately sentenced to seven years in prison on other undisclosed charges. Her brother lamented, "My sister never did anything wrong. All she did was take care of the house. I asked the lawyer to tell us what she did. Did she bomb something? Did she kill someone? He said he doesn't know. I told him you're the lawyer, how can you not know?"

In its March 2023 report, the UN Commission of Inquiry also documented that detainees in Turkish-occupied areas continued to be deprived of legal counsel and brought before military courts. While some were subsequently acquitted, it was only after a payment had been made to members of the SNA military police that they were released.¹²⁹

¹²⁹ UN COI, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, February 7, 2023, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-republic-ahrc5269-enarruzh>, (accessed January 21, 2024).

III. Violations of Housing, Land, and Property Rights

They took everything, as if it were theirs to begin with.

— Khalil, a Kurdish doctor from Afrin living in the Kurdistan region of Iraq.

The hardest thing for me was standing in front of my house and not being able to enter it.

— a displaced Yezidi man from Ras al-Ain city.

Human Rights Watch spoke to 36 individuals, 20 from Afrin, all of whom are Kurds, and 15 from Ras al-Ain, 4 of whom are Kurds, 8 Arabs, two Yezidis, and one member of a religious minority group, who spoke about their own experiences of violations of their housing, land, and property rights, or that of their family members.

Following Türkiye's Operation Olive Branch in Afrin in 2018, and Operation Peace Spring in the strip between Tel Abyad and Ras al-Ain in 2019, as hundreds of thousands fled their homes, SNA factions engaged in looting, pillaging and seizure of homes, lands and businesses.¹³⁰

By August 2023, over six years after Afrin's occupation and almost five years since the occupation of Ras al-Ain and Tel Abyad, the majority of residents and returnees interviewed by Human Rights Watch, whose rights to housing, land, and property were violated, remain without proper restitution or compensation. Patterns of looting, pillaging, and property confiscations continue, and residents and returnees who dare stand up to the factions remain at risk of arbitrary arrest, detention, torture and ill-treatment, kidnapping, and enforced disappearance. Starkly aware of this reality, thousands of dispossessed families remain displaced in other parts of Syria and beyond, reluctant to risk a dangerous and expensive journey back to their homes. "I want to go back," said a Kurdish man residing in al-Hasakeh governorate whose family owns homes, businesses, and

¹³⁰ "Syria: Turkey-Backed Groups Seizing Property," Human Rights Watch news release, June 14, 2018, <https://www.hrw.org/news/2018/06/14/syria-turkey-backed-groups-seizing-property>; Also see successive UN COI reports, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>.

agricultural land in Afrin. “But if these people are still occupying my properties I wouldn't even think of returning, not even for a second.”¹³¹

Turkish Forces' Engagement in Resettlement of Kurdish Lands

In the early days after the invasion of Afrin, according to a report by the UN Commission of Inquiry, witnesses stated that while Turkish troops were occasionally present in the vicinity where looting by armed groups took place, they did not intervene or take action to prevent them.¹³²

In some cases, Türkiye not only brushed aside the abuse, but was directly complicit in it. In Afrin, in 2018, Türkiye orchestrated the resettlement of hundreds of displaced Sunni Arab families from Eastern Ghouta into the homes of displaced Kurds, later followed by more waves of Arab Syrians displaced from elsewhere in Syria. In Ras al-Ain, between October 2019 and May 2020, the village of al-Dawoudiya witnessed the destruction of homes and the use of others for military purposes by Turkish ground forces, turning the entire village into a Turkish military base and preventing people from returning to their homes.¹³³ “Entry into the village has been forbidden ever since,” said a now displaced former resident of al-Dawoudiya in July 2023.¹³⁴ In August 2020, an investigation by Syrians for Truth and Justice revealed that the Turkish Humanitarian Relief Organization (IHH) had repurposed two seized homes belonging to Kurdish families in Ras al-Ain into institutes for Qur'anic studies.¹³⁵ In June that year, the governor of the Turkish province of Şanlıurfa who administratively oversees the occupied strip between Tel Abyad and Ras al-Ain attended the ceremony inaugurating them.¹³⁶

¹³¹ Human Rights Watch interview with a displaced man, via WhatsApp, May 19, 2023.

¹³² UN COI, 16th report of the Commission of Inquiry on the Syria Arab Republic, A/HRC/39/65, August 9, 2018 <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-5>, (accessed January 21, 2024).

¹³³ UN COI, 21st report of the Commission of Inquiry on the Syrian Arab Republic, A/HRC/45/31, August 14, 2020 <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-11>, (accessed January 21, 2024); UN COI, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/51/45), August 17, 2022 <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-republic-ahrc5145-enaruzh> (accessed January 21, 2024); Human Rights Watch interview with displaced former resident of al-Dawoudiya, via WhatsApp, June 7, 2023.

¹³⁴ Human Rights Watch interview with a displaced former resident of al-Dawoudiya, via WhatsApp, June 7, 2023.

¹³⁵ Syrians for Truth and Justice, “Ras al-Ayn: IHH Turns two Seized Houses into Quran Institutes,” August 11, 2020, <https://stj-sy.org/en/ras-al-ayn-ihh-turns-two-seized-houses-into-quran-institutes/> (accessed January 12, 2024).

¹³⁶ “Vali Abdullah Erin, Resulayn'da Mezuniyet Törenine Katıldı,” Şanlıurfa Valiliği, June 23, 2023, video clip, YouTube, <https://www.youtube.com/watch?v=GKLG5LqxID4>



A Turkish-backed Syrian Arab fighter drives towing looted items in a trailer after seizing control of the northwestern Syrian city of Afrin from the Kurdish People's Protection Units (YPG) on March 18, 2018. © 2018 BULENT KILIC/AFP via Getty Images

Looting and Ransacking

Twenty-two people reported to Human Rights Watch looting of their homes, shops, and lands, as well as those of their relatives and neighbors, in the aftermath of the 2018 and 2019 Turkish invasions.¹³⁷

“My mom had to borrow a mattress to sleep on from a neighbor when she returned [to her house],” said one man whose mom and sister returned to an emptied home two months after the invasion of Afrin, and who said that agricultural equipment worth up to US\$20,000 had also been stolen from his olive grove.¹³⁸

¹³⁷ Human Rights Watch interviews with residents and former residents of Turkish-occupied territories between October 2022 and September 2023, both over WhatsApp and Signal and in person in Kurdistan Region of Iraq and northeast Syria.

¹³⁸ Human Rights Watch interview with a former detainee, via WhatsApp, March 13, 2023.

“When I returned, neither my home nor my shop was left as is,” said one man who returned to Ras al-Ain in May 2020 because he couldn’t find employment and provide for his family in SDF-controlled Qamishli where they had fled. “The shop was struck by shelling and robbed dry,” he said. “And my house too, the doors were broken, everything was stolen, even the underwear in the closets they took,” he said.

In Ras al-Ain, people also reported looting of public property, including electricity cables and tension towers. “They sold the iron [they looted], the electricity cables, everything,” said one man, saying that for a while, villages in Ras al-Ain were plunged in darkness.

Property Seizures and Extortion

In response to the UN Commission of Inquiry’s September 2018 report, which documented violations of housing, land, and property rights by Turkish forces and Türkiye-backed factions, Türkiye stated that “Afrin belongs to the people of Afrin,” and claimed that it was committed to the return of internally displaced peoples and refugees originally from Afrin.¹³⁹

However, as various factions cemented their control over villages, towns, and cities, with some areas divided up between them at neighborhood and street level, property seizures proved to be a major source of revenue for the factions.¹⁴⁰ Those whose homes fighters had turned into headquarters, black sites, or homes for their families could not reclaim them, while others have had to pay to reclaim them or pay rent to factions to remain in them.¹⁴¹ Those whose movable properties such as cars, generators, tools, electrical appliances, and factory equipment were stolen had to pay fighters substantial amounts, ranging into the thousands of dollars in order to recover them. Especially during harvest season, farmers reported having to give up a percentage of their crops to the faction in control of their village as “tax”.¹⁴² While allowed to retain their lands, some also reported having to

¹³⁹ UN COI, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/39/65), September 12, 2018, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-5>.

¹⁴⁰ Elizabeth Tsurkov, “The Gangs of Northern Syria: Life Under Turkey’s Proxies,” Newlines Institute for Strategy and Policy, December 7, 2022. Multiple Human Rights Watch interviews with two informed sources via WhatsApp and Signal in 2023.

¹⁴¹ Synergy Hevesti, “Where is My Home: Property Rights Violations in Northern Syria Perpetuate Demographic Change,” January 25, 2023, <https://hevdesti.org/en/violations-of-property-rights-in-northern-syria/> (accessed January 12, 2024); Thimas McGee, “‘Nothing Is Ours Anymore’ – HLP Rights Violations in Afrin, Syria,” Peter McMullin Centre on Statelessness, December 12, 2019, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3492414 (accessed January 12, 2024).

¹⁴² PÊL Civil Waves, “Housing, Land, and Property Rights Violations in Afrin after 2018,” July 30, 2023 <https://pel-cw.org/en/15563/> (accessed January 12, 2024).

pay tax to cultivate them. The same patterns were observed in the strip between Ras al-Ain and Tel Abyad over a year later.¹⁴³

By August 2023, few of Afrin's and Ras al-Ain's Kurdish inhabitants remain there, and those who do, live in fear of arrest, rearrest, kidnapping for ransom, harassment, and extortion¹⁴⁴. They, as well as Arabs with perceived ties to the SDF, as well as Yezidi, Christian, and other minorities, can often only regain control over their properties at great cost, and until they do, they must stay with relatives or neighbors. They have also continued to be evicted from their properties, especially as factions continue to fight over control of towns, villages, and neighborhoods. "My uncle paid one faction [to reclaim his home] and when they left, the very next day, another faction came and kicked him out," said one Kurdish man from Ras al-Ain who resides in al-Derbasiyeh, a town on the Syria-Türkiye border under SDF control.¹⁴⁵

Interviewees who fled the invasions and remain displaced today told Human Rights Watch that they cannot return both because they fear arrest and persecution on discriminatory grounds upon return, and because of widespread criminality that they believe would prevent them from regaining possession of their homes, shops, and lands. "I can't go back," said one man who fled in 2018. "Anything Kurdish, these armed groups will target. Even if a rock had the word Kurd written on it, they'd target it."¹⁴⁶

Through relatives or neighbors who remained or returned, many of those displaced as a result of the occupation were able to determine the fate of the properties they left behind, with homes, shops and agricultural lands either stripped bare and abandoned, seized and occupied, or rented out to others.

"My house is occupied by [members of the] Sultan Murad [division]," said Saleh, 52, who fled Afrin with his wife and two children during the 2018 invasion, leaving behind his home, a shop and warehouse, and an olive extraction plant. His home and shop are being

¹⁴³ Syrians for Truth and Justice, Syria: "Get out of Here before You See Things You Would Not Like, and Never Return!," October 8, 2022, <https://stj-sy.org/en/syria-get-out-of-here-before-you-see-things-you-would-not-like-and-never-return/> (accessed January 12, 2024); See also successive COI reports.

¹⁴⁴ European Union Agency for Asylum, "Country Guidance Syria 2023," 4.10.2. Kurds, February 2023, <https://euaa.europa.eu/country-guidance-syria-2023/4102-kurds> (accessed January 12, 2024).

¹⁴⁵ Human Rights Watch interview with displaced Kurdish man from Ras al-Ain, via WhatsApp, June 9, 2023.

