Northern Syria: Kurds in Afrin Victims of Lack of Accountability and Continued Impunity



March 2023





Northern Syria: Kurds in Afrin Victims of Lack of Accountability and Continued Impunity

Turkey has not assumed its responsibilities towards the territories it occupies in northern Syria, including Afrin, as it has consistently failed to provide protection for the civilians and unleashed the armed groups it supports to commit human rights violations; the last of which was the killing of four Kurdish civilians on the backdrop of celebrating Newroz



Introduction:

Four Kurdish civilians of the same family were killed and three others were injured, as they were directly shot by fighters of opposition Syrian National Army (SNA) backed by <u>Turkey</u>, on March 20, 2023, in Jindires town, located in Afrin countryside in northern <u>Syria</u>, on the backdrop of celebrating Newroz Day, the Kurdish New Year.¹

The attack took place on the eve of Newroz Day when fighters of Jaysh al-Sharqiya/the Construction and Liberation Movement opened fire directly on the Kurdish family members as they were celebrating Newroz in front of their house located in Jindires and lighting its bonfire, one of the most important rituals adopted by the Kurds annually, with the participation of other peoples in Syria and throughout the region. As a result of the attack, three Kurdish brothers and the son of one of them were killed, while one of the relatives was seriously injured and two others were slightly injured.

The four victims are the brothers Farah al-Din Othman, 43, Mohammed Othman, 42, Nazmi Othman, 38, and Mohamed Othman, 19, son of Farah al-Din. Synergy has previously documented the arrest and severe torture of the victim Farah al-Din at the hands of Jaysh al-Sharqiya fighters after they entered Afrin in 2018 as he demanded to restore his house which the faction's fighters had seized.

Synergy spoke to one of the victims' surviving relatives, two witnesses and activists from the area, and it reviewed images and video footages of the crime, concluding that the attack against the victims was aimed to prevent them from reviving the celebration rituals of Newroz.

Since 2018, Turkey has occupied the Syrian Kurdish region of Afrin as a result of its military operation named "Olive Branch" with the participation of the Turkish-backed SNA's factions. The operation killed dozens of civilians and led to the displacement of tens of thousands according to the United Nations. Since then, more than 40 different factions of the SNA assumed control on Afrin's villages and towns. Synergy verified the effective control of Jaysh al-Sharqiya, affiliated with the Construction and Liberation Movement, on several neighborhoods of Jindires, including the well-known "Industrial Area" where the crime took place.²

¹ The word Newroz in Kurdish means "new day" and it is the Kurdish New Year or the national Day of the Kurdish people as well as other peoples in the world. According to the <u>UN</u>, Newroz marks the first day of the new year and is celebrated by more than 300 million people all around the world and has been celebrated for over 3,000 years, most notably in Central Asia, the Balkans, the Black Sea Basin, the Middle East, the Caucasus and other regions. This Day, as it embodies the unity of the cultural heritage and traditions that date back to many centuries, plays a significant role in strengthening the ties among peoples based on mutual respect and the ideals of peace and good neighborliness. Newroz's traditions and rituals reflect the cultural and ancient customs of the civilizations of the East and West, which influenced those civilizations through the interchange of human values.

² On February 15, 2022, <u>Tajammu Ahrar al-Sharqiya</u>/Free Men of the East, <u>Jaysh al-Sharqiya</u>, <u>the 20th Division</u>, and Suqour al-Sham Brigade/the Northern Hawks Brigade (Northern Sector), affiliated with the Turkish-backed SNA, declared integration under the so-called <u>Construction and Liberation Movement</u>. Major Hussein al-Hamadi, commander of Jaysh al-Sharqiya was assigned the leader of the new Movement while Abu Hatem Shaqra, Commander of Ahrar al-Sharqiya was appointed as the Deputy.



It is not the first time Afrin-occupied by Turkey and its proxies SNA factions since March 2018- has witnessed crimes and human rights violations. Several independent local and international organizations and UN commissions have documented repeated and systematic patterns of human rights violations, such as <u>murder</u>, <u>arbitrary detention</u>, <u>enforced disappearance</u>, ill-treatment, <u>torture</u>, <u>looting</u>, and <u>property seizure</u>, in addition to <u>forcing</u> the Kurd inhabitants to leave their houses, <u>obstructing the return of the native</u> people and practices of <u>Turkification</u> and <u>demographic changes</u>.

Prior to the Turkish occupation of Afrin in 2018, hundreds of thousands of its Kurdish inhabitants were celebrating their National Newroz Day in its picturesque nature. However, since the last five years, the remaining Kurds in Afrin could not celebrate Newroz due to the continuous suppression and violations perpetuated by factions of the Turkish-backed SNA.