¹⁴⁶ Human Rights Watch interview with a displaced man from Afrin, via WhatsApp, May 25, 2023.

rented out by the faction to Syrians displaced to Afrin from elsewhere, he said, and his olive plant was seized by Ahrar al-Sharqiya who demanded that his family pay US\$50,000 if they wanted it back.¹⁴⁷

“My house in Ras al-Ain at the beginning of the events was turned into a military outpost,” said a Kurdish woman who was displaced to al-Hasakeh governorate during the invasion. “Then, an SNA commander from Deir Ezzor and his family took it and started renting it out to other families. As far as I know, four families have since lived in the house.”¹⁴⁸

Nineteen of those interviewed said they or their family members suffered detention-related abuses in conjunction with their efforts to reclaim their properties or alongside violations of their housing, land and property rights.

“When my brother returned, he found people living in his home. He had to pay around 500,000 Syrian Lira (about US\$1,128)¹⁴⁹ to get them to leave,” said Khalil, a Kurdish doctor from Afrin living in the Kurdistan region of Iraq whose brother returned to Afrin after the invasion, and who, despite reclaiming his home, suffered arbitrary detention, extortion, and years-long harassment at the hands of members of the faction controlling his village.¹⁵⁰ “A week after my brother returned to our village in Afrin with our mother, the factions arrested him for 25 days. They accused him of being involved with the YPG. They beat him and he had to pay around US\$1,000 to get released.” He said that the threats and harassment he suffered in the years that followed revolved around displaced members of his family living in other regions of Syria, with fighters regularly interrogating his brother about them. Additionally, when returning to their family home in another village, their mother, who is over the age of 80, found it occupied by an SNA fighter’s family. “Those occupying the house, they told her: ‘One room is enough for you, you don’t need more space,’” recounted her daughter-in-law.¹⁵¹

¹⁴⁷ Images and videos provided by interviewee showing the state of his properties before and after factions of the SNA took over Afrin are available on file with Human Rights Watch.

¹⁴⁸ Human Rights Watch interview with a co-administrator at Serekaniye camp for the displaced in al-Hasakeh, Syria on May 8, 2023.

¹⁴⁹ Equivalent to about US\$1,128 using the June 2018 USD/SYP exchange rate of 1 to 443.

¹⁵⁰ Human Rights Watch interview with a displaced doctor and his wife in their home in Derik on November 18, 2022.

¹⁵¹ Researchers reviewed videos proving this living agreement.

One Kurdish man whose mother and sister returned to Afrin two months after the invasion said they were forced to move to their village home because SNA factions occupying their city home refused to leave. They said they paid the equivalent of US\$3,000 to one faction to reclaim their village home and olive grove.¹⁵² In the years that followed, he said that he returned to help his family reclaim their properties, and that the same faction, in coordination with the military police, subjected him and various members of his family to arbitrary detention, torture and ill-treatment, and extortion. “Every time [my son] has to go anywhere far for work, I remain anxious and worried until he returns,” said his mother. “Every knock on the door alarms and scares us.”

In the fertile regions of Afrin, known for its olive groves and its fruit trees, and the sprawling fields of wheat and barley between Ras al-Ain and Tel Abyad, where farming is a main source of revenue for most residents, farmers watched as factions seized their lands and sold their crops as their own. To keep working their lands, many were forced to surrender a portion of their crops as “tax.”¹⁵³

“In the first years [since the invasion] my family wasn't allowed to even visit their land [in Afrin],” said one displaced woman.¹⁵⁴ “Now they're allowed to farm it,” she said. “But the faction in control takes a tax on the produce.” “They did not take our trees, but we do have to give the Amshat brigade (better known as the Sultan Suleiman Shah brigade) 50 percent of our crop profits every year,” said one man whose family owns 600 olive trees in Afrin.¹⁵⁵

In acts that farmers told Human Rights Watch pained them the most, factions in control of their villages and towns not only seized their lands, but also cut down their olive and fruit trees to sell their wood for heating and other purposes.

“These olive trees they're like my father's children,” said one man from Afrin as he recalled how factions cut down at least 20 of his family's olive trees. “These trees are 50, 60,

¹⁵² Human Rights Watch interview with a former detainee, via WhatsApp, March 13, 2023.

¹⁵³ Successive UN COI reports, available at: <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>; Synergy-Hevdesti, “Where is My Home: Property Rights Violations in Northern Syria Perpetuate Demographic Change,” January 25, 2023 <https://hevdesti.org/en/violations-of-property-rights-in-northern-syria/> (accessed January 17, 2024); Human Rights Watch interviews with 27 victims.

¹⁵⁴ Human Rights Watch interview with a displaced woman, Derik, Kurdistan Region of Iraq, November 18, 2023.

¹⁵⁵ Human Rights Watch interview with a displaced Kurdish man from Afrin, Derik, Kurdistan Region of Iraq, June 26, 2023.

sometimes 100 years old. Across Afrin, they're cutting them down, they take the logs, and they sell them in Idlib, and no one can say a word in protest,” he said.

One man paid an exceptionally steep and lasting price in his quest to reclaim his property. Mazen, an Arab man from one of the villages of Ras al-Ain whose entire extended family fled to SDF-controlled areas during the invasion, decided to stay behind “because of the house,” he said.¹⁵⁶ He soon after suffered a week-long detention and ill-treatment at the hands of one of the factions that took control of his village. Following his release, and for an entire year after, Mazen, who said he used to be a civil employee with the AANES, said various factions harassed and extorted him, with the Ahrar al-Sharqiya faction seizing 125 dunums (about 30 acres) of his 150 dunum (about 37 acres) land for themselves and selling his barley crops as their own. He said al-Ghab brigade, which belongs to the Hamzat division, threatened him with detention based on his family’s supposed ties to the AANES if he did not pay them. “One time I paid 400,000 Syrian Lira, about \$1,000.”¹⁵⁷

In late October 2020, after a member of the Ahrar al-Sharqiya faction threatened to kill him if he did not pay him a substantial amount within three days, he said members of the civilian police, military police, and another faction raided his home, arrested, and handcuffed him in front of his two young children, and drove him to the village center. While they were occupied arresting another individual, Mazen attempted to flee.

“They started shooting bullets at the ground next to my feet. I started running away from them with my hands cuffed to the back, I was staggering, and they kept shooting at me,” he said. Mazen, who sustained a gunshot to his face, was taken to Türkiye for treatment where he spent over a month, and where he said Turkish intelligence officers interrogated him about his ties to the SDF while in hospital. When he returned to Ras al-Ain, he again tried to reclaim various properties belonging to him and his extended family, but to no avail. Fearing reprisal, Mazen told researchers that he chose not to file a complaint against the SNA for his injuries. He explained the reasons he chose to finally leave a year later:

¹⁵⁶ Human Rights Watch interview with Mazen, a displaced man from Ras al-Ain, in Serekaniye Camp, al-Hasakeh, Syria, May 4, 2023.

¹⁵⁷ Ibid.

Every day over there, there was blackmail, harassment, threats. I couldn't take it anymore, I wasn't able to keep paying them money. The land they took, our homes they took. On 21 October 2021, I left the village, I left everything behind.

Ineffective Restitution Efforts

The biggest hurdles that property owners said deterred them from returning and initiating the process of reclaiming their properties include the persisting environment of insecurity, fear, and chaos in the those areas; the harassment, intimidation, threats and extortion that property owners may face in their pursuit of their rights; the requirement to provide documentation and evidence to prove ownership, especially given many have lost or been unable to retrieve their official documents during the conflict; and the absence of a comprehensive and transparent legal framework for property restitution. Overall, the combination of security concerns, factional control, documentation requirements, intimidation, financial burdens, and a lack of legal clarity creates significant obstacles for individuals seeking to reclaim their properties in Turkish-occupied areas of Syria.

The establishment of military and civilian police forces to whom civilians can report abuses and violations, as well as local grievance committees set up by different factions, have led to little progress in providing restitution for the housing, land, and property looted, stolen, or damaged by various elements of the SNA, not least because the abovementioned formations consist of current or former members of the same abusive factions whose abusive actions they are meant to remedy.¹⁵⁸ According to two informed sources, these former faction members often maintain loyalty to their factions, continuing to collaborate and coordinate with them while also providing protection as needed.¹⁵⁹

Human Rights Watch, the UN Commission of Inquiry, and local organizations have recorded and documented incidents of retaliatory acts at the hands of members of various factions against people who lodged complaints with the various available avenues for redress. Even those who have succeeded at reclaiming properties have not managed to

¹⁵⁸See Sultan Murad video showing members of the faction returning a tractor, a piece of land and a factory to their owners in Ras al-Ain: “بتوجيه من رئيس الحكومة السورية المؤقتة.. الفيلق الثاني يعمل على تحسين الوضع الأمني في رأس العين,” Syrian Interim Government, April 28, 2021, video clip, YouTube, <https://www.youtube.com/watch?v=E86CbuQZR04> (accessed January 12, 2024)

¹⁵⁹ Multiple Human Rights Watch interviews with two informed sources, via WhatsApp and Signal, in 2023.

retrieve all that they lost to the factions, and most have managed to do so outside of the abovementioned avenues for redress, instead relying on paying the factions or members of the Military Police in charge of their villages and neighborhoods sizeable bribes or agreeing to pay rent, levies, or “taxes,” to live in their own homes, operate their own shops, and tend to their own lands.

In Afrin in September 2020, following a scathing COI report on SNA abuses, several factions, including Sultan Murad, Hamzat, Ahrar al-Sharqiya, and Jaish al-Sharqiya, came together and established what they called a Committee for the Restitution of Rights, a local grievance committee run and manned by members of the factions themselves.¹⁶⁰

In a circular issued a month later, the committee addressed all SNA factions, prohibiting the imposition of taxes on olive and fruit harvests and requesting the return of money collected from farmers for the 2020 season under what it referred to as a “tree protection tax” within a maximum period of ten days.¹⁶¹

However, the committee’s effectiveness at remedying either issue has been limited and these abuses continue. The committee announced an end to its activities two years later, although reports suggested it had stopped functioning months earlier, when some of the factions withdrew.¹⁶² According to the informed source who directly engages with various elements of the military police, as of February 2023, over 3,750 property-related disputes brought to the committee were sent to civilian courts following the committee’s dissolution, where they remain unaddressed. “The committee’s successes were very limited,” he said. “If the faction member involved is powerful or has leverage, they had no sway over him, if he isn’t, then they would, for example, make him pay the victim a symbolic amount in rent.”¹⁶³

¹⁶⁰ Firas Faham, “تشكيل لجنتين لـ ‘رد المظالم’ و‘الإصلاح’ في الشمال السوري,” *Syria TV*, October 23, 2020, <https://www.syria.tv/%D8%AA%D8%B4%D9%83%D9%8A%D9%84-%D9%84%D8%AC%D9%86%D8%AA%D9%8A%D9%86-%D9%84%D9%80-%D8%B1%D8%AF-%D8%A7%D9%84%D9%85%D8%B8%D8%A7%D9%84%D9%85-%D9%88%D8%A7%D9%84%D8%A5%D8%B5%D9%84%D8%A7%D8%AD-%D9%81%D9%8A-%D8%A7%D9%84%D8%B4%D9%85%D8%A7%D9%84-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A> (accessed January 12, 2024).

¹⁶¹ “عفرين... الجيش الوطني يمنع فرض الضرائب المالية على الأشجار,” *Enab Baladi*, October 24, 2020, <https://www.enabbaladi.net/archives/426030> (accessed January 12, 2024).

¹⁶² “بعد عامين على إنشائها.. ‘رد المظالم’ يعفرين توقف جميع أعمالها,” *Enab Baladi*, November 9, 2020, <https://www.enabbaladi.net/archives/613265> (accessed January 12, 2024).

¹⁶³ Human Rights Watch interview (name withheld), via WhatsApp, February 5, 2023.

Jaber, a Kurdish Syrian originally from Afrin who, initially motivated to participate in the rebuilding of Afrin, returned to work with one of the district's local councils, said of the committee's inefficiency:

The committee didn't work well because they were asking people to provide impossible evidence such as deeds and other documents that were lost during the war. And even if someone did provide evidence that he owned his house, it was difficult to reclaim it, especially if his house was being occupied by someone who has power within the SNA.

Jaber, who said he received numerous threats from armed groups who were unhappy with his work at the council, was himself targeted in the summer of 2022 when armed and masked men abducted him from his home. The kidnappers, who he said accused him of having ties to Kurdish groups, blindfolded him, beat him unconscious with their weapons, and left. "They thought they had killed me," he said. Jaber reported the incident to the local council, the civilian police, and the Turkish governor in charge of Afrin. When they failed to act, he resigned and left the country.¹⁶⁴

Asbahar, a 52-year-old Kurdish woman from Afrin who approached the committee in April 2021, lost faith in its ability to restore her stolen property soon after. "My house is occupied by someone from Ahrar al-Sharqiya," she said. "My mother's house is occupied by someone from al-Jabha al-Shamiya and my father-in-law's house is occupied by someone from Muntasir Billah brigade." Each time she visited the committee, she said they asked her to return the following week, providing only a complaint number without any proper documentation. Asbahar recounted an encounter with the person occupying her home, who she said promised to pay her rent, giving her one installment of 500 Turkish Liras (about US\$36) in 2021 and claiming to have protected the house from looting and damage. "He never paid again after that," she said. Asbahar said that on July 18, 2023, she discovered that the faction member had left and that her house has been listed for sale.¹⁶⁵

A July 2023 Investigation by the independent news website *Syria Direct* shed light on a widespread phenomenon wherein properties belonging to the original – and often

¹⁶⁴ Human Rights Watch interview with Jaber, via WhatsApp, February 18, 2023.

¹⁶⁵ Human Rights Watch interview with Asbahar, via WhatsApp, April 12, 2023.

displaced – inhabitants of Afrin are being advertised on Facebook and WhatsApp, and unlawfully sold at prices far below the original price by the various military factions present, or by civilians who have taken possession of the properties or previously purchased them from these factions.¹⁶⁶

In the years following Türkiye's 2019 incursion, Turkish media outlets praised what they described as the positive impact of Türkiye's intervention on the region's minorities, namely Christians and Yezidis, with Turkish officials and the Türkiye-backed local council of Ras al-Ain making statements encouraging them to return, including the Turkish Ministry of Defense, which shared images on its official X (formerly Twitter) account of members of the armed forces restoring Christian churches in the area.¹⁶⁷

A Yezidi landowner who, alongside his brothers, owned agricultural land in various regions of Ras al-Ain and several homes in one of the district's villages, said he decided to return in September 2021 after elders in the Yezidi community said they had received guarantees from Türkiye that they would not be harmed upon return and would be able to reclaim their properties.¹⁶⁸ Upon return, Murad, 40, who left his wife and three children back in al-Hasakeh city, stayed with Arab neighbors while he obtained a local council-issued ID, necessary to get through the myriad of informal checkpoints that dot the area. "I have land in about 4 to 5 villages," he said. "Each village is under the control of a different faction, each have their own procedures. I didn't know how I was supposed to be requesting my properties back." Murad described his interactions with the different factions, with two factions orally agreeing to return land he owned in three separate villages without much issue. Of his interactions with one of them, he said:

I went to their HQ, it's an abandoned house. I said to them I have land here,
I am the owner and I showed them the paperwork. I had with me two Arabs

¹⁶⁶ Walid Al Nofal, "عقارات مغلوبة في عفرين تباع بتراب المصاري," Syria Direct, July 21, 2023, <https://syriadirect.org/%D8%B9%D9%82%D8%A7%D8%B1%D8%A7%D8%AA-%D9%85%D8%BA%D8%B5%D9%88%D8%A8%D8%A9-%D9%81%D9%8A-%D8%B9%D9%81%D8%B1%D9%8A%D9%86-%D8%AA%D8%A8%D8%A7%D8%B9-%D8%A8%D9%80%D8%AA%D8%B1%D8%A7%D8%A8-%D8%A7%D9%84/?lang=ar> (accessed January 12, 2024).

¹⁶⁷ "Christians in Ras al-Ain grateful to Turkey for ending YPG terror," *Daily Sabah*, November 4, 2021, <https://www.dailysabah.com/politics/war-on-terror/christians-in-ras-al-ain-grateful-to-turkey-for-ending-ypg-terror> (accessed January 12, 2024); T.C. Millî Savunma Bakanlığı X (formerly Twitter) page, July 14, 2021, <https://twitter.com/tcsavunma/status/1415247342270361602> (accessed January 12, 2024); Syrian Interim Government "MoD Media Office" Telegram channel, <https://t.me/SIGdefencemedia/117> (accessed January 12, 2024).

¹⁶⁸ Human Rights Watch interview with Murad, al-Hasakeh, Syria, May 7, 2023.

from the area, brought them as witnesses. I sat with the head of the faction there, he asked me who I was and checked on me, then said as long as you are the owner of these lands, they are yours, you are free to do with them what you want.

However, when he finally approached the faction in control of his home village to demand that his home, his brothers' homes, and 700 dunums (about 173 acres) worth of land also be returned to him, he described being interrogated, accused of affiliation with Kurdish political parties, and extorted for large sums of money in exchange for the return of his properties. Murad said the faction had turned his home into a sort of headquarters for themselves, and they were selling and harvesting his crops. He described instances of intimidation, harassment, and religious discrimination that he suffered, including attempts by the faction to convert him to Islam. In August 2022, after being briefly arrested by the Military Police in retaliation for posting about his failure to reclaim his home on social media, he again fled to al-Hasakeh city.

The whole time I was there, I'm staying in other people's homes while they have all my land and property. I said this to the [military] police. They said we don't have power over them... We are still hoping things would improve, that the factions would leave and we can have our land back.

In May 2020, a member of a religious minority group, who is a father of two, returned to Ras al-Ain to reopen his shop and reclaim his home, leaving his family behind in Qamishli due to safety concerns. Upon his return, he found both his home and shop in ruins, and his and his brother's homes under the control of a member of the Military Police division in the city. Fifteen days after arriving and following questioning, he said he managed to reclaim his home, stating that it would not have been possible had he not been a member of a religious minority group. He borrowed money from neighbors to repair and run his shop, through which he was able to provide for his family in Qamishli for about two years. However, in December 2022, on his way home from work, masked and armed men abducted him, subjected him to physical and psychological abuse, and kept him in captivity without food, water, or bathroom facilities for three days. He was eventually rescued by the Military Police division, a move he says would not have happened if news of his abduction had not reached Turkish authorities. A day after his release, he again fled

to join his family in SDF-controlled Qamishli where, as of the time of writing, he was without employment. Despite his ordeal, he expressed frustration at living in displacement and contemplated return: “I’m so desperate. I’m thinking of [going back and] opening my shop again. What else am I going to do.”

None of the individuals Human Rights Watch spoke to has, as of the time of writing, been properly or fully compensated for the detention-related abuses or the housing, land, and property violations by various factions and the military police.

Owners living abroad or internally displaced faced serious challenges in managing their properties. Those who expressed reluctance to return for fear of being harmed or did not have the means to return said they had no way of demanding restitution for lost or damaged property. “If you don’t personally return, they won’t give you anything,” said one Kurdish man residing in the Kurdistan Region of Iraq. “If you do, you may get back what is yours, but it involves beating, humiliation, money,” he continued.¹⁶⁹ In its September 2022 report, the COI stated that armed groups no longer recognized formal or informal powers of attorney that had allowed absent landowners to maintain their property.

One woman who suffered grave abuses, including arbitrary detention, torture, and sexual violence, by two different SNA factions in Afrin, said that after she was released from her second bout of detention in July 2022, she decided to flee to Europe, but not before registering all the properties under her name in the name of a relative who remained behind to deter factions from seizing them. “They take over properties of those who aren’t in Afrin of course,” she said. “Recently, however, he’s [the relative] telling us that the groups are going back to registration records, questioning why properties were transferred from one person and another, and threatening to take them.”¹⁷⁰

Some displaced people said they received calls from people inside Turkish-occupied territories offering to return their properties to them in exchange for money. “They contacted me through acquaintances I have there in the beginning,” said one Arab man who fled Ras al-Ain to SDF-controlled areas during the 2019 invasion. “I was told that

¹⁶⁹ Human Rights Watch interview with a displaced man from Afir, Derik, Kurdistan Region of Iraq, October 29, 2022.

¹⁷⁰ Human Rights Watch interview (name withheld), via WhatsApp, July 18, 2023.

members of the factions were in control of my properties, and if I wanted them back I had to pay for them.”¹⁷¹

There have been a few highly publicized incidents in which factions returned seized properties. In April 2023, Al-Farouq Abu Bakr, a member of the leadership council of one of the military formations within the SNA, announced in April 2023 the return of seized properties, including farms, apartments, and shops, to six rightful owners in the Arab-majority city of al-Bab in eastern Aleppo countryside¹⁷². The handover and restitution of these properties were part of a previous agreement reached in September 2022 that granted a six-month deadline to vacate the properties which had been occupied by the Sultan Malik Shah faction for over five years. The properties were returned to their owners following widespread protests and demands for restitution by the local community and activists. That same month, the SNA’s Second Corps, which includes the Sultan Murad, Hamzat, Jaysh al-Islam and Faylaq al-Rahman factions, published a video online showing its members returning a heavy machine, a piece of land, and a factory to three owners who submitted “all the necessary documentation,” and filmed as the owners accepted their properties back.¹⁷³

Nonetheless in its March 2023 report, the COI said that interviewees from Turkish-occupied areas continued to report denial of access to their properties.¹⁷⁴ In its February and September 2022 reports, the COI documented retaliatory acts by SNA members against owners who lodged complaints via local grievance committees, including threats,

¹⁷¹ Human Rights Watch interview with displaced man, al-Hasakeh, Syria, May 5, 2023.

¹⁷² “الباب.. ممتلكات تعود لأصحابها بعد استيلاء الجيش الوطني عليه,” Facebook post, April 27, 2023,

https://www.facebook.com/permalink.php?story_fbid=pfbido2PcyPMaaVFQv87fu6AtHQaxGegYaYK9asbsrrxAj5xpjYseiyc5cvmXyzER5t9Y2ql&id=100042302613646 (accessed January 12, 2024);

Enab Baladi, April 28, 2024, <https://www.enabbaladi.net/archives/639811> (accessed January 12, 2024).

¹⁷³ Syrian Interim Government, “بتوجيه من رئيس الحكومة السورية المؤقتة.. الفيلق الثاني يعمل على تحسين الوضع الأمني في رأس العين,” April 28, 2021, <https://syriaig.net/ar/1345/content/%D8%A8%D8%AA%D9%88%D8%AC%D9%8A%D9%87%D9%85%D9%86%D9%8B%D8%A6%D9%8A%D8%B3%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D8%A9%D8%A7%D9%84%D9%85%D8%A4%D9%82%D8%AA%D8%A9.%20%25D> (accessed January 12, 2024).