Mass protests:

Following the crime of murder, massive public demonstrations took place in Jindires and other areas in Afrin. Protesters denounced the de-facto authorities and demanded the ousting of the SNA's factions from the region and providing international protection for the civilians to put an end to the violations committed by those factions.

On the night of the crime, hundreds of residents transported the victims' bodies to Atme village in Idlib countryside, where they demanded that Hay'at Tahrir al-Sham (HTS), which controls Idlib area and large areas of western Aleppo, to intervene and hold accountable the perpetrators. A video footage circulated on social media showed that the HTS' leader Abu Mohammed al-Julani met with the victims' relatives and addressed them as saying: "This is the last day you will be attacked. You are under my protection. You will return to your homes in dignity", but one of the women replied, "We do not want factions,"



The image taken from the <u>video footage</u> shows that the HTS' leader Abu Mohammed al-Julani is meeting relatives of the victims of the crime that took place on Newroz Eve in Jindires, as well as hundreds of protestors in Atme village as he vows to protect them.

The terrorist-designated organization took this crime as a pretext to advance in Jindires and its countryside, as it intensified its security deployment on the next morning, corresponding to March 21, 2023, and news spread that it controlled the military headquarters of Jaysh al-Sharqiya faction and the Military Police branch in the city.

The burial ceremony of the victims on March 21, 2023 turned into a mass public protest in Jindires and in other areas in Afrin, where the protestors carried olive branches and the victims' bodies that were wrapped in the Kurdish flag and raised banners reading: "Five years of injustice, oppression and demographic change. No to killing Kurdish civilians. We demand an end to the crimes and finding radical solutions for the region." The protestors called for an international protection and putting an end for the violations the Turkish-backed opposition SNA are committing.



A side of the public protests in Jindires on March 21, 2023. Photo Cedit: photographer Ammar al-Zeer

Regarding the demands the protests in Jindires and in other areas in Afrin called for, one of the protestors spoke to Synergy saying:³

"This heinous crime targeted unarmed innocent people, and it is added to the litary of crimes and violations that are being committed in Afrin region for over five years. We therefore took to the streets to say enough injustice and oppression and to demand that the perpetrators to be held accountable, that the SNA's factions to be expelled from the region and that protection be provided for the civilians. All of us here are in danger today, living in severe injustice. We are subjected to daily violations, we pay ransoms and royalties, and our agricultural crops are seized."

 $^{^{3}}$ The interview was conducted virtually on March 22, 2023. The witness's information is withheld for his safety.







Circulated images showing a side of the public protests in Jindires on March 21, 2023.



Attempts to Mislead Facts:

Only few hours after the crime, Ahmed al-Hayes, known as <u>Abu Hatem Shaqra</u>, Commander of Tajammu' Ahrar al-Sharqiya and Deputy Commander of the <u>Construction and Liberation Movement</u> denied on <u>Twitter</u> that his forces were responsible for killing four Kurdish civilians in Jindires district in Afrin countryside, noting that his forces have got no headquarters in the district.



Abu Hatem Shaqra's Tweet, in which he denied the responsibility of his forces for the crime committed in Jindires on Newroz Eve.

The testimonies and information obtained and verified by Synergy confirm that the perpetrators who committed the crime that took place Newroz Eve in Jindires belong to Jaysh al-Sharqiya faction, which operates under the Construction and Liberation Movement affiliated with the Turkish-backed opposition SNA.

On March 21, 2023, the <u>Syrian Interim Government</u> (SIG)'s Defense Ministry issued a <u>statement</u>, in which it made no mention of the responsibility of its forces for the crime, alleging that the crime took place as a result of a fight between residents of the neighborhood and two other men, one of whom was a civilian and the other was a fighter, following which the perpetrators opened fire and then fled away.

An Attempt to Sow Discord:

In addition to attempting to evade the responsibility of its forces for the crime, there is a reason to believe that the Construction and Liberation Movement, affiliated with the First



Legion in the SNA, may have attempted to push for a discord between the Syrian local communities, notably between the Arabs and the Kurds in the region of eastern Euphrates/northeastern Syria, controlled by the Syrian Democratic Forces (SDF).

Only one day following the crime, the Construction and Liberation Movement published a <u>statement</u>, in which denying the affiliation of the crime's perpetrators to the Movement or to any of its components, adding that the perpetrators are two individuals from the eastern region (meaning from Deir ez-Zor governorate) and that the Movement had arrested one of them and is still searching for the second person who is in the run.



The image shoes the statement of Construction and Liberation Movement, which was released on March 21, 2023 concerning the crime of killing the Kurdish civilians while they were celebrating the coming of Newroz in Jindires. Photo Credit: the Construction and Liberation Movement.