¹⁷⁴ UN COI, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 13 March 2023 <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-republic-ahrc5269-enarruzh>, (accessed January 21, 2024).

beatings, abductions, and, one tragic case, the killing of a farmer who had succeeded at reclaiming his property.¹⁷⁵

¹⁷⁵ UN COI, Report of the Commission of Inquiry on Syrian Arab Republic to the 49th regular session of the Human Rights Council - A/HRC/49/77, February 8, 2022, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-17> (accessed January 21, 2024); UN COI, Report of the Commission of Inquiry on Syrian Arab Republic to the 51st regular session of the Human Rights Council, A/HRC/51/45, August 17, 2022, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-republic-ahrc5145-enarruzh>, (accessed January 21, 2024).

IV. Absence of Accountability

All I want is justice for what I've been through.

— Alin, a 60-year-old Kurdish former detainee from Afrin.

Despite the litany of human rights abuses, including possible war crimes, that commanders and members of various SNA factions and the Military Police are accused of having committed in Afrin, Ras al-Ain, and elsewhere in Turkish-occupied territories since at least 2018, rarely have any been held fittingly accountable, neither by the SNA's own military courts, which lack independence or impartiality, nor by Türkiye as the occupying power in the relevant areas and the SNA's main backer. No public information exists on whether Türkiye has investigated or held accountable any of its own officials for their complicity in detention-related abuses and violations of housing, land, and property rights in the territories it occupies. Türkiye did not respond to letters of November 21, 2023, that Human Rights Watch sent to its Ministries of Defense and Foreign Affairs setting out its findings and seeking a response to multiple questions about Türkiye's actions and responses in the areas it occupies.

Only when particularly outrageous incidents make it into the media and spark controversy do SNA factions address the abuses. Prominent incidents include the death by torture of an Arab civilian from Hama in one of the detention centers of Faylaq al-Sham in Afrin in February 2022, the assassination of an outspoken Arab activist and his pregnant wife by members of the Hamzat division in al-Bab in October 2022, or the heinous murder of four Kurdish members of the same family during Newroz celebrations in Afrin in March 2023 by Jaish al-Sharqiya.¹⁷⁶ After the abovementioned incidents, various elements of the SNA have issued statements condemning or distancing themselves from the crimes, and the

¹⁷⁶ Syrians for Truth and Justice, "Afrin: Al-Sham Legion Tortured a Civilian to Death," March 31, 2022, <https://stj-sy.org/en/afrin-al-sham-legion-tortured-a-civilian-to-death/> (accessed January 12, 2024); Walid Al Nofal, "Accountability, or fall': Syrian National Army's Hamza Division under fire after assassination of opposition activist in northern Aleppo," *Syria Direct*, October 12, 2022, <https://syriadirect.org/accountability-or-fall-syrian-national-armys-hamza-division-under-fire-after-assassination-of-opposition-activist-in-northern-aleppo/> (accessed January 12, 2024); "Syria: Turkey-Backed Fighters Kill 4 Kurdish Civilians," Human Rights Watch news release, <https://www.hrw.org/news/2023/03/22/syria-turkey-backed-fighters-kill-4-kurdish-civilians>; Syrians for Truth and Justice, "Jindires/Afrin: The Full Story of the Nowruz Eve Murder", May 16, 2023, <https://stj-sy.org/en/jindires-afrin-the-full-story-of-the-nowruz-eve-murder/>, (accessed January 15, 2024); Alhamza Tümeni X (formerly Twitter) post, October 10, 2022, https://twitter.com/alhamza_brigade/status/1579517263077863425 (accessed January 12, 2024).

factions involved handed over the perpetrators to the Military Police vowing to collaborate with investigations and trials.¹⁷⁷ But these cases also demonstrated that, because military court trials are not open to the public, often no more information on the proceedings is ever made public, and pressure for accountability fades. As of the time of writing, other than the Newroz murder case, which resulted in three of the perpetrators being sentenced to death and one to three years in prison in January 2024, no specific information about the details of the proceedings related to the other abovementioned incidents has come to light, and the fate of the perpetrators is unknown. In all three cases, the faction commanders under whose watch the crimes took place remain in their positions. According to Syria Direct, surviving family members of the four men murdered during Newroz celebrations in March have faced threats and physical attacks to pressure them to drop the case or leave Afrin.¹⁷⁸

In its successive reports on Syria, the UN Commission of Inquiry has reported on some limited efforts by the SNA towards accountability. In a July 2023 report, it said it was informed by the SNA of at least four instances where members had been internally prosecuted for torture, ill-treatment, and kidnapping between 2019 and 2021.¹⁷⁹ The Commission also said that other SNA members were reported to have been sentenced by military courts or were being investigated on charges including torture, murder, rape, and property appropriation between 2018 and 2022. The Commission stated that it does not have specific information about the details of the proceedings or whether they met essential fair trial standards.

The record of the Syrian Interim Government's military courts so far leaves doubt that the system can serve as an effective vehicle to investigate and prosecute the serious crimes perpetrated by members and commanders of the factions themselves, let alone members of the Military Police.

¹⁷⁷ Faylaq al-Sham statement on file with Human Rights Watch. Syrian Interim Government Ministry of Defense statement on death of activist and his wife on file with Human Rights Watch.

¹⁷⁸ Ahmad Kitme, "Six months after Afrin's Nowruz killings: A dead end road to justice & a family under threat," *Syria Direct*, September 21, 2023, <https://syriadirect.org/six-months-after-afrins-nowruz-killings-a-dead-end-road-to-justice-a-family-under-threat/> (accessed January 12, 2024).

¹⁷⁹ UN Human Rights Council, "No End in Sight: Torture and ill-treatment in the Syrian Arab Republic 2020-2023," July 10, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/no-end-in-sight> (accessed January 12, 2024).

“The judge and the jailer are one and the same,” said an informed source who shared with Human Rights Watch a May 2023 decision by the Ministry of Defence mandating the reconfiguration of the Military Justice Department and listing the names of newly appointed judges, public prosecutors, members of the investigation units across Turkish-occupied territories.¹⁸⁰ The source told Human Rights Watch that the majority of individuals appointed are themselves former members of the factions that make up the Syrian National Army.

Another informed source shared with researchers two 2019 notices from the SIG’s Military Justice Department to the Hamzat division summoning six of its members for investigation on account of misconduct, and the Hamzat division’s official responses denying the identified men’s membership in the faction. The source explained that these summonses for low-level faction members are often ignored by the various factions and that the Military Justice Department rarely follows up.¹⁸¹

Escaping Prosecution

Human Rights Watch investigated the cases of four high-ranking faction commanders, security officials, and members of the Military Police alleged to be involved in the serious abuses, including arbitrary detention, torture, and sexual violence described by interviewees and separately and publicly accused of committing other crimes. None have been prosecuted, and three currently hold high-ranking positions within the SNA structure, according to informed sources. They are:

Ahmad Zakaria Nako, also known as Ahmad Zakour

Ahmed Zakour, who headed the Hamzat division’s security department in Afrin until at least May 2020 under the supervision of the division’s commander Saif Abu Bakr, faced public accusations of torture and sexual violence against Kurdish women detainees that same year. According to an informed source who shared what they said were pictures of Zakour and screenshots of WhatsApp conversations in which Zakour acknowledged the women’s detention, Zakour was expelled from his position within the Hamzat division after

¹⁸⁰ Decision on file with Human Rights Watch.

¹⁸¹ Human Rights Watch interview (name withheld), via WhatsApp, July 8, 2023; Summonses and Responses on file with Human Rights Watch.

a video circulated that showed at least eight women detainees found in a military headquarters belonging to the Hamzat division after it was stormed by another faction¹⁸². The informed source said Zakour spent up to three months in the division's own detention center before being released and moving to al-Bab city where he then occupied a relatively high position with the Sultan Murad division. A second informed source confirmed this news and in January 2024 reported that Zakour was back with the Hamzat division.¹⁸³ Human Rights Watch could not independently verify the information provided about Zakour after his expulsion in 2020.

Motaz al-Abdullah

Al-Abdullah is a former military commander with the Hamzat faction whom two former detainees have alleged was involved in the abuses to which they were subjected during their detentions in 2020, and who is publicly accused of other abuses.

On July 24, 2021, the Hamzat faction relieved al-Abdullah, who at the time was the commander of the "Al Ghab" brigade, from his duties for his failure to abide by "internal rules" and referred him to a military committee internal to the faction.¹⁸⁴ Other public accusations have been made against al-Abdullah since. According to both informed sources, while al-Abdullah was relieved of his duties, he has escaped prosecution and currently resides in Türkiye. Although his last post was from April 28, 2022, his X (formerly Twitter) account remains open.¹⁸⁵

Mohammad Hamadeen, also known as Abu Riyad

In April 2022, Hamadeen resigned from his position as head of the Afrin Military Police¹⁸⁶. Previously, Hamadeen was the military commander of al-Jabha al-Shamiya faction and,

¹⁸² Syrians for Truth and Justice, "كيف أخفت فرقة الحمزة قسرياً نساء من عفرين؟", August 3, 2020, <https://stj-sy.org/ar/%D9%83%D9%8A%D9%81-%D8%A3%D8%AE%D9%81%D8%AA-%D9%81%D8%B1%D9%82%D8%A9-%D8%A7%D9%84%D8%AD%D9%85%D8%B2%D8%A9-%D9%82%D8%B3%D8%B1%D9%8A%D8%A7%D9%8B-%D9%86%D8%B3%D8%A7%D8%A1-%D9%85%D9%86-%D8%B9%D9%81/> (accessed January 12, 2024).

¹⁸³ Human Rights Watch interview (name withheld), via WhatsApp, July 8, 2023.

¹⁸⁴ "فرقة الحمزة تعتقل أحد قادتها وعدد من العناصر بتهم فساد", *Jesr Press*, July 25, 2021, <https://www.jesrpress.com/%D9%81%D8%B1%D9%82%D8%A9-%D8%A7%D9%84%D8%AD%D9%85%D8%B2%D8%A9-%D8%AA%D8%B9%D8%AA%D9%82%D9%84-%D8%A3%D8%AD%D8%AF-%D9%82%D8%A7%D8%AF%D8%AA%D9%87%D8%A7-%D9%88%D8%B9%D8%AF%D8%AF-%D9%85%D9%86-%D8%A7/> (accessed January 12, 2024).

¹⁸⁵ Motaz al-Abdullah X (formerly Twitter) profile, <https://twitter.com/m3tazalabdulah> (accessed January 12, 2024).

¹⁸⁶ "بالرغم من سجله الحافل بالتجاوزات.. محمد حمادين لم يُعزل عقاباً بل تم استهلاكه بالكامل", *Afrin Post*, April 24, 2022, <https://afrinpost.net/ar/archives/20554> (accessed January 12, 2024).

until September 2018, was a spokesperson for the Syrian National Army. Multiple public accusations of perpetrating human rights abuses have been made against him. Nine of the interviewees with whom researchers spoke mentioned suffering detention-related abuses by Military Police in Afrin, and two former detainees mentioned Hamadeen himself in their testimonies. “I was beaten on my face, legs, and every other part of my body by Lieutenant Colonel Abu Riyad and his men,” said one former detainee to researchers recounting his detention in a Military Police-run detention center in Afrin in late 2020. He recounted how he lost consciousness during one of the torture sessions that he said Hamadeen conducted. According to media reports, Hamadeen’s discharge was not as much of an accountability measure as it was an attempt by Turkish authorities to curtail the powers of the al-Jabha al-Shamiya faction, to which he previously belonged.¹⁸⁷ Hamadeen now serves as a military commander with the Third Legion, one of a few sub-coalitions of factions within the SNA. His X (formerly Twitter) account marks him as based in Türkiye.¹⁸⁸

Mohammad Al-Jassem, also known as Abu Amsha

Mohammad Al-Jassem is commander of the Sultan Suleiman Shah division. The “Unified Command Room” of the SNA, also known as “Azm”, following a months-long investigation that started in December 2021 stated he was responsible for crimes against civilians, including threats and intimidation, assault, and robbery.¹⁸⁹ Azm is a merger of factions established in July 2021 with the stated aim of consolidating the SNA’s military efforts amid tensions and rivalries among different factions. Until August 2021, Abu Amsha’s faction was one of the those included in the coalition. Abu Amsha was not taken before the Ministry of Defense’s Military Justice Department, which is officially the institution tasked with investigating and ruling on crimes perpetrated by faction members. And while the commission tasked with investigating Abu Amsha recommended that he and five other faction commanders who report to him be relieved from their duties, as of the time of writing, Abu Amsha continued to lead his faction undisturbed.¹⁹⁰

¹⁸⁷ Ibid.

¹⁸⁸ Mohammad Hamadeen's X (formerly Twitter) profile, <https://twitter.com/6NCCUofAEltKQ7c> (accessed January 12, 2024); Syrian National Army - Third Corps Telegram channel, https://t.me/legion_3td/603 (accessed January 12, 2024).

¹⁸⁹ Azm ruling on file with Human Rights Watch.

¹⁹⁰ The head of the faction's "legal office" confirmed that Abou Amsha would remain in his position while 5 other leaders would be relieved from their positions after the "Tripartite Commission" failed to substantiate any of the allegations made against Abou Amsha. See "سليمان شاه: أبو عمشة باقي كقائد للفصيل," *Rozana FM*, February 19, 2022, <https://www.rozana.fm/article/45047-%D8%B3%D9%84%D9%8A%D9%85%D8%A7%D9%86-%D8%B4%D8%A7%D9%87->

Unresolved Deaths in Detention

In a letter sent to the Syrian Interim Government's Ministry of Defense on November 20, 2023, Human Rights Watch inquired about judicial proceedings, if any, related to four publicly reported on deaths in detention that occurred between January 2022 and May 2023. They are:

Rezan Khalil – January 2022

In late January 2022, Syrians for Truth and Justice reported on the death of a civilian named Rezan Khalil, determining according to interviews it conducted with two members of Ahrar al-Sharqiya, two members of the Military Police in Afrin, a local medical worker, as well as other local sources in Afrin, that he died under torture in a detention center managed by Ahrar al-Sharqiya in Afrin city.¹⁹¹ Ahrar al-Sharqiya issued a statement on February 3 denying responsibility for his death, claiming that the faction had no presence in his area of residence and confirming that members of the faction had indeed attended funeral proceedings and offered their condolences to his family.¹⁹²

However, according to Syrians for Truth and Justice, Khalil had gone to an Ahrar al-Sharqiya detention center in Afrin city to negotiate his nephew's release after the faction arrested him on charges of affiliation to the PKK. At the center, the faction detained Khalil for five days and subjected him to torture and ill-treatment. On January 24, Khalil was transferred to the Afrin military hospital which then transferred him to a hospital in Reyhanlı, Türkiye, where he later died.

No documents or statements, including death certificates or forensic reports, were released by the Military Police, the Afrin military hospital, or the Turkish Ministry of Health-operated hospital in Reyhanlı. On February 4, Ahrar al-Sharqiya again issued a statement titled "Thanks and Gratitude," praising Afrin's Military Police for "revealing the truth about

%D8%A3%D8%A8%D9%88-%D8%B9%D9%85%D8%B4%D8%A9-%D8%A8%D8%A7%D9%82-%D9%83%D9%82%D8%A7%D8%A6%D8%AF-%D9%84%D9%84%D9%81%D8%B5%D9%8A%D9%84?year=news&month=2022&date=02&slug=%d8%b3%d9%84%d9%8a%d9%85%d8%a7%d9%86%2d%d8%b4%d8%a7%d9%87%2d%d8%a3%d8%a8%d9%88%2d%d8%b9%d9%85%d8%b4%d8%a9%2d%d8%a8%d8%a7%d9%82%2d%d9%83%d9%82%d8%a7%d8%a6%d8%af%2d%d9%84%d9%84%d9%81%d8%b5%d9%8a%d9%84 (accessed January 12, 2024).

¹⁹¹ Syrians for Truth and Justice, "Afrin: Ahrar al-Sharqiya Tortures a Civilian to Death," March 1, 2022, <https://stj-sy.org/en/afrin-ahrar-al-sharqiya-tortures-a-civilian-to-death/> (accessed January 12, 2024).

¹⁹² Statements and pictures related to the death of Rezan Khalil on file with Human Rights Watch.

Rezan's death". The group also pledged to counter the spread of what they called "lies" meant to disrupt social harmony among the Syrian people. No investigation into the circumstances of Rezan's death has been opened.

In July 2021, the U.S. Department of Treasury placed Ahrar al-Sharqiya and two of its leaders under sanctions for "crimes against civilians, particularly Syrian Kurds, including unlawful killings, abductions, torture, and seizures of private property," and for incorporating former ISIS members into its ranks.¹⁹³

Abdulrazaq al-Nuaimi – February 2022

On February 25, 2022, activists shared disturbing photos of a dead body with signs of brutal torture on social media. The victim was identified as Abdulrazaq Trad al-Obaid al-Nuaimi, a civilian displaced from Hama province, who was detained and tortured to death in a security center of Faylaq al-Sham (al-Sham Legion) in the Afrin region. The faction later admitted to the torture and death of al-Nuaimi in their detention center, arresting the perpetrators and handing them over to the military judiciary for justice.¹⁹⁴ No information on the proceedings has since been made public.

Luqman Hannan – December 2022

On December 22, 2022, the family of Luqman Hannan, a Kurdish lawyer and activist, received a call from the Afrin military hospital informing them he had died. Just three days prior, according to a relative, Turkish intelligence officials and members of the civilian police surrounded and arrested Hannan as he and his 9-year-old daughter were walking home. The relative said that Turkish forces raided and searched Hannan's house soon after and that they had a Kurdish-speaking woman interpreter with them. "When my relatives went to receive his dead body at the Afrin military hospital, they found torture marks on his face, legs, abdomen, and his back," the relative said. At the time, images purportedly showing a report by a forensic doctor and judge attributed the cause of death to cardiac and respiratory

¹⁹³ US Department of Treasury, "Treasury Sanctions Syrian Regime Prisons, Officials, and Syrian Armed Group," July 28, 2021, <https://home.treasury.gov/news/press-releases/jyo292> (accessed January 12, 2024).

¹⁹⁴ See STJ's reporting on the death: Syrians for Truth and Justice, "Afrin: Al-Sham Legion Tortured a Civilian to Death," March 31, 2022; Faylaq al Sham statement on file with Human Rights Watch; Statement from the Al-Nuaimi tribe: "قبيلة السادة النعيم" Facebook page, <https://www.facebook.com/kapelatalsabh/photos/a.100478032229161/284693757140920/> (accessed January 12, 2024); Statement from the Free Lawyers Union in Syria, "نقابة المحامين الأحرار في سوريا" Facebook page, <https://www.facebook.com/107021227475237/posts/489134062597283> (accessed January 12, 2024).

arrest due to acute myocardial infarction, and stated there was no need for an autopsy. There have not been any official statements from the SIG regarding his death.¹⁹⁵

Basel Jakish, May 2023

Days after his arrest by the Military Police division in Azaz in May 2023, a Kurdish man from the northern Hama countryside, who was reportedly attempting to irregularly cross into Türkiye, died in detention.¹⁹⁶ Basel Jakish, as well as a detained child, appeared in a video circulated on social media on May 23 in which, flanked by members of the Military Police, he confirmed that he had since May 19 been detained in the Military Police department in Azaz.¹⁹⁷ On May 30, the Military Police issued a statement announcing Jakish's death on May 27 in a hospital in Azaz, to which he had been transferred because of "a deterioration in his health." The statement said that an investigation into the incident had been conducted, that the suspects had been suspended from work, and that all those whose responsibility or negligence in relation to the crime if proven "will be brought to justice, so that they receive the fair punishment they deserve."¹⁹⁸ In this case too, no information has come to light regarding any ensuing criminal proceedings or accountability.

Despite an abundance of evidence put forward by human rights organizations, the UN Commission of Inquiry, media outlets, and independent researchers, there is no public record that any senior commanders have faced prosecution for the serious crimes they and members of their factions are accused of committing.

As a matter of command responsibility for international crimes such as war crimes, commanders who knew or should have known about crimes committed by their subordinates but took no action to prevent or punish them can – and should – be held criminally liable.

¹⁹⁵ Human Rights Watch interview with Luqman Hannan's relative, via WhatsApp, December 30, 2023.

¹⁹⁶ "كيف قُتل باسل جاكيش في سجون الشرطة العسكرية باعزاز؟" *Enab Baladi*, May 30, 2023, <https://www.enabbaladi.net/archives/643950> (accessed January 12, 2024).

¹⁹⁷ "وفاة شاب تحت التعذيب في سجن فصيل موال لتركيا بمدينة إعزاز" *Kurd Online*, May 31, 2023, <https://kurd-online.com/%D9%88%D9%81%D8%A7%D8%A9-%D8%B4%D8%A7%D8%A8-%D8%AA%D8%AD%D8%AA-%D8%A7%D9%84%D8%AA%D8%B9%D8%Bo%D9%8A%D8%A8-%D9%81%D9%8A-%D8%B3%D8%AC%D9%86-%D9%81%D8%B5%D9%8A%D9%84-%D9%85%D9%88%D8%A7%D9%84-%D9%84%D8%AA/> (accessed January 12, 2024).

¹⁹⁸ "وفاة شاب في سجون الشرطة العسكرية باعزاز ما التفاصيل ؟ | لم الشمل" *Syria TV*, May 31, 2023, video clip, YouTube, <https://www.youtube.com/watch?v=Wlt5mxowoPs> (accessed January 12, 2024).

In January 2024, two human rights organizations, the European Center for Constitutional and Human Rights (ECCHR) and Syrians for Truth and Justice (STJ), filed a criminal complaint with the German Federal Public Prosecutor's Office calling on it to investigate violations of international law by SNA factions in Afrin since 2018.¹⁹⁹ Efforts by various judicial authorities in Europe to investigate, and, where possible, prosecute serious international crimes committed in Syria, have provided a limited measure of justice while other avenues remain blocked.²⁰⁰ The principle of “universal jurisdiction” allows national judicial authorities to pursue criminal cases against individuals credibly implicated in certain grave international crimes, even though they were committed elsewhere and neither the alleged perpetrator nor the victims are nationals of the country.

Türkiye's Obligations as An Occupying Force

As an occupying power Türkiye is bound by both international humanitarian law, as provided for primarily the four Geneva Conventions and Additional Protocol I, and its international human rights law obligations which include the treaties it has ratified such as the European Convention on Human Rights (ECHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the United Nations Convention Against Torture (CAT).²⁰¹ The European Court of Human Rights has made clear that a country party to the ECHR must apply the Convention outside its national territory to protect foreign individuals under its control or authority, and when it exercises effective control over a territory other than its own.²⁰²

Türkiye is obliged to ensure that their own officials and those under their command do not commit violations of international humanitarian or human rights law, in particular with respect to their treatment of civilians and others not actively engaged in combat, such as those in detention. Some of the documented violations in this report include arbitrarily

¹⁹⁹ Syrians for Truth and Justice, “International Crimes in Afrin in northern Syria: Federal Public Prosecutor's Office must investigate,” January 18, 2024, <https://stj-sy.org/en/international-crimes-in-afrin-in-northern-syria-federal-public-prosecutors-office-must-investigate/> (accessed January 21, 2024).