On the same day, corresponding to March 21, 2023, the Construction and Liberation Movement announced in a <u>video statement</u> published on its official websites that it captured the criminals and displayed the photo of three accused people while the statement reader was asking them about their names and places of residence respectively. The three accused people replied that they were living in Jindires camps, then the Movement member [the statement reader] asked them about their origin places of residence and the accused persons replied that they hailed from Deir ez-Zor city and its countryside.

Synergy believes that the <u>Construction and Liberation Movement</u>'s assertion, on more than one occasion, that perpetrators of the crime are from the eastern region/Deir ez-Zor governorate is perhaps an attempt to sow a discord between the Kurdish and Arab peoples in the Syrian Jazira region/northeast Syria, 19 years after orchestrating a similar discord by the Syrian government in the city of al-Qamishli/Qamishlo that ensued the Kurdish people uprising against the Syrian regime in March 2004.⁴

On March 25, 2023, 155 Syrian organizations, including Synergy, released a <u>statement</u> condemning the killing of Kurdish civilians on the eve of Newroz and called on the whole residents of Afrin, both natives and displaced, to synergize to counter human rights violations committed by SNA armed groups and urge them to reject attempts to create a rift between local communities in Syria. The statement also called on the UN to take all necessary measures to protect the civilians in Afrin and across Syria, and to promptly put an end to the widespread violations committed against them.

Legal Liability:

Turkey did not assume its responsibilities to the territories it occupies in northern Syria, including Afrin, as it has consistently failed to provide protection for the civilians and unleashed the armed groups it supports to commit human rights violations.

As an "occupying power", Turkey is under obligation according to Article 43 of the 1907 Hague Regulations to take all measures in its power to restore, and ensure, as far as possible, public order and safety in the occupied areas. Turkey is obliged to secure respect for the applicable rules of the International Human Rights Law (IHRL) and the International Humanitarian Law (IHL) to protect the inhabitants of the occupied territory against acts of violence, and not to tolerate such violence by any third party. If Turkish forces do not

people were killed and scores were injured and the Syrian security forces arrested hundreds of Kurdish civilians during those days. Some were kept in prisons for more than a year.

_

⁴ It took place in al-Qamishli/Qamishlo city on March 12, 2004 following immediate clashes with stones and edged weapons between the fans of the Deir Ez-Zor-based al-Foutoua team and those cheering for the local host team of al-Jihad on a football match during the Syrian league. The police forces and Syrian security services intervened and shot live bullets on the Kurdish fans killing no less than six persons. the next day, on March 13, 2004, the event swirled into massive and wrathful demonstrations, sweeping over many Kurd-populated cities and areas across Syria especially in al-Qamishli/Qamishlo, Amuda, Ad-Darbasiyah, Ras la-Ayn/Serê Kaniyê, Kobani/Ayn al-Arab, Afrin and Kurdish neighborhoods in the cities of Damascus, Aleppo, Terbeh Sbiyeh/al-Qahtaniyah and Dêrik/al-Malikiyah among others. More



intervene to stop violations, when they are informed about, they may be violating the aforementioned obligations.⁵

The SNA conducted no investigations in the practices of its forces that continue to <u>commit</u> <u>grave</u> human rights violations, nor did the Turkish government, which practices effective control and authority on such forces, what needed to alter their arbitrary conduct. Rather, it seems that in some cases the Turkish government was a partner in committing such violations.

Human Rights Watch (HRW) said in a <u>report</u> titled "Syria: Turkey-Backed Fighters Kill 4 Kurdish Civilians" that Turkey has allowed fighters of the Turkish-backed SNA to abuse people living in the areas under their control with impunity, risking making itself complicit in the violations.

Recommendations:

Synergy stands in solidarity with families of the crime's victims that took place on Newroz Eve, wishes the injured a speedy recovery, and affirms its standing with all the victims and survivors across Syria. It also declares its full support to the demands of the protestors in Arin, and renews its call to respond to the demands of 155 Syrian organizations, which in their statement called:

The United Nations:

- To take all necessary measures to protect the civilians in Afrin and across Syria, as well as pressure Turkey as an occupying power to assume its legal responsibilities in ensuring public order and safety and maintaining law and order;
- To pressure the Turkish government to stop the demographic changes in Afrin, Ras al-Ayn/Serê Kaniyê, and other regions, commit to the provisions of the 1907 <u>Hague</u> <u>Agreement</u> and hand over the administration of those areas to their Syrian indigenous people;
- To take adequate measures to stop the expansion of the terrorist-designated Hay'at Tahrir al-Sham (HTS)/formerly al-Nusra Front in Afrin and other northern Syria regions. The terrorist-designated organization took this crime as a pretext to advance in Jindires and its countryside and take control of the SNA's headquarters in Jindires.