²⁰⁰ Human Rights Watch, “These are the Crimes we are Fleeing: Justice for Syria in Swedish and German Courts,” October 3, 2017, <https://www.hrw.org/report/2017/10/04/these-are-crimes-we-are-fleeing/justice-syria-swedish-and-german-courts#9336>.

²⁰¹ Turkey has been a party to the European Convention on Human Rights since 1954, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1988, and the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights.

²⁰² See *Loizidou op. cit.*, *Al Skeini et al. V. the UK*, judgement of July 7, 2011, <https://hudoc.echr.coe.int/eng-press?i=003-3601054-4079088> (accessed January 25, 2024).

detention, ill treatment including torture and sexual violence, unlawful deaths of civilians and in custody, and arbitrary interference with property rights. Acts of torture, rape and other outrages on personal dignity may constitute war crimes.²⁰³

Turkish authorities are obliged to investigate alleged violations of both human rights and humanitarian law and ensure that those responsible are appropriately punished. Under international law, commanders who knew or should have known about crimes committed by their subordinates but took no action to prevent or punish them can be held criminally liable as a matter of command responsibility.

Housing, Land, and Property Rights

Türkiye is obliged to ensure that no pillaging or forcible taking of private property for personal use occurs. Under the laws of war, this is prohibited and can constitute a war crime.²⁰⁴ Combatants are not allowed to seize property for personal use, including to house their own families. The laws of war also prohibit destruction of property not justified by military necessity.²⁰⁵

De facto governing authorities have an immediate duty to provide shelter for displaced families and other vulnerable people without adequate shelter in the territory they control, but they must do so in a way that does not infringe on the owners' property rights.²⁰⁶ The use of vacant property to shelter displaced families and other vulnerable people without adequate shelter should be temporary. Owners should be compensated for the use of their property and any damage caused; and the rights of owners and returnees should be guaranteed.²⁰⁷

The UN Pinheiro Principles, which echo widely applicable international law on housing and property restitution in the context of the return of refugees and internally displaced

²⁰³ See, for example article 3 common to all Four Geneva Conventions, Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art.27, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted June 8, 1977, 1125 U.N.T.S. 3, entered into force December 7, 1978, art. 75.

²⁰⁴ See Fourth Geneva Convention, art. 33 and Rule 51 of the ICRC study on customary international humanitarian law.

²⁰⁵ See Fourth Geneva Convention, art. 53, and Rules 50 and 51 of the ICRC study on customary international humanitarian law.

²⁰⁶ Additional Protocol I, art. 69.

²⁰⁷ See, for example, Hague Regulations (Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land), 1907, art. 53.

people, state that, “all refugees and displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/or property that is factually impossible to restore as determined by an independent, impartial tribunal.”²⁰⁸

Article 1 of Protocol No. 1 of the ECHR also protects individuals’ property and possessions from arbitrary interference, including actions that displace property owners and then deny them access to their property. Türkiye as an occupying power must both respect the property rights of those in the areas of northern Syria it occupies and pay compensation to those whose rights have been violated.²⁰⁹

The removal, occupation, or destruction of personal and private property of displaced people can be a serious obstacle to their return.

Treatment of Detainees and Maintenance of Public Order and Safety in Occupied Territories

Türkiye’s status as an occupying power imposes an obligation to maintain law and order and public life in the occupied territory. Article 43 of the 1907 Hague Regulations imposes the responsibility on the occupying power to restore and maintain public order and safety, and as such Türkiye is obligated to protect the inhabitants of the territories it occupies in northern Syria from violence, regardless of the source.²¹⁰ Türkiye is also prohibited at all times, under international human rights and humanitarian law as a matter of both customary and treaty law, from engaging in or tolerating within areas it controls, acts of prohibited ill-treatment, including torture and acts of sexual violence.²¹¹ Türkiye is responsible for acts committed by its agents or those under its control, and for failing to prevent and/or punish acts of others that it was or should have been aware of.

²⁰⁸ UN Sub-Commission on the Promotion and Protection of Human Rights, Principles on Housing and Property Restitution for Refugees and Displaced Persons (UN Pinheiro Principles), June 28, 2005, E/CN.4/Sub.2/2005/17, Principle 2.1.

²⁰⁹ See for example, *Loizidou v. Turkey*, judgment of December 18, 1996, Reports of Judgments and Decisions 1996-VI, involving the property of an applicant who was displaced from her property in Turkish occupied Cyprus.

²¹⁰ See in particular, Fourth Geneva Convention, arts. 27-34 and 47 - 78, Additional Protocol I, arts. 69, 72–79, and the Hague Convention (IV), art. 43.

²¹¹ See for example, art. 3 common to all Geneva Conventions, art. 75 of Additional Protocol I, art. 3 of the ECHR (European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 222, entered into force September 3, 1953), art. 7 of the ICCPR (International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976) and CAT (Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (Convention against Torture), adopted 1984, entered into force 1987).

The Transfer of Syrian Nationals to Türkiye for Detention or Prosecution

The laws of war allow Turkish authorities to detain or intern civilians in occupied territory temporarily on security grounds, but they are prohibited from transferring Syrian nationals from an occupied area to Türkiye, whether for detention or prosecution purposes.²¹²

²¹² Fourth Geneva Convention, art. 49

Acknowledgments

This report was researched and written by Hiba Zayadin, senior researcher at Human Rights Watch, with extensive research conducted by two research assistants in the Middle East and North Africa Division.

The report was edited by Adam Coogle, deputy director in the Middle East and North Africa division and Tom Porteous, deputy program director. Senior legal advisors Clive Baldwin and Aisling Reidy provided legal review. Bill Frelick, director of Human Rights Watch's Refugee and Migrant Rights' Division, Bill Van Esveld, associate director in Human Rights Watch's Children's Rights Division, Emina Ćerimović, senior disability rights researcher, Sahar Fetrat, women's rights researcher, and Suze Bergesten Park, senior coordinator in Human Rights Watch's Women's Rights Division provided specialist reviews.

Charbel Salloum, senior officer in Human Rights Watch's Middle East and North Africa Division, and Travis Carr, digital publications officer at Human Rights Watch, helped prepare the report for publication.

Human Rights Watch sincerely thanks all the individuals who shared their knowledge and experiences to make this report possible, sometimes at personal risk.

Appendix I: Letter to the Syrian Interim Government

HUMAN RIGHTS WATCH

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Inclusion*

1

HUMAN
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TO: Abdel Rahman Mustafa

President of the Syrian Interim Government
Syrian Interim Government

CC: Brigadier General Arafat Hamoud

Director of the Military Justice Department
Military Justice Department
Ministry of Defense
Syrian Interim Government

November 20, 2023

Dear Mr. Mustafa,

I write to inform you in advance about an upcoming Human Rights Watch report that exposes serious human rights abuses committed in by elements of the Syrian National Army (SNA) and the Syrian Interim Government's (SIG) Military Police and to request your responses to questions about human rights conditions in areas of northern Syria under SIG and Turkish control.

Human Rights Watch is an international, non-governmental organization that documents human rights abuses in more than 100 countries around the world. The organization has documented human rights abuses in Syria since 1991, and we have produced numerous reports on violations during the current crisis since 2011 by all parties to the conflict. The reports are based on in-depth research, interviews, and onsite investigations in Syria, where feasible.

Based on 58 interviews with victims, relatives, and witnesses of violations, as well as various representatives of non-governmental organizations, journalists, activists, and researchers, between November 2022 and September 2023, our latest research documents serious abuses, including abductions, arbitrary arrests, unlawful detentions, sexual violence and torture by the various factions of the SNA, the Military Police, and members of the Turkish Armed Forces and intelligence officials in areas of northern Syria captured following Operation Olive Branch in 2018 and Operation Peace Spring in 2019. It also documents violations of housing, land, and property rights, including widespread looting and pillaging, property

AMMAN - AMSTERDAM - BEIRUT - BERLIN - BRUSSELS - CHICAGO - COPENHAGEN - GENEVA - GOMA - JOHANNESBURG - KYIV - KINSHASA - LONDON - LOS ANGELES - MIAMI
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seizures and extortion, and highlights the significant shortcomings of recently introduced accountability measures, which have failed to effectively address abuses or adequately provide restitution to victims. Of the 58 interviewees impacted, 19 were former detainees and 21 were relatives of former and current detainees. Thirty-six people, some of whom also suffered detention related abuses, suffered violations of their housing, land, and property rights. Interviews by our Syria research staff were conducted in Arabic and Kurdish over secure messaging applications, as well as in person in the Kurdistan Region of Iraq and in Amuda, al-Hasakeh, and Qamishli in northeast Syria.

Your responses are greatly appreciated as we wish to accurately reflect the positions of the SIG and the SNA. If you can provide responses by December 11, 2023, we will endeavor to reflect your views in our published material.

Detention-related abuses

Our research shows that, since taking over Afrin in 2018 and Ras al-Ain in October 2019, factions of the Syrian National Army and the Military Police department, working under the supervision of Turkish military and intelligence forces, have arbitrarily arrested and detained, forcibly disappeared, tortured and ill-treated, and subjected to unfair military trials scores of people with impunity. Women detainees reported being subjected to sexual violence, including rape. Children as young as six months old have been detained alongside their mothers.

All detention cases Human Rights Watch documented occurred between January 2018 and August 2023, with two people who remained in detention and another missing as of the time of writing. Among the factions interviewees accused of committing grave abuses were al-Hamzat Division, al-Waqqas Brigade, Sultan Suleiman Shah division, Sultan Murad division, and Ahrar al-Sharqiya faction, as well as the military police departments in Afrin and Ras al-Ain.

Our research suggests that people of Kurdish ethnicity have overwhelmingly borne the brunt of these abuses, often on suspicion of links with Kurdish-led armed groups. The research also finds that Arabs and others who had previously lived under the rule of the Kurdish-led Syrian Democratic Forces (SDF) and who are perceived to have had close ties with the SDF or its civilian wing, the Autonomous Administration of North and East Syria (AANES), have also been targeted. We have documented cases whereby SNA factions and the military police engaged in abductions, arbitrary arrests, and detentions with the primary aim of extortion. Moreover, in the majority of cases documented, even when factions and the military police accused those they detained of committing serious crimes at the behest of Kurdish armed groups, they still released them in exchange for money.

Former detainees described horrid detention conditions, especially in the detention centers of the military police and the make-shift jails of various SNA factions, where some spent months in tiny solitary cells infested with insects, or in overcrowded rooms with no space to lie down and without proper mattresses or blankets. Some places of detention, which former detainees described accessing by going underground, were often in total darkness. Five former detainees said they were held in homes turned into makeshift detention centers.

Former detainees reported being subjected to unfair trials in military courts, sometimes up to two years after their arrest. Detainees were routinely denied access to legal counsel throughout their detention. Some reported the use of coerced confessions as the primary, and sometimes sole, evidence against them. Families of detainees frequently resorted to paying bribes to faction members or military police to secure the release of their relatives outside the formal judicial system. A number of former detainees who appeared before military judges said that judges took no action after they reported being subjected to torture and abuse in detention.

We would appreciate your responses to the following questions regarding detention-related abuses:

1. Human Rights Watch research has found that many SNA factions run their own makeshift or unofficial detention centers despite reported attempts to stop the practice. Are you aware of the existence of these unofficial detention centers and how many such centers various factions of the SNA in northern Syria continue to operate in northern Syria? Are you aware of which factions run them, of how many prisoners are currently in each of these detention facilities and of how many among them are women and children?
2. Who is responsible for overseeing the well-being of detainees and ensuring acceptable humanitarian conditions within SNA-run detention centers?
3. Do Turkish military and intelligence agencies maintain operations rooms in al-Bab, Jarablus, Ras al-Ain (Serekaniye), and Afrin that direct SNA factions the SIG's Military Police division?
4. How many prisoners are currently held in Military Police department detention centers across areas of northern Syria under SIG control? How many of those prisoners are women? And how many are children?

5. What policies, rules, or regulations govern the treatment of detainees by the Military Police department? Please share with Human Rights Watch a copy of any written policies or regulations.
6. How many complaints of torture or ill-treatment have been filed with the Military Judiciary regarding abuses suffered both in the custody of SNA factions and the Military Police since its establishment in February 2018? What actions did the Military Judiciary take following these complaints?
7. How are complaints of sexual violence, including rape, against detainees being addressed within the detention facilities? What measures are in place to prevent and respond to such serious crimes?
8. What mechanisms are in place to ensure that military judges can act impartially and without external influence?
9. What steps can military judges take in response to detainees' claims of torture and ill-treatment during their detention?
10. Are there any protocols or mechanisms in place to address such allegations promptly and effectively?
11. Is there a mechanism for reviewing and addressing cases in which detainees were wrongly convicted or subjected to unfair trials?

Housing, land, and property violations

Human Rights Watch documented 22 cases of looting and ransacking of civilians' homes, shops, and lands by SNA factions following the 2018 and 2019 Turkish invasions. This included theft of valuable items and extensive damage to properties. Victims also reported looting of public property, such as electricity cables and tension towers, which caused disruptions and hardship to local communities.

A disturbing trend that emerged in our research was SNA factions' exploitation of property seizures as a means to generate income. Property owners, many of whom were displaced or belonged to ethnic or religious minority groups, encountered formidable obstacles in reclaiming their homes, shops, and lands. They were often compelled to pay substantial sums to reclaim their property or agree to "rent" their own property from controlling factions. Farmland owners were forced to yield a portion of their crops as "tax," further exacerbating their economic hardships. Researchers documented 29 cases of property seizures and 12 cases of extortion.

Our research has shown that SIG-led efforts to provide restitution for housing, land, and property violations have proved largely ineffective. Challenges included stringent documentation requirements in a war-torn area, inability of SIG institutions to force SNA factions to back down, and direct efforts to intimidate people into dropping their cases. Grievance committees and authorities established for this purpose demonstrated limited success, with victims subjected to retaliatory acts and threats when seeking restitution. Some victims were deterred from returning or attempting to reclaim their property by persisting insecurity and lack of rule of law in SIG-controlled areas.

We appreciate your responses to the following questions regarding violations of land, property, or housing rights:

1. What measures has the SIG put in place to facilitate the fair and efficient restitution of properties to their rightful owners in SIG-controlled areas?
2. How will the SIG ensure that compensation is provided to individuals who have suffered losses due to looting, property seizures, or extortion by SNA factions in control of these areas?
3. Can you clarify the process and criteria for property owners to seek compensation or restitution for their lost or damaged properties?
4. What procedures are in place for property owners who live abroad or are internally displaced to other parts of Syria to reclaim their properties despite their physical absence?
5. What steps are being taken to ensure the safety and protection of property owners who wish to return to their homes or reclaim their properties in areas under your control?
6. How is the SIG addressing the concerns of property owners who fear retaliation, threats, or violence when attempting to seek restitution or report property-related violations?
7. What steps are being taken to prevent retaliatory acts, including threats, violence, abductions, and killings, against property owners who file complaints or seek property restitution?
8. Can you provide information on the progress and outcomes of property restitution cases, including any successful returns of properties to their rightful owners?

9. Are there mechanisms for independent oversight and monitoring of property-related issues in SIG-controlled areas?
10. What measures are being implemented to prevent further property-related violations, including looting, property seizures, and extortion, in areas under SIG control?
11. What measures are being taken to prevent the unlawful sale of properties belonging to the displaced residents of Afrin by various military factions or civilians?

Accountability for human rights abuses

There have been numerous allegations of human rights abuses and possible war crimes committed by commanders and members of various Syrian National Army (SNA) factions and the Military Police in SIG-controlled areas since at least 2018, but there has been little, if any, accountability for these abuses. Our research shows neither the SNA's own military courts nor Turkey, as the primary backer and occupying power in these areas, have adequately addressed these abuses.

Public information regarding Turkey's investigations or accountability measures against its own officials for complicity in detention-related abuses and violations of housing, land, and property rights in areas under SIG control is nonexistent.

We appreciate your responses to the following questions regarding accountability for abuses:

1. Can you provide information on the steps taken to investigate and address human rights abuses, including allegations of torture, sexual violence, and arbitrary detention, committed by SNA factions and the Military Police in SIG-controlled areas?
2. Please provide statistical data since February 2018 on the number of complaints, investigations, prosecutions, convictions, and sentences applied in cases involving detention-related violations and abuses.
3. How does the SIG ensure transparency in investigations and proceedings related to serious crimes committed by SNA members and commanders?
4. Can you provide details on the outcomes of trials and investigations related to high-profile cases of torture, assassination, or murders that gained public attention?

5. What steps are being taken to make public all relevant information about military court proceedings involving serious abuses by SNA factions or the SIG police forces to ensure accountability and prevent impunity?

Human Rights Watch investigated the cases of four high-ranking faction commanders, security officials, and members of the Military Police identified as complicit in the serious abuses, including arbitrary detention, torture, and sexual violence. Abuses by these individuals were described by interviewees to Human Rights Watch researchers, and some have been publicly accused of committing other crimes. As far as we know, none have been prosecuted, and three appear to currently hold high-ranking positions within the SNA structure.

6. Please provide information on the status, if any, of investigations into the alleged involvement in serious human rights abuses against detainees and civilians by **Ahmad Zakaria Nako**, also known as Ahmad Zakour, who headed the Hamzat Division's security department in Afrin until at least May 2020, **Motaz al-Abdullah**, a former military commander with the Hamzat faction, **Mohammad Hamadeen**, also known as Abu Riyad, military commander with the Third Legion and previously head of the Afrin Military Police department, and **Mohammad Al-Jassem**, better known as Abu Amsha, commander of the Sultan Suleiman Shah division.
7. What actions are being taken to hold other high-ranking commanders accountable for their alleged involvement in serious abuses, including torture, sexual violence, and arbitrary detention?
8. Are there mechanisms in place to investigate and prosecute commanders who knew or should have known about crimes committed by their subordinates but failed to take preventive or punitive action?

We appreciate your responses to the following questions regarding deaths in detention:

1. Can you provide information on the status of investigations into deaths in detention, particularly the cases of Rezan Khalil, Abdulrazaq al-Nuami, Luqman Hannan, and Basel Jakish, all of whom died following alleged torture and ill-treatment?
2. What measures are being taken to ensure transparency and accountability in cases of deaths in detention, including the release of death certificates and forensic reports?

Thank you for your attention to this matter, and we look forward to receiving any response by email to [REDACTED] by December 11, 2023 to be able to include your answers in our forthcoming report.

Sincerely,

Lama Fakih



Director, Middle East and North Africa Division
Human Rights Watch

Appendix II: Letter to Turkish Ministry of Defence and Ministry of Foreign Affairs

HUMAN RIGHTS WATCH

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Minjon Tholen, *Global Head of Diversity, Equity, and
Inclusion*

1



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TO: Minister of Defense Yaşar Güler
CC: Minister of Foreign Affairs Hakan Fidan

November 21, 2023

Dear Minister Yaşar Güler,

I write to inform you in advance about an upcoming Human Rights Watch report that exposes serious human rights abuses in areas of northern Syria committed by elements of the Syrian National Army (SNA), the Syrian Interim Government's (SIG) Military Police, and members of the Turkish Armed Forces and Turkish intelligence agencies. In order to reflect the Government of Turkey's views in the upcoming report, we would kindly request your responses to questions below about human rights conditions in areas of northern Syria under Turkish military control. We have also sent the Minister of Foreign Affairs Hakan Fidan a similar letter with the same requests.

Human Rights Watch is an international, non-governmental organization that documents human rights abuses in more than 100 countries around the world, including in Syria and Turkey. The organization has documented human rights abuses in Syria since 1991 and produced numerous reports on violations by all parties to the conflict in the country since 2011. The reports are based on in-depth research, interviews, and onsite investigations in Syria when feasible.

Based on 58 interviews with victims, relatives, and witnesses of violations, as well as various representatives of non-governmental organizations, journalists, activists, and researchers, between November 2022 and September 2023, our latest research documents serious abuses including abductions, arbitrary arrests, unlawful detentions, sexual violence, and torture by the various factions of the SNA, the Military Police, and members of the Turkish Armed Forces and intelligence officials in areas of northern Syria captured following Operation Olive Branch in 2018 and Operation Peace Spring in 2019. It also documents violations of housing, land, and property rights – including widespread looting and pillaging, arbitrary property seizures and extortion – and highlights the significant

shortcomings of recently introduced accountability measures, which have failed to effectively address abuses or adequately provide restitution to victims. Of the 58 interviewees impacted, 19 were former detainees and 21 were relatives of former and current detainees. Thirty-six people, some of whom also suffered detention related abuses, suffered violations of their housing, land, and property rights. Interviews by our Syria research staff were conducted in Arabic and Kurdish over secure messaging applications, as well as in person in the Kurdistan Region of Iraq and in Amuda, al-Hasakeh, and Qamishli in northeast Syria.

Your responses are greatly appreciated as we wish to accurately reflect the Turkish authorities' point of view on these allegations. If you can provide responses **by December 11, 2023**, we will endeavor to reflect your views in our published material.

Detention-related abuses

Our research shows that, since taking over Afrin in 2018 and Ras al-Ain in October 2019, factions of the Syrian National Army and the Military Police department, working under the supervision of Turkish military and intelligence forces, have arbitrarily arrested and detained, forcibly disappeared, tortured and ill-treated, and subjected to unfair military trials scores of people with impunity. Women detainees reported being subjected to sexual violence, including rape. Children as young as six months old have been detained alongside their mothers.

All detention cases Human Rights Watch documented occurred between January 2018 and August 2023, with two people remaining in detention and another whose whereabouts and fate is unknown at the time of writing. Among the units interviewees accused of committing grave abuses were al-Hamzat Division, al-Waqqas Brigade, Sultan Suleiman Shah division, Sultan Murad division, and Ahrar al-Sharqiya faction, as well as the military police departments in Afrin and Ras al-Ain.

While most abuses documented were committed by factions of the SNA and the military police and took place at their detention centers, former detainees reported that Turkish military and intelligence officials were sometimes present during their arrests and interrogations and in some cases were directly involved in the torture and ill-treatment to which they were subjected. Some said they saw Turkish military or intelligence officials regularly visit detention centers where they were held, but that they had no personal interactions with them. Two informed sources with direct knowledge of the inner workings of the SNA confirmed that the factions and the military police answer directly to Turkey's intelligence agencies.

Our research suggests that people of Kurdish ethnicity have overwhelmingly borne the brunt of these abuses, often on suspicion of links with Kurdish-led armed groups. The research also finds that Arabs and others who had previously lived under the rule of the Kurdish-led Syrian Democratic Forces (SDF) and who are perceived to have had close ties with the SDF or its civilian wing, the Autonomous Administration of North and East Syria (AANES), have also been targeted. We have documented cases whereby SNA factions and the military police engaged in abductions, arbitrary arrests, and detentions with the primary aim of extortion. Moreover, in the majority of cases documented, even when factions and the military police accused those they detained of committing serious crimes at the behest of Kurdish armed groups, they still released them in exchange for money.