-

⁵ ICJ, Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, 19 December 2005, ICJ Reports 2005, para. 178.



The United States Government and the European Union: to operationalize the sanctions against entities and commanders of the armed Syrian factions involved in committing human rights violations and extend the sanctions to include the rest groups and individuals responsible for the violations in northern Syria, including Turkish officials who effectively run those areas.

War Crimes Units in the countries, their enactments allow trials under the principle of universal jurisdiction, the International Impartial and Independent Mechanism (IIIM), and the competent international organizations: Intensify their work on documenting all violations by all parties, particularly those in Afrin and throughout northern Syria, targeting specific racist, religious, or ethnic groups.

The International Independent Commission of Inquiry on the Syrian Arab Republic: To release a briefing on the human rights situation in northern Syria, particularly in the areas under the effective control of Turkey, including Afrin, Ras al-Ayn/Serê Kaniyê, Tall Abyad, A'zaz, and al-Bab.

In addition, the organizations signing the statement call on the National Coalition of Syrian Revolutionary and Opposition Forces and the Syrian Interim Government (SIG), as well as all political bodies under its umbrella, to assume their legal, political, and moral responsibilities toward all the crimes committed in Afrin and call them to intervene to halt the violations of its armed groups and support the demands of the local population.

Details of the Crime:

Synergy spoke to one of the survivor relatives of the victims and two witnesses who all confirmed that the attack on the victims' family, that preceded the crime, aimed to prevent them from reviving the celebration rituals of Newroz.

The crime took place at a time when Afrin has yet to recover from the impact of the destroying earthquake in February 2023, which claimed the lives of hundreds of residents. Around 1,100 people died in Jindires alone due to the earthquake. Thousands of buildings were damaged, leaving at least two thousand families homeless.

Othman's family, locally known as "Peshmarq Family" was one of the earthquake victims. Members of the family were residing in a tent set up near their house, the crime scene. One of the victims' surviving relatives, who also witnessed the crime, said:⁶

"It happened on the eve of Newroz. The victims were sitting in front of their earthquake-damaged house, setting fire in the barbecue grill in front of the tent they were residing in. They also lit a bonfire on their house's roof delighted by the

_

 $^{^{6}}$ The interview was conducted virtually on March 22, 2023. The witness's information is concealed for his safety.



coming of Newroz when two members of Jaysh al-Sharqiya, one of whom was armed, came and angrily asked about the reason of igniting the fire and whether the fire was to celebrate Newroz."

The talk evolved to skirmishes between the victims and Jaysh al-Sharqiya fighters who verbally abused the victims and threw stones at them. Then the fighters went back to the faction's base located in the neighborhood, only 15-20 meters away, and returned with another fighter, all armed, according to the witness who added:

"The armed fighters attempted to beat the young man Mohammed Farah al-Din, but his father prevented them. The fighters retreated and started shooting randomly on Farah al-Din Othman and other family members who had got out to see the reason behind the commotion. Farah al-Din, his son Mohammed and one of Farah al-Din's brothers were killed on the spot and two other members of the family were seriously injured, in addition to two other relatives who sustained slight injuries."

While the fighters fled away, the residents of the neighborhood transported the victims to the military hospital in Jindires, who refused to receive the wounded claiming lack of medical services. The wounded were then transported to a hospital in Afrin city where another brother of Farah al-Din died the next morning rising the toll of victims to four (three brothers and the son of one of them). One of the relatives was injured seriously and two other relatives were slightly injured.

Synergy reviewed the victim's images that show multiple bullets in the chest, face and neck. Later, the victims were buried in a cemetery in Jindires town with the participation of thousands of protestors.



Hevdestî - Synergy Association for Victims, is a non-governmental, non-profit organization, aimed at educating and providing a platform and a space for victims to represent themselves and claim their rights. Synergy was founded on March 11, 2021, to seek justice for the victims of conflict in North and East Syria and to contribute to the process of accountability and justice.

We work to document all human rights violations in North and East Syria, and preserve evidence, documents and testimonies in order to contribute to the processes of truth-revealing, accountability and justice. In addition to build the capacities of the victims and advocate for their issues, with the aim of building a society demanding its rights.

We are committed to the highest degrees of accuracy and integrity, including seeking multiple perspectives to develop an in-depth and analytical understanding of events. We are cognizant of our responsibility towards the victims and witnesses who share their experiences with us. We are working closely with a wide range of actors in local and international civil society to achieve the greatest possible impact.