Former detainees described horrid detention conditions, especially in the detention centers of the military police and the make-shift jails of various SNA factions, where some spent months in tiny solitary cells infested with insects, or in overcrowded rooms with no space to lie down and without proper mattresses or blankets. Some places of detention, which former detainees described accessing by going underground, were often in total darkness. Five former detainees said they were held in homes turned into makeshift detention centers.

Former detainees reported being subjected to unfair trials in military courts, sometimes up to two years after their arrest. Detainees were routinely denied access to legal counsel throughout their detention. Some reported the use of coerced confessions as the primary, and sometimes sole, evidence against them. Families of detainees frequently resorted to paying bribes to faction members or military police to secure the release of their relatives outside the formal judicial system. A number of former detainees who appeared before military judges said that judges took no action after they reported being subjected to torture and abuse in detention.

We would appreciate your responses to the following questions regarding detention-related abuses:

1. Human Rights Watch's research has found that many SNA factions run their own makeshift or unofficial detention centers despite reported attempts to stop the practice. Are you aware of the existence of these unofficial detention centers and how many such centers various factions of the SNA in northern Syria continue to operate in northern Syria? Are you aware of which factions run them, of how many prisoners are currently in each of these detention facilities, and of how many among them are women and children? How many prisoners are currently held in Military Police department detention centers across areas of northern Syria under SIG control? How many of those prisoners are women? And how many are children?

2. To what extent are Turkish military and intelligence officials involved in the arrests, detention, interrogations, and treatment of detainees in Turkish-occupied territories and what is the legal basis for such involvement?
3. Who is responsible for overseeing the well-being of detainees and ensuring acceptable humanitarian conditions within SNA and SIG-run detention centers?
4. Do Turkish armed forces and intelligence agencies run their own detention facilities in Turkish-controlled territories of northern Syria?
5. Do Turkish military and intelligence agencies maintain operations rooms in al-Bab, Jarablus, Ras al-Ain (Serekaniye), and Afrin that direct SNA factions and the SIG's Military Police division?

Housing, land, and property violations

Human Rights Watch documented 22 cases of SNA factions looting and ransacking of civilians' homes, shops, and lands following the 2018 and 2019 Turkish invasions. This included theft of valuable items and extensive damage to properties. Victims also reported looting of public property, such as electricity cables and tension towers, which caused disruptions and hardship to local communities.

A disturbing trend that emerged in our research was SNA factions' exploitation of property seizures as a means to generate income. Property owners, many of whom were displaced or belonged to ethnic or religious minority groups, encountered formidable obstacles in reclaiming their homes, shops, and lands. They were often compelled to pay substantial sums to reclaim their property or agree to "rent" their own property from controlling factions. Farmland owners were forced to yield a portion of their crops as "tax," further exacerbating their economic hardships. Researchers documented 29 cases of property seizures and 12 cases of extortion.

In the early days after the invasion of Afrin, according to a report by the UN Commission of Inquiry, witnesses stated that while Turkish troops were occasionally present in the vicinity where lootings by armed groups took place, they did not intervene or take action to prevent them.

Our documentation shows that the Turkish authorities were directly complicit in some housing, land, and property rights violations, including resettling displaced Sunni Arab families from other parts of Syria in Kurdish-owned homes. In Ras al-Ain, Turkish forces also destroyed homes and used them for military purposes, preventing residents from returning.

Additionally, Turkish organizations repurposed Kurdish homes for religious studies, with Turkish provincial governor of Şanlıurfa, Abdullah Erin, attending one such inauguration in June 2020.

Our research has shown that SIG-led efforts to provide restitution for housing, land, and property violations have proved largely ineffective. Challenges included stringent documentation requirements in a war-torn area, inability of SIG institutions to force SNA factions to back down, and direct efforts to intimidate people into dropping their cases. Grievance committees and authorities established for this purpose demonstrated limited success, with victims subjected to retaliatory acts and threats when seeking restitution. Some victims were deterred from returning or attempting to reclaim their property by persisting insecurity and lack of rule of law in SIG-controlled areas.

We appreciate your responses to the following questions regarding violations of land, property, or housing rights:

1. Can Turkish authorities provide an explanation for the presence of Turkish troops in areas where looting by armed groups took place during the invasion of Afrin, between January and March, and clarify why they did not intervene or take action to prevent these incidents?
2. How does the Turkish government respond to the allegations of complicity in certain cases, including the resettlement of displaced families and the repurposing of Kurdish-owned homes for religious studies, as well as the involvement of the Turkish provincial governor in such activities?
3. How does the Turkish government plan to compensate individuals whose homes were destroyed or repurposed for military use by Turkish forces in areas like Ras al-Ain, and what measures are in place to provide restitution to those affected by these actions?
4. What measures have Turkish authorities taken to ensure the safety and security of property owners returning to the occupied areas, given the persisting environment of insecurity and fear in Turkish-controlled territories of northern Syria?
5. How does the Turkish government plan to address the issue of harassment, intimidation, threats, and extortion faced by property owners when they seek to reclaim their rights?
6. What measures are being implemented to prevent further property-related violations, including looting, property seizures, and extortion?

7. What measures are being taken to prevent the unlawful sale of properties belonging to the displaced residents of Afrin by various military factions or civilians?
8. Our documentation suggests Turkey has worked to facilitate the return of non-Kurdish minorities, such as Christians and Yezidis, to Turkish-controlled areas. Is this true? And what support is being provided to them in reclaiming their properties? How can Turkish authorities ensure their safety?
9. How is Turkey addressing the challenges faced by property owners who are living abroad or internally displaced in managing their properties, and what measures are in place to ensure that absent landowners can maintain their property rights?

Accountability for human rights abuses

There have been numerous allegations of human rights abuses and possible war crimes committed by commanders and members of various Syrian National Army (SNA) factions and the Military Police in Turkish-controlled territories since at least 2018, but there has been little if any accountability for these abuses. Our research shows neither the SNA's own military courts nor Turkey, as the primary backer and occupying power in these areas, have adequately addressed these abuses.

We have not been able to identify any public information regarding Turkey's investigations or accountability measures against its own officials for complicity in detention-related abuses and violations of housing, land, and property rights in areas under its control.

We appreciate your responses to the following questions regarding accountability for abuses:

1. What steps has the Turkish government taken to ensure accountability for human rights abuses and possible war crimes committed by members and commanders of various SNA factions, especially in areas like Afrin, Ras al-Ain, and other Turkish-controlled territories?
2. What oversight system is in place to receive and investigate complaints against a Turkish official for detention related or housing, land, property related abuses in Turkish-controlled territories? How would a victim or witness report and follow up a complaint of abuse?
3. Can Turkish authorities provide information regarding the investigation and prosecution of Turkish officials or military personnel complicit in detention-related abuses and violations of housing, land, and property rights in the areas they control?

4. Please provide statistical data since February 2018 on the number of complaints, investigations, prosecutions, convictions, and sentences applied in cases involving detention-related violations and abuses in northern Syria.
5. Can Turkish authorities provide transparency on the outcomes of military court trials involving members and commanders of the SNA factions accused of committing serious crimes? Are there measures in place to make the details of these proceedings accessible to the public?
6. How does the Turkish government intend to address allegations of pressure, threats, and physical attacks on family members of those seeking justice for abuses committed by SNA factions, as reported in the case of the Newroz celebration murders in Afrin in March 2023?
7. What steps are being taken to make public all relevant information about military court proceedings involving serious abuses by SNA factions or the SIG police forces to ensure accountability and prevent impunity?

Human Rights Watch investigated the cases of four high-ranking faction commanders, security officials, and members of the Military Police identified as complicit in the serious abuses, including arbitrary detention, torture, and sexual violence. Abuses by these individuals were described by interviewees to Human Rights Watch researchers, and some have been publicly accused of committing other crimes. As far as we know, none have been prosecuted, and three appear to currently hold high-ranking positions within the SNA structure.

8. Please provide information on the status, if any, of investigations into the alleged involvement in serious human rights abuses against detainees and civilians by **Ahmad Zakaria Nako**, also known as Ahmad Zakour, who headed the Hamzat Division's security department in Afrin until at least May 2020, **Motaz al-Abdullah**, a former military commander with the Hamzat faction, **Mohammad Hamadeen**, also known as Abu Riyad, military commander with the Third Legion and previously head of the Afrin Military Police department, and **Mohammad Al-Jassem**, better known as Abu Amsha, commander of the Sultan Sleiman Shah division.
9. How does the Turkish government plan to address command responsibility and ensure that commanders who knew or should have known about crimes committed by their subordinates but took no action to prevent or punish them are held criminally liable?

10. Are there mechanisms in place to investigate and prosecute commanders who knew or should have known about crimes committed by their subordinates but failed to take preventive or punitive action?

We appreciate your responses to the following questions regarding deaths in detention:

1. Can you provide information on the status of investigations into deaths in detention, particularly the cases of Rezan Khalil, Abdulrazaq al-Nuami, Luqman Hannan, and Basel Jakish, all of whom died following alleged torture and ill-treatment?
2. How did the Turkish government respond to cases of death in detention, including to the death by torture of an Arab civilian in Faylaq al-Sham's detention center in Afrin in February 2022¹, or the assassination of an Arab activist and his pregnant wife by members of the Hamzat division in al-Bab in October 2022², in terms of accountability and justice for the victims?
3. What measures are being taken to ensure transparency and accountability in cases of deaths in detention, including the release of death certificates and forensic reports?

Thank you for your attention to this matter, and we look forward to receiving any response by email to [REDACTED] by December 11, 2023, to be able to include your answers in our forthcoming report.

Sincerely,

[REDACTED]
Lana Fakih
[REDACTED]

Director, Middle East and North Africa Division
Human Rights Watch

¹ STJ reporting on the death: <https://stj-sy.org/en/afrin-al-sham-legend-tortured-a-civilian-to-death/>; Statement from the Al-Nuami tribe: <https://www.facebook.com/kapelatahsabb/photos/a.100478032229161/284693757140920/>; Statement from the Free Lawyers Union in Syria: <https://www.facebook.com/107021227475237/posts/489134062597283/?sfnsn=scwspmo>
² <https://syriadirect.org/accountability-or-fall-syrian-national-armys-hamza-division-under-fire-after-assassination-of-opposition-activist-in-northern-aleppo/>

“Everything is by the Power of the Weapon”

Abuses and Impunity in Turkish-Occupied Northern Syria

In the turbulent landscape of northern Syria, Türkiye's presence looms large. As the occupying force with administrative and military control extending deep into areas of Syrian territory, Türkiye and armed groups operating under Turkish occupation, organized as the Syrian National Army (SNA), have produced an environment rife with rampant abuses and impunity. Despite Turkish government claims of establishing 'safe zones' in northern Syria for security and refugee resettlement, these regions are marred by instability, leaving 1.4 million residents trapped in a cycle of lawlessness and insecurity.

This report, based on extensive interviews with residents, officials, and experts, reveals a harrowing reality of abductions, arbitrary arrests, and torture perpetrated by various factions of the SNA, with Turkish Armed Forces and intelligence agencies implicated in many violations. SNA forces have also confiscated or destroyed property of residents with impunity. Syrian Kurds are particularly vulnerable, bearing the brunt of these violations, as Türkiye's actions reshape the region's ethnic fabric.

As calls for accountability grow louder, this report underscores the urgent need for Türkiye to uphold international human rights and humanitarian law, ensure the safety of inhabitants, and provide reparations for victims of human rights abuses and laws of war violations. Amid the ongoing turmoil, justice and restitution need to be important elements of any credible strategy to end the conflict and suffering that beset the region.



A member of Sultan Suleiman Shah, a faction of the Syrian National Army, holds a Turkish flag as he takes part in a military exercise in Afrin, Syria, October 31, 2021.

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